**SECTION: PAID LEAVE**

**POLICY:** Military Leave **EFFECTIVE DATE:** insert date adopted

**STATEMENT OF PURPOSE:**

The purpose of this policy is to outline the City's commitment to supporting employees who serve in the military and ensure compliance with state and federal law, specifically the Uniformed Services Employment and Reemployment Rights Act (USERRA). This policy aims to provide clarity on military leave entitlements, ensure the continued employment rights of military personnel, and maintain fair and equitable treatment for employees who are called to serve in the armed forces.

**DEFINITIONS:**

1. Military Leave: A type of leave granted to employees for service in the Armed Forces, including time spent on active duty, training, or other military obligations.
2. USERRA (Uniformed Services Employment and Reemployment Rights Act): A federal law that protects the job rights of individuals who voluntarily or involuntarily leave civilian employment to serve in the military.
3. Reinstatement: The right of employees to return to their previous position, or a similar one, upon completion of military service, provided they meet certain requirements.
4. Paid Military Leave: Military leave is provided with full pay, as per the terms outlined in this policy.
5. Unpaid Military Leave: Military leave that extends beyond the paid military leave entitlement, or for other situations not covered by the paid leave.

**APPLICABILITY:**

This policy applies to all regular full-time employees of the City who are called to military service, including both active duty and reserve personnel. Employees must comply with the requirements outlined in this policy to receive military leave benefits.

**POLICY:**

1. Commitment to Military Leave:
   1. The City is committed to fulfilling its obligations under federal and state law, offering support to employees who serve in the military. This includes providing paid and unpaid military leave as required.
   2. The City acknowledges the value of skills and experience gained through military service and encourages the professional growth of employees who serve.
2. USERRA Compliance:
   1. The employment and reemployment rights of employees on military leave are governed by USERRA, which ensures job protection and other rights for employees serving in the military.
3. Requesting Military Leave:
   1. Employees requesting military leave must submit a written request to Human Resources, accompanied by official military orders.
   2. If military necessity prevents advance notice, employees must provide the documentation as soon as possible, but no later than immediately after their absence to receive benefits.

D. Paid Military Leave Entitlement:

1. Full-time employees are eligible for fifteen (15) paid days, or a total of 120 hours (or 168 hours for shift firefighters), of military leave per fiscal year.
2. Military leave for response to orders will be provided beginning on the first day of each fiscal year.
3. Travel Time:
   1. Travel time included in military orders and reimbursed by the service will be counted as part of annual military leave, provided that the travel occurs during normal work hours.
4. Exclusions from Military Leave:
   1. Military leave will not be granted for time spent on diagnosis or treatment of service-connected sickness or disability, or for obtaining or sustaining a disability rating.
   2. Military leave is not applicable for treatment at a government facility unless it directly relates to military service obligations.
5. Physical Examinations and Selection:
   1. Employees may use paid military leave for time required for physical exams for military service selection, maintaining reserve status, or maintaining a selective service rating.
6. Benefits During Military Leave:
   1. Deductions from pay for City contributions to benefit plans will continue as if the employee were actively at work, provided the employee chooses to maintain coverage.
7. Leave Accruals During Unpaid Military Leave:
   1. During any periods of unpaid military leave, employees' leave accruals will be suspended until they return to work.
8. Seniority for Personnel Decisions:
   1. Time spent on military leave, whether paid or unpaid, will be considered active City service for the purposes of seniority ranking, including shifts, days off, and other personnel decisions based on seniority.
9. Reinstatement After Military Leave:
   1. Employees must apply for reinstatement following their military service in accordance with the following timelines:
      1. If military service lasts 30 days or less, employees must return to work the first regularly scheduled workday after time for safe travel and eight hours of rest.
      2. For service periods of 31 to 180 days, employees must apply for reinstatement no later than 14 days after completing military service.
      3. For service periods of 180 days or more, employees must apply for reinstatement within 90 days after completing military service.
10. Reemployment Rights:
    1. Employees who have completed less than 91 days of military service are entitled to the job they would have attained had they not been absent, provided they are qualified for the position.
    2. Employees who have completed 91 days or more of military service are entitled to reemployment in a position of like seniority, status, and pay.

**PROCEDURES:**

1. Military Leave Request Process:
   1. Employees must submit written requests for military leave to Human Resources with accompanying military orders.
   2. Where military necessity prevents prior notice, employees must provide documentation as soon as possible.
2. Benefit Continuation:
   1. Employees who are on military leave and wish to continue their benefits must notify Human Resources and make the appropriate elections for their coverage.
3. Reinstatement Procedures:
   1. Employees must submit reinstatement applications to Human Resources within the prescribed time limits upon returning from military service.
   2. Human Resources will assist employees with the process and ensure compliance with USERRA for reemployment rights.
4. Record Keeping:
   1. Human Resources will maintain documentation related to military leave, including military orders, leave records, and reinstatement applications, in compliance with USERRA and other applicable laws.