

4.3 Military Training Leave and Military Leave of Absence

Effective Date: Original

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Policy

Military Leave will be granted to employees in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). (Title 38 U.S. Code, Chapter 43).

Purpose

The purpose of this policy is to encourage participation and support of the uniformed services. The County encourages its employees to participate in the exercise of patriotic duty. This policy holds true for employees whether they joined before or after employment with the County. This policy covers all employees who serve in the uniformed services and includes the Armed Forces, the Army National Guard and the 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 national emergency.

Procedure

A. Pay and Benefit Time Considerations

For those employees who comply with the notice requirements described under Training Orders below, the County will pay the difference between the government base allowance and the employee's base salary for two (2) consecutive workweeks per year during the time that the employee attends their annual two-week military training period. Employees who fail to comply with the above requirements or who do not attend an annual two-week military training period will not be eligible for that compensation. The employee should remit, through his/her Department Head, payment received from the military to the Lake County Treasurer within fifteen (15) days of receipt. He/she will receive his regular straight time wage or salary without overtime payments. A full accounting of the money received should be made and a copy given to the employee for tax purposes.

If an employee believes that they were unfairly denied such compensation, the employee may submit a written complaint to the Lake County Director of Human Resources. The Director may, in his or her discretion, review the written complaint and either grant or deny the request for compensation. The decision of the Director will be final and unappealable and not subject to any grievance procedure.

Employees may, but are not required to, use their vacation leave while attending annual training or on a military leave of absence. Vacation leave and sick leave, however, will not be accrued during a military leave of absence. Employees should contact Human Resources for further benefits information especially if the length of military leave exceeds 30 days.

B. Training Orders

Employees who serve in the reserves must submit their annual military training schedule to their supervisor as soon as it is received by the employee. At the very latest, the employee must submit their schedule to their supervisor two weeks before the first date that the employee is scheduled to report for duty. The schedule that the employee submits must be typed on official military letterhead and must be signed by the base commander. The commander's rank and telephone number must be clearly stated on the schedule. Employees are responsible for ensuring that their supervisor has received a copy of their schedule.

If an employee volunteers or is ordered to attend training that is not included on their annual military obligation schedule (such as an employee's two-week training leave) the employee must give their supervisor a copy of their written orders at least two weeks in advance of the need for leave so that the request can be verified with the employee's base commander. The reporting dates for such training must be typed on official military letterhead and signed by the employee's base commander.

Employees will be excused from the above notice requirements if their ability to give notice was precluded by military necessity or for other reasons outside the employee's control. When such situations arise, the employee must immediately notify their supervisor so that he or she can contact the employee's base commander to confirm the reasons precluding the employee's ability to give notice.

C. Reporting Back to Work

If an employee is absent from work for military service that lasted from 1 to 30 days, the employee can be required to report to his or her supervisor by the beginning of the first regularly scheduled work day that falls eight hours after the end of the last calendar day for military service. For example, if an employee is on military service until 10:00 pm on December 1, the employee can be required to report to work for the 6:00 am shift on December 2.

If an employee has been absent for a period of service of 31 days or more, the employee may, in accordance with the Uniformed Services Employment and Reemployment Rights Act, be required to submit documentation showing that their application for re-employment is timely, that they have not exceeded the five-year service limitation and that their separation from service was not for a disqualifying reason under Section 4304 of the Act.