

3.5(3): Military Leave

This policy applies to all employees excluding employees in part-time 2, project designated, temporary and seasonal positions.

POLICIES AND PROCEDURES

In compliance with the Uniformed Services Employment and Re-employment Rights Acts of 1994 (USERRA) and any applicable state law, it is the policy of Adams County to grant a military leave of absence to eligible employees serving in the uniformed services, including but not limited to, the United States Armed Forces and National Guard and Reserves, for periods of active service (including voluntary and involuntary service) not to exceed a cumulative leave period of five (5) years.

Notice of Leave

Employees must give advanced notice of their need for military leave prior to the commencement of the leave. A copy of the employee's written military orders must be forwarded to the employee's department director or elected official, as well as to the Human Resources Department, immediately upon receipt.

Full Military Pay

Eligible employees shall be entitled to a leave of absence with all pay and benefits for which they are normally entitled for up to fifteen (15) scheduled working days each calendar year while engaged in service. This leave shall be used for the first fifteen (15) days an employee is absent due to military duty or training in the calendar year, except in the case when the employee is already gone for military duty in December and the deployment spans into January of the next year. In this case, the fifteen (15) days of military leave may be applied at the end of the deployment or to cover training later in the year. Exceptions to this practice will be considered on a case-by-case basis.

Supplemental Military Pay

If the leave of absence exceeds fifteen (15) working days due to continuation of military service, and the employee's total military pay is **greater** than their current Adams County salary, the leave becomes leave without pay. The employee may also request use of accrued annual leave and/or compensatory time. If the employee's current total military pay is **less** than their current Adams County salary, they are eligible to receive differential pay in the amount of the difference between the military pay and their base County salary for the full duration of their military leave not to exceed a cumulative leave period of five (5) years. In order to receive supplemental military pay each month,

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employees must forward a copy of their Leave and Earnings Statement (LES) to Human Resources each month.

Continuation of Benefits

For employees who are called to active military duty for more than thirty (30) consecutive calendar days, the County shall continue payment of the County-funded portion of all applicable medical, dental, and vision premiums and shall pay the employee portion of these premiums for up to twelve (12) consecutive months of active duty.

If employees choose not to continue medical, dental, and vision benefits while on leave, they must sign a waiver form and must re-enroll upon return to work. Coverage shall become effective immediately upon return to active employment with Adams County.

Employees are eligible to continue participation in the long term disability, life and optional life insurance policies for the first ninety (90) days of military leave. Employees shall be responsible for making their required monthly premium contribution for the voluntary life insurance by the 20th of the month for the following month's coverage, or cancellation of coverage shall occur. After ninety (90) days of active military leave, the long term disability, life and voluntary life insurance policies will be waived and employees must re-enroll upon return to work. Coverage shall become effective immediately upon discharge from active duty if employee returns to active employment with Adams County.

Employees shall not accrue vacation, sick leave, or receive holiday pay while in military leave-without-pay status.

Retirement Plan

The employee should notify the Retirement Office of the dates of leave prior to starting military leave. The Retirement Office will provide the employee with information regarding contributions to the Adams County Retirement Plan, including contributions from any Adams County pay received while in active military service.

Reinstatement

In accordance with the laws governing Veterans' reemployment rights, employees shall be returned to the same position held before the leave or to a position of like status with no loss of seniority or benefit status upon completion of their military leave provided:

1. Employees provide advance notice of their service;
2. Employees return to work or apply for reemployment in a timely manner after the

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conclusion of their service;

3. Employees have five (5) years or less of cumulative military leave while employed with the organization; and
4. Employees have not been separated from service with disqualifying discharge or under other than honorable conditions.

In certain circumstances, employees may be required to undergo a fitness-for-duty examination prior to returning to work.