



Governed by: Human Resources

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Policy: Military and Military Spousal Leave

Overview of Purpose:

CEO recognizes the importance of military service and complies with all regulations relating to military leaves and reserve leaves of absence. In accordance with applicable law, the Agency shall grant an employee time off for active duty in the armed forces of the United States or to attend training duty in the National Guard or military reserves in accordance with federal and state law.

Notification:

An employee should give their manager as much advance notice of active duty (i.e., non-reserve) military leave or military reserve leave as possible. Employees may be required to provide a copy of the notice sent by the military unit.

Compensation for Employees:

When on military leave, full-time and part-time employees will be paid the difference between their regular pay and their service pay for up to 10 workdays per calendar year. Exempt employees who are on military leave for periods of less than a workweek are paid their regular salary, minus any service pay received for those workweeks. No extra time will be paid for any holiday that occurs during any military duty period.

Benefits during Military Leave:

During a qualifying military leave of absence, an employee may retain and accrue any Agency-sponsored benefits that are tied to length of service, in accordance with the Uniformed Services Employment and Re-Employment Rights Act of 1994 ("USERRA"). The employee may also be allowed to participate in the health insurance plan and other Agency-sponsored benefits that are not determined by length of service to the same extent as an employee who is granted a leave of absence (see Section 707). The employee must meet the eligibility requirements of each benefit plan in order to participate in the benefit.

Return from Military Leave:

In accordance with USERRA, an employee retains certain rights relating to reinstatement, length of service, status, promotions, and compensation upon return from military duty. An employee returning from a leave of absence of greater than 30 days may be required to document re-employment eligibility. If an employee is separated from uniformed service with a dishonorable discharge or bad conduct discharge, their rights to reemployment and other protections under USERRA end.

Military Spouse Leave:

Employees who are married to a member of the military and who regularly work 20 or more hours per week may be entitled to up to 10 days of unpaid military spouse leave if: (1) the employee's spouse is a member of the armed forces of the United States, National Guard or Reserves; and (2) the employee's spouse is on leave from deployment during a period of military conflict. Eligible employees may be entitled to additional leave under the FMLA and/or PFL.