

## Procedures Applicable to Employees on Military Leave

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The University of Central Florida fully supports our employees serving our country in the United States military. Employees are granted leave requests for military duty per the stated directives provided in their military orders. The following UCF procedures are to assist these employees and their supervisors when military duty leave is required.

### **I. Definitions**

#### **A. Active Duty:**

as used in these procedures shall signify an employee who has received written military orders or verbal orders in emergent situations, which places him or her on active duty in the following: Florida defense force; federal service in training; active military service with any branch of the Armed Forces; Reservists of the Armed Forces; Florida National Guard; Coast Guard; and Public Health Service detailed by proper authority for duty with the Armed Forces. Military orders shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

#### **B. Inactive Duty:**

as used in these procedures shall signify a Reservist who has received military orders, either written or verbal, which places him or her on inactive duty in the following: Florida defense force; federal service in training; other military service with any branch of the Armed Forces; Reservists of the Armed Forces; Florida National Guard; Coast Guard; and Public Health Service detailed by proper authority for duty with the Armed Forces.

#### **C. National Guard Member:**

a university employee who is a member of the organized militia of the State (either Air National Guard or Army National Guard). For brevity, the term “Reservist” is used in this document to refer to both members of the National Guard who have been called to federal active military service and members of the reserves who have been called to active military service.

#### **D. Military Pay Supplement:**

a payment that makes up any difference between military compensation (that is, military base salary, not including allowances for quarters, rations, variable housing allowances, or other special pay) and civilian salary (that is, UCF salary based on regular appointment rate of pay, not including perquisites or supplemental pay such as shift differential or summer school contracts).

### II. Procedures for Active Duty Military Leaves (not including military training)

#### A. Request for Active Duty Assignment:

A UCF employee, who provides his or her supervisor/manager with orders for active military duty, either verbally or in writing, will be provided certain benefits in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and UCF procedures. Active military service includes active duty with any branch of the United States Air Force, Army, Coast Guard, Marines, Navy, National Guard of the State of Florida, or other service as defined in Section I, A.

When an employee anticipates being off work for over 10 consecutive work days, the employee must submit a completed Military Leave Request Form to their supervisor/manager for processing. This requirement may not be invoked if emergency conditions make it impossible for the employee to comply. In such emergent conditions, the employee will send written notice providing information as to the beginning date and ending date of such leave until such time as the Military Leave Request Form is completed.

Military orders or appropriate documentation must be sent to the supervisor/manager for any active duty assignment. If military orders are not submitted, then the military leave shall be without pay, except for accrued leave which the employee has available.

#### B. Notice of Service:

A Reservist may receive a telephone call or verbal orders to report for active duty. If no written orders are available, the Reservist should provide the department with written notification (Military Leave Request Form) and forward a copy of the official orders within thirty (30) calendar days of the start of the leave. If written orders are unavailable within the thirty (30) day timeframe, a letter from the employee's Commanding Officer is requested. The letter should include the start date, the expected date of return, name and telephone number of the commanding officer as well as the employee's rank and duty station.

#### C. Verification of Service:

Upon returning from an active duty military assignment, the employee must provide a copy of his or her military discharge or release form (Form DD-214). This document is needed to confirm military service in order to receive paid time authorized, as well as retirement and leave accruals. If the DD214 is not produced within thirty (30) calendar days of the employee's return, then payments and benefit accruals will not be authorized. For active duty military assignments of less than ninety (90) days in duration, please reference Section III, C for other acceptable documentation.

### **D. Paid Leave:**

Full pay will be provided for those workdays and holidays that fall within the first thirty (30) calendar days of the military leave of absence. If an employee returns to work for thirty (30) calendar days or more and is recalled after receiving new orders with a separate order number, the employee is eligible to receive another thirty (30) calendar days of paid military leave. In the case of duty ordered under an act of war, full pay will be provided for those workdays and holidays that fall within the first thirty (30) calendar days of the military leave of absence, unless currently on an active duty assignment. However, if an extension or continuation of a previously received order is exercised prior to completing thirty (30) calendar days of work at the university, the employee will not be eligible to receive another thirty (30) calendar days of paid military leave.

At the end of the initial thirty (30) calendar days of active military duty, the employee may be eligible for a military pay supplement, if their base military salary is less than what their base salary is with the university. The employee must provide to Payroll Services a copy of their Military Leave and Earnings Statement (LES) for the first thirty (30) calendar days of active military service. If an employee who is receiving a military pay supplement from the university incurs a change in their military pay rate, he or she must immediately notify the department payroll processor and provide a new updated copy of the LES. An adjustment to the employee's military pay supplement will then be processed by Payroll Services.

