



SUBJECT: Military Leave	EFFECTIVE: July 2003 REVIEWED: January 2008; December 2021 REVISED: April 2024
CATEGORY: 200 POLICY NUMBER: 200.26	CROSS REFERENCE:

Purpose

To ensure compliance with state and federal regulations governing employees who serve in the military including National Guard, National Guard Reserve, any component of the Armed Forces of the United States, and the United States Public Health Service.

Definitions

Military Leave: Compensated or non-compensated leave of absence for the purposes of performing military duty including initial and annual training.

Scope

All employees who have worked for a period of six (6) months or more at the City of Milwaukie or another public employer in Oregon.

Policy

The city will provide paid and unpaid leaves for military service as required by state and federal law.

Guidelines for Use

All Military Duty Leave:

- Employees receive their regular pay for up to twenty-one (21) workdays of leave while the employee is performing military duties during the federal fiscal year (October through September).
- Military duty beyond twenty-one (21) workdays will not be compensated for their time away from work. The employee may be granted additional periods of leave for temporary active or inactive duty training without pay unless the employee requests the use of accrued vacation leave, holiday leave, or compensatory time.
- Employees who request military leave must present a copy of their orders and a written request for leave to their supervisor for approval. The supervisor must send a copy of the employee’s orders to Human Resources prior to the beginning of the leave period.
- All time in the military counts towards continuous employment with the city. Leave accruals do not continue during unpaid military leave for active duty; however, time towards vacation, salary increases, longevity, and seniority continues to accrue while on military leave.

Military Duty Leave for Active Duty and Initial Duty Training in the Armed Forces

- A regular status employee who leaves city service to enter military duty either voluntarily or involuntarily is awarded certain reinstatement rights upon release from military duty. To be eligible for these rights the employee must provide a copy of military orders to their supervisor. The period of leave is not to exceed five (5) years. As a condition of reinstatement rights, the person must be discharged under honorable conditions from active-duty service. The person has ninety (90) days after release from active duty to notify the city of intent to return to work.
- Employees on extended military leave are eligible for benefit continuation coverage under COBRA regulations. Provided the employee returns to city service according to USERRA guidelines, the employee will be reinstated to city benefits the day of their return to city employment.

Responsibilities

Employees:

- Submit copies of military orders to supervisor when requesting time away from work for military leave.
- Notify the city in writing within ninety (90) days of release from military duty of intent to return to work.
- Maintain qualifications for assigned position during leave.

Supervisors:

- Forward a copy of the military leave orders to Human Resources.

Human Resources:

- Process a personnel action form denoting time as unpaid military leave for leaves greater than 21 workdays only.