

## **PROCEDURE 506-5**

### **MILITARY LEAVE**

**Effective 01-01-2020, Resolution No. 044-19**

The Uniformed Services Employment and Re-employment Rights Act (USERRA) provides covered service members with a job-protected, unpaid leave of absence for certain military service. This procedure sets forth Johnson County Government's practices for complying with USERRA. Other than the provision for paid leave, nothing in this procedure should be interpreted to expand or diminish any employee's rights under USERRA. The employee rights identified in this procedure are subject to all exceptions provided under USERRA.

#### **Eligibility**

All employees are eligible for military leave beginning the first day of employment. The County will grant a military leave of absence when an employee is absent due to voluntary or involuntary service in the uniformed services of the United States. This includes active duty, active and inactive duty for training, National Guard duty, reserve duty, examinations to determine fitness for duty for any of the above, funeral honors duty, and for certain periods of time following release from service depending upon the length and nature of the service.

When an employee's cumulative absences exceed five years (subject to certain exceptions), the County may exercise discretion as to whether to grant military leave.

#### **Leave Requests**

Employees must notify their supervisor of impending military duty as soon as possible. To ensure that the employee receives necessary information regarding their benefits while on leave, the department/agency/office must notify the Benefits Division of the Department of Financial Management & Administration (FMA-Benefits) when an employee gives notice of the need for military leave.

#### **Paid Leave**

The County will pay employees for up to three weeks of military leave per calendar year according to the following schedule. Any additional leave will be unpaid; however, employees may choose to use accrued vacation, sick leave, personal holidays, or compensatory time. Military leave, whether paid or unpaid, will not count as hours worked for the purposes of calculating overtime.

<b>Employee Classification</b>	<b>Maximum Paid Leave Per Calendar Year</b>
Full-time Regular (40-hr/wk)	120 hours
Full-time Regular (12-hr shift)	132 hours
Full-time Regular (24-hr shift)	192 hours
Part-time Partial Plus (30-hr/wk)	90 hours
Part-time Partial Plus (12-hr shift)	99 hours
Part-time Partial Plus (24-hr shift)	144 hours
Part-time Partial (20-hr/wk)	60 hours
Part-time Partial (12-hr shift)	66 hours
Part-time Partial (24-hr shift)	96 hours

## **Benefits**

Employees called to active military duty may continue health, dental, and vision coverage the same as an active employee. If an employee elects to keep health, dental, and vision coverage in effect while on military leave, the employee must arrange with FMA-Benefits to pay the employee's portion of the applicable coverage contributions. Payment will be due on the first day of the month. A payment that is more than thirty days late may result in termination of coverage. Should coverage be terminated, the employee will be offered continuation coverage in accordance with COBRA and any other applicable regulations. If coverage is terminated, or if the employee elects not to continue coverage while on military leave, coverage will be reinstated effective immediately upon the employee's return to employment with no restrictions, pre-existing condition limitations, or waiting periods.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, benefits may be continued during a military leave of absence provided that the employee makes timely payment of the premiums for said coverage.

Employees on military leave maintain and accrue benefits based on seniority. Employees will not accrue sick leave and vacation while on unpaid military leave.

## **Restoration of Employment**

Employees on military leave for 30 days or less must return to work for their first regularly scheduled shift following their return home from service plus an eight-hour rest period. Employees on leave for 31 to 180 days must notify the Department of Human Resources of their intent to return to work within 14 days of completion of service. Employees on leave for a period of more than 180 days must notify the Department of Human Resources of their intent to return to work within 90 days of completion of service. These deadlines may be extended for employees suffering from service-connected injury or illness.

Employees returning from military leave will be reinstated to their previous position, or the position they would have had, without a loss in pay, subject to certain exceptions established under USERRA.

## **Involuntary Separation Following Military Leave**

An employee returning to active employment with the County after military leave cannot be involuntarily separated from employment without cause for the following periods of time:

- One year after the date of reemployment, if the employee's military service before reemployment was more than 180 days.
- 180 days after the date of reemployment, if the employee's period of military service before reemployment was more than 30 days but less than 181 days.

## **Prohibited Acts**

The County will not consider the request for, or use of, military leave as a negative factor in any employment action or in assessing an employee's attendance. No employee may be subjected to discrimination, harassment, or retaliation for requesting or using military leave or for opposing any conduct that is in violation of this procedure or USERRA. Employees should report such action to their supervisor, manager, or department/agency/office leader; any employee in the Department of Human Resources; or the County Manager, Deputy County Manager, or an Assistant County Manager.