

Military Leave Policy

- 1.0 POLICY STATEMENT:** The City complies with all rights and conditions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) which extends both job and benefit protections for employees who serve in the military. Under USERRA, anyone who has been absent from work due to service in the Uniformed Services has certain reemployment (or reinstatement rights).

- 2.0 PROCEDURES:** Vacation USERRA prohibits discrimination against applicants and employees who serve in the military in the areas of hiring, job retention and advancement and strengthens the right to reemployment without any loss of seniority, status or pay. Service includes active duty, active duty for training, initial active duty for training, full-time National Guard duty and absence from work for examination to determine fitness for duty.
 - 2.1 The Uniformed Services consist of the following: Army, Navy, Marine Corp, Air Force, Coast Guard, Army Reserve, Navy Reserve, Marine Corp Reserve, Air Force Reserve, Coast Guard Reserve, Army National Guard or Air National Guard and any other category of persons designated by the President of the United States in the time of war or emergency.
 - 2.2 Advanced notice of military service is required unless military necessity prevents such notice or it is otherwise impossible or unreasonable. In accordance with USERRA, notice may be provided verbally or in writing by the individual or by an appropriate officer of the relevant service branch. Whenever possible, written notification is preferred along with a copy of the official military orders or other evidence that the employee is entering active military duty.
 - 2.3 Employees completing a leave for military duty must notify the City of their intent to return. The time limits for returning to work depend on the duration of the person's military service
 - 2.4 Service 30 Days or Less - The person must report to his or her employer by the beginning of the first regularly scheduled workday that would fall eight hours after the end of the calendar day. If due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible.
 - 2.5 Service 31 to 180 Days - An application for reemployment must be submitted no later than 14 days after completion of the person's service. If submission of a timely application is impossible or unreasonable through no fault of the employee,

the application must be submitted as soon as possible. If the 14th day falls on a day when offices are not open, the time extends to the next business day.

- 2.6 Service 181 Days or Greater - An application for reemployment must be submitted no later than 90 days after completion of a person's military service. If the 90th day falls on a day when offices are not open, the time extends to the next business day. Failure to apply for reinstatement within the guidelines set forth herein, will be considered a voluntary resignation.
- 2.7 If military leave continues beyond 20 calendar days, the employee will be placed on military leave without pay for any remaining period of required military service. The employee may elect to use any vacation or comp time accruals before being placed on military leave without pay.
- 2.8 Employees returning to City employment will be returned in accordance with the provisions of USERRA. Reemployment of service members are entitled to the seniority and all rights and benefits based on seniority that they would have attained with reasonable certainty had they remained continuously employed.
- 2.9 An employee attending reserve active duty is entitled to not more than twenty (20) working days of leave annually, which shall not be charged against any other leave credits. For the purpose of this policy, a working day is defined as an eight (8) hour workday. An employee on military leave shall receive his/her regular rate of pay for the period of twenty (20) days as listed above. This leave shall be provided with no effect on date of employment or length of service. TCA 8.33-101-8.33-109, and TCA 58.1-106.
- 2.10 An employee requesting leave for attending reserve camp shall notify their immediate supervisor and department head at least two weeks before the reserve activity begins and he/she should document the expected return date from reserve duty.
- 3.0 RESPONSIBILITY:** The Human Resources Director is responsible for the administration and communication of this policy.

APPROVED:

M. Denis Peterson
City Manager

Original:
Revisions: 05/14/2003