



**Office of Human Resources
Standard Operating Procedure
HR SOP #604**

Subject: Military Leave

Effective Date: September 1, 2020

Policy Statement:

After submission and approval of a request for military leave, an eligible employee shall be entitled to be absent from work while on ordered military duty.

Definitions:

Eligible Employee: Every person who receives any pay, salary, or compensation of any kind from DNR, with the exception of persons employed on a temporary basis.

Ordered Military Duty: Any military duty performed in the service of the State of Georgia 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 the Armed Forces of the United States as a voluntary member of the National Guard, Georgia State Defense Force or of any reserve force or reserve component of the Armed Forces of the United States.

Service in the Uniformed Services: The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent for the purpose of an examination to determine the fitness of the person to perform such duty, and funeral honors duty performed by National Guard or reserve members.

Leave of Absence for Ordered Military Duty: An employee shall be entitled to be absent from work and shall be deemed to have a "leave of absence" while engaged in the performance of ordered military duty and while going to and returning from such duty.

Federal Fiscal Year: The Federal Fiscal Year shall be defined as October 1st through September 30th.

Notice: Any written notification or verbal notification (as in the event of a military emergency or declaration of war) or an obligation or intention to perform service in the uniformed services, provided by the employee who will perform such service, or by the uniformed service in which such service is to be performed.

Procedure:

Activation:

An employee **must provide proper advanced notice of ordered military service.** Verbal notification shall be acceptable where military necessity or circumstances make written notification impossible or unreasonable at the time; however, arrangements must be made to provide written notification.

Proper written notice must include the following information:

- Type of service to be performed;
- Expected duration of service (i.e., beginning and ending date);
- Location of service; and
- Signature, or other authentication, by proper military authority.

Upon receipt of orders for activation, the employee must complete a leave request form and submit a copy of the orders for military activation, the leave request and a completed *Military Activation Form (Attachment 1)* to his/her supervisor.

Note: For a military ordered absence for a two or three day weekend drill that is scheduled during work hours, it is not necessary to include the Military Activation Form (Attachment 1). A leave request designating military leave is all that is needed.

The employee must also forward a copy of the same three documents to the Office of Human Resources (OHR). OHR representatives will contact the employee about his/her benefit options.

The local leave keeper will enter the military leave and other leave for the employee into PeopleSoft as necessary. Upon exhaustion of the leave requested by the employee, the site HR representative will complete a *Personnel Action Request* to place the employee on Military Leave without Pay.

Leave Status:

An employee ordered to military duty, shall be entitled to the use of paid military leave while engaged in the performance of such duty, and while going to and returning from such duty, not exceeding a total of one hundred forty-four (144) hours in any one federal fiscal year.

In the event the Governor of the State of Georgia declares an emergency and orders an employee to military duty as a member of the National Guard or the Georgia State Defense Force, while performing such duty, the employee will be paid his/her base pay and other compensation for an additional ninety-six (96) hours of military leave in any one federal fiscal year while on military leave.

Only employees who are members of the National Guard or the Georgia State Defense Force will be eligible for the additional ninety-six (96) hours of paid military leave. As with 'ordered military duty', employees activated under this emergency provision will be required to present a copy of their military orders. Orders must be forwarded to the Office of Human Resources for review. If approved, the additional ninety-six (96) hours of military leave will be entered into TeamWorks by an OHR Representative.

Absence from work due to orders received to report for any pre-induction or other examination to determine physical or other fitness for service in the Armed Forces of the United States will be on LWOP or the absence can be charged against accrued, annual leave or personal leave, upon specific request of the employee.

An employee whose work schedule is established as less than full-time shall be eligible for paid leave as specified above, prorated upon the employee's normal work schedule.

When an employee is approved for Military Leave, the amount of Military Leave charged against the employee's Military Leave balance must be **only** the time necessary for the employee to reach **scheduled** hours.

If requested by the employee, all absences for ordered military duty which exceed 144 hours (or 240 hours in the event of a military emergency declared by the Governor) in any one federal fiscal year, can be charged to the employee's accrued holiday deferral, annual, personal or compensatory leave balances, or the employee will be placed on Military Leave without Pay. This must be designated in writing on the *Military Activation Form* (Attachment 1). An employee cannot be denied the use of any accrued leave (as stated above) for ordered military duty, nor can the employee be required to use his/her accrued holiday deferral, annual, personal or compensatory balances.

