

SERENITY BEHAVIORAL HEALTH SYSTEMS

SUBJECT:	MILITARY LEAVE
POLICY NUMBER:	HR-7.05
EFFECTIVE DATE:	June 1997
SUPERSEDES:	N/A
LAST REVISION DATE:	February 2011

POLICY:

It is the policy of Serenity Behavioral Health Systems (SBHS) that eligible employees are authorized to be absent from work while engaged in the performance of military duty and while going to and from such duty.

ELIGIBLE EMPLOYEES:

All employees, including temporary or hourly (that work more than nine months), who are or become voluntary members of the National Guard or any reserve force or reserve component of the armed forces of the United States are eligible for military leave pursuant to orders issued by the competent State or Federal authority.

Temporary or hourly employees that work less than nine months are eligible for military leave without pay.

NOTIFICATION:

- I. Employees are required to notify their supervisors as soon as they are aware of the upcoming military duty that will cause absence from work.
 - A. Supervisors must be given a copy of the military orders in advance of military leave whenever possible.
 - B. In the event of an emergency that prevents advance notice, supervisors are to be notified of ordered military duty and provided a copy of the orders as soon as possible.
 - C. Employees on military leave are responsible for ensuring that their supervisors receive timely notification of changes in the duration of ordered military duty.
- II. Letters approving military leave should be sent to employees from Human Resources.
- III. A Request for Personnel/Payroll Action Form is to be completed placing the employee on military leave with and/or without pay. This form along with a copy of the military orders and letter approving the military leave is also to be forwarded for placement in the official personnel file.

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PAY STATUS ON MILITARY LEAVE:

- I. Ordered Military Duty – Employees ordered to military duty will be paid for up to one hundred forty-four (144) hours in a Federal fiscal year (October 1 through September 30). Employees will not be required to use accrued leave during this period.
- II. For any absence of more than one hundred forty-four (144) hours in a Federal fiscal year, employees may request to use accrued annual and/or personal leave or be placed on leave without pay.

Note: If the Governor declares an emergency and orders employees to ordered military duty as members of the National Guard, the employees, while performing such duty will be paid for up to two hundred forty (240) hours in a Federal fiscal year.

ENLISTMENT OR INDUCTIONS:

- I. Eligible employees who enlist or are inducted into the National Guard or any reserve force or component of the U.S. Armed Forces and are ordered to active duty, active duty for training or inactive duty training are entitled to approved absence from work as provided by law. Since the initial ordered duty following enlistment or induction exceeds two hundred forty (240) hours, such absence is without pay. Employees may, however, request to use accrued annual and/or personal leave to cover the absence from work.
- II. Employees who receive military orders to report for any pre-induction or other examination to determine physical or other fitness for service are entitled to approved absence from work as provided by law. Such absence is without pay, however, employees may request to use accrued annual and/or personal leave to cover the absence from work.

EMPLOYMENT STATUS & BENEFITS:

- I. Time spent on military leave is not a break in continuous employment.
- II. Employees on military leave are eligible for rights and benefits provided by Federal and State laws and other benefits provided by SBHS.
- III. While on military leave with pay, premiums for health insurance will continue to be deducted from employees' paychecks. Employees may elect to continue or discontinue health insurance benefits while on military leave without pay.
- IV. Some benefits offered through the flexible benefits program do not provide coverage for claims resulting from involvement in armed conflict or war. Employees who are called to active military duty under such conditions should discuss the continuation of flexible benefits while on military leave with the SBHS benefits coordinator.

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- V. Employees are eligible to continue Group Term Life Insurance while on military leave without pay (if applicable).
- VI. Employees' who return to work following military leave may pay contributions to the Employees' Retirement System for the time period that contributions were not paid during the military leave. Employees should contact their benefits coordinator for information regarding applicable time frames.

RETURN TO WORK:

- I. Employees' whose cumulative absences from work while on military leave have not exceeded five years are entitled to return to work upon completing military duty as required by law. Certain types of service do not count toward the five-year limitation and the benefits coordinator should be contacted upon return.
- II. SBHS is not required to return individuals to work that were employed with SBHS on a temporary basis (e.g. a brief, non-recurrent period for less than nine (9) months).
- III. In order to be eligible to return to work employees are to do the following:
 - A. If the period of military duty was two hundred forth (240) hours or less or military leave of any length was for examination purposes to determine fitness to perform service, employees must report to work not later than the first scheduled work day after an eight-hour period following the completion of military duty and returning home.
 - B. If the military duty was for more than two hundred forty (240) hours but did not exceed one thousand four hundred forty (1440) hours, employees must submit a written notice for return to work to their supervisors, or Human Resource Department, within 14 calendar days of completing military duty.
 - C. If the military duty was for more than one thousand four hundred forth (1440) hours, employees must submit a written notice for return to work to their supervisors or Human Resource Department within 90 days of completing military duty.
- IV. Employees who are hospitalized or recovering from an illness or injury as a result of the military duty are to report for duty or apply for return to work as described above upon recovering from the illness or injury. The period of recovery may not exceed two (2) years.
- V. Upon timely notice following the satisfactory completion of military duty, employees will be returned to work as follows:
 - A. If the military leave was for 90 calendar days or less an employee must be returned to a position in the same job category the employee would have

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held if military duty had not occurred if qualified to perform the duties of the job category or able to become qualified with reasonable efforts by SBHS. The employee's work status remains the same.

- B. If the military leave was for more than 90 calendars days, an employee must be returned to a position in the job category the employee would have held if military duty had not occurred, or, another job category of like seniority, status and pay, if the employee is qualified to perform the duties of the job category or able to become qualified with reasonable efforts by SBHS. The employee's work status remains the same.
- C. If an employee is not able to perform the duties of the job category with reasonable accommodation due to disability sustained or aggravated during the military service, the employee will be employed in another job category at SBHS for which the employee is qualified and is able to perform the essential functions with or without reasonable accommodation.

NOTE: SBHS is not required to return an employee from military leave if circumstances have drastically changed making it impossible or unreasonable to do so. (e.g. closing of a program, reduction in force, which would have included the employee, etc.)

REFERENCES:

- I. Federal Law (U.S.C. Title 38, Chapter 43 - Uniformed Services Employment and Reemployment Rights Act)
- II. State Law (O.C.G.A. 38-2-279 –(Rights of Employees on Military Duty)
- III. Rules of the State Personnel Board—Rule 19 Absence from Work

ATTACHMENT

- I. [Leave Information Sheet for Military Leave](#)
- II. [Leave Without Pay Benefit Continuation SBHS Form 967](#)

APPROVAL SECTION:

Chief Executive Officer

Date

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Committee Chairperson

Date

RESCISSION SECTION:

Chief Executive Officer

Date

REVIEW SECTION:

Committee Chairperson

Date

Committee Chairperson

Date

Committee Chairperson

Date