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Purpose

The purpose of this procedure is to outline the process for granting military and disaster volunteer leave. Leave processed under this section shall be done in consultation with the Office of Human Resources.

Procedure

- A. Federal and state laws govern the granting of military leave and the employee's reemployment rights and those laws shall apply in the event of any inconsistencies with this policy. For the purpose of this policy, employees who perform military service in the uniformed services are entitled to a military leave of absence. The term "military service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty, and a period for which a person is absent from a position of employment for the purpose of performing funeral honors duty. The uniformed services are the Army, Navy, Marine Corps, Air Force, Coast Guard, Space Force, and the commissioned corps of the Public Health Service. This includes the Reserve components of these services and the Army National Guard and Air National Guard. Upon receiving an assignment for military service, employees should promptly provide notice to their supervisors prior to going on military duty, unless precluded by military necessity.
- B. An employee, except an employee who is employed in a temporary position with no expectation of continuance, who is ordered to active duty will receive the College's base salary for the first thirty (30) working days of military leave, and such leave will not affect the employees existing accrued leave balances. If the period of service extends beyond thirty (30) working days, the College (i) shall provide the amount necessary to bring the employee's total salary, inclusive of base military pay, to the level the employee earned at the time they were called into active duty ("supplemental pay"); or ii) upon request by the employee, may elect to use accrued vacation or compensatory leave.
- C. An employee who notifies the College that they will be away from work performing military service is entitled to elect continued insurance coverages through the College, during the military-related absence from work. If the period of service (as called for in the individual's military orders) is for less than thirty (30) days, the College will maintain insurance coverages for the first thirty (30) days of military leave as if the employee was actively employed. If the period of service is greater than thirty (30) days, the College will make insurance coverages available, however the employee must agree to pay the full premiums.
 1. The College is required to make this continuing coverage available to the employee who is away from work for service until the first of the following occurs:



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- a. The employee returns to work after service.
 - b. The employee allows the deadline for an application for reemployment to pass without having made such an application.
 - c. Twenty-four (24) months have passed since the employee left their civilian job for service.
- D. The College is committed to reinstating returning employees to active status in the same or comparable position, pay grade, and salary at the end of the leave if they meet the following criteria:
1. The employee had been employed in a regular staff position and would not have been subject to position discontinuation if employment had not been interrupted by military service.
 2. The employee gave notice to the College prior to leaving, unless precluded by military necessity or to do so would have been impracticable or impossible.
 3. The period of service does not exceed five (5) years to complete an initial period of obligated service, excluding certain exceptions as defined under the Uniformed Services Employment and Reemployment Act (USERRA).
 4. The employee was not discharged from the military under other than honorable terms. The College may request that the employee present a certificate of discharge or release from active duty under honorable conditions (DD-214).
 5. The employee reported back to the College in a timely manner.
 - a. After a period of less than thirty-one (31) days of service, the employee is required to report for work on the first day after the completion of the period of service plus the time reasonably required for safe transportation from the place of service to the individual's residence, and a period of eight (8) hours (for rest). If reporting that next day is impossible or unreasonable because of factors beyond the individual's control (like an accident on the return trip), the individual is required to report for work as soon as reasonably possible thereafter. The employee will be considered to be back on the payroll as of the time the employee reports for work.
 - b. If the period of service is greater than thirty (30) days, but less than one hundred eighty-one (181) days, the individual is required to notify the College of expected return to employment within fourteen (14) days of release from service.
 - c. If the period of service is one hundred eighty-one (181) days or more, the individual is required to notify the College of expected return to employment within ninety (90) days of release from service. The deadline for reinstatement may be extended up to two (2) years for employees who are disabled or convalescing due to an injury incurred or aggravated as a result of military duty.
 - d. The College will not require the returning service member to wait for a vacancy, and if training or retraining is needed to meet the minimal standards associated with this reemployment, the College will offer it to the employee "on the clock". Employment will be




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offered to the individual not later than the start of the second two-week pay period after the pay period when the individual submits the request for employment.

- e. If the individual misses the relevant deadline for submitting an application for employment, the employee may still be entitled to employment, but is subject to the College's policy regarding explanations or sanctions for absence from scheduled work. In this case, the final employment decision rests with the Chief Human Resources Officer (CHRO), or designee.
6. Circumstances have not so changed as to make such employment impossible or unreasonable and do not impose an undue hardship on the College.
- E. In most situations, the employment position will reflect the status and other benefits that the employee would have achieved had the employment not been interrupted by service including seniority, pay increases and benefit increases based on length of employment.
 - F. The College may hire a replacement while an employee is on military leave. The temporary employee is a term appointment and the offer letter from the hiring chair person must clearly state the term of the appointment. The replacement worker may be eligible for benefits depending on the type and length of the assignment. However, in no case, will a replacement employee be eligible for benefits provided under the Reductions in Force (RIF) policy. The offer letter must clearly state that the temporary employment will end upon the return of the employee from military leave.
 - G. Florida Disaster Volunteer Leave: Upon the approval of the employee's supervisor and under the provisions of F.S.110.120 (The Florida Disaster Leave Act), all full-time employees of Florida State College at Jacksonville (FSCJ) may be granted a leave of absence with pay for not more than fifteen (15) working days in any twelve (12) consecutive month period for participation in specialized disaster relief services upon the request of the American Red Cross or the Florida Division of Emergency Management. Leave under this act may be granted only for services related to a disaster occurring within the boundaries of the State of Florida, except that, with the approval of the Governor and Cabinet, leave may be granted for services in response to a disaster occurring within the boundaries of the United States. The following conditions shall apply:
 1. The employee must be certified as a disaster volunteer by the mobilizing agency and be assigned specific and specialized duties for which he or she is qualified by training and experience in disaster mitigation.
 2. The services to be provided by the employee are significant to the disaster relief effort and cannot be reasonably performed by the resident staff of these agencies.
 3. Employees granted leave under these provisions shall not be deemed to be eligible for the College's Workers' Compensation benefits while under the supervision of the American Red Cross or the Florida Division of Emergency Management.

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- H. FSCJ will reimburse volunteers, at the mileage allowance, pursuant to Florida Statute 112.061. Per diem and lodging expenses will not be paid to employees who are quartered under "field conditions" or provided accommodations by the supervising agency.
- I. Use of these types of leave requires the employee to submit a copy of the individual's military orders, drill schedule, or other official documentation from the Red Cross or the State of Florida that include the specific dates of service.

REFERENCES: Uniformed Services Employment and Reemployment Act (USERRA), F.S. 110.120, 112.061, 115.07, 115.09, 115.14, 1001.64, 1001.65

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