


**COUNTY BOARD OF HEALTH  
POLICY # HR- 03425  
MILITARY LEAVE POLICY**

Approval:		<i>4/20/2020</i>
	Pamela Logan, District Health Director	Date



**Public Health**  
Prevent. Promote. Protect.

**1.0 PURPOSE**

This policy contains guidelines for absences from work for military duty.

**2.0 AUTHORITY** – The County Board of Health (CBOH) Professional Licensing Policy is published under the authority of the CBOH and in compliance with the following:

- 2.1** Federal Law (U.S.C. Title 38, Chapter 43 – Uniformed Services Employment and Reemployment Rights Act)
- 2.2** State Law (O.C.G.A. §38-2-279 – Rights of Employees on Military Duty)
- 2.3** Rules of the State Personnel Board – Rule 16 (Absence from Work) and Rule 19 (Military leave)

**3.0 SCOPE**

This policy applies to employees of the County Board of Health.

**4.0 POLICY**

The policy of the County Board of Health is that all employees are authorized to be absent from work while engaged in the performance of military duty and while going to and from such duty.

**5.0 DEFINITIONS**

- 5.1 CBOH** – County Board of Health
- 5.2 HR** – Human Resources
- 5.3 DHD** – District Health Director
- 5.4 “Ordered military duty”** – includes any military duty performed in the service of the State or of the United States pursuant to orders issued by a State or federal authority, including but not limited to attendance at any service school or schools conducted by

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the Armed Forces of the United States as a voluntary member of the National Guard, Georgia State Defense Force, or any reserve force or reserve component of the Armed Forces of the United States.

## **6.0 RESPONSIBILITIES**

Human Resources is responsible for issuing and updating procedures to implement this policy.

## **7.0 PROCEDURES**

### **7.1 Eligible Employees**

- 7.1.1** An employee who performs ordered military duty is eligible for military leave, whether paid or unpaid.
- 7.1.2** An employee is eligible to receive leave to attend military training for a period(s) of up to a total of six (6) months during any four (4) year period.
- 7.1.3** Temporary or hourly employees that work less than nine months are not eligible for military leave.

### **7.2 Notification**

- 7.2.1** Employees are required to notify their supervisors as soon as they are aware of upcoming military duty that will cause absence from work.
- 7.2.2** Supervisors must be given a copy of the military orders in advance of military leave whenever possible.
- 7.2.3** In the event of an emergency that prevents advance notice, supervisors are to be notified of ordered military duty and provided a copy of the orders as soon as possible.
- 7.2.4** Employees on military leave are responsible for ensuring that their supervisors receive timely notification of changes in the duration of ordered military duty.
- 7.2.5** Letters approving military leave should be sent to employees from HR. (See Sample Approval of Military Leave Letter listed under Related Forms).
- 7.2.6** A copy of the military orders and letter approving the military leave is to be placed in the official personnel file.

### **7.3 Pay Status for Ordered Military Duty**

- 7.3.1** Employees ordered to military duty will be paid for up to one hundred forty-four (144) hours in a Federal Fiscal Year (October 1 through September 30). Employees will not be required to use accrued leave during this period.
- 7.3.2** For any absence more than one hundred forty-four (144) hours in a Federal Fiscal Year, employees may request to use accrued annual and/or personal leave or be placed on leave without pay.

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**7.3.3** If the Governor declares an emergency and orders employees to ordered military duty as members of the National Guard, the employees, while performing such duty, will be paid for up to two hundred forty (240) hours in a Federal Fiscal Year.

**7.4 Pay Status Attending Service Schools**

**7.4.1** Employees who are or become eligible for military leave may receive orders for attending service school(s).

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

**7.5 Pay Status for Enlistments or Inductions**

**7.5.1** Eligible employees who enlist or are inducted into the National Guard or any reserve force or component of the U.S. Armed Forces, and are ordered to active duty, active duty for training or inactive duty training are entitled to approved absence from work as provided by law. Since the initial ordered duty following enlistment or induction exceeds two hundred forty (240) hours, such absence is without pay. Employees may, however, request to use accrued annual and/or personal leave to cover the absence from work.

**7.5.2** Employees who receive military orders to report for any pre-induction or other examination to determine physical or other fitness for service are entitled to approved absence from work as provided by law. Such absence is without pay; however, employees may request to use accrued annual and/or personal leave to cover the absence from work.

