

MILITARY LEAVE

Employees who are currently employed by the City and are active members of the United States Military as Active Duty, Reservists, or in the National Guard may be granted a leave of absence to perform their voluntary or involuntary military duties. Voluntary leave consists of, but is not limited to, Basic Training, Advanced Individual Training, Annual Training, and Active Duty deployment. There may be circumstances where an employee is selected for an involuntary Active Duty deployment, where this policy will also apply. Military Caregiver Leave can be found under the Family Medical Leave section of the employee handbook.

Written Notice

The Uniformed Services Employment and Reemployment Rights Act (USERRA) requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice to their department head as far in advance as is reasonable under the circumstances. In addition to their department head, an employee should provide notice to Human Resources if the military leave will be over thirty (30) days.

Differential Pay

While on military leave, full-time employees shall be paid the difference between the employee's straight gross military base pay and the employee's regular straight time earnings for the leave period **not to exceed three weeks per year**. Such differential pay shall be paid upon receipt of evidence of the amount of the employee's total gross military base pay for the leave period. This evidence shall be provided to their department head as soon as practicable after the employee returns from leave. If the evidence is provided after an employee has received a change in wage, the difference paid shall be at the wage the employee was earning at the time of their military leave.

Leave Benefits

Employees are able (but not required) to use accrued leave while performing their military duty. The following leave benefits will continue to accrue while an employee is on military leave, unless alternatively stated in a bargaining contract which covers such employee.

- Vacation
 - No break in service will occur.
 - Refer to the vacation carryover policy if military leave spans over a calendar year.
- Sick
 - Bi-weekly accruals will cease if an employee does not receive pay for five (5) regular workdays within that period.
 - When evidence is provided to determine the differential pay for such employee, any sick hours omitted from that pay period will be added to the employee's bank to make them whole.
- Holiday
 - If an employee is on military leave on a City paid holiday, the employee will receive the holiday pay for that day. Holiday's may not be transferred to a different day.
 - If military leave spans over a calendar year, only the City paid holidays in the current year will be paid out to the employee on their first paycheck after returning to work.
 - Holiday bank hours may not be carried over into a new calendar year.
- Compensatory Time
 - If military leave spans over a calendar year, any banked compensatory time will be paid out to the employee on their first paycheck after returning to work at the December 31 hourly rate of pay.

Health Insurance Benefits

Employees may elect to continue health related benefits while on military leave. Health related benefits include health insurance, dental insurance, vision insurance, and contributions to a flex spending account. Such coverage will continue for up to twenty-four (24) months after military leave begins.

- If the period of military leave is expected to be fewer than thirty-one (31) days, the City will continue to pay the employer share of premiums.

- If the period of military leave is expected to be thirty-one (31) days or greater, the employee will be eligible for continuing health related benefits that will be administered similar to the City's COBRA policy.

Wisconsin Retirement System (WRS)

Employees will receive WRS creditable service as though they have been working under the WRS the entire time of their military leave. Employees may choose to make up contributions associated with that service. The City will pay the employer-required share on any contributions the employee makes up. Refer to USERRA Certification form ET-4560 on the State of Wisconsin ETF website for more information.

Returning to Work

Employees who return from their military leave are entitled to reemployment if they meet the following criteria:

- Must have left the job for the purpose of performing service in the uniformed services.
- Must have given prior written or verbal notice to their employer.
- Must have five (5) years or less of cumulative service in the uniformed services with the City.
- Must return to work in a timely manner (as specified below).
- Must not have been separated from service with a disqualifying discharge or under other than honorable conditions.

Employees returning to work after military leave must report back to work in a timely manner or submit written documentation to their department head and Human Resources identifying the end of their military leave service period and when they anticipate returning to work.

- For absences of 1-30 days, the employee is allowed time to travel home, plus eight (8) hours of rest, and must then report to work on the next working day.
- For absences of 31-180 days, the employee has fourteen (14) days to contact their department head and Human Resources.
- For absences of more than 180 days, the employee has ninety (90) days to contact their department head and Human Resources.
- These deadlines can be extended if employee is recovering from an injury related to their military service.

If an employee does not communicate in a timely manner, as indicated above, the employee is still entitled to reemployment, but may be subject to discipline in the same manner as other employees with unauthorized absences. Refer to the attendance policy for additional information.

Contact Human Resources or refer to <https://www.dol.gov/agencies/vets/programs/userra> for more information on the Uniformed Services Employment and Reemployment Act.