Any military leave balance not used during the federal fiscal year will be lost at the end of the federal fiscal year and **CANNOT** be converted to any other type of leave (e.g., Compensatory, Annual, Personal).

Entitlements/Limitations:

Time during which an employee is absent for a period of ordered military leave, with or without personal consent, will not constitute an interruption of continuous employment, and the employee will not be subjected, directly or indirectly, to any loss or reduction of time, service, salary, benefits, vacation or holiday privileges, or any other right or privilege, by reason of such absence. Additionally, no employee shall be prejudiced, by reason of such absence with reference to continuance in employment, reemployment, reinstatement, transfer or promotion.

While engaged in the performance of ordered military duty, any employee or his/her beneficiary, shall be entitled to all the benefits of the Employees' Retirement System.

An employee returning following a period of military service should be credited with the hours of service that would have been performed during the period of military service when determining eligibility under the Family Medical Leave Act (FMLA).

Absence for military service is limited to a 5-year cumulative total with a single employer, with certain exceptions allowed: for call-ups during emergencies, for reserve drills and annually scheduled active duty for training, for an initial period of active duty that exceeds 5 years, or for service from which a person, through no fault of the person, is unable to obtain a release within the 5-year limit.

Benefits Continuation:

Upon receipt of the *Military Activation Form* (Attachment 1) and prior to activation, the Office of Human Resources Benefits Coordinator will contact the employee to determine their preferences regarding continuing Health Insurance coverage (if applicable), Flexible Benefits coverage (if applicable) and Group Term Life Insurance coverage (if applicable) while on Military Leave without Pay.

For military service of 30 days or less, Health Insurance coverage will remain the same. For military service of 31 days or more, employees may choose to continue their Health Insurance coverage (if applicable) for up to 24 months or have the option to inactivate their Health Insurance coverage during their military activation.

Employees may choose to inactivate their flexible benefits during their military activation. Employees must contact GaBreeze to inactivate their benefits and to avoid a Cancellation of Coverage Notice being sent from GaBreeze to the flexible benefit vendor(s). A Cancellation of Coverage Notice being sent could cause a delay in claims being paid upon reactivation.

Employees must contact GaBreeze to make up 401k/457 plan deferrals that they were unable to make while on leave.

Employees must contact the Employees' Retirement System if they wish to purchase creditable service for a period of Military Leave without Pay and/or if they wish to make up deferrals that they were unable to make while on leave.

Return From Military Leave:

Following satisfactory completion (Honorable or General Discharge) and upon timely application, an employee shall, if still qualified to perform the duties of the former position, be reinstated to such position if the employee has been on military leave for 90 days or less. A qualified employee who served for 91 days or more may be reinstated to their former position or to a position of like seniority, status and pay. If not qualified to perform the duties of the former position by reason of disability sustained during this service, the employee shall be reinstated, upon request, to another position in the agency for which the employee is qualified, unless the agency's circumstances have so changed as to make it impossible or unreasonable to do so. Applicable time limits for returning are:

- Employee returning after military service of **less than 31 days** must report by the beginning of the first regularly scheduled work day that falls eight hours after the end of the calendar day of duty plus time required to return home safely.
- Employee returning after military service of **31 to 180 days** must return no later than 14 days after completion of the service.
- Employee returning after military service of **181 days or more** must return no later than 90 days after completion of the service.
- Reporting deadlines are extended for up to two years for persons who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service.

- **Health Insurance Coverage** (if applicable) will be reinstated when the employee returns to employment after military service.
- **Flexible Benefits Coverage** (if applicable) will be reinstated when the employee returns to employment after military service.

NOTE: Employees who are on Military Leave during the Open Enrollment Period will have 31 days from the date they return to active status to make changes to their Health Insurance coverage and 30 days from the date they return to active status to make changes to their Flexible Benefits coverage.

- Employees returning from Military Leave without Pay have up to 5 years to buy their creditable service time from the **Employees' Retirement System** for the period of Military Leave without Pay to apply towards retirement.

Processing Requirements:

The employee must submit a copy of the orders for military activation, the leave request and a completed Military Activation Form (Attachment 1) to his/her supervisor **and to OHR**.

When an employee is placed on Military Leave without Pay, a Personnel Action Request must be submitted to OHR by the Division Office HR Representative with the Action/Reason Code: **LOA/MIL (Military Service)**.

Upon return, a Personnel Action Request must be submitted to OHR by the Division Office HR Representative with the Action/Reason Code: **RFL/RFL (Return From Leave)**.

Attachment:

Attachment 1 - *Military Activation Form*