

	<i>Administrative Regulation</i>	
	Military Leave	
	Policy#	8.11
	Effective:	03/13/2023
	Revised:	06/25/2025
	Owner:	Human Resources

Note: Terms in **bold** and *italics* throughout this policy are defined below.

PURPOSE:

To outline the City's commitment to supporting employees called to serve in the military and to ensure job protection and necessary time off for fulfilling ***military duties*** while maintaining civilian employment.

SCOPE:

This regulation applies to all employees who are members of the National Guard, any reserve component of the Armed Forces of the United States, or the United States Public Health Service.

POLICY:

Employees are entitled to military leave for service in the U.S. Armed Forces. Leave shall be approved to a maximum of five (5) years unless extension is required in accordance with ORS 408.290 and Federal Law. In the event of any conflict between this policy and applicable law, the law will be followed.

Employees on military leave may not be penalized in any way for their absence, including but not limited to, vacation accrual rates, incentives based on regular attendance, other benefits they may otherwise be entitled to receive, and without having a negative impact on efficiency or performance ratings, or any other rights or benefits to which the employee is entitled.

Employees returning from active duty will generally be reinstated to the same position they held prior to the leave.

PROCEDURE:

1. Requesting Leave

- 1.1. Employees called to active duty or training drills must notify their supervisor and Human Resources as soon as possible and provide a copy of their orders.
- 1.2. Any employee called to training drills must also notify their supervisor in writing.

2. Paid Leave Benefits

- 2.1. Eligible employees called for active duty or training may be entitled to leave with pay for all scheduled workdays not to exceed twenty-one (21) calendar days in any federal training year (October 1st through September 30th), provided the employee has been employed by the City for at least six (6) months prior to the leave.
- 2.2. Employees may use military leave for active duty or inactive duty for training, state active duty, and duty under Title 10 or 32 of the United States Code.
- 2.3. Employees may take paid leave intermittently during the federal fiscal year.
 - 2.3.1. The actual number of paid work hours allowed is dependent on the employee's standard work schedule.
 - 2.3.2. This provision does not apply to weekend duty providing the employees' regular days off are on the weekend.
 - 2.3.3. Absences for additional training, weekend drills, or attendance at service schools may be charged to accrued leave (PTO, vacation, or compensatory time) or taken as unpaid leave.
- 2.4. Military leave shall be in addition to any regular leave for which an employee may be entitled.

3. **Returning from Leave**

- 3.1. After military training or service, the employee shall report back to work or request reemployment depending on the duration of the training or service.
- 3.2. After periods of service of up to 30 consecutive days the employee is required to report to work no later than the first regularly scheduled workday following completion of service, provided the employee receives at least eight hours plus reasonable time for transportation from the place of service to the employee's residence.
 - 3.2.1. After a period of service of 31-180 days an employee must request reemployment with Human Resources no later than fourteen (14) days after the completion of service.
 - 3.2.2. After a period of service of 181 days or more the employee shall request reemployment no later than 90 days after completion of service.

4. **Reemployment**

- 4.1. A person whose military service lasted 1 to 90 days must be "promptly reemployed" in the following order of priority:

- 4.1.1. In the job the employee would have held had the employee remained continuously employed, so long as the employee is qualified for the job or can become qualified after reasonable efforts by the employer; or
 - 4.1.2. In the job in which the employee was employed on the date of the commencement of the service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to above after reasonable efforts by the employer to qualify the employee.
 - 4.1.3. If the employee cannot become qualified for either position described in 4.1.1 or 4.1.2 above (other than for a disability incurred in or aggravated by the military service) even after reasonable employer efforts, the employee must be reemployed in a position that is the nearest approximation to the positions described above (in that order) which the person is qualified to perform, with full seniority.
- 4.2. Ninety-one (91) or more days: Employees returning from military service of 91 or more days in the following order of priority:
- 4.2.1. In the position held at the time of leave, or a position with similar seniority, status, and pay that the employee is qualified to perform.; or
 - 4.2.2. In the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status, and pay the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of a position referred to in subparagraph 4.2.1 after reasonable efforts by the employer to qualify the person.
 - 4.2.3. If the employee cannot become qualified for either position described in 4.2.1 or 4.2.2 above: in any other position that most nearly approximates the above positions (in that order) that the employee is qualified to perform, with full seniority.
- 4.3. If during the time of military leave the employee's position is eliminated due to layoff, the returning employee shall be reemployed to layoff status.

5. **Leave While Still in Probationary Period**

- 5.1. Employees who have not completed their probationary period prior to the start of military leave must complete the remainder of the probationary period upon return.

6. **Accrued Leave**

- 6.1. Before beginning military leave, employees may choose to use accrued paid leave (excluding sick leave) to remain in paid status. Accrued leave does not need to be exhausted before unpaid military leave is granted.
- 6.2. Leave will not accrue during any period of unpaid status due to military leave. However, leave accrual rates and service credit shall be treated as though the employee had been continuously employed.

7. Healthcare Benefits

- 7.1. Employees on unpaid military leave lasting thirty-one (31) days or more may elect but are not required to purchase continuation of their City medical, dental, and vision benefits under COBRA for up to twenty-four (24) months.
- 7.2. Upon reemployment, the City will reinstate the employees' coverage without imposing any exclusion or waiting periods that would not have been imposed had the coverage not been terminated.

8. Other Benefits While on Leave

8.1. Basic Group Life and Group Supplemental Life Insurance:

- 8.1.1. Please refer to the policy documents for group life suspension, continuation, and reinstatement questions. Employees are responsible for the cost of supplemental life insurance. Refer to the plan documents for details on suspension, continuation, and reinstatement.

8.2. Disability:

- 8.2.1. Short-Term and Long-Term Disability coverage will end at the end of the month in which military leave begins, unless otherwise specified in an employee's collective bargaining agreement.
- 8.2.2. Coverage will be automatically reinstated when the employee returns to work ***immediately following their discharge*** from active duty.

8.3. Flexible Spending Accounts:

- 8.3.1. Employees on unpaid military leave that have a qualifying family status change may be allowed a mid-year revocation of flexible spending account elections. Each situation is determined on a case-by-case basis, by the City's Human Resources department. In the absence of a mid-year revocation of election, Healthcare Flexible Spending Account (HCFSAs) and Dependent Care Flexible Spending Account (DCFSAs), will continue to be funded to the extent the employee receives regular or vacation pay from the City.

- 8.3.2. The employee may continue to request reimbursement from a DCFSA account through the end of the plan year, as long as the dependent care expenses were incurred to allow both parents to work or attend school at least half time.
- 8.3.3. Requests for reimbursement from an HCFSa account may be made up to the date the employee begins military leave, or the date their vacation is paid out. If funds remain in the HCFSa, the employee may continue the HCFSa account through COBRA.

DEFINITIONS:

1. ***“Immediately following their discharge”*** means within the Reporting to Work definition specified in the Uniformed Services Employment and Reemployment Rights Act of 1994.
2. ***“Military Duty”*** means training and service performed by an inductee, enlistee, reservist, or any entrant into a temporary component of the Armed Forces of the United States, including authorized time spent reporting for and returning from such service. This does not include active-duty training as a reservist or National Guard member where the call to service is for a period of 15 days or less.

RESOURCES:

1. [Uniformed Services Employment and Reemployment Rights Act USERRA](#)