After the initial thirty (30) calendar days, a Reservist may request to use annual and compensatory leave provided the amount of leave used with any military pay supplement received does not exceed the Reservist's regular rate of pay for the pay period. In such cases, the Reservist will accumulate all benefits granted under paid status.

An employee whose military pay exceeds their regular university rate of pay may request to use annual and/or compensatory leave in order to cover the cost of continued benefits while on an active duty assignment. The request should be coordinated with the department payroll processor prior to the start of the leave.

When granting leave, the Reservist's UCF department will determine if compensatory leave must be used prior to the use of annual leave.

### **E. Time Limits for Returning from Active Duty Leave:**

Time limits for returning to work from active military duty are based on the duration of the duty assignment:

1. Service of 1-30 calendar days: The employee is to return to work on the next regularly scheduled work day. (After a minimum 8 hour rest period).
2. Service of 31-180 calendar days: The employee will return to work, within 14 calendar days after discharge.

3. Service of 181 calendar days or longer: The employee must return to work within 90 calendar days after discharge.

**F. Reinstatement/Return to Work:**

The employee is entitled to reinstatement to his or her prior position for active military duty ninety (90) calendar days or less in duration. For an active military duty assignment greater than ninety (90) calendar days in duration, the employee will be reinstated to his or her previous position or an equivalent position with the same pay and benefits. The employee will be entitled to all seniority rights, performance ratings, promotional status and retirement privileges. Annual leave and sick leave will continue to accrue while the employee is on active duty. Accrual will end with the date of discharge from active duty. Upon return from military duty and verification of service, leave accrued while away will be deposited into the employee's account.

An employee who is called to active duty has the option of continuing or cancelling any coverage for any benefits plan in which he or she is enrolled at the time of reporting for active duty. For those who elect to continue coverage, any premium amounts due from the employee will continue to be deducted from each paycheck. If the employee does not receive a paycheck, he or she is responsible for ensuring payment is made to the Human Resources Benefits section each month.

The employee shall submit a completed Intent to Return to Work form two weeks prior to his or her return date to regular full time employment with the university.

**III. Procedures for Employees Serving on Short Term Military Leaves (including military training)**

**A. Requests for Active versus Inactive Military Leaves:**

Employees of the University who are either commissioned reserve officers, reserve enlisted personnel in the United States military, naval service or members of the National Guard are entitled to leaves of absence from their university duties for active duty (any type) or inactive duty training in accordance with USERRA. This encompasses all days during which they are engaged in active duty, or inactive military training duty ordered under the provisions of the United States military or naval training regulations for such personnel. Leaves of absences for inactive military duty assignments (not for training) are granted to Reservists in accordance with USERRA.

**B. Notice of Service:**

The Reservist should provide the supervisor as much advanced notice of the military leave period as is possible. USERRA advises thirty (30) calendar days' notice should be given when possible. Verbal orders are acceptable for purposes of

authorizing a leave of absence, per USERRA. However, every effort by the Reservist should be taken to submit written documentation as soon as possible and no later than thirty (30) calendar days after the start of the duty assignment. The documentation must be submitted directly to the Reservist's supervisor. If orders are unavailable within the thirty (30) calendar day timeframe, a letter from the Reservist's Commanding Officer or other authorized official is requested until the orders are received. The letter should include the start date, the expected date of return, name and telephone number of the commanding officer or authorized official, as well as the employee's rank and duty station. If military orders or appropriate documentation are not submitted, then the military leave shall be without pay, except for accrued leave which the employee has available.

**C. Verification of Service:**

Upon returning from an active duty military assignment, the employee must provide a copy of his or her military discharge or release form (Form DD-214). For active duty training orders less than ninety (90) calendar days in duration, a Form DD-214 may not be issued. In this case, a copy of the Reservists' Leave and Earnings Statement (LES) must be submitted to the department manager for processing. These documents are needed to confirm military service in order to receive paid time, as well as, retirement and leave accruals. If the appropriate verification is not produced within thirty (30) calendar days of the Reservist's return, then payments and benefit accruals will not be authorized.

Upon completion of inactive duty training, the submission of the LES certifies that the duty was actually performed and serves as a basis for paid time. Reservists should provide a copy of the LES as verification that the scheduled inactive duty training was actually performed and that military leave was appropriately granted. Normally, Reservists receive the LES about 10 days after the duty was performed. It is the responsibility of the Reservist to provide this required documentation in order to verify his or her leave of absence.

**D. Paid Leave:**

1. See Section II, D for paid leave procedures for active military duty (not including military training).
2. A Reservist is eligible for up to 240 work hours per the university fiscal year (July 1 to June 30) which will be paid for any combination of active duty training and inactive duty training. A military tracking log is available on the Human Resources website. On an annual basis, a review must be conducted in June or July by the department to ensure the Reservist has not been underpaid or overpaid for up to 240 work hours. Any discrepancy shall be promptly resolved within two pay periods.

