

**HUMAN RESOURCES
POLICIES AND PROCEDURES**



Policy:	Military Leave Policy	
Date: January 1, 2024	Revision Date:	Approved by: Human Resources

I. POLICY STATEMENT

To the extent not already provided for under current leave policies and provisions, the Eastern Municipal Water District (EMWD) will provide employees with leave provisions as required by state and federal military leave regulations.

II. PURPOSE

An employee shall be granted military leave in the following instances:

- Reserve training leave for inactive duty, such as weekly or monthly meetings or weekend drills.
- Temporary military leave when ordered to full-time active military duty for training for a period not to exceed one hundred eighty (180) calendar days, including time spent traveling to and from such duty.
- Long-term military leave when an employee enlists or is ordered into active-duty service of any length or active-duty training in excess of one hundred eighty (180) calendar days or when an employee is ordered into active Federal military duty as a member of the National Guard or regular reserves. Such leave shall be granted for a period not to exceed five (5) years. In addition, leave shall be granted for a period up to six (6) months from the date of release from duty.
- Emergency National Guard leave when an employee who is a member of the National Guard is called to active duty by proclamation of the Governor during a state of emergency. An employee who as a member of the National Guard is called to active Federal military duty at the request of the President of the United States is not eligible for emergency National Guard leave but shall be granted long-term military leave.
- Physical examination leave - when an employee is required to take a pre-induction or pre-enlistment physical examination to fulfill a commitment under a Selective Service or comparable law, or during a period of war or comparable national emergency.

III. PAY WHILE ON LEAVE

Employees granted temporary military leave for active-duty training or long-term military leave are entitled to receive their regular base pay for the first thirty (30) calendar days of leave. Thereafter, such employees are entitled to the difference between their regular EMWD base pay and any military pay (including allowances) for the next eleven (11) months of such leave. To be entitled to such pay, the employee must have completed twelve (12) months of continuous EMWD service immediately prior to the granting of the leave (all prior full-time military service shall be included in calculating this service requirement) and provided that the aggregate of payments for temporary military leave, long-term military leave, and military leave for physical examination do not exceed twelve (12) months base pay for regularly scheduled workdays in any one calendar year. For pay beyond the first thirty (30) calendar days of military leave, employees must give EMWD a military pay stub or other acceptable documentation.

An employee granted physical examination leave is entitled to receive the employee's regular EMWD base pay provided that:

1. The physical examination is a pre-induction or pre-enlistment physical examination required to fulfill a commitment under a Selective Service or comparable law, or during a period of war or comparable national emergency; and
2. The aggregate payments for temporary military leave, long-term military leave, and military leave for physical examination do not exceed twelve (12) months base pay in any one (1) calendar year. Time off for other physical examinations in connection with military service may be charged to accrued PTO, accrued floating holidays (used in full day increments only), accrued compensatory time off, or shall be without pay.

An employee granted military leave for emergency National Guard duty is entitled to receive the employee's regular EMWD base pay for a period not to exceed thirty (30) calendar days of leave and thereafter the difference between the employee's regular EMWD base pay and any military pay (including allowances) for the next eleven (11) months of such leave.

During the first twelve (12) months of military leave, employees will receive any merit and/or salary increases for which they become eligible during that time. All step increases will be processed on the employee's normal review date and will be based on the employee's most recently completed EMWD performance review.

An employee who is not eligible for military leave with pay may have such absence charged to accrued PTO, accrued floating holidays (used in full day increments), accrued compensatory time off, or the military leave may be without pay.

IV. EMPLOYEE BENEFITS WHILE ON LEAVE

An employee granted military leave shall receive benefits as provided below:

1. An employee granted military leave with pay shall receive all benefits related to employment that are granted when an employee is on regular pay status to the extent allowed under the terms of each policy.
2. An employee granted military leave without pay shall receive:
 - a. Retirement benefits and service credit in accord with the provisions of the applicable retirement system.
 - b. Health plan coverage at the employee's request and expense for up to eighteen (18) months.
 - c. Other length-of-service credits related to employment that would have been granted had the employee not been absent, provided that the employee returns to EMWD service at the conclusion of the leave in accordance with applicable Federal and State laws.
 - d. PTO accruals and holiday pay only in accordance with those policies.
NOTE: Upon separation, employees ordered into active military duty will be entitled to receive a 100% lump sum payment of their existing available PTO accrual balances calculated at their current rate of pay and will not be required to reimburse EMWD for any tuition, or certification funds that may otherwise be owed to EMWD.

V. EMPLOYEE NOTICE

An employee shall be granted military leave, provided that the employee gives advance verbal or written notice of the leave except when such notice is precluded by military necessity, impossibility, or unreasonableness. In the granting of such leave, EMWD may require verification of the employee's military orders.

VI. REINSTATEMENT UPON RETURN OF LEAVE

Following release from military service, an employee shall have, at the minimum, such right to return as may be required by State and Federal law in effect at the time the employee applies for reinstatement. Probationary and regular employees granted military leave for a period not to exceed one hundred eighty (180) days and who are honorably discharged, shall be reinstated to the position they would have held had they remained continuously employed. Probationary and regular employees granted military leave for a period not to exceed five (5) years and who are honorably discharged, shall be reinstated to the position they held prior to leave being granted provided they return to work within twelve (12) months from the date of release from duty. If the position no longer exists, a comparable position in terms of pay, benefits, status, seniority, and conditions, of employment shall be made available provided the employee is qualified or can become qualified through EMWD's reasonable efforts.

EASTERN MUNICIPAL WATER DISTRICT
MILITARY LEAVE POLICY

VII. MILITARY SPOUSE/REGISTERED DOMESTIC PARTNER LEAVE

Employees who are spouses or registered domestic partners of military personnel who are home on leave during a period of military deployment are permitted to take up to ten (10) days of job-protected unpaid leave.

To be eligible for leave, the employee must work at least an average of twenty (20) hours per week and be the spouse or registered domestic partner of a member of the armed forces of the United States, National Guard, or Reserves, who has been deployed during a period of military conflict.

Employees requesting leave under this policy may choose to use accrued paid time off (PTO) concurrently with some or all leave under this policy, or they may choose to use leave as time off without pay. To utilize PTO, the employee must provide reasonable advanced notice in accordance with EMWD policy. Notice should be provided within two (2) business days of receiving official notice that the employee's spouse or registered domestic partner will be on leave from deployment.

AUTHORIZED SIGNATURES ON FILE