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<b>EFFECTIVE</b> 1/20/2005	<b>CANCELS</b>	<b>DISTRIBUTION</b>  <b>ALL DEPT. HEADS AND EMPLOYEES</b>
<b>APPROVED</b> <i>Walter Berry</i>	<b>APPROVED</b> <i>William E. Miller</i>	
<b>DIRECTOR OF HUMAN RESOURCES</b>	<b>CITY MANAGER</b>	

**I. POLICY STATEMENT**

The City of Riviera Beach provides military training leave with pay in accordance with the Florida Statutes and protects the employment rights of employees on active military duty in accordance with the Uniformed Services Employment and Re-employment Rights Act (USERRA).

**II. PURPOSE**

This policy sets forth guidelines and procedures for granting leave and protecting salary, benefits and job status for employees who are members of the uniformed services when engaged in military training exercises or while on active military duty.

**III. SCOPE OF APPLICABILITY**

This policy applies to all City employees who are members of the United States Military Reserves, National Guard or who attend military training and/or who are mobilized for active duty in the uniformed services. In the event employees enter active military service because of a draft or on a voluntary enlistment, the provisions of the Uniformed Services Employment and Reemployment Rights Act will be followed.

**IV. DEFINITIONS**

Normal City Pay is the employee's base hourly rate plus longevity pay, and incentive or certification pay if applicable. Projected overtime earnings are not included.

Supplemental Pay is payment made to an employee on approved active military leave when the gross military monthly pay excluding housing and family expense allowances per month is less than the employee's normal City pay for that same month.



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Uniformed Services Army, Navy, Marine Corps, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, Army National Guard or Air National Guard.

## **V. STANDARDS AND PROCEDURES**

### **A. Military Training**

Employees who are commissioned reserve officers or enlisted personnel in the Uniformed Services are entitled to take up to seventeen (17) working days of paid leave in any one payroll calendar year to attend ordered military training. Any additional leave for documented military training must be covered by any of the following: earned annual leave, personal leave, compensatory time, or leave without pay.

For employees whose working day consists of a shift measured in hours, each eight (8) hour shift shall equal one (1) working day of leave. Twenty-four (24) hour shifts shall equal one (1) working day of leave.

### **B. Active Military Service**

#### **1. Leave of Absence**

Employees called to active military duty are entitled to leave of up to five (5) years in the event their military unit has been mobilized by decree of the President of the United States. Such leave will commence on the date substantiated by official notice.

Upon approval by the City Manager, an employee will receive the first thirty (30) days of active military leave resulting from orders to active duty with full Normal City Pay and benefits. Thereafter, an employee who continues on active military leave may, with City Manager approval, be eligible to receive a Supplemental Pay to make up the difference between the employee's Normal City Pay and military pay as explained under Supplemental Pay.

Under the Uniformed Services Employment and Reemployment



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Rights Act (USERRA), reemployment rights are based on the duration of military service. The time limits for returning to work are:

- o **Less than 31 days service:** By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is unreasonable, then as soon as possible.
- o **31 to 180 days:** The employee must return to work no later than fourteen (14) days after completion of military service.
- o **181 days or more:** The employee must return to work no later than 90 days after completion of military service.
- o **Service-connected Injury or Illness:** Employees who are hospitalized or convalescing due to a military service related injury or illness may request to extend their reemployment rights for up to two years. Medical documentation must be provided; Employees must notify the Human Resources Department prior to the expiration of the time limits for returning to work. A return to work date will be determined by the City's Medical Provider based upon a medical evaluation.

Employees who fail to report to work under these provisions may forfeit their re-employment rights.

**2. Continuation of Insurance Benefits**

Employees are eligible for continuation of applicable health, dental and life insurance benefits while on active military leave. The City and the employee will be required to continue making any applicable monthly premium contributions for the duration of the leave. Should an employee elect to waive insurance coverage during military leave, the City will provide insurance coverage beginning the first day the employee returns to work following active duty.



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3. Salary Changes

While on active military leave, employees are eligible for across the board salary increases, step or merit increases, and/or longevity pay. Merit increases shall be based on satisfactory performance as if the employee had been on active work status.

4. Supplemental Pay

Employees ordered to active military duty status exceeding thirty (30) days may apply to receive a military pay Supplement. The supplement is contingent upon City Manager approval.

To determine eligibility, the employee must submit a current copy of the "Military Leave and Earnings Statement" to the Human Resources Department.

If the employee's gross military pay excluding housing and family expense allowances per month is less than the normal City pay for that same month, the City shall pay the difference. If the employee's base military pay per month is greater than the employee's normal City pay for that same month, the employee shall not receive a supplement.