### **E. Usage Structure of Leave Types and Required Leave Requests:**

1. The allotted 240 hours of administrative leave for military training duty must be used prior to using compensatory leave, annual leave or leave without pay for any additional military training duty ordered.
2. Subsequent to the use of 240 hours of administrative leave, if a Reservist is requesting to use accrued leave, a UCF department may require him or her to use compensatory leave prior to using annual leave.
3. When the Reservist anticipates being off work for over 10 consecutive workdays, the Reservist must submit a completed Military Leave Request Form to his or her supervisor/manager for processing. This requirement may not be invoked if emergency conditions make it impossible for the Reservist to comply. In such emergency conditions, the Reservist will send written notice providing information as to the beginning date and ending date of such leave until such time as the Military Leave Request Form is completed.

### **F. Reservist's Responsibility to Provide Information to Their Supervisor/Manager:**

The Reservist, when requesting the military leave must advise the department supervisor/manager whether the assignment is for active duty, active or inactive military training duty, or inactive duty (not including military training).

### **G. Timekeeping Requirements:**

Prior to the start of the leave, the Reservist should request from the payroll processor timesheets and Leave and Pay Exceptions Reports for the payroll period(s) they will be away. These forms should be completed in advance for the payroll periods he or she will remain in pay status. Each pay period while the Reservist is in paid leave status, administrative leave, leave without pay, or accrued leave must be entered.

### **H. Payroll Processing Requirement:**

Beginning 90 calendar days subsequent to the payroll period in which the initial requested military leave commences and every sixty (60) calendar days thereafter (unless there are no military leaves during the period), the payroll processor will reconcile the hours for active duty or inactive duty military training leaves against the orders or other appropriate documentation that were submitted by the Reservist for military leaves requested for the sixty (60) calendar day period, not including the most recent thirty calendar day period. Both the Reservist and the department will monitor the total number of hours used on the university fiscal year basis for military training purposes to ensure that the employee does not exceed the 240 hour allotment.

Example: if a payroll processor is reconciling the payroll account on May 31<sup>st</sup>, he or she would be reviewing the submissions for military duty for the months of March and April respectively. The payroll processor could then advise both the Reservist and the department supervisor/manager

of any discrepancies or missing documentation in order to make corrections. Adjustments in pay or accruals will be made as necessary after the reconciliation has been completed.

### Frequently Asked Questions on Military Leave

1. May a Reservist on active military leave use accrued annual or compensatory leave to cover payroll deductions?

Yes. Such leave may be used when requested by the Reservist and approved by the university, provided that the amount of leave charged, in combination with any military pay supplement received, does not exceed the Reservist's regular rate of pay for the pay period. In such cases, the Reservist will accumulate all benefits granted under paid status.

2. May the amount of leave used exceed what is actually needed to cover payroll deductions?

Yes. In recognition of the financial obligations of affected Reservists during these extraordinary events, he or she may elect to use any amount of leave, provided that the total amount of leave charged (in combination with the military pay) does not exceed the Reservist's regular rate of pay for the pay period.

NOTE: If a Reservist requests the use of accrued leave, the Reservist's department will determine if compensatory leave is to be used first prior to the use of annual leave.

3. If a Reservist who is currently on military leave has more than the maximum number of hours of accrued annual leave on December 31<sup>st</sup>, may the Reservist request that the excess annual leave remain in their annual leave accrual and not roll over into sick leave?

No. University procedures do not allow either employees or Reservists to carry over excess annual leave hours.

4. Under what circumstances do employees who are called to active military duty continue to accrue leave?

If the employee is a Reservist who is now serving on an active military duty assignment, he or she will continue to accrue annual and sick leave in accordance with the procedures applicable to his or her position (regardless of paid or unpaid leave status). However, verification of the completion of the active duty assignment is required.

## Procedures Applicable to Employees on Military Leave

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5. How does being called to active military duty affect a USPS Reservist who is still in probationary status?

In accordance with university regulation, military duty time will count toward completion of the Reservist's probationary period. An employee on military leave can attain regular status while on such leave.

6. How are performance appraisals to be handled for Reservists on active military duty?

The Reservist's performance remains unchanged during military leave. Therefore, if he or she is achieving expectations prior to military leave, a performance evaluation is not required.

7. What are the methods for verifying the Reservist's military base pay?

a. Obtain a copy of the Reservist's military Leave and Earnings Statement (LES) indicating current military base pay.

b. Contact the Reservist's unit of assignment to request verification of military base pay. The address is on the front of the active duty orders.

