



## Human Resources Policies and Procedures

Policy Title: <b>Military Leave of Absence</b>	Policy Number: 4.8
Effective: November 19, 2018	
Approval:	Page 1 of 6

### 1.0 Scope

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Full-time<br><input checked="" type="checkbox"/> Part-time<br><input checked="" type="checkbox"/> Temporary/Contract<br><input checked="" type="checkbox"/> Non-Union | <input checked="" type="checkbox"/> Union<br><input type="checkbox"/> Independent Contractors<br><input type="checkbox"/> Visitors, Vendors, Volunteers<br><input type="checkbox"/> Boards and Commission Members |
|---|---|

*Employees who are covered under the provisions of a collective bargaining agreement will follow the standards as contained in their respective contracts if this policy conflicts with the language in the contract.*

### 2.0 Purpose

This policy is designed to assist City leadership in complying with United States military leaves of absence laws and to support City of Ann Arbor employees in military services.

### 3.0 Policy

The City of Ann Arbor will grant leave for uniformed service members in accordance with federal law. The program complies with federal regulations regarding the treatment of employees serving a period of active military duty or inactive military training.

#### DISCLAIMER

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## **4.0 Responsibility**

Management together with Human Resources Services will be responsible for the consistent administration of this program and ensuring compliance with the Military Leave of Absence Policy. It is the responsibility of each employee to follow this policy.

## **5.0 Definitions**

- 5.1 *Military Leave*** means any leave where an employee is required to serve in the Uniformed Services of the United States. This includes required reservist training.
- 5.2 *Service*** includes all categories of military training and service, whether performed on voluntary or involuntary basis, including: active duty, active duty and inactive duty for training, National Guard duty under a federal statute, military fitness examinations, orders to perform funeral honors duty, attendance at a United States military service academy.
- 5.3 *Uniformed Services*** includes the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, the Army National Guard, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve and the Coast Guard Reserve., the commissioned corps of the Public Health Service, and any other category designated by the President in time of war or emergency.

## **6.0 Procedures**

- 6.1** An employee is eligible for Military Leave on his or her date of hire. The maximum cumulative length of the leave is five years. Inactive duty training (drills), annual training, involuntary active duty extensions, and recalls due to a war or national emergency are not counted in the five-year cumulative total.
- 6.2 Notification and Approval Requirements**
- A. Employees should notify their supervisor and Human Resources as soon as they have been called to military service.
  - B. The employees will submit a copy of Certified Military Orders to Human Resources.

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- C. Human Resources Services will communicate in writing to the employee and his/her supervisor regarding Military Leave expectations as they pertain to both the employee and the City.

### **6.3 Compensation and Benefits While on a Military Leave of Absence**

- A. Employees will be paid the difference between their Uniformed Services pay and their regular pay with the City, when they are on full time active duty for up to one year, provided proof of service and pay is submitted in a timely manner.
- B. After one year on full time active duty, employees in Uniformed Service may choose to use personal, vacation and compensatory time while on Military Leave to maintain their paid leave status but must follow any HR Policies and Procedures regarding time off.
- C. Employees in a paid leave status will continue to accrue paid leave time as if he or she was working.
- D. Health care (medical, dental, and/or vision) benefits for employees will end one year after the leave begins or when paid status ends, whichever is longer. Employee will continue to pay any premium payments.
- E. After an employee's City paid health care has expired, pursuant to Paragraph D above, the employee may continue some or all benefit coverages for him/herself and any or all of his/her dependents on a month-to-month basis by paying the full cost of coverage for a maximum of twenty-four months from the date the military leave began. "Full cost of coverage" means the COBRA rate then in effect for that employee's particular group coverage, as may be adjusted each January 1<sup>st</sup>.
- F. Employees or their dependents may elect to continue coverage by completing the **COBRA Election Form** that will be given to each employee at the time the employee notifies the City of the upcoming military leave and mailed to the employee's dependents. If the military leave is less than thirty-one days in duration, the employee must continue to pay the premium contribution amounts,

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if any, which are normally deducted from employee's paycheck each pay period.

- G. For purposes of the City's 457(b) deferred compensation or pension plan ("Plans"), an employee who returns to active employment will not be treated as having incurred a break in service for vesting purposes because of his or her Military Leave. There will be no forfeiture of benefits accrued previously, and upon return to employment, an employee will not have to again satisfy eligibility requirements under the Plan.
- H. Benefit accruals will continue for each employee under the defined benefit pension plan in the same manner and to the same extent, if any, as had been made for other active employees during the employee's period of Military Leave provided the employee repays all employee contribution amounts that may have been missed, within ninety days of reemployment. Please see the Pension Ordinance for specifics.
- I. If an employee's coverage under a benefit plan terminates because of his or her Military Leave, coverage will be reinstated upon reemployment without imposition of a new waiting period and exclusive of any pre-existing condition limitations.
- J. Human Resources Services must maintain records to ensure the proper administration as outlined in this policy.

#### **6.4 Return to Work After A Military Leave of Absence**

- A. Upon release from military service, an employee must contact Human Resources to request reinstatement with the City according to the following:
  - 1. If the period of service was 1 to 30 days (or reporting back from a fitness for service examination), you must contact the City by the beginning of the first regularly scheduled work period that begins on the next calendar day following completion of service.
  - 2. If the period of service is 31 to 180 days, you must contact Human Resources to request reemployment no later than 14 days after military service is completed.

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3. If the period of service is 181 days or more, you must contact Human Resource to request reemployment no later than 90 days after service is completed.
- B. Failure to contact Human Resources regarding your reemployment within the above time periods will subject the employee to the same provisions applied to any employee who fails to return from an approved leave of absence.
  - C. An employee returning from a Military Leave will be returned to the position held by the employee prior to the beginning of the leave or to a comparable position with all of the rights and benefits of the former position.
  - D. Human Resources Services will:
    1. Advise the employee of the return-to-work date to the former position, or
    2. If the employee's former position is not available, the Service Area Administrator together with Human Resources Services will identify an available comparable position. If the employee and the City mutually agree upon a placement, Human Resources Services will notify the employee of the terms of employment and the return-to-work date.
  - F. Human Resources Services will process the employee's return to work, and reinstate the employee's employment status including credit for service while on leave.
  - G. The City is not required to reemploy the employee after he/she returns from a Military Leave if:
    1. The City's circumstances have so changed as to make the return to active employment by the employee impossible or unreasonable;
    2. The return to active employment by a disabled individual or one who is no longer qualified to perform his/her job would pose an undue hardship on the City; or
    3. The employment that the employee left to serve in the military is for a brief, nonrecurring period and there is no

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reasonable expectation that such employment will continue indefinitely for a significant period.

- H. Employees returning from a Military Leave are protected from discharge without cause for specified periods:
  - 1. One year after date of reemployment, if military service was more than 180 days,
  - 2. Six months after date of reemployment, if military service is between 31 - 180 days,
  - 3. No protection, if military service is less than 30 days.
  
- I. An employee with Uniformed Service-connected disabilities who is not qualified for employment in the position that he/she left (even after reasonable efforts by the City to accommodate the disability) may be reemployed in a position with similar seniority status, and pay for which he/she is qualified (or would become qualified with reasonable efforts by the City). If that is not possible, the employee may be reemployed in a position that is the nearest approximation consistent with the circumstances of the employee's case.

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