

**Subject:** **MILITARY LEAVE**

**Date:** September 6, 2000

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**Replaces Policy Dated:** July 10, 1993

**PURPOSE:** To establish a policy for Pinal County employees that conforms with the Uniform Services Employment and Reemployment Rights Act of 1994, and Arizona Revised Statutes 26 -168, 38 -168, 38 - 297, and 38 - 298.

**SCOPE:** This policy applies to all Pinal County employees including Elected Officials, who have left employment because of service in the uniformed services. Uniform services includes not only the Armed Forces and the National Guard but also the commissioned corps of the Public Health Service and any category or persons designated by the President in time of war or emergency.

**STATEMENT OF POLICY:** Pinal County will not refuse to hire, re-employ, retain, or promote employees because they belong to, were members of, or wish to join the uniformed services. Veterans will not be denied any benefit of employment, defined as any advantage, profit, privilege, gain, status, account or interest that accrues by reason of employment. Employees shall be granted leaves of absence from their duties without loss of time, pay or efficiency rating on all days during which they are employed on training or to attend camps, maneuvers, formations or drills while under orders for a period of not to exceed thirty days in any two consecutive years.

**PROCEDURE:** For the purposes of this policy, a year means the fiscal year of the United States Government. Employees seeking leaves of absence under this policy must present their Appointing Authority with a copy of their orders prior to their departure on leave, unless precluded by military necessity or circumstances that make notice unreasonable or impossible.

Upon the presentation of an order for active duty, the Appointing Authority will prepare a personnel action form placing the employee on Military Leave. The employee is permitted to use any accrued paid vacation or compensatory time before military leave will commence.

During the first thirty days of military leave in any two consecutive years, the employee will receive their full salary. If the period of continuous active duty, as noted on the order to active duty, exceeds 30 days, the employee may choose to cash out their accrued vacation and compensatory time. If they do so, the first day of the leave will be the effective date of the order to active duty.

An employee's absence due to military service cannot exceed five years unless service is extended due to:

1. Additional service required to complete an initial period of obligated service.
2. An inability to obtain orders of release through no fault of the individual.
3. Additional training requirements certified in writing by the Secretary of Defense.
4. Additional service required during a national emergency or war.

**Return to Work**

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An employee returning from a period of active duty must report to work or request reinstatement within the following time frames based upon their length of military service:

1. Employees whose period of uniformed service is less than 31 days must report by the next work period following the end of service plus eight hours.
2. If the period of uniformed service was more than 30 but less than 181 days, the employee must apply for reinstatement within 14 days of completing service.
3. After more than 180 days, an employee has 90 days within which to apply for reinstatement.
4. If the employee has been injured during service, the period of service is extended for convalescence until his/her recovery or for two years, whichever is shorter.

On return, the employee must submit a copy of his/her orders to establish that he/she meets the requirements outlined above, if such orders are readily available. If the employee has failed to report within the time limits noted above, he/she will be treated as any other employee who missed work.

When employees returns from a period of active duty which was less than 91 days, they should be returned to the position they would have held, if their employment had not been interrupted, as long as they meet the requirements for that position. If they do not meet the position requirements, reasonable steps must be taken to allow the employee to become qualified. If the employee is not qualified after reasonable efforts have been made, they should be given the same job, or one similar to the one they held prior to service.

Those who have served for more than 90 days should be returned to the position they would have attained, if their employment had not been interrupted or a position of like seniority, status, or pay. If they are not qualified and cannot become qualified they should be returned to the position they left. If they are not qualified for the position they previously held, the veteran must be given a job with lesser pay or status without loss of seniority.

Employees disabled during military leave are entitled to a position of like status, seniority and pay if they cannot be qualified for the position despite the employers reasonable efforts.

If two employees are entitled to the same reemployment opportunity, the one who left the position first has priority and the other must be given a job with similar status.

### **Job Retention**

Returning employees who were covered by the Pinal County Merit Rules may only be terminated for cause.

Returning employees who were not covered by the Pinal County Merit Rules, who served for less than 31 days may be terminated without cause. However, if such an employee is returning to duty after a period of military service which extended more than 31 but less than 180 days, he/she may not be terminated without cause for six months. Those who served more than 180 days may not be terminated without cause for one year.

### **Benefits**

Employees on military leave are entitled to the same kinds of benefits that are Agenerally provided@ to other employees who take leaves of absence.

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Employees (or any family member) covered by the Pinal County Benefit Plan prior to leaving for the uniformed services, are entitled to COBRA-like continuation of coverage for up to 18 months. If the employee's absence is less than 30 days, the employee will continue to pay only the employee rate. If the leave is for longer than 31 days, the employee will be required to pay 102% of the full benefit premium.

### **Pension Benefits**

An employee on military leave will continue to receive pension vesting and eligibility credits. Upon return to work, the employee will have up to three times as long as his/her service period (not to exceed 5 years) during which to make up the required employee pension contribution, during this period Pinal County will make all required matching payments