8. When a Reservist is ordered to active duty (not including military training), does he or she receive 30 days of paid leave with each set of orders received?

a. If military orders are issued, the Reservist is eligible to receive up to thirty (30) calendar days of paid military leave. The Reservist must return to their regular work schedule for thirty (30) calendar days or more between assignments in order to be eligible for an additional thirty (30) days paid military leave. The employee must submit a new Military Leave Request Form with each set of orders received. This will ensure both proper pay for the Reservist and accuracy of university records.

b. In the case of duty ordered under an act of war, full pay will be provided for those workdays and holidays that fall within the first thirty (30) calendar days of the military leave of absence, unless currently on an active duty assignment.

9. When a Reservist is ordered to active duty, is the rest period or any adjacent time off considered as their return to work?

No. Neither any rest period or leave time consecutive with the military leave is considered returning to work. The return to work begins upon the first day the employee physically returns to work.



## Procedures Applicable to Employees on Military Leave

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- 10.** Are Other Personnel Services (OPS) employees covered by the provisions in these guidelines in the same manner as employees in established positions?

OPS employees may request time off for military duty obligations. However, they are not eligible for military pay, supplements, benefits, and extended leaves of absence.

- 11.** Are Reservists eligible to receive approved pay increases while on a military leave of absence?

Reservists on a military leave of absence are eligible to receive approved pay increases in accordance with the university procedures. Pay increases for Reservists on a leave of absence are processed upon their return to work.

- 12.** When should a Reservist provide notification of upcoming duty?

Written or verbal notification must be made to the university prior to going on duty, unless precluded by military necessity. To avoid any misunderstanding, written notification is strongly encouraged to be submitted to the supervisor in order to document the nature of the Reservist's military leave. Reservists should be sensitive to university scheduling requirements when providing notification and attempt to expedite the request for orders from their unit commander. A Reservist should submit requests for orders as far in advance as possible throughout the calendar year.

- 13.** If a Reservist is called up for either inactive or active duty training, what documentation should be submitted to his or her supervisor for processing?

When absent for ten (10) business days or less, the Reservist should submit either a letter or a copy of the orders for the training assignment. Upon return from active or inactive duty for training, the Reservist should provide his or her supervisor with a copy of the LES for the period of the military training leave to document that the orders were implemented as originally stated and completed without any changes or adjustments to service time.

If a Reservist's training assignment is greater than ten (10) business days in duration, a Military Leave Request Form with orders or documentation attached must be completed and submitted to the Leave Administration Section for processing.

- 14.** If a Reservist is called up for active military duty, what documentation is required to be submitted to the university?

The Reservist should submit a copy of his or her official orders within thirty (30) days after the assignment begins. If orders are not available, then a letter from the Commanding Officer is requested. The letter should include the start date, the order date, the expected date of return, whether it is active duty for training or not, name and telephone number of commanding officer as well as the reservist's rank and duty station.

## Procedures Applicable to Employees on Military Leave

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- 15.** When extending an active duty assignment, what documents does the Reservist need to submit to his or her supervisor?

The Reservist will need to submit a copy of his or her revised military orders extending the service date. In addition, the Reservist will also submit a new Military Leave Request Form to the Leave Administration Section. Should the Reservist not be available to complete the documentation required for the military duty extension, his or her Power of Attorney will complete the forms on behalf of the Reservist.

- 16.** Is there a limit to the amount of active duty a Reservist can perform and still have reemployment rights?

Yes. In accordance with USERRA, there is a 5-year cumulative total of military service an employer is required to support. Not included in that total are: inactive duty training (drills); annual training; involuntary recall to or retention on active duty; voluntary or involuntary active duty in support of a war, national emergency, or certain operational missions; or additional training requirements determined and certified in writing by the Secretary of the Service, and considered to be necessary for professional development or for completion of skill training or retraining.

- 17.** May a Reservist be required to find someone to cover his or her work schedule when on a military duty assignment?

No. A Reservist is responsible for notification but not responsible for altering the work schedule or finding a replacement.

- 18.** Does an employee have the right to make up periods of work missed due to a drill or a military leave of absence?

No. An employer may choose to offer a Reservist the opportunity to work hours missed as a benefit not provided under USERRA. For example, an employer is not required to provide hours of work for an average 2-week, 80 hour period if part of that period is missed due to military service.

- 19.** After completion of a weekend drill, what is the time limit for a Reservist to return to work?

The beginning of the next regularly scheduled work period on the first day following completion of service and expiration of an 8-hour rest period(following safe transportation home).

- 20.** What if a Reservist does not return in a timely manner to work?

The Reservist is subject to the personnel policies and practices of UCF as is any other employee.

## Procedures Applicable to Employees on Military Leave

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These procedures are effective July 1, 2013. Contact the UCF Human Resources-Leave Administration Section with any questions. Telephone: 407-823-2771 or E-mail: [loandworkcomp@ucf.edu](mailto:loandworkcomp@ucf.edu)