

PERSONNEL POLICIES AND PROCEDURES - MILITARY LEAVE

Section 5.4 Leave

E. Types of Leave - The County offers the following types of leave. A brief summary of purposes for which leave may be used is listed below. For more details, see individual subsections.

Annual Leave	Any purpose.
Sick Leave	Personal doctor appointment, illness, or short-term disability. Immediate family member doctor appointment or illness.
Funeral Leave	Death of immediate family member.
Civil Leave	Serving on a jury. Attending court as a witness under subpoena.
Military Leave	<i>Paid absences for employees covered by USERRA for training or deployment. National Guard or reserve member to engage in annual active duty for training or called forth by Governor during a disaster.</i>
School Leave	Meet with teachers, attend school functions, or do volunteer work in any public or private school grades K-12 or a licensed preschool or daycare center.
Leave Without Pay	Unpaid absences from work.

Section 5.4 E Leave (continued)

5. Military Leave - may be used by an employee who is a member of *one of the covered military, security, or recovery organizations listed below to provide paid absences for the reasons and duration outlined below: the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia to provide paid absences of up to fifteen days per Federal fiscal year during which he is engaged in annual active duty for training, or when called forth by the Governor during a disaster.*

a. Legal Basis - *James City County is committed to ensuring that our Personnel Policies are in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) Title 38 and as amended by Title 42.*

Certain activated employees in organizations other than the uniformed service are intermittent federal employees and are considered members of the uniformed service for purposes of USERRA.

b. Covered Organizations and Qualifying Reasons

<i>Covered Organizations</i>	<i>Qualifying Reason</i>
<i>The organized reserve forces of any of the armed services of: The United States National Guard Naval Militia</i>	<i>Annual active duty for training. Called to active duty. Called forth by the Governor during a disaster. Other reasons covered by USERRA.</i>
<i>Members of the Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Disaster Medical System, to include: Disaster Medical Assistance Team (DMAT) Disaster Mortuary Operational Response Team (DMORT) Other groups as required by law</i>	<i>Federal deployment and /or training during regularly scheduled work hours.</i>

c. Amount of Leave – Up to 15 days during each federal fiscal year, which is October 1 through September 30, for qualifying reasons.

d. Duration of Leave and Associated Pay and Benefits

<i>Length of Absence</i>	<i>Salary and Benefits</i>
<i>Up to 15 days per federal fiscal year</i>	<i>Full pay and all benefits and benefit accruals continue.</i>
<i>More than 15 days in a federal fiscal year</i>	<i>Employee coordinates with department manager to use other applicable leave or leave without pay.</i>

a.e. Special Circumstances – Employees who are members of the force listed above and are involuntarily called to federally funded military active duty shall receive the following:

- 1) A Military Pay Differential in the amount of the difference between the employee's military base pay plus basic allowances for housing and subsistence, and the employee's regular County base pay. If the employee's military pay plus allowance exceeds the County pay, no differential shall be paid.
- 2) Up to one year's accrual of sick and annual leave credited to the employee 30 days after return to employment. Exceptions may be granted by the County Administrator.

f. Employee Responsibility

- 1) *The employee must submit a copy of the valid written orders when requesting military leave and a copy of the release from active duty upon return.*
- 2) *The employee cannot accept other employment while on military leave without the prior approval of the Department Manager.*

g. Return to Work –

- 1) *The employee may use up to five years of cumulative service and still retain reemployment rights as provided by USERRA.*
- 2) *The position that the employee is eligible to return to after active duty service depends on the length of that service as provided by USERRA.*
- 3) *The employee's terms of employment continue to be controlled by the Personnel Policies and Procedures Manual.*
- 4) *If the employee does not return to work after deactivation as prescribed by law, the County Administrator may declare the employee to have terminated voluntarily as of the expected return to work date.*

h. Urban Search and Rescue – *Members of the Department of Homeland Security/FEMA's Urban Search and Rescue Team (US&R) are not considered intermittent federal employees or members of the uniformed services under USERRA. These employees when activated will be paid according to the Mutual Aid Agreement Memorandum of Understanding concerning US&R team membership and FEMA reimbursement policies in effect at the time of activation.*