



## **MILITARY LEAVES OF ABSENCE**

### **PURPOSE:**

To set forth the Village of Menands's policy for providing leaves of absence to employees in accordance with the federal Uniformed Services Employment and Reemployment Rights Act and the New York State Military Law. The *Village of Menands* supports the privilege of employees to serve in the Armed Forces of the United States. The Village provides leaves of absence to employees who are fulfilling active, emergency, or inactive military duty requirements as reservists or National Guard members. At the Village's discretion, additional benefits may be provided to eligible employees on military leave.

### **SCOPE OF APPLICATION:**

This policy applies to all employees who are eligible for active, emergency, or inactive military duty for the Armed Forces of the United States.

### **SCOPE OF POLICY:**

This policy includes requirements, limitations, documentation procedures, and benefits for eligible employees.

### **POLICY AND PROCEDURE:**

#### Responsibility:

The interpretation and administration of this policy shall be the responsibility of the Human Resources Department.

#### Policy:

It is the policy of the Village of Menands to provide leaves of absence from work for employees who voluntarily choose to serve in the US military or are drafted into the US armed forces and to reservists and National Guard members. Leave will be granted for:

- Active duty,
- Training, or
- To meet military-related obligations, such as reporting for periodic physical fitness exams.

## **PROCEDURE:**

### Notification Procedure:

Employees must provide advance notice of military service to the Village of Menands. Employees requiring a military/reserve duty leave of absence are required to submit copies of relevant military orders to their supervisor as soon as practicable.

### Pay for Training Leave:

In accordance with State law, the Village of Menands will provide up to 30 calendar days or 22 working days, whichever is greater, of military training pay per calendar year to regular full-time employees who are employed by the Village. This leave will be provided to reservists in any branch of the U.S. Armed Forces and to members of state National Guard units.

The Village will continue all Village benefits received by an employee taking training leave, on the same terms and conditions as if the employee was not on leave, for a period of up to 30 calendar days or 22 working days, whichever is greater.

### Leave for Military Service

The Village of Menands will grant unpaid leaves of absence, which extend beyond the 30 calendar days or 22 working days, whichever is greater, for extended periods of military service in accordance with applicable federal and state laws.

### Health Insurance Coverage during Leaves for Military Service

For military leaves of absence beyond 30 days, the employee will be eligible to maintain health insurance benefits in accordance with applicable federal law, at his/her own expense. All other benefits will also be treated in accordance with the requirements of applicable federal law.

### Retirement Service Credit for Active Military Duty

According to New York State Employees' Retirement System, members of the retirement system who are members of a National Guard or Reserve component which has been ordered to active military duty are eligible for retirement service credit for their military duty under Section 243 of the New York State Military Law, or under the Federal Veterans' Reemployment Rights Act.

Section 243 applies to all Retirement System membership tiers. In order to receive retirement service credit under this section a person must be a member of the retirement system upon entering active military duty and must start payment of any contributions due within five years after the date of restoration to his/her public employment.

The Veterans' Reemployment Rights Act also applies to all retirement system membership tiers. To be eligible for this benefit it is not necessary that the person be a member of the retirement system at the time of entering active military duty. However, a public employer who participated in, or was eligible to participate in the retirement

system, at the time of entering active military duty must have employed him. In addition, the person must receive an honorable discharge, make application for reemployment with the Village of Menands within ninety (90) days of the date of discharge from active duty, and make payment for any contributions which may be required.

Employees who are called to active duty may call the Retirement System, if they have any questions about their rights or status. In addition, to protect their rights as a retirement system member, they should notify the retirement system immediately upon their release from active duty.

### **Eligibility for Reinstatement upon Return from Military/Reserve Duty Leave**

In accordance with the Federal law a returning veteran must meet the following criteria to be eligible for reemployment:

- He/she must have been a full-time employee of the Village of Menands who left employment for the purpose of entering active military duty or training, inactive duty for training, full-time National Guard duty, or to undergo a fitness-for-duty examination
- The cumulative length of the absence for military service must not be longer than five (5) years;
- He/she must have been discharged or released from active duty "under honorable conditions";
- The employee or an officer of the service must have provided the Village of Menands with advance written or verbal notice of the military service, unless giving notice is precluded by military necessity;
- The employee must notify Human Resources within the proper timeframe of the intent to return (see "Applications for Reemployment" section of this policy); and
- The employee must comply with The Village's requests for documentation to establish any of the above criteria.

### **Applications for Reemployment**

Federal law requires, as a condition for reinstatement, that veterans apply for reemployment within 90 calendar days of the date they are unconditionally released from military service if the period of service is more than 180 days.

Persons who provide uniformed service for more than 30 but less than 181 days must apply for reemployment within 14 days of completing such service.

Individuals performing uniformed service of less than 31 days must provide the Village notice of an intent to re-apply for employment no later than the beginning of the first full regularly scheduled work period of service that starts at least eight (8) hours after the person has been safely transported from the place of uniformed service, or as soon as possible after the eight (8) hour period, if reporting by the time is impossible or

unreasonable through no fault of the individual. The same rule applies to persons required to report for examinations to determine the person's fitness to serve in the uniformed service.

### **Job Protection for Returning Military Service Personnel**

In accordance with the Federal law employees who enlist in, or who are inducted into, the armed forces of the United States may not be discharged without cause for a one (1) year period following the return to their position after their military service is completed. Members of the reserves who are ordered to an initial period of active duty for training of not less than 12 consecutive months or who are ordered to active duty (other than for training) may not be discharged without cause for a six (6) month period following the return to their position.