

PLANNING FOR MILITARY LEAVE

Support for Veteran Leave Laws



Employees who are also military personnel in the Reserve or National Guard will at times need to take leave for military training, mobilization, or deployment. This type of leave may be considered non-standard as compared to leave for other employees.

Here is an example of a military leave policy used by a federal agency that may be helpful in creating your own. An employee is entitled to time off at full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces.

Any full-time or permanent part-time employee is entitled to military leave.

As an employer, manager, or human resource professional interacting with members of the Reserve or National Guard, you need to be familiar with the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994.

USERRA is the federal law that establishes rights and responsibilities for members of the Reserve and National Guard and their civilian employers.

USERRA affects: Employment, Reemployment, Employment benefits, Turnaround time between drills and reporting for work, Employment retention, Promotion and training when employees serve or have served in the uniformed services.

If one does not already exist, we strongly recommend creating a company policy and procedures manual regarding military leave. This will give managers and employees guidelines within which they may operate. The following are some recommendations for planning for military leave.

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- A full-time employee working a 40-hour work week will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave will be prorated for permanent part-time employees on the number of hours in a scheduled pay period.
- Inactive Duty Training is authorized training performed by members of a Reserve or National Guard component not on Active Duty. It is performed in connection with the prescribed activities of the Reserve or National Guard. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training.
- Eligible employees may use 15 calendar days per year for Active Duty, Active Duty training, and Inactive Duty Training. An employee can carry over a maximum of 15 days into the next fiscal year.
- Up to 22 workdays of military leave may be granted per calendar year for emergency duty as ordered by the President or a State governor. This can be for law enforcement or the protection of life and property.
- Reserve and National Guard Technicians are entitled to 44 workdays of military leave for duties overseas under certain conditions
- Military leave should be credited to a full-time employee on the basis of an 8-hour workday. The minimum charge to leave is one hour. An employee may be charged military leave only for the hours that the employee would otherwise have worked.
- Employees who request military leave for inactive Duty Training (which generally is two, four, or six hours in length) will be charged only the amount of military leave necessary to cover the period of training and necessary travel.
- An employee's pay remains the same for periods of military leave. The employee's pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave in order to retain both company pay and military pay.
- When the employee requests military leave, they must make an appropriate request and provide copies of their military orders.



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Prior to Military Leave

To make a smooth transition, there are several things to consider before an employee embarks on military leave.

- Understand your rights and responsibilities as they relate to the USERRA. Check with your HR department, contact the Employers Support of the Guard and Reserve for consultation, or look for Veterans Affairs USERRA training courses.
- Establish a relationship with the ESGR, which has many resources to help you and your employees navigate mobilizations and deployments successfully.
- Anticipate potential mobilizations and deployments. It may be easier to create a plan of action in advance for what will occur if your employee is mobilized or deployed.
- Consider what tasks your employee is responsible for. Do others know how to complete these tasks in the event of an absence? Does training need to occur for others to be able to fulfill these tasks?
- How will your employee notify you of an upcoming leave for training, mobilization, or deployment? Do you have a preferred method of contact? Who should they contact?
- Be realistic about the timeframe to expect; your employee may not be given much notice (e.g., mobilization to after a natural disaster).

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During Military Leave

- Keep your Reserve and National Guard employees “in the loop” with what is going on at work. Information to share might include positive changes in the workplace (e.g., new projects or hires) and social information (e.g., a coworker had a baby, a new walking group started). You can do this with monthly letters and occasional e-mails. You will want to wait until an employee returns to work to update him or her on new practices or rules. Keep coworkers up to date by posting emails from Reserve and National Guard employees who report how they are faring during deployment. You may want to ask your employee’s permission before sharing correspondence with coworkers.
- If you choose to engage in other supportive efforts (e.g., letters, care packages), include coworkers.
- Acknowledge and give recognition to coworkers who have assumed added responsibilities in the absence of the Reserve or National Guard employee.

After Military Leave

- Keep your Reserve and National Guard employees “in the loop”. Have your Reserve or National Guard employee meet with managers or supervisors and Human Resource staff before returning to work.
- Discuss what the employee can expect (e.g., what tasks have been delegated to others, if he or she will be working in the same or a different role, if and how procedure have changed).
- Discuss what the employee would find helpful in returning to work (e.g., written instructions for new procedures, additional meetings with management to get caught up on what he or she has missed).
- Discuss how the employee would like to be treated in regard to their deployment (e.g., would prefer not to discuss it, would they like to share what they did while they were away).
- Determine what training, re-training, or accommodations need to be put in place.
- Support a gradual re-entry process or flexible work arrangements if needed.
- If your employee appears to be having difficulty readjusting to work, consider referring them to your company’s EAP or the VA for a confidential assessment, support, and outside referral if needed.

