Policy 3502

From Human Resources

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(diff) ←Older revision | Current revision (diff) | Newer revision→ (diff)

PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Military Service or Training Leave **Policy Number**: 3502 **Chapter Title**: Leaves of Absence **Effective Date**: July 1, 2005 **Supersedes Policy Number** 3502 **Dated** October 19, 2004
Approved By: Micki Knudsen, Human Resources Director (Signature on file)

POLICY STATEMENT

The Missouri Department of Transportation supports the United States of America's military efforts and will provide paid or unpaid leave to employees who perform military service as described in this policy. The department will administer applicable state and federal laws and regulations regarding military absence without discrimination.

DEFINITIONS

Military Service or Uniformed Service: Service in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, and members of the United States Public Health Service or any women's auxiliary thereof; and service in the Army National Guard and Air National Guard when engaged in active duty for training, inactive duty training, or full-time national guard duty; and service by any other category or persons designated by the President of the United States in time of war or emergency.

Reserve Component: Includes the federally recognized National Guard and Air National Guard of the United States, the Officers Reserve Corps, the regular Army Reserve, the Air Force Reserve, the enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve.

PROVISIONS/REQUIREMENTS

Military Leave of Absence With Pay

1. All salaried and wage employees who are members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS), and either are currently or become a member of the National Guard or any reserve component of the Armed Forces of the United States, will be eligible for military leave with pay as provided below.

2. The Revised Statutes of Missouri provide that employees of the state who are members of the National Guard or any reserve component of the Armed Forces of the United States will be entitled to a leave of absence, as provided below, from their respective duties without loss of time, loss of pay, loss of regular leave, impairment of efficiency rating, or loss of any other rights or benefits including retirement benefits.

3. Military leave with pay will be provided for:

a. All periods of military service during which an employee is engaged in the performance of duty or training in the service of the state at the call of the Governor and as ordered by the Adjutant General without regard to length of time; and,

b. All periods of military service during which an employee is engaged in the performance of duty in the service of the United States under competent orders, for a period not to exceed a total of 120 hours in any federal fiscal year. This paid leave will be tracked in one-hour increments. Only days during which an employee would otherwise have worked and received pay will be counted toward the 120-hour limit of paid leave. Military leave taken December 21, 2000, and thereafter will be reviewed to ensure leave during this time is provided for up to 120 hours.

4. To receive pay for the above military leave, an employee must, prior to beginning the leave, file with the district/division/office to which the employee is assigned a copy of appropriate official orders authorizing attendance, and upon return, a certification from the commanding officer of performance of duty in accordance with the terms of the orders. If it is not possible to provide a copy of the official orders prior to beginning the leave, the employee must provide a copy as soon as possible after beginning this leave.

5. The Reserve Officers Training Corps (R.O.T.C.) is not an official reserve component as covered by this policy and individuals required to attend summer training under the R.O.T.C. program do not qualify for military training leave with pay.

6. If an employee, who is a member of the National Guard or a reserve component, volunteers or is required to serve on federal active duty beyond 120 hours during any federal fiscal year, the employee, after utilizing military leave with pay, has the option of taking unused annual leave and compensatory time or be granted a military leave without pay as provided below.

Military Leave of Absence Without Pay

7. Any salaried or wage employee who is a member of the MPERS may be granted a leave of absence without pay in accordance with the Uniform Services Employment and Reemployment Rights Act. The employee may be granted a leave of absence for the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority including active duty, active duty for training, full-time national guard duty, and a period for which a person is absent for the purpose of an examination to determine the fitness of the person to perform any such duty.

8. A military leave of absence will be granted and the absence will be considered as creditable service with the MPERS and the department provided the following conditions are met:

a. An employee provides advance written or verbal notice of the service;

b. The cumulative length of the absence and previous absences with the department by reason of service does not exceed five years; and,

c. Upon completion of the period of service, the employee submits a new application for reemployment showing the military service and any other changes occurring in personal status during the absence within the time period required by law after completion of a period of service.

Upon request, the employee may also be required to submit documentation which reflects the character of the service, the timeliness of the application for reemployment, and that the cumulative time in service has not exceeded five years.

9. An Employment Status Maintenance (ESMT) transaction is required to place an employee on military leave without pay whenever the employee will be on leave without pay for more than 80 consecutive work hours (more than 10 consecutive workdays for employees on 5x8 schedules and more than 8 consecutive workdays for employees on 4x10 schedules). An ESMT is also required if an employee will be on unpaid leave for all the normal workdays and holidays within an entire pay period, even if this time is equal to or less than 80 hours.

10. While on military leave without pay, insurance coverage will continue to be available without state participation. Eligible employees will need to make manual payments if they want to continue health, life, or disability insurance coverage.

11. Reporting to Work Requirements

a. An employee, serving for a period of service less than 31 days or who is absent for the purpose of an examination to determine fitness for duty, must report for work no later than the beginning of the first full regularly scheduled workday following completion of the period of service and the expiration of eight hours after the period allowing for safe transportation from the place of service to the employee's residence. An application for reemployment need not be submitted for periods of service less than 31 days.

b. An employee serving for a period of service which is more than 30 days, but less than 181 days, must contact his/her supervisor no later than 14 days after the completion of the period of service to make arrangements to return to work. If contacting the supervisor within the 14 day period is impossible or unreasonable, through no fault of the employee, contact should be made on the next full calendar day when the employee is capable of making contact. An application for reemployment need not be submitted for periods of service of more than 30 and less than 181 days.

c. An employee serving for a period of more than 180 days must submit an application for reemployment with the department no later than 90 days after the completion of the period of service. The employee should submit the application to the local Human Resources office and notify his/her most recent supervisor that he/she has submitted the application for reemployment.

12. Reporting to Work After Illness or Injury Incurred in, or Aggravated During, the Performance of Service

An employee hospitalized for or convalescing from an injury or illness incurred in or aggravated during the performance of military service shall, at the end of the period necessary for recovery, either report to work or submit an application for reemployment in accordance with the above paragraphs.

13. Return to Work

Human Resources (district or Central Office) will handle all requests for reemployment. Employees who have been on military leave without pay for a cumulative length of less than five years will be placed into the same or a similar job upon return from leave, as described below. Positions for employees on leave for up to 180 days will be held open (or filled temporarily) until they return. Positions for employees who are on leave more than 180 days can be considered for permanent filling. Employees on leave more than 180 days will be placed in the same or a job similar to the one they were in before going on this leave.

If an employee would have normally been provided with a change in jobs (to a job for which he/she is qualified such as through a career ladder promotion) if he/she had not gone on military leave without pay, he/she will be placed in this new job upon returning from a leave of 180 days or less. If the job change would have occurred while the employee was on leave and the leave is for more than 180 days, the employee will be placed in the new job (if one is available) or in a similar job in the same salary grade when he/she returns, if qualified to perform those duties.

Civil Air Patrol

14. Salaried and wage employees will be eligible for paid leave for civil air patrol duty if they are a member of the civil air patrol and have qualified for a civil air patrol emergency service specialty rating.

Leave for such emergency service shall not be for more than 15 calendar days in any state fiscal year or without regard to length of time when responding to a state or nationally declared emergency or disaster in the state of Missouri. To receive pay for this emergency service, an employee will need to provide evidence of this service from the Missouri wing commander or the wing commander’s designated representative.

15. An employee will be released from work for civil air patrol duty upon request from the Missouri wing commander or the wing commander's designated representative.

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