

Military Leaves of Absence

Policy:

The City of Tybee Island is committed to the support of employees who elect to be reserve soldiers in the United States military services and will comply with the Uniformed Employment and Reemployment Rights Act (USERRA), Georgia law and all other applicable state and federal laws pertaining to military leave.

USERRA provides guidelines for employees who elect military leave and for the prompt reemployment of employees who left employment to perform military training or service in one of the Uniformed Services and who have completed such service under honorable conditions.

The Uniformed Services include the Armed Forces, the Army National Guard, and Air National Guard when engaged in active duty for training, inactive duty training or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service or obligation.

Procedure

1. Employees who receive orders for active military duty shall be granted military leave. The employee shall be paid for up to a total of 18 work days of each federal fiscal year the employee is ordered to military duty. At the expiration of the maximum paid leave time of 18 work days, continued absence by the employee due to military service, shall be considered as military leave without pay, although an employee may elect to use accrued paid leave as set forth below.
2. Employees who are members of the National Guard, when ordered to active duty as a result of the Governor declaring a State emergency, shall be paid for military leave for a period not exceeding 30 days in any one calendar year and not exceeding 30 days in any one continuous period of State active duty service.
3. A request for military leave must be submitted on the appropriate form with military orders attached for prompt internal processing of the military leave. A copy is to be maintained by the supervisor and a copy forwarded to the Human Resources Department to be kept in the employee's official personnel file. Employees are requested to provide such notice within 30 days of active military service.
4. To request a temporary or extended military leave of absence, the employee is required to, unless prevented from doing so by military necessity, complete a leave request form along with appropriate documentation (military orders for service, training, physical examinations or applicable military service necessity) and submit all documentation to the Department Head who will forward the documentation to the Human Resources Director. Employees are requested to provide such notice within 30 days of active military service.
5. Employees who request military leave may elect to use accrued paid time off (PTO hours) in lieu of unpaid leave. Employees must specify on the request for leave form

their desire to use their paid time off while on military leave. Employees on unpaid military leave for 30 days or greater will cease to accrue any applicable paid leave benefits during the leave period.

6. Employees who request military leave may also elect to continue their health-care (medical and dental plan) to the extent permitted by law.
7. Employees will not accrue or otherwise accumulate any hours of paid time off while on military leave in unpaid status.
8. Employees on military leave shall continue to accrue service credit for purposes of retirement plan benefits.
9. Military reservist employees and those volunteering for or called to active duty are entitled to re-employment with the City upon their release from duty in full compliance with all applicable federal and state laws as follows:
 - a. The position is a regularly budgeted, non-temporary position within the City;
 - b. The reason the employee leaves the position is to report for active duty;
 - c. The length of the employee's military leave of absence does not exceed 5 years except at the request of the federal government;
 - d. The employee is honorably discharged from the military; and
 - e. The employee applies for reinstatement within a reasonable period of time following separation from active duty – as defined by USERRA:
 - i. For employees whose period of uniformed service is less than 31 days must report to work on the first regularly scheduled workday following returning from the place of duty (8 hours is allowed to return home from place of duty).
 - ii. For service between 31 and 180 days, no more than 14 days following release from active duty; and
 - iii. For service longer than 180 days, no more than 90 days following release from active duty.
10. An employee who interrupts his or her introductory period with a military leave of absence shall complete the remainder of the introductory employment period upon their return from active duty. However, an employee returning from military leave of absence cannot be discharged or terminated from employment except for cause for 1 year following his or her return, if the military leave of absence was for 181 days or longer, or for 6 months following his or her return if the military leave of absence was at least 30 days but less than 181 days in length.
11. Employees returning from military leave of absence will receive any cost of living increase awarded to the class or position in which they were actively employed with the City, prior to the military leave and or any promotions for which they would have qualified had they not been on military leave of absence.

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Approved by City Council on 04/23/2009