



Medina County Policy Manual



Policy: Military Leave	Section: Time Off	Number: 4.020
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ORC, Chapter 5923
Uniform Services Employment & Re-Employment Right Act of 1994

A. Service in the United States armed forces is both a privilege and duty. Medina County shall not refuse to employ and shall not discharge any employee because of military membership, nor shall employees be prevented from performing any military service they may be called upon to do.

B. Requests for Military Leave

1. Requests for leave must be submitted to the supervisor or Department Head at least two weeks in advance of the leave date or as soon as need for leave is known to employees, whichever is earlier.
2. The request shall state the reason for taking leave of absence, first day of leave, and return to work date. A copy of the order or notification to report must be attached. The order or statement from the appropriate military command shall specify, by name, that the employee is to report for duty.
3. Emergency calls to duty will be considered as the need arises.
4. Employees absent without proper authorization will be charged with an unauthorized absence and will be subject to disciplinary action.
5. Military leave cannot be denied for failure to properly notify the employer, but may be grounds for disciplinary action.

C. Induction

1. Employees shall be granted a leave of absence to receive their physical examination or otherwise be inducted into the military.
2. Employees shall be granted up to three work days of sick leave, vacation leave, or other applicable time (or a leave of absence without pay, if necessary) per calendar year for physical examination and induction purposes.

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D. Military Leave With Pay (Short-term)

1. Any permanent public employee who is a member of the Ohio National Guard, the Ohio Defense Corps, the Ohio Naval Militia, or member of other reserve components of the Armed Forces of the United States is entitled to a military leave of absence from his respective duties without loss of pay for such time as he is in the military service on field training or active duty, for periods not to exceed one (1) month (meaning twenty-two [22] working days, or one hundred seventy-six [176] hours for a forty [40] hour per week employee) in any one (1) calendar year.
 - a. For the purposes of this policy, "permanent employee" means an employee who holds a position with the County that requires him/her to work a regular schedule of twenty-six (26) consecutive bi-weekly pay periods, and such is not limited to a specific season or duration.
 - b. This definition does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts.
 - c. Other provisions for military leave shall be controlled by state and federal laws.
2. During this period of 22 eight hour days (176 hours) or less of service within one calendar year, employees may receive compensation for military service with no effect on the employee's sick leave, vacation, and compensatory time from Medina County.
3. Employees are required to submit a copy of military orders or other statement in writing from the appropriate military authority as evidence of a call to training or duty.
4. When the call to duty exceeds 22 work days, or 176 hours, in any one calendar year, employees who are members of the Ohio National Guard shall be granted military leave of absence without pay for the time in excess of 22 work days for mob, riot, civil defense, or other such duty as ordered by the Governor of the State of Ohio.
5. Sick leave and/or vacation accrual will accumulate at the normal rate during military leave with pay.

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E. Active Duty Military Leave

1. Any employee called to military duty for a period in excess of the twenty-two (22) working days because of an executive order issued by the President of the United States or an act of Congress may receive for each pay period during the period of active military leave the lesser of the following:
 - a. the difference between the employee's gross monthly wage or salary from the County and his gross uniformed service pay and allowances received in a particular month; or
 - b. five hundred dollars (\$500.00).
2. An employee requesting such leave will be required to submit the necessary documentation and/or complete the necessary leave papers.
3. Appointments may be made to fill vacancies when employees enter military service. However, if individuals filling vacancies also enter military service, they may be reinstated to their position only if the first employee (the original incumbent who was on military leave) fails to reapply for reinstatement. Prior to employment, substitute employees shall be advised in writing, of the terms of their employment.
4. Employees who re-enlist while on active duty, or a commissioned officer who voluntarily enters into extended active duty beyond that required, upon accepting a commission, are not eligible for reinstatement.
5. Health care benefits are suspended during a military leave without pay based on eligibility requirements set forth in the County's Summary Plan Description. COBRA benefits are available to eligible employees and eligible family members.

F. Reinstatement

1. An employee separated or honorably discharged from uniformed service leave without pay must apply for reinstatement to their former position. The application must be made to the County Commissioners c/o the Human Resources department). A copy of the discharge (DD Form 214) or certificate of service must be submitted with all requests for reinstatement or reappointment within the period set forth below:

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- a. Leave of less than thirty (30) days: immediately upon release from uniformed service, with allowance by the department for travel time and eight (8) hours of rest;
 - b. Leave of thirty-one (31) to one hundred and eighty (180) days: within fourteen (14) days of completing uniformed service requirement; or
 - c. Leave of more than one hundred eighty (180) days: within ninety (90) days of completing uniformed service requirement.
 - d. When veterans are hospitalized due to an in-service injury or illness that has not exceeded a period of more than one year, they must make application for re-employment within 90 calendar days after release from hospitalization.
2. If the leave of absence was for more than ninety (90) days, the department may require, with the application, evidence showing that the application is timely, the duration of all such leaves of absence does not exceed five (5) years, or the time to complete the initial period of obligated service, and the employee's entitlement to re-employment has not terminated pursuant to the Federal Uniformed Services Employment and Re-employment Rights Act.
 3. Upon return from a period of duty in the uniformed service lasting ninety (90) calendar days or less, the employee is to be returned to the same or similar position within their former classification.
 - a. If the period of duty lasts more than ninety (90) days, the employee may be placed in any position of equivalent status, seniority, and pay.
 - b. Regardless of the duration of duty, if the County demonstrates to the Director of the Ohio Department of Administrative Services that reinstatement is impossible or would impose undue hardship, the employee may be assigned to another position with like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances of the case.
 4. Upon return to County employment, veterans must be physically qualified to perform the duties of their position. When a disability is sustained in military service, reasonable accommodation will be made to enable veterans to work at the same or equivalent position. If the employee is unable to perform the duties of his former position due to a permanent injury or illness incurred or aggravated during uniformed service, the department will make reasonable efforts to accommodate the employee's disability.

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5. If an employee who is entitled to reinstatement is unable to report for or perform the duties of their position at the date of application for reinstatement because of a temporary injury or illness incurred or aggravated during uniformed service, the employee shall have up to two (2) years to recover from such illness or injury before being required to report or reapply.

6. A reinstated employee is entitled to receive all rights and benefits generally available to employees in a comparable leave of absence without pay, including the following:
 - a. All sick leave and vacation leave which had been accumulated at the time of entering service;
 - b. All seniority which would have accrued had the employee been on the job; in determining vacation accrual (factor for accrual, i.e. .038, .058), military leave shall be included in calculating employees' length of service.
 - c. Automatic salary adjustments associated with the position and due the employee had the employee been on the job;
 - d. Any change in classification or pay range which would be due the employee had the employee been on the job.
 - e. Reinstated health insurance and related insurance benefits with no waiting periods or pre-existing condition exclusions, other than waiting periods or exclusions that would have applied even if there had been no absence for uniformed service. (Please note that this rule does not apply to the coverage of any illness or injury determined by the Secretary of Veterans' Affairs to have been incurred in, or aggravated during, performance of service in the uniformed service.)