

## 410-09 MILITARY LEAVE PROCEDURAL GUIDELINES

### 1. PURPOSE

Military training leave allows employees to fulfill obligatory military training duties.

### 2. PROCEDURE

#### 1. Eligibility

All benefit eligible employees may be granted a leave of absence to perform military service under the provisions of the Arizona Revised Statutes and the Uniformed Services Employment and Reemployment Rights Act of 1994.

#### 2. Scope of Benefit – Paid Military Leave

Under the provisions of ARS 38-610, an employee who is a member of Military Reserve Units or the Arizona National Guard is entitled to receive his/her regular compensation during a period of active duty training. This period is not to exceed 30 workdays in any two calendar years.

The period of time spent in training under orders shall not be deducted from any accrued leave to which any officer or employee is otherwise entitled.

While on paid leave, the employee will continue to be considered the same as other active employees for purposes of all rights and benefits of employment.

#### Scope of Benefit – Unpaid Military Leave

Any absence for active duty greater than defined in section 2.2 above will be without pay.

An employee may elect to remain in a paid status by using accrued leave during periods of unpaid Military Leave. In these circumstances the conditions of usage of unpaid leave of absence will apply when paid leave has been exhausted.

#### 3. Discrimination Prohibited

In compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), employees and/or applicants for employment will not be discriminated against with respect to hiring, retention, promotion, or any other benefit of employment because of past or present military service obligation, or future application for or membership in a uniformed service.

#### 4. Request for Leave

Valid evidence of orders must be presented to the employee's supervisor along with a Leave Request Form prior to the commencement of the leave. A copy must also be provided to Human Resources.

#### 5. Reinstatement

Employees entering military duty shall be permitted to return to employment with all seniority, service credits, status, benefits, and pay they would have enjoyed had they not been absent, subject to the following conditions:

- a. An employee must have been separated from service with an honorable discharge.
- b. An employee on military leave retains for up to five years his/her right to reemployment to the position he/she would have attained by remaining continuously employed. For a military leave of absence of less than 31 days, the employee must return to work on the next regular business day after discharge. If the period of unpaid leave is greater than 30 days but less than 181 days, the employee must give the employer written notification of his/her availability to return to work within 14 days after discharge, and if unpaid leave is greater than 180 days, the employee has 90 days after discharge to provide written notification of his/her intention to return to work. Employees who are hospitalized or recovering from injuries caused by active duty may have up to two years to return to work, as prescribed under applicable provisions of USERRA.
- c. Upon release from military service, the employee will be returned to his/her former position. If the employee's job is of such a nature that it must be permanently filled, the College will attempt to return the employee to a comparable position, with all the rights and benefits the employee enjoyed before leave was taken. If no such position is available upon return, the College will offer the employee the first comparable position that becomes available. In the event the employee does not qualify for a comparable position, the College will provide reasonable efforts to qualify the individual.
- d. College-sponsored health insurance coverage may be continued for up to 18 months of unpaid leave, even if the employee is participating in military health benefits coverage. The employer's health plan must be the primary pay when such dual coverage exists. If the military leave is for less than 31 days, the employee will pay the same share for coverage as any active employee. If more than 30 days, the employee must pay the entire cost of coverage plus a 2% administrative fee. This extended coverage may be terminated if the employee does not make timely payments, or does not return to work.
- e. The employee granted an unpaid leave of absence for military service shall be suspended from active participation in all other employee benefit programs during the leave of absence period. Upon return to active employment status, the employee will be reinstated in these programs, with the seniority and status that would have been earned had the employee not entered military service. The employee may make retroactive contributions to applicable pension plans up to the amount which would have been paid had the employee remained continuously employed. The College will provide matching payments to the extent defined under the provisions of the plan.
- f. As mandated by ARS 38-745, if an employee is an active member of the ASRS and is a member of the Arizona National Guard, or is a member of

the reserves of the United States military and volunteers or is ordered into active military services as part of a military call-up is eligible to receive ASRS credited service time while on active duty. The same will apply to those employees participating in the PSPRS.

- a. The employee must be honorably separated from active duty and return to CCC within 90 days of either discharge from active duty or release from service-related hospitalization, or have died as a result of active military service.
- b. The employee can receive a maximum of 60 months of ASRS credited service. CCC will pay both the employee and the College's contributions in a lump sum upon return to work or receipt of death certificate. These contributions are based on the salary the member would have earned if the member had not volunteered or been ordered into active service.
- c. Should the employee serve more than 60 months in the military call-up, the employee may purchase any of the months over the maximum of 60 months by utilizing the standard procedure for purchasing active military service.
- d. The employee must provide a DD-214 or its equivalent to the College. If the employee dies as a result of active duty, a death certificate must be provided.

3. **BACKGROUND**

1. References: ARS 38-610
2. Revision History: 12/1993, 4/2001, 8/2016
3. Legal Review: None
4. Sponsored by: Human Resources