



## Personnel and Administrative Policy and Procedure

<b>SUBJECT: Military Leave</b>	<b>EFFECTIVE DATE:</b> July 1,2003 <b>REVIEWED:</b> <b>REVISED:</b> January 15,2008; December 2012
<b>CATEGORY: 200</b> <b>POLICY NUMBER: 200.33</b>	<b>CROSS REFERENCE:</b> ORS 408.210 and 402.240 – 280 – Military Leave

**Purpose:** To ensure compliance with State and Federal regulations governing employees who serve in the Military.

### Definitions

Military Leave: Compensated/non-compensated leave of absence for the purposes of performing military duty for the United States Armed Forces.

**Scope:** All employees who have worked for a period of six (6) months or more in full time or part time positions at the City of Milwaukie.

**Policy:** The City will provide leaves for Military Service as required by State and Federal Law.

### Guidelines for Use

#### All Military Duty Leave:

- Any current regular employee is entitled to military leave to perform military duty.
- The City shall compensate up to fifteen (15) calendar days of leave while the employee is performing military duties. Employees shall only be paid for their regularly scheduled workdays. For an employee working a five (5) day work week schedule this would equate to eleven (11) paid work days and for a person on a four (4) day work week this would equate to nine (9) paid work days. The employee is allowed to retain the military paycheck for training along with the regular City paycheck for the same period, up to the fifteen (15) calendar days.
- Military duty beyond fifteen (15) calendar days shall not be compensated except under circumstances outlined in Military Leave – State or National Emergency Administrative Policy and Procedure. An employee may receive, upon request, additional periods of leave for temporary active or inactive duty training. Such leave shall be 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 with a completed Personnel Action form to the Human Resources Department prior to the beginning of the leave period.
- All time in the military counts towards continuous employment with the City. Vacation leave and sick leave do not accrue while on 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 shall provide a copy of military orders to his/her 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 Human Resources department of intent to return to work.

- When an employee is on an extended military leave, he/she is eligible for benefit continuation coverage under COBRA regulations should the employee elect this. 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. Someone on military leave can pay for benefits through COBRA for a period of twenty four (24) months or whatever the current designation is under State and Federal law.

### **Procedures**

1. Employee receives bona fide orders to active or training military duty for a temporary period. USERRA requires that service members provide advance written or verbal notice for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should give notice as far in advance as is reasonable under the circumstances. A copy of the orders should be submitted to the City.
2. Supervisor approves leave of absence and notifies employee in writing.
3. Supervisor informs HRD/Payroll of military leave status of employee.
4. HRD issues Personnel Action Form placing employee on military leave and forwards to Payroll for processing.
5. Leave without pay may be granted for extended periods of active duty.
6. Code employee in benefit system as being on military leave as soon as the employee begins a leave without pay status.
7. Employees returning to City service after Military leave and under the terms outlined in USERRA guidelines shall be restored to their former position without loss of seniority or benefits and shall accrue seniority while on Active Military duty.

### **Responsibilities**

#### Employees:

- Submit copies of military orders to their supervisor when requesting time away from work for military leave.
- In order to return to employment after extended military duty, the employee must still be qualified for the position and submit in writing within ninety (90) days of release from military duty intent to return to work.

#### Supervisors:

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

#### Human Resources:

- Issue a personnel action form denoting time as military leave.
- Send a copy of the form to the employee and Payroll, and place a copy of the form in the employee's personnel file.
- Code the employee as being on military leave on the benefits system when the employee goes into an unpaid status on an extended military leave.
- Return the employee to active employment status the day the employee returns to work.