

Military Leave

Purpose

To ~~comply with~~ clarify under state and federal law the Uniformed Services-Employment and Reemployment Rights Act (USERRA) of 1994 and as revised in December 2005, and state law (Minnesota Statute 192.26 — 192.261)-employment protections and benefits for City employees called to military service and leaves related to certain military events for family members.

Policy

The City will support-comply with the ~~federal and~~ state and federal laws governing the leave and reinstatement —requirements for employees serving in the military personnel. The law contains specific requirements for protected leave; ~~rules for~~ benefits employees are entitled to during military leave, and ~~the requirements for~~ reinstatement in the civilian workforce to employment.

Military Training or Active Service Leave

State and federal laws provide protections and benefits to City employees who are called to military service, whether in the reserves or on active duty.

Such employees are entitled to a leave of absence without loss of pay, seniority status, efficiency rating, or benefits for the time the employee is engaged in training or active service not exceeding a total of 15 days in any calendar year. The leave of absence is only in the event the employee returns to employment with the City as required upon being relieved from service, or is prevented from returning by physical or mental disability or other cause not the fault of the employee, or is required by the proper authority to continue in military or naval service beyond the 15 day paid leave of absence.

Employees on extended military leave under law will receive 15 days paid leave of absence in each calendar year and unpaid leave, or, if requested by the employee, use of accrued vacation or compensatory time, allow which cannot exceed a combined five years.

If an employee has not yet used his/her 15 days of paid leave when called to active duty, any unused paid time will be allowed for the active duty time, prior to the unpaid leave of absence.

Eligibility for continuation of insurance coverage for employees on military leave beyond fifteen 15 days will follow the same procedures as for any employee on an unpaid leave of absence.

~~Employees are entitled to leave of absence without loss of pay, seniority status, vacation/sick leave or other benefits when engaged in training activities ordered or authorized by the proper authority pursuant to law, whether for state or federal purposes, but not exceeding a total of fifteen (15) days in any calendar year. City compensation is in addition to military pay, as per a Minnesota Attorney General's Opinion.~~

National Guard & Reserves— beyond 15 days per year

~~Employees that are ordered by the Military to train beyond 15 days per year will be granted an unpaid "military leave of absence". Federal law allows employees to use during the period of military service, vacation or similar paid leave accrued prior to the commencement of such service, if the employee requests. (38 USC 4316(d).~~

Military documentation

Where possible, notice is to be provided to the City at least 10 working days in advance of the requested military leave. ~~Appropriate military documentation will be required to verify leave necessity. During unpaid military leave of absence for purposes of training, not active duty, the employee does not accrue benefits, wage-increases or seniority status.~~

Job Protection~~Reemployment~~

Employees returning from military service will generally be reemployed based on law and circumstances within some time after the employee submits appropriate notice of their intent to return to work in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Unpaid military leave will be considered hours worked for the purpose of vacation leave and sick leave accruals.

~~Employees in the uniformed services are entitled to have their civilian jobs protected for a period of up to five years. The regulations also apply to returning veterans. The period of five years does not have to be continuous.~~

Active Duty

~~The City does not provide compensation to those employees on active duty in the armed forces unless authorized by proper authority pursuant to law. For those employees on active duty, the City will continue to contribute to the cost of the employee's health insurance at the same level of City contribution as before the employee goes on leave. If there are changes to the City's contribution levels and/or premium rates while the employee is on leave, those changes will take place as if the employee were still on the job. The employee will be required to continue payment of the employee portion of the health care and/or other insurance coverage they choose to continue. If accumulated vacation and sick leave exceeds maximum accrual, the difference will be paid to the employee the first payday in December.~~

Reinstatement After Leave

~~Upon return from a military leave of absence, a regular employee shall be reinstated to the employee's former position or to a position of like status and pay, provided the employee is competent to perform all duties of the position to which assigned and either returns to work or submits an application for reemployment within the required time frame. An employee who receives a disqualifying discharge from the military, including dishonorable or bad conduct discharge, has no reinstatement rights.~~

Leave to Attend Military Ceremonies

Pursuant to Minnesota Statute §181.948, ~~city~~ employees whose immediate family members (defined as a person's spouse, parent, child, grandparent, legal guardian, sibling, grandchild, fiancé or fiancée, parent or child) have been ordered into active service in support of a war or other national emergency as a member of the United States armed forces, will be granted a reasonable leave of absence not to exceed one continuous day during any calendar year without pay to attend a send-off or homecoming ceremony for the mobilized service member. Time off is for the actual time necessary for the employee to attend the ceremony. Employee may substitute paid leave if they so choose. The city may deny such leave if the leave would unduly disrupt the operations of the city.

Military ceremonies, family training, and reintegration for spouse,

**parent or child
parent or child**

Pursuant to Minnesota Statute §192.325, employees with an immediate family member (defined as a person's spouse, parent or child) will be granted a reasonable unpaid leave of absence not to exceed two ~~consecutive~~consecutive e-calendar days or six days in a calendar year combined for attending the ~~days or six days in a calendar year, for attending~~ following if invited or otherwise called upon to attend by proper military authorities: (i) departure or return ceremonies for deploying or returning personnel units'

(ii), family training or _

readiness events sponsored or conducted by the military;

and (iii) to attend

events ~~sponsored or conducted by the military~~ held as part of official military reintegration programs.

~~member (defined as a person's spouse, parent or child) will be granted an unpaid leave of absence not to exceed two consecutive calendar days or six days in a calendar year, for attending departure or return ceremonies for deploying or returning personnel, family training or readiness events sponsored or conducted by the military and to attend events held as part of official military reintegration~~