The employee or authorized representative must inform the Human Resources Department of any changes in military salary by providing an updated "Military Leave and Earnings Statement". An employee's eligibility and/or supplemental pay may change based on pay changes enacted by the military or the City.

5. Continuation of Retirement Plan Contributions

Based on Section 115.12, Florida Statutes, employees are not obligated to make contributions to any retirement fund while in a non-pay status. However, the employee may choose to make contributions to the then existing retirement plan.

If the employee does not continue contributions to the pension account while on military leave, the employee may bring the account balance current by making extra contributions. The employee must make this election no



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later than the sixty-first (61st) day from the date of active duty discharge.

6. **Retirement**

Approved active military leave will be considered continuous service with the City for retirement plan purposes, provided the employee returns to work under the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA).

7. **Seniority**

The employee's years of service and seniority will continue as if the employee was actively at work.

8. **Job Protection and Reinstatement Rights**

Employees will be reinstated to the previous position held or to a position of equal status and pay without reduction of benefits or seniority upon return from active military leave based on the following USERRA provisions:

- o The employee must give notice to the City of leaving the job for military service, unless giving notice is precluded by military necessity or is otherwise impossible or unreasonable.
- o The cumulative period of service must not exceed five (5) years.
- o The employee must not have been released from service under dishonorable or other punitive condition.
- o The employee must report back to employment with the City according to the time frames set forth herein.

C. **Employee Responsibilities**

**Active Duty:**

1. When requesting leave, the employee must provide advanced written notice of all military duty, unless notice is impossible, unreasonable, or precluded by military necessity. A Leave Request form with the dates of requested leave and a copy of the military



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orders (if available) must be given to the immediate supervisor or department head.

2. To receive any military pay supplement, the employee must submit a current "Military Leave and Earnings Statement" to the Human Resources Department.
3. The employee, prior to departure if possible must contact the Human Resources Department to discuss the status of health and other insurance benefits, pension plan and deferred compensation deductions.
4. The employee must contact the Finance Department to make any changes regarding direct deposit of payroll checks and the mailing of the payroll check stub.
5. The employee must provide the name, address and phone number of a family member or friend the City may contact while the employee is on active duty military leave.
6. A copy of the military orders releasing the employee from active duty must be provided to the supervisor when the employee returns to work. The employee is required to contact the immediate supervisor at least five (5) working days prior to the date of returning to work.

**Military Training:**

1. The employee must provide the supervisor with a copy of the official annual military training leave schedule as soon as it is available, including any subsequent changes.
2. The employee must provide official military documentation for each military training leave. Military documentation must be attached to a Leave Request form providing the dates of each training session attended.

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**D. Department Supervisor and Payroll Technician Responsibilities**

**Active Duty:**

1. The department supervisor must ensure proper documentation is provided by the employee (if possible) before approving active military leave.
2. The department supervisor should process step increases or merit pay increases noting on the performance appraisal form that the employee is on active duty.
3. Upon approval by the City Council, the first thirty (30) days of leave for active military duty in a payroll calendar year will be processed as paid leave with the reason "mobilized active duty."
4. A copy of all active military orders received must be forwarded to the Human Resources Department.

**Military Training:**

1. The payroll technician will process the seventeen (17) approved military training days per payroll calendar year as "Military Training" when official documentation is received. If the employee does not provide official military documentation for each military training leave, such leave will be without pay. Documented training exceeding the seventeen (17) days may be covered by annual leave earned, good cause day or leave without pay.
2. The departmental employee who does the payroll will keep track of the seventeen (17) days per payroll calendar year prior to entering the time.

**E. Human Resources Department Responsibilities**

1. The Human Resources Department will determine if the employee is eligible for a military pay supplement after receiving a current copy of the employee's



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'Military Leave and Earnings Statement." The Human Resources Department will process the bi-weekly supplement for eligible employees. Such pay is retroactive upon receipt of the current "Military Leave and Earnings Statement." Supplemental pay will not be processed without a copy of the "Military Leave and Earnings Statement."

2. If an employee is scheduled to receive longevity pay or other base pay increase while on active duty, the increase will be processed by the department, the Human Resources Department and payroll. Supplemental pay will be calculated based on the new rate of pay, including longevity and incentive/certification pay. Documentation will be filed in the employee's personnel file as evidence of salary changes and mailed to the last official address listed in the employee's personnel file.
3. The Human Resources Department will assist employees requesting to continue benefits and insurance premium payments. A letter of confirmation will be issued to confirm the benefits and insurance premium payments to be continued while on active military duty, i.e. dependent coverage, supplemental life insurance, etc.

**D. Finance Department Responsibilities**

Payroll checks and deposits will be processed in accordance with the employee's instructions on file in the Finance Department.