

	Military Leave	
	Section No: 4.09	
	Category: Benefits and Leave Policies	
	Resolution Number: 257-2026	
	Effective Date: September 1, 2026	
	<i>Supersedes:</i> <i>former Section 19, Resolution 2009-082– September 16, 2008</i>	
	Next Review Date: September 1, 2028	
Policy Applies to:	Responsible Office: Human Resources	
	☐ All City employees (Full-time, Part-time, LSEs, temps, etc.) ☐ All City and School Employees	☒ Full-Time employees only ☒ Other: part-time employees

Relevant Definitions

N/A

Policy

The purpose of this policy is to establish guidelines for granting military leave to employees who are called to duty or training in the uniformed services of the United States. The City fully supports employees who serve and complies with all applicable state and federal laws, including the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Employees on military leave must coordinate with the Human Resources Director, or designee, to maintain applicable benefits. Employees on military leave may elect to continue health insurance coverage in accordance with USERRA and applicable plan provisions. The City will continue benefits as required by law. Employees are responsible for any employee shared premiums during unpaid military leave.

Reemployment Rights

Employees returning from military service will be reinstated in accordance with USERRA to the position they would have attained that had they remained continuously employed, or to a position of like seniority, status, and pay, provided they meet USERRA's eligibility requirements, including timely application for reemployment.

Eligibility

All employees who are members of the uniformed services—including the Army, Navy, Air Force, Marine Corps, Coast Guard, Space Force, National Guard, and Reserve components—are eligible for military leave when called to active duty, active duty training, inactive duty training, examinations, or other qualifying service.

Leave Entitlement

The City will abide by [T.C.A. § 8-33-109](#), granting paid military leave up to 20 days in any one calendar year for eligible military service. For purposes of this section, a working day shall be defined as the employee's regularly scheduled work shift. Employees working alternative schedules, including but not

limited to 12-hour or 24-hour shifts, shall have paid military leave calculated based on the length of their normal shift to ensure equitable application of the leave entitlement.

After the first 20 days of military leave, employees may elect to use up to five (5) days sick time. If additional time is needed, employees can elect to use compensatory time, then vacation leave, then personal leave (if applicable), in that order, or they may choose to remain in an unpaid leave status.

Note: Employees who are on unpaid leave for more than 50% of a month will not accrue vacation, sick or holiday leave for that month.

As with any leave of absence, employees must provide advance notice to their department head of their intent to take military leave **at least two (2) weeks in advance of the leave** unless giving such notice is impossible, unreasonable, or precluded by military necessity as defined by USERRA. The notice will be in writing and will include a copy of the employee's military orders and other appropriate documents, if available. Military leave will be considered approved leave for purposes of evaluation and will not negatively impact performance appraisals. Department heads will forward such notice and appropriate orders to the Human Resources Director, or designee.

Seniority and Longevity

Time spent on military leave will be treated as continuous service for purposes of seniority, longevity, and other benefits determined by length of service, as required by USERRA.

Non-Discrimination

No employee will be denied employment, reemployment, promotion, or any benefit of employment, or be subjected to retaliation, because of past, current, or future military service obligations.

Consequences of Policy Violation

Employees are expected to comply with all requirements of the Military Leave Policy, including providing proper notice, submitting required documentation, and adhering to reemployment procedures. Violations of this policy may result in corrective or disciplinary action, consistent with the City's Corrective Action Policy.

Related Information or Procedures:

N/A

Other Provisions:

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. This policy supersedes all policies that conflict with the terms of this policy. Furthermore, this statement constitutes only the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

Contacts

The Human Resources Office can address questions regarding this Policy: Phone: (423) 229-9401,
HROffice@kingsporttn.gov