



Administrative Policy and Procedure City of Bonney Lake, Washington

SUBJECT: Military Leave & Military Family Leave		
	Policy No. 300.640	Pages: 3
Effective Date: August 13, 2010	Supercedes: N/A	
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1. PURPOSE

The purpose of this policy is to outline the use of Military Leave for employees that are or who have family members that are members the Armed Forces.

2. ORGANIZATIONS AFFECTED

All Departments and Divisions.

3. REFERENCES

RCW 38.40.060; RCW 49.77; Uniform Services Employment and Reemployment Rights Act (USERRA); City of Bonney Lake Family and Medical Leave policy; Ord 1309 Military Compensatory Pay.

4. DEFINITIONS

- 4.1 Armed Forces Member.** The term armed forces member refers to a member of the Washington National Guard or of the Army, Navy, Air Force, Coast Guard, or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the United States.
- 4.2 Employee.** The term employee refers to a regularly appointed person that works at least 20 hours per week.
- 4.3 Employer.** The term employer refers to the City of Bonney Lake.
- 4.4 Period of Military Conflict.** The term Period of Military Conflict refers to a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.
- 4.5 Workday.** The term workday refers to the period worked between the hours of 12am and 11:59pm.

5. RESPONSIBILITIES

- 5.1 It is the responsibility of employees who are members of the Washington National Guard or of the Army, Navy, Air Force, Coast Guard, or Marine Corps Reserve of the United States to notify their supervisor with as much advance notice as possible if they will be called to active duty or active training duty and to provide documentation, if requested, from their unit. It is also the responsibility of the employee to use the proper leave code on their timesheet and to track the number of days they have been out of work on military leave.
- 5.2 It is the responsibility of the supervisor to ensure that employees who are also members of the military are able to take leave as described in this policy and not to make adverse or discriminatory employment decisions based on the employee's military status. It is further the responsibility of the supervisor to ensure that the employee has coded their timesheet appropriately.
- 5.3 It is the responsibility of the Human Resources Officer to provide information regarding this policy and military leave to all employees.

6. STATEMENTS OF POLICY AND PROCEDURE

- 6.1 **General.** Under Washington State law, an employee who works an average of 20 or more hours per week and who is a member of an organized unit of the United States military reserve or Washington National Guard shall be granted up to 21 days of paid leave each year beginning October 1st and ending September 30th of the following year in order that an employee may report for required military duty, training or drills.
- 6.2 **Charging of Leave Days.** Military leave shall only be charged for the workdays that an employee is scheduled to work.
- 6.3 **Extended Military Leave Compensation.** Any authorized leave in excess of 21 days will be charged pursuant to state or federal law as leave without pay, paid vacation, holiday or compensatory time at the discretion of the employee.
- 6.4 **Special Military Pay.** Employees who are involuntarily called to and do serve active military duty shall receive compensation from the City in an amount equal to the difference between the employee's military pay plus allowance and base pay due as a City employee for a maximum of twenty-four (24) months; provided, however, the employee's active duty deployment is for more than thirty (30) consecutive days and the employee has utilized all accrued vacation, compensatory time, and/or holiday pay. The measure of this 30-day time limitation is calculated from the time the employee actively reports for duty.
- 6.5 **Reinstatement Following Extended Military Leave.** Pursuant to USERRA requirements, an employee will be eligible for reinstatement to his/her position upon completion of honorable service for up to five (5) years beginning with the date the employee actively reports to duty and providing the same position exists. If the position no longer exists, the employee will be placed in an equivalent position. To request a return to work, the employee must provide to Human Resources a copy of the DD-214 or other authorized proof of service showing that he/she is entitled to reemployment, the length of military service, and that he/she has received an honorable discharge or release from the current active duty. The schedule for requesting a return to work is as follows:

- A. For periods of service of up to 30 consecutive days, an employee must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and safe transportation home, plus an 8-hour period for rest. If reporting to work within this deadline is "impossible or unreasonable" through no fault of the employee, he/she must report to work as soon as possible after the expiration of the 8-hour period.
- B. After a period of service of 31-180 days, an employee must submit a written or verbal application for reemployment with the employer not later than 14 days after the completion of the period of service. If submitting the application within 14 days is impossible or unreasonable through no fault of the employee, he/she must submit the application as soon as possible thereafter.
- C. After a period of service of 181 days or more, an employee must submit an application for reemployment not later than 90 days after completion of the period of service. These deadlines to report to work or apply for reemployment can be extended up to two years to accommodate a period during which an employee was hospitalized for or convalescing from an injury or illness that occurred or was aggravated during a period of military service.

6.6 Benefits Eligibility. Employees (and their eligible dependents) who are called to active duty for fewer than 30 days will maintain health benefit coverage through the City without interruption. Employees (and their eligible dependents) who are called to active duty for longer than 30 days will not be eligible to maintain health benefits through the City; however, the employee (and their eligible dependents) may be eligible for COBRA for up to 24 months. In addition, all vacation/sick leave accruals and participation in retirement programs will be suspended while on unpaid military leave.

6.7 Family Military Leave. Employee's whose spouse is a member of the United States armed forces (active duty), National Guard, or reserves who has been notified of an impending deployment or order to active duty, or who has been deployed and is on leave from deployment, may take a total of fifteen (15) days of unpaid leave per deployment to spend time with their spouse. This leave may not be used after the deployment has ended. An employee wishing to take time off due to a deployment, must notify his/her supervisor of their intention to take leave within five (5) business days of the employee's spouse receiving official notice of an impending call to active duty or notice of leave during deployment. An employee may substitute accrued leave for any part of the family military leave.

7. ATTACHMENTS

None.