

## **Military Leave Procedure**

Employees whose employment with ESD 123 has been interrupted by service in the uniformed services have the following re-employment rights:

Service in the uniformed services means active duty, active-duty training, initial active duty training, inactive duty training, full-time national guard duty (including state-ordered active duty), and examinations for fitness for duty.

If the employee was engaged in military service for up to and including ninety (90) days, the employee will be re-employed in the position they would have attained if there had been no interruption of employment.

If the employee was engaged in military service for more than ninety (90) days, the employee will be re-employed in a position of comparable status, and pay as they would have attained without interruption of employment.

An ESD 123 employee who has a service-connected disability shall be re-employed in a position of similar status, and pay for which the employee is qualified or becomes qualified with reasonable accommodation by ESD 123.

In order to be eligible for re-employment, the employee returning from military service must apply for re-employment as follows:

1. If military service was up to and including thirty (30) days, the employee must report for work at the beginning of the first full workday at least eight (8) hours after the employee has had time to return to their residence following the completion of the military service.
2. For service from thirty-one (31) to one hundred eighty (180) days, the employee must submit an application for re-employment within fourteen (14) days of completing military service.
3. For service over one hundred eighty (180) days, the employee must submit an application for re-employment within ninety (90) days of completing military service.
4. The application timelines shall be extended if it was impossible or unreasonable for the employee, through no fault of their own, to report for re-employment. The application timelines shall be extended for up to two (2) years if the employee is hospitalized or recovering from an injury suffered as a result of military service.
5. The employee may be required to document the timeliness of their application for re-employment, and the length and type of military service. If an employee does not comply with the timelines for returning to work or applying for re-employment, they are subject to ESD 123 policies related to failure to report for work or exercise rights to re-employment.
6. Employees returning from military service shall receive the seniority and other benefits they would have received if their employment had been uninterrupted, except that employees may be required to pay the employee portion of any benefit that any other employee on a leave of absence would have had to pay. For retirement system purposes, no break in employment will be considered to have happened for employment interrupted by military service, and ESD 123 shall pay the employer's

portion of the retirement system contribution for the time the employee was on military service, provided the employee pays their portion.

ESD 123 will offer health insurance benefits for up to eighteen (18) months of military service. For the first thirty-one (31) days, the employee will pay only the employee's share of the coverage, if any. After thirty-one (31) days, the employee may only be charged up to 102% of the premium for the benefits.

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