

Military Leave Policy

Effective Date: September 2021

Owner	Board of Commissioners (BOC)
Reviewer(s)	Human Resources
Approver(s)	Human Resources Director
Related Policies	Leave of Absence Policy
Related Standards	N/A
Storage Location	iCobb
HR Last Review Date	September 2021
IS Next Review Date	September 2023
IS Review Cycle	Every 2 years

1. PURPOSE

To provide regulations concerning military leave for county employees.

2. SCOPE

This policy affects All Employees. If you have questions regarding this policy, contact Human Resources.

3. GOVERNING LAWS, REGULATIONS & STANDARDS

Guidance	Section
Uniformed Services Employment and Reemployment Rights Act (USERRA)	All Regulations
Georgia Rights of Public Officers and Employees Absent on Military Duty	O.C.G.A. 38-2-279 (2010)
Family and Medical Leave Act (FMLA)	Military Family Leave Provisions (2008)
And all other applicable laws and regulations	

4. DEFINITIONS

A. Federal Fiscal Year – The Federal Fiscal Year is defined as October 1st through September 30th.

B. Notice: Any written or verbal notification (as in the event of a military emergency or declaration of war) or an obligation or intention to perform service in the uniformed services, provided by the employee who will perform such service, or by the uniformed service in which service is to be performed.

C. Ordered Military Duty: Any military duty performed in the service of the State or the United States pursuant to orders issued by a State or federal authority, including but not limited to attendance at any service school or schools conducted by the Armed Forces of the United States as a volunteer member of the National Guard, Georgia State Defense Force, or any reserve force or reserve component of the Armed Forces of the United States.

D. Service in the Uniformed Service: The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and funeral honors duty performed by National Guard or reserve members.

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5. POLICY

Leaves of absences to perform military duty in the Armed Forces of the United States, the Military Reserves, or the National Guard will be granted in accordance with applicable state and federal laws (~~18 days per fiscal year~~). The County will also comply with applicable federal and state laws in regards to the reemployment of individuals returning from military leave.

6. PROCEDURES

- A. An employee, other than a temporary employee, who enlists, is inducted, or is recalled to active duty in the Armed Forces of the United States for a period of not more than five (5) years over the course of employment, intermittently or consecutively, will be granted a leave of absence. Such leave will protect the employee's service with the County.
- B. Upon satisfactory completion of military service and timely notice of intent to return to work, an employee will be reinstated to their former position or to a position of like seniority, status and pay for which they are qualified.
- C. Employees returning from active duty must apply for reinstatement, as outlined below, based on length of absence. Reservists and members of the National Guard returning from all other active or inactive duty for training need not apply for reinstatement. They must, however, report for work on the first scheduled working day following completion of their military duty.
 - Less than 31 days of service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight (8) hour rest period. If this is impossible or unreasonable, then as soon as possible.
 - 31 to 180 days: The employee must apply for reemployment no later than fourteen (14) days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
 - 181 days or more: The employee must apply for reemployment no later than ninety (90) days after completion of military service.
 - Service-connected injury or illness: Reporting or application deadlines are extended for up to two (2) years for persons who are hospitalized or convalescing.
- D. An employee returning from military service under the provisions of this policy shall be entitled to the privileges that would have been accorded them had they continued in their position such as: sick leave and annual leave accrued and unused by the employee at the time of entrance into the military service; salary adjustments resulting from changes in the Compensation Plan; salary advancements as provided in the Compensation Plan (in the absence of evidence to the contrary, it shall be considered that they would have earned and received every second salary advancement).
- E. An employee returning from military service under Section A of this policy who has been disabled during their military service to the extent that they are incapacitated from performing their former duties, shall whenever possible, be reassigned or transferred to other duties for which they are qualified. Such reassignment shall be, if possible, within the same compensation grade as the employee's former position.
- F. Requests of employees returning from military service who seek leave to avail themselves of veteran's benefits, such as attendance in educational institutions, shall be considered on the basis as other requests for leave of absence which takes into account the administrative necessities of the Departments.
- G. To be entitled to reemployment rights, an employee must submit a certificate of separation from military service under honorable conditions, or a certificate evidencing satisfactory completion of military service.

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- H. Absence from work due to orders received to report for any preinduction examination for service in the armed forces of the United States will be designated as pre-military leave and will not be charged as annual leave.
- I. Employees with military duty obligations are requested to provide as much advance notice as possible of upcoming military service. Submission of a copy of orders or a statement from the appropriate military officer will be sufficient evidence of military duty. Failure to request a leave of absence for military duty may result in loss of reemployment rights.
- J. Any hours of military leave payable under this policy must be submitted on the employee's time card. An employee who performs ordered military duty is entitled to their base pay and other compensation for up to a total of 144 hours (18 days) of military leave in any one federal fiscal year while they are on military leave.
 - When an employee is absent from employment due to ordered military leave, the amount of military leave charged against the employee's military leave balance shall only be the hours and minutes necessary for the employee to reach their regularly scheduled hours per week.
 - In the event the Governor declares an emergency and orders an employee to military duty as a member of the National Guard, while performing such duty, the employee will be paid their base pay and other compensation for an additional 96 hours of military leave (totaling 240 for the year) in any one federal fiscal year while they are on military leave.
 - The employee shall be required to provide a copy of their military orders or annual training schedule in order to be paid any military leave.
 - If the period of ordered military duty extends beyond the period covered by paid military leave as described in this section, the employee will be granted a leave of absence without pay as required by law. Departments may allow employees to use accrued annual or compensatory time for absences due to military duty after paid military leave has been exhausted. If the employee does not request the use of their own accrued leave, that employee will be placed on Leave Without Pay. An employee shall not be denied the use of accrued leave for Ordered Military Duty, nor shall the employee be required to use their accrued annual or compensatory leave balances.
 - An employee who is scheduled to work for less than 40 hours per week is eligible for prorated paid military leave based on their regular work schedule.
 - Any military leave balance not used during the federal fiscal year will be lost at the end of the federal fiscal year and shall not be converted to any other type of leave.
- K. Entitlements/Limitations:
 - Time served while on Ordered Military Leave will not be considered a break in service and will be credited for purposes of seniority, length of employment service, annual leave or holiday privileges, or for any other right or privilege of employment, reemployment, reinstatement transfer or promotion.
 - Employees on military leave without pay must make monthly payments in order to maintain health insurance and other benefits coverages, if the employee chooses to maintain coverage, per the Leave of Absence Policy.
 - When determining eligibility under the Family Medical Leave Act (FMLA) for an employee returning following a period of military service, the hours performed during this absence should be credited as service time.
 - Protection from Discharge: An employee returning from military leave who served for more than 30 days but less than 181 days may not be discharged except for cause for 180 days after their reemployment. An employee returning from military leave and who served more than 180 days may not be discharged except for cause for a period of one year after their reemployment. The Human Resources Director will make the final determination to dismiss for cause any service member.

7. EXCEPTIONS

Exceptions to this policy must be justified and approved in advance by the Board of Commissioners.

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8. NON-COMPLIANCE

Violations of this policy may include disciplinary action according to applicable County policies.

REVISION HISTORY

Version ID	Date of Change	Author	Rationale
	03-1983		Adoption
	07-1983		Revision
	06-1992		Revision
	08-1995		Revision
v. 1.0.2020	09-2020	Human Resources	Reformat
v. 1.2.2021	09-2021	Human Resources	Revision