

STANDARD PROCEDURE

CITY OF WILSON

PERSONNEL MANUAL

SUBJECT	NUMBER	EFFECTIVE DATE	SUPERSEDES
Military Leave Policy	E-7	08/01/2024	05/2010
Prepared By: Human Resources		Approved By: Will Aycock, Enterprise Services Director	

1.0 **Purpose**

The City of Wilson is committed to protecting the rights of employees or prospective employees absent on military leave, in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). The policy provides guidelines for internal processing and administration of such leave requests.

2.0 **Scope**

All employees and prospective employees are covered under this policy.

3.0 **Definitions**

3.1 **Prospective Employees:** Individuals who have been made and accepted an offer of employment, and have successfully completed all post-offer/pre-hire required screenings, in accordance with City policy A-12: *New Hire Processing*, who may not yet have reached the effective date of their employment with the City of Wilson. **(Note: For the purposes of this policy, the term “employee(s)” refers to both current and prospective employees, where applicable).**

4.0 **Policy**

- 4.1 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 USERRA guidelines.
- 4.2 Employees will not be subjected to discrimination, retaliation, adverse employment actions, or negative impact on other employment benefits on the basis of exercising their rights under USERRA and this policy.
- 4.3 Employees requesting military leave shall follow the procedures outlined in this policy.

5.0 **Procedures**

- 5.1 Employees shall provide notice of the need for leave as far in advance as possible, unless prevented from doing so due to military necessity, or such notice is otherwise unfeasible or unreasonable.
- 5.2 To request a temporary or extended military leave of absence, employees shall complete a Request for Military leave form (*see Appendix A: Request for Military Leave*) and submit it to their supervisor, along with a copy of the military orders pertaining to the leave request.
 - 5.2.1 After reviewing and signing the form, the supervisor will provide a copy to the employee.
 - 5.2.2 The supervisor will send a copy of the signed form and military orders, along with a completed Employee Status Change (ESC) form documenting the leave, to Human Resources as soon as possible.
 - 5.2.3 Human Resources will review and sign the form, and provide a copy to Finance/Payroll to ensure proper processing of payroll and benefits related items.
 - 5.2.4 If employees are unable to provide a written request due to geographical location or other factors, an electronically received request is acceptable (e.g., email or text). The supervisor shall make a copy of the request, complete the employee’s header information and the supervisor’s portion of the Military Request form, and submit the information, along with an ESC form, to Human Resources, as outlined above.

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- 5.3 Employees may, at their option, use any accrued vacation or other paid leave during their military leave, as applicable.
- 5.4 After the conclusion of their military service, employees must report to the City of Wilson, in accordance with USERRA guidelines, as outlined in section 6.2 of this policy.
- 5.5 Employees may generally take a cumulative leave of absence due to military service for up to five (5) years, although specific exceptions provided by law may allow for leave in excess of five (5) years.
- 5.6 Employees must provide copies of official orders for each leave period they request, in accordance with guidelines outlined in section 6.2 of this policy.

6.0 **Administrative Guidelines**

6.1 **Benefits**

6.1.1 Employees who are enrolled in the City of Wilson’s health and dental plans will have their benefits continued for up to 30 days from the leave of absence start date. If the leave extends beyond 30 days, employees may elect to continue their coverage at their own expense, for a total of up to eighteen (18) months from the day leave begins.

6.2 **Return to Work**

6.2.1 Reemployment or reinstatement of employment will be made in accordance with all applicable federal and/or state law. Employees should contact their supervisor and/or Human Resources for specific information regarding return to work procedures.

6.2.1.1 Under USERRA, employees’ jobs are protected only if they return to work or submit a request for a new leave period, in a specified period of time following the end of their designated military leave based on length of leave time.

6.2.1.2 In general, employees must return to work according to the following schedule:

6.2.1.2.1 **Short-Term Leave:** For service less than or equal to thirty (30) days, employees should return to work on the first regularly scheduled workday following completion of service.

6.2.1.2.2 **Long-Term Leave:** For service that lasts 31-180 or more days, employees should return to work within fourteen (14) days of completing service.

6.2.1.3 Employees who fail to return to work or apply for reemployment, as applicable, within the appropriate time frames after their military leave ends, do not automatically forfeit their reemployment rights under federal law. Such employees will be considered for reinstatement subject to City of Wilson regular rules of behavior and conduct, and/or other policies, practices and procedures pertaining to unscheduled/unapproved absences.

6.2.1.4 Returning service members will be reemployed in the job 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 years of service, as applicable.

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6.2.1.5 Disabled returning employees have additional rights under USERRA. Employees should contact Human Resources for assistance in evaluating these needs.

6.3 **USERRA Based Grievances**

- 6.3.1 If employees subject to USERRA believe the City has not complied with the provisions of USERRA regarding their employment, they should contact Human Resources to report their concerns.
- 6.3.2 Human Resources will conduct an investigation to evaluate potential non-compliance, and communicate findings to the employee.
- 6.3.3 Corrective actions will be implemented as indicated.

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Appendix A
Policy E-7: Military Leave Policy

Request for Military Leave

Full Name (Please Print): _____ Employee ID Number: _____

Dept. # _____ Title: _____

I request a leave of absence: ___ 1-30 days ___ 31-180 days ___ More than 180 days

Start Date: _____ to End Date: _____

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

___ I have attached a copy of my military orders pertaining to this request.

Employee Signature

Date

I have reviewed this request for alignment with City of Wilson policy E-7: Military Leave.

Department/Division Head Name (Please Print: _____

Signature: _____ Date: _____

Send copy of signed form, orders and Employee Status Change form to Human Resources.

Reviewed by Human Resources:

Name (Please Print): _____

Title: _____ Date: _____

cc: Finance/Payroll