



Georgia Department of Community Health

Military Leave		Policy No. 213
Effective Date:	April 1, 2000	Page <u>1</u> of <u>4</u>

- References:**
1. U.S.C. Title 38, Chapter 43, Uniformed Services Employment and Reemployment Rights Acts
 2. O.C.G.A. 38-2-279, 38-2-280
 3. Rules of the State Personnel Board, Rule 18

I. Definitions

- A. **“Ordered Military Duty”** – military duty performed in the service of the State of Georgia or of the United States by an employee pursuant to orders issued by the State or federal authority either with or without the consent of the employee
- B. **“Federal Fiscal Year”** – October 1st – September 30th
- C. **“Continuous employment”** – employment relationship has not been terminated

II. Purpose

The purpose of this policy is to provide for a leave of absence from work for military duty and while going to and returning from such duty.

III. Scope

This policy applies to all employees of the Department of Community Health (DCH) and attached agencies.

IV. Policy

A. Eligible Employees

All employees, except those employed on a temporary basis, who are or become members of the organized militia (e.g., National Guard) or any reserve force or component of the U.S. Armed Forces are eligible for military leave of absence.

- B. An eligible employee is entitled to be absent from work while engaged in the performance of ordered military duty and while going to and returning from such duty. The time during which an employee is absent shall not constitute a break in continuous employment. An employee on military leave is eligible for rights and benefits provided by federal and state laws and other benefits provided by the Department.



C. Employees are required to provide advance written or verbal notice along with a copy of the orders to their supervisors for all military duty. In the event of an emergency, which prevents advance notice, supervisors are to receive notification of ordered military duty as soon as possible.

D. A *REQUEST FOR PERSONNEL ACTION* Form is to be completed by the supervisor to place the employee on military leave. The form and a copy of the orders must be sent to the Office of Human Resources.

D. Ordered Military Duty Without Consent

1. Eligible employees ordered to military duty **without personal consent** will be paid for up to 18 work days (144 hours) in a federal fiscal year, not to exceed 18 work days in one continuous period of such absence. Employees will not be required to use accrued leave during this period. For employees whose work schedule is less than 40 hours per week, hours will be prorated by the percentage of time worked.

2. For any absence beyond 18 workdays, employees may request to use accrued annual and/or personal leave or be placed on leave without pay.

E. Ordered Military Duty With Consent

1. Eligible employees ordered to military duty **with personal consent** will be paid for up to 18 work days (144 hours) in a federal fiscal year, not to exceed 18 work days in one continuous period of such absence, **if** the period of ordered military duty does not exceed 30 calendar days.

2. Eligible employees ordered to military duty **with personal consent** for a period, which **exceeds 30 calendar days** shall be granted a **leave of absence without pay** for the entire period of absence.

F. State of Emergency (as declared by the Governor)

If the Governor declares an emergency and orders employees to State active duty as a member of the National Guard, the employees, while performing such duty, shall be paid for up to 30 work days (240 hours) in any one federal fiscal year, not to exceed 30 work days in any one continuous period. For employees whose work schedule is normally less than forty (40) hours per week, paid leave will be prorated.

G. Attending Service Schools

1. Employees who **are or become** eligible for military leave may receive orders for attending service school(s) with or without personal consent.



2. Employees attending any service school(s) will be paid in accordance with this policy.

H. Enlistment or Induction

1. Eligible employees who **enlist or are inducted** into the organized military or any reserve force or component of the armed forces of the United States and are ordered to active duty, active duty for training or inactive duty training are entitled to a leave of absence. Such leaves of absence are without pay; however, employees may request to use accrued annual and/or personal leave to cover the absence from work.
2. Employees who receive orders to report for any preinduction or other examination to determine physical or other fitness for service are entitled to a leave of absence from work. Such leaves of absence are without pay; however employees may request to use accrued annual and/ or personal leave to cover the absence from work.

H. Conditions For Re-employment and Reinstatement

1. Employees whose cumulative absences from work while on military leave have not exceeded five years are entitled to return to work upon completing military duty as required by law.
2. In order to be eligible for re-employment, employees are to do the following:
 - a. *Military duty for 30 calendar days or less* - If the period of military duty was 30 calendar days or less or military leave of any length was for examination purposes to determine fitness to perform service, employees must report to work the **first scheduled workday** after an 8-hour period following the completion of military duty and returning home.
 - b. *Military duty for more than 30 calendar days but not exceeding 180 calendar days* – If the military duty was for more than 30 calendar days but did not exceed 180 calendar days, employees must submit a written notice for re-employment to their supervisor or the Office of Human Resources **within 14 calendar days** of completing military duty.
 - c. *Military duty for more than 180 calendar days* – If the military duty was for more than 180 calendar days, employees must submit a written notice for re-employment to their supervisor of the Office of Human Resources **within 90 calendar days** of completing military duty.



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3. Employees who are hospitalized or recovering from an illness or injury as a result of the military duty are to report for duty or apply for re-employment as described above upon recovering from the illness or injury. The period of recovery may not exceed 2 years.
4. Upon timely notice following the satisfactory completion of military duty, employees will be returned to work as follows:
 - a. If the military leave was for **90 calendar days or less**, an employee must be re-employed in a position in the same job category the employee would have held if military duty had not occurred, if qualified to perform the duties of the job category or able to become qualified with reasonable efforts by the Department. The employee's work status remains the same.
 - b. If the military leave was for **more than 90 calendar days**, an employee must be re-employed in a position in the job category the employee would have held if military duty had not occurred **or** another job category of like seniority, status and pay, if the employee is qualified to perform the duties of the job category or able to become qualified with reasonable efforts by the Department. The employee's work status remains the same.
 - c. If the employee is not able to perform the duties of the job category with reasonable accommodation due to disability sustained or aggravated during the military duty, the employee will be employed in another job category in the Department for which the employee is qualified and is able to perform the essential functions, with or without reasonable accommodation.

NOTE: The Department is not required to return an employee from military leave if circumstances have drastically changed making it impossible or unreasonable to do so (e.g., reduction in force which would have included the employee).

5. The Department is not required to re-employ individuals who were employed with DCH on a temporary basis.

Approved By:

A handwritten signature in black ink, appearing to be "C. Miller".

Date:

4-3-00