**7.6 Employment Status & Benefit**

**7.6.1** Time spent on military leave is not a break in continuous employment.

**7.6.2** Employees on military leave are eligible for rights and benefits provided by Federal and State laws, and other benefits provided by the agency.

**7.6.3** While on military leave with pay, premiums for health insurance will continue to be deducted from employees' paychecks. Employees may elect to continue or discontinue health insurance benefits while on military leave without pay.

**7.6.4** Some benefits offered through the flexible benefits program do not provide coverage for claims resulting from involvement in armed conflict or war. Employees who are called to active military duty under such conditions should discuss the continuation of flexible benefits while on military leave with their benefits coordinator.

**7.6.5** Employees are eligible to continue Group Term Life Insurance while on military leave without pay.

**7.6.6** Employees who return to work following military leave may pay contributions to the Employees' Retirement System and Deferred Compensation Program for the time period that contributions were not paid during the military leave.

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Employees should contact their benefits coordinator for information regarding applicable time frames.

## **7.7 Return to Work**

- 7.7.1** 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.
- 7.7.2** Certain types of service do not count toward the five-year limitation. Human Resources should be contacted when employees have accumulated absences from work for military leave that exceed five years.
- 7.7.3** The agency is not required to return individuals to work who were employed with the CBOH on a temporary basis (e.g., a brief, non-recurrent period for less than 9 months).
- 7.7.4** To be eligible for return to work, employees are to do the following: If the period of military duty was *two hundred forty (240) hours or less* or military leave of any length was for *examination purposes to determine fitness to perform service*, employees must report to work no later than the first scheduled work day after an eight-hour period following the completion of military duty and returning home.
- 7.7.5** If the military duty was for *more than two hundred forty (240) hours, but did not exceed one thousand four hundred forty (1440) hours*, employees must submit a written notice for return to work to their supervisors, or other designated officials, within 14 calendar days of completing military duty.
- 7.7.6** If the military duty was for *more than one thousand four hundred forty (1440) hours*, employees must submit a written notice for return to work to their supervisors or other designated officials within 90 calendar days of completing military duty.
- 7.7.7** 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 return to work as described above upon recovering from the illness or injury. The period of recovery may not exceed two (2) years.
- 7.7.8** Upon timely notice following the satisfactory completion of military duty, employees will be returned to work as follows:
- 7.7.8.1** A qualified employee who has been on military leave for 90 days or less will be re-instated to the position left, with the employee's seniority, status, and pay adjusted for any promotions, pay increases, or other benefits he/she would have earned had they not been on military leave.
- 7.7.8.2** A qualified employee who served for 91 days or more may or may not be reinstated to the exact same position held prior to going on military leave. An employee who is not reinstated to their former position will be reemployed in a position with like seniority, status, and pay that considers any promotions, pay increases or other

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benefits they would have been eligible for had they not been on military leave.

**7.7.8.3** If an employee is not able to perform the duties of the job category with reasonable accommodation due to disability sustained or aggravated during the military service, the employee will be employed in another job category in the agency for which the employee is qualified and can perform the essential functions, with or without reasonable accommodation unless the agency's circumstances have changed as to make it impossible or unreasonable to do so.

**7.7.9 Protection from Discharge:**

**7.7.9.1** An employee returning from military leave and who served for more than 30 days but less than 181 days may not be discharged except for cause for 180 days after his/her reemployment. An employee returning from military leave and who served more than 180 days may not be discharged except for cause for a period of one year after his/her reemployment.

**7.7.9.2** If circumstances have drastically changed making it impossible or unreasonable to continue employment of an employee returning from Military Leave (e.g. closing of an office, reduction in force, which would have included the employee, etc.) then Human Resources shall seek advice from General Counsel on the appropriate response.

**7.7.10 Workforce Replacement:**

**7.7.10.1** Supervisors who must hire replacement workers for employees who are on military leave should inform the replacements that they are filling in for employees who are on military leave and may be reassigned or terminated when the employees return.

**8.0 REVISION HISTORY**

REVISION #	REVISION DATE	REVISION COMMENTS
0	April 15, 2020	Initial Issue

**9.0 RELATED FORMS**

*Sample Approval of Military Leave*