Military Leave

An employee who receives orders for active military duty shall be entitled to absent himself or herself from his or her duties and shall be deemed to have a leave of absence with pay for the period of such ordered military duty, and while going to and returning from such duty, not to exceed a total of eighteen (18) workdays in any one (1) federal fiscal year (October 1 - September 30). After an employee has exhausted his/her paid military leave, an institution may pay the employee for his/her accumulated annual leave. At the expiration of the maximum paid leave time, continued absence by the employee shall be considered as military leave without pay. The employee shall be required to submit a copy of his or her orders to active military duty.

Notwithstanding the foregoing leave limitation of eighteen (18) days, in the event the Governor declares an emergency and orders an employee to State active duty as a member of the National Guard, such employee while performing such duty shall be paid his or her salary or other compensation as an employee for a period not exceeding thirty (30) days in any one (1) federal fiscal year.

Employee Responsibilities and Rights

- Upon receiving military activation orders, an employee must advise his/her employer. Unless precluded by military necessity, advance notice must be provided. Employees are encouraged to provide documentation of military duty prior to activation.
- Upon re-employment, an employee will be required to present the institution with a copy of his/her completion of military assignment orders that specify the dates/duration of ordered military service.
- Generally, benefits will continue while an employee is on full time ordered military duty. However, such action constitutes a qualifying event and permits an employee to make a change in his/her healthcare plan coverage. While an employee is on a paid leave status, to include military leave pay and payment of accrued annual leave, employee and employer retirement plan contributions should continue to be paid.

Return to Work

The cumulative length of time that a returning service member may be absent from work for military service, and retain his/her re-employment rights is five years. A returning service member is to be reemployed in the position that he/she held, or that he/she would have attained had he/she not been ordered to active military duty.

USERRA regulations specify return to work or re-employment timeframes that an employee must follow upon completion of active military service. They are:

- Less than 31 days: An employee should return to work the first day following the completion of his/her active military service.
- 30 – 180 days: An employee must request reinstatement of employment within fourteen (14) days following the completion if his/her active military service.
• Over 180 days: An employee must request reinstatement of employment within ninety (90) days following the completion if his/her active military service.
• A service member convalescing from injuries during military service or in training may have up to two (2) years to return to his/her position.

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