


PROCEDURE

Subject	MILITARY LEAVE OF ABSENCE	Number: 2.30.03
	Page 1 of 3	
Source	Office of Human Resources	Reference (Rule #) 6HX14-2.30
President's Approval Date: 7-1-09		

I. PURPOSE

The purpose of this administrative procedure is to provide guidelines for a military leave of absence by a College employee

II. POLICY

State College of Florida, Manatee – Sarasota will provide military leave of absence to all eligible regular full and part time employees in accordance with Section 115.09; 115.14; 295.07(4), Florida Statutes; Rules 6A-14.0432, F.A.C., and the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301 et seq.

III. STANDARDS

The following procedure applies to a military leave of absence for College employees who are commissioned reserve officers or enlisted members of the United States military service, naval service or National Guard:

A. MILITARY SERVICE, NAVAL SERVICE OR NATIONAL GUARD TRAINING

All regular full and part time College personnel who are commissioned reserve officers or reserve enlisted personnel in the United States military service, naval service or members of the National Guard, will be entitled to a military leave of absence from their positions for assigned training duties. For any personnel assigned to active or inactive duty in the military service, naval service or National Guard who are required to engage in active status duty, the following will apply:

1. The employee will submit to his/her supervisor within twenty-four (24) hours of receipt or the next workday, the copy of his/her orders to engage in active status duty. The employee will be required to complete a Request for Leave of Absence form with the appropriate time the leave is expected to last.

2. For federal active or inactive duty training for the military service, naval service or members of the National Guard, the employee will receive normal salary for the first seventeen (17) days of such leave per calendar year. Leave beyond the seventeen (17) days will be without pay. For state active duty due to membership in the Florida National Guard, an employee will receive normal pay for the first seventeen (17) days at any one time. Leave beyond the seventeen (17) days at any one time shall be without pay.
3. An employee on military leave from the College will not lose accrued leave when engaged in active status duty.

B. ENLISTMENT IN THE ARMED SERVICE OR RECALL TO EXTENDED ACTIVE DUTY

Military Leave shall be granted to all regular full and part time employees for extended active military service in accordance with Sections 115.09, 115.14, and 295.09, Florida Statutes and USERRA. Following are the conditions of leave granted to such employees:

1. Salary Continuation

All regular full and part time employees who enlist during a national emergency or wartime condition as declared by the President and Congress or are called to extended active military service shall be granted leave of absence from their assigned duties. The first thirty (30) days of such leave shall be with full pay.

After 30 days, College pay to the employees on extended active military service, will supplement the base military pay, inclusive of housing and subsistence allowance, to an amount equal to the level of the regular base salary earned by the employee at the time of being called to active duty.

2. Effect on Health Benefits

All employees on military leave are entitled to all benefits due active military personnel, including free health care coverage and term life insurance. Their dependents are entitled to health care coverage under the government insurance programs TRICARE or CHAMPUS. Employees on extended active military service may elect continuation of their health benefits provided by the College as provided in USERRA.

3. Re-instatement Rights

- a. Upon return from extended active duty, a previous employee will be re-instated to the same, or a position of like seniority, status and pay, as that which he/she left prior to the extended leave, in accordance with USERRA requirements.
- b. All unused leave benefits shall be retained by employees and shall have balances credited to their records upon return to their positions.
- c. Vacation and sick days do not accrue, but the time served on active duty will count toward determining the employee's earning rate upon return from active duty.
- d. Employees occupying positions funded by grants or other temporary sources shall be eligible for Military Leave and reinstatement rights during the term established for their positions by the grant or other source.
- e. The positions of employees on Military Leave shall not be declared vacant; however, their duties may be performed by temporary employees with substitute status.
- f. The Florida Retirement System requires that a member shall have applied for re-employment with the same employer within 90 days from his date of discharge or separation from active military service or within the time limits set forth in section 2021 or 2024 of the Veterans' Re-employment Rights Act for hospitalization continuing after discharge, and has to be re-employed by such employer.
- g. Employees discharged or separated under honorable conditions shall be reinstated or re-employed as soon as possible after application for re-employment but not later than one year after the date of separation from the military service or from hospitalization continuing after discharge.

4. Documentation

Employees called to extended active military service who are in the military reserve or National Guard should provide oral, and preferably, written orders to their supervisor as soon as possible. These orders should be submitted to the Human Resource office immediately to begin processing of pay and benefits.