

## **Human Resources Department Employee Policy and Procedure**

### **Military Leave Policy**

#### **Policy Statement**

Macomb Township provides Military Leave in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and in accordance with the terms and conditions of this policy.

#### **Definitions**

**Terms and Conditions of Employment** include, full-time, part-time and paid-on-call employees called to the performance of military duty on a commission or non-commission status, and on a voluntary or involuntary basis, in a uniformed service of The United States of America.

- ❖ Military Service includes:
  - Active Duty
  - Active Duty for Training
  - Initial Active Duty for Training
  - Inactive Duty Training
  - Full-time National Guard Duty
  - Absence From Work for an Examination to Determine a Person's Fitness for any of the Above Forms of Duty
  - Funeral Honors Duty by National Guard or Reserve Members
- ❖ Uniformed Services are defined as:
  - Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve
  - Army National Guard or Air National Guard
  - Commissioned Corps of the Public Health Service, and
  - Any other Category of Persons Designated by the President in Time of War or Emergency

#### **Procedure**

##### **A. General Leave and Reemployment Rights**

Macomb Township grants Military Leaves of absence to employees who enlist for up to five (5) years of active duty in the United States military or who miss work because of Reserve or National Guard training or a call-up to active duty. Macomb Township is committed to protecting the job rights of employees absent while on Military Leave.

## B. Notification

Employees who are absent from work due to military obligations should request a Military Leave of absence in writing to the Human Resources Department as far in advance as possible.

## C. Pay During Leave

While on Military Leave an employee shall remain in good standing, but does not receive pay.

## D. Health/Dental/Optical Insurance During Leave

Coverage will continue for an eligible employee and their dependents at the cost the employee would pay if not on Military Leave with the Township for up to three (3) months.

The employee has the option to pay the premium for continuing coverage once their three (3) months has been exhausted for up to eighteen (18) months under COBRA or for twenty-four (24) months under USERRA from the date the Military Leave began.

## E. Group Term Life Insurance

Coverage will continue for an eligible employee and their dependents at the cost the employee would pay if not on Military Leave, for the duration of the Military Leave, for a maximum period of twelve (12) months.

## F. Voluntary Life Insurance

Payroll deduction will cease at the end of the month in which the Military Leave begins. However, the employee may make arrangements to pay the monthly premium in order to maintain coverage up to a maximum period of twelve (12) months after the Military Leave begins.

## G. Short Term/Long Term Disability Insurance

Coverage for an eligible employee shall end the first day of the leave in accordance with the insurance carrier's policy.

## H. Flexible Spending Account(s) under Section 125

Payroll deduction(s) will end with the last paycheck issued to the eligible employee. Any expenses eligible for reimbursement must be incurred prior to the first day of the leave. Please Note: Flexible Spending Accounts are eligible under Cobra and USERRA extensions.

## I. Accrued Benefits

Upon reemployment from returning from Military Leave, the returning employee will be reinstated in all seniority based benefits held at the time of leave, plus any increase in benefits that the employee would have received had the Military Leave not been taken.

Please note: Employees on Military Leave do not accrue vacation, personal or sick time.

## **Reemployment after Military Leave**

### **A. Reemployment Position**

Employees returning from Military Leave must show their military discharge papers, including evidence of "satisfactory service", to Human Resources.

Employees who qualify for reemployment *and* apply in a timely manner for such employment shall be assigned to the position in which they would have been employed if not interrupted by Military leave. If unable to be restored to their former position or if their former position is not available, then the employee will be restored to a job that is equal to their former position in status and pay.

### **B. Timely Reemployment Request**

Employees returning from Military Leave must make a timely request for reemployment in order to qualify for reinstatement. Requests are considered timely if they are submitted within ninety (90) days of discharge from military duty or from hospitalization continuing after discharge from the service for a period of not more than two (2) years.

### **C. Qualifying Condition**

In addition to making a timely reinstatement request, employees returning from military duty must meet general conditions in order to be considered qualified for reemployment as follows:

1. Received an honorable or general discharge; and
2. Be qualified to perform the essential duties of the position.

### **D. Compensation**

An employee returning from a Military Leave is compensated at the rate of pay the employee would have received had the employee continued working during the period of the leave.

### **E. Benefits**

An employee returning from a Military Leave will be restored to full participation in benefit plans according to eligibility and upon reinstatement.

### **F. Seniority**

Upon reinstatement, an employee will be restored to "full seniority", based on the date of hire, adjusted for any non-military breaks in service. Military Leave is not treated as a break in service.

## F. Pension

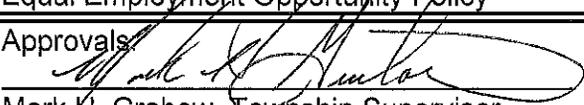
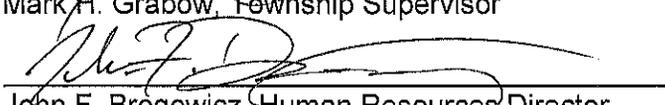
Time served in military service will be deemed to constitute service with the Township for purposes of vesting for pension benefits, if any; however the Township will not continue to make contributions to a pension plan while the eligible employee is on a Military Leave of Absence. The Township will credit and fund the eligible employee's pension plan while the employee is in the military service in the same manner as if the employee was not on military leave, except that contributions by the Township do not have to be made until the employee makes up his/her contributions and/or deferrals.

## G. Deferred Compensation 457 Plan

Employee contributions, if any, will end with the last paycheck issued to the employee. Upon reinstatement, the employee may begin making contributions to the plan within the first pay period.

## H. Collective Bargaining Agreement

If applicable, employees covered under the terms and conditions of a collective bargaining agreement should refer to that article for further information.

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Issue Date:	04/01/2010	Approval Date:	03/24/2010
Subject:	Equal Employment Opportunity Policy		
	Approvals:		
	 Mark H. Grabow, Township Supervisor		
 John F. Brogowicz, Human Resources Director			