

STANDARD PROCEDURE

CITY OF WILSON
MANUAL

PERSONNEL

SUBJECT	NUMBER	EFFECTIVE DATE	Supersedes
SUPERSEDES Military Leave	E-7	May 1, 2010	

Approved By: Grant Goings
City Manager

1.0 Policy Statement:

Upon request, employees are eligible for a leave of absence to serve in the active or reserve military services of the United States in accordance with applicable law. The City of Wilson will comply with the Uniform Services Employment and Re-employment Rights Act (USERRA). This act applies to all employees who voluntarily or involuntarily perform services in the Armed Forces, Army National Guard, Public Health Services, or any other category of service designated by the President in time of war or emergency.

2.0 Scope:

All employees are covered by this policy.

3.0 Procedures:

The following guidelines will be followed for an employee requesting a leave of absence:

- 3.1 Employees are required to give the City of Wilson advanced written or verbal notice of an absence for military service unless circumstances make it unreasonable or impossible to do so.
- 3.2 Employees may use any accrued vacation or other paid leave during the military leave.
- 3.3 Exempt employees will be paid their full salary minus any military pay or fees received (all should be reported to Human Resources and appropriate documentation supplied), for a maximum of thirty (30) work days in which they are on military leave.
- 3.4 After the conclusion of their military service, employees must report to the City of Wilson, or submit an application for re-employment within a prescribed timeframe, which varies depending on the length of the leave of absence.
- 3.5 Employees are generally to take a cumulative leave of absence due to military service for up to five (5) years although specific exceptions that allow leave in excess of five (5) years may apply.

4.0 Health Insurance for Military Leave:

- 4.1 Employees who are currently enrolled in City of Wilson offered health plan will have their benefits continued for up to 30 days from the leave of absence date. If the leave extends beyond 30 days, you may elect to continue your coverage for a total of up to eighteen (18) months from the day the leave commences, however, you may be required to pay all or part of the premium for the continuation of coverage.

5.0 Return from Military Duty:

- 5.1 Re-employment and/or reinstatement of employment will be made in accordance with all federal and/or state law. Employees should contact their supervisor/manager or the Human Resources Department for specific information regarding return to work procedures.

6.0 Returning to Work Conditions of re-employment:

- 6.1 Under USERRA, employees' jobs are protected only if they return to work in a specified period of time following their military leave. The longer the service, the greater the time afforded then to return to work. In general, employees must return to work according to the following schedule:
- 6.2 Re-employment and/or reinstatement of employment will be made in accordance with all federal and/or state law. Employees should contact their supervisor/manager or the Human Resources Department for specific information regarding return to work procedures.
 - 6.2.1. Short-Term Leave: For service of 30 days or fewer, employees generally must return to work on the first regularly scheduled workday following completion of service.
 - 6.2.2. Long-Term Leave: For service that lasts between 31-180 days, employees must return to work within 14 days of completing service.
- 6.3 Employees who fail to report or to apply for re-employment within the appropriate time frames do not automatically forfeit their re-employment rights under federal law. Rather, they must be considered for reinstatement subject to the employer's regular rules of conduct, policies and procedures pertaining to unscheduled absences.
- 6.4 Returning service members will be reemployed in the job that they would have attained had they not been absent for military service, with the same seniority, status, and pay, as well as other rights and benefits determined by seniority.
- 6.5 Disabled returning employees have additional rights under USERRA. For a full explanation of benefits, employees should contact the Human Resources Department.

7.0 USERRA Based Grievances:

- 7.1 If an employee subject to USERRA believes that the City has not complied with the provisions of USERRA regarding his or her employment, the employee or his/her authorized representative should contact the Human Resources Department as soon as possible. The employee should identify with particularity how the City has not complied so that the City may address the employee's concerns. This identification should be made in writing if possible.



**CITY OF WILSON
REQUEST FOR MILITARY LEAVE**

Employee's Name:

Title:

Department:

Employee Number:

I request a leave of absence: 1-30 days 31-180 days (Start Date) To (End Date)

This military leave is for: Required Field Training
 Unscheduled Emergency
 Active Duty

I have attached a copy of my military orders for the above dates.

Employee's Signature

Date

This request conforms to the City of Wilson's policy and procedure for military leave.

Supervisor

Signature

Date

Human Resources

Signature

Date

Accounting/Payroll

Signature

Date

(Please forward the signed form and orders to Human Resources)