

# Policy Manual



<b>Title:</b> Military Leave and Reemployment Rights	<b>Number:</b> 6Hx2-3.39
<b>Legal Authority:</b> Fla. Statutes §115, FDOE Administrative Rule 6A-14.0432, Title 38 U.S.C. Chapter 43	<b>Page:</b> Page 1 of 3

## GENERAL STATEMENT

The purpose of this policy is to provide leave and benefits for faculty and staff who have chosen to serve in the military.

The College considers its faculty and staff as its most valued resource. The College recognizes and supports the contributions of faculty and staff that have chosen to serve in the military. Therefore, the following policy is established to provide leave and benefits that are beyond those required by Uniformed Services Employment and Reemployment Rights Act (“USERRA”).

## THE POLICY and THE STUDENT

This policy provides for retention of highly qualified and diverse faculty and staff in support of the College’s commitment to student success.

## THE POLICY and THE FACULTY and STAFF

This policy provides for retention of highly qualified and diverse faculty and staff in support of the College’s commitment to academic excellence.

## Call to Active Duty

Employees who enlist or are called to active duty (voluntarily or involuntarily) or are members of a reserve component of the U.S. Armed Forces reserve command or the National Guard shall be granted Extended Active Duty Military Leave. Copies of orders shall accompany each leave application.

Employees who are ordered to active duty shall be granted Military Leave of Absence from their respective office and duties and shall receive the following benefits:

1. Full pay and benefits for the first 30 days.
2. Entitlement to the same rights and privileges as an employee granted other types of leaves of absences.
3. All unused leave benefits shall be retained by employees and all leave balances shall be credited to their records upon return to their positions.
4. Vacation and sick days do not accrue, but the time served on active duty will count toward determining the employee’s earning rate upon return from active duty.
5. After 30 days, supplement to their military pay in the amount necessary to bring such employee’s total salary, inclusive of base military pay, housing and subsistence allowance, to the level such employee earned at the time of call to active duty.

**History:** Revised September 25, 2012, revised on February 24, 2015

Approved by the  
Board of Trustees

Date  
02/24/2015

President’s Signature

Date  
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## Military Training

Military leave shall be granted to employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or are members of the National Guard to engage in active or inactive duty training upon presentation of official orders. Leaves of absence as a matter of legal right under the provisions of this section may not exceed 240 working hours in any one fiscal year and shall be with pay. Such leave for additional periods shall be without pay. When possible, the employee applying for such military leave shall make arrangements so as not to interfere with the efficient operation of the College.

## Coverage

Employees covered by this policy are those appointed to regularly funded full-time or part-time positions as defined by the Florida Retirement System. Employees occupying grant funded positions or temporary positions shall be eligible for military leave and reinstatement rights during the term established for their position by the grant or contract.

The positions of employees on military leave shall not be declared vacant; however, their duties may be performed by temporary employees.

## Re-Employment Rights

The Florida Retirement System requires that a member shall have applied for re-employment with the same employer within 90 days from the date of discharge or separation from active military service or within the time limits set forth in section 4312 of the Uniformed Services Employment and Reemployment Rights Act (USERRA) for hospitalization continuing after discharge, and has to be re-employed by such employer. Employees discharged or separated under honorable conditions shall be reinstated or re-employed as soon as possible after application for re-employment but not later than one year after the date of separation from the military service or from hospitalization continuing after discharge.

A member of the Florida Retirement System may receive up to 4 years of retirement credit, or more if required for the convenience of the Federal Government as provided in section 4312 of the Uniformed Services Employment and Reemployment Rights Act (USERRA), for active military service in the Armed Forces of the United States which interrupts continuous employment, regardless of whether or not an official leave of absence was granted subject to certain provisions specified in the rules.

## **IMPLEMENTATION and OVERSIGHT**

The Associate Vice President for Human Resources and Equity has responsibility for the implementation and oversight of this policy. Policy violations and appeals would be investigated by the Associate Vice President for Human Resources and Equity and/or his/her designee.

**History:** Revised September 25, 2012, revised on February 24, 2015

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## VIOLATION OF POLICY

Violations of this policy may result in discipline up to and including termination.

## DEFINITIONS

Active military service – Active duty in the National Guard, with any branch of the armed forces of the United States, or service of all officers of the United States Public Health Service detained by proper authority for duty either with the Army or the Navy, and 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.

Period of active military service – Begins with the date of entering upon active military service, and shall terminate with death or a date 30 days immediately next succeeding the date of release or discharge from active military service, whichever shall occur first.

Enlist – A voluntary enlistment or acceptance of a commission in a branch of the U.S. Armed Forces for the duration of a national emergency or wartime condition as declared by the President and Congress.

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