

**NORTH GEORGIA HEALTH DISTRICT**  
**County Board of Health Personnel Policy #1009**  
Cherokee, Fannin, Gilmer, Murray, Pickens, Whitfield

**MILITARY LEAVE**

**EFFECTIVE DATE:** June 1, 2010

**RELEASE DATE:** June 1, 2010

**REFERENCES:** Federal Law (U.S.C. Title 38, Chapter 43 - Uniformed Services  
Employment and Reemployment Rights Act)  
State Law (O.C.G.A. 38-2-279 - Rights of Employees on Military Duty)  
Rules of the State Personnel Board - Rule 19

Eligible County Board of Health (CBH) employees are authorized to be absent from work while engaged in the performance of military duty and while going to and from such duty.

**DEFINITIONS**

- A. **“Ordered Military Duty”** – military duty performed in the service of the State of Georgia or of the United States by an employee pursuant to orders issued by the State or Federal authority either with or without the consent of the employee
- B. **“Federal Fiscal Year”** – October 1<sup>st</sup> – September 30<sup>th</sup>
- C. **“Continuous employment”** – employment relationship has not been terminated

**ELIGIBLE  
EMPLOYEES**

All employees, except those employed on a temporary basis, who are or become members of the organized militia (e.g., National Guard) or any reserve force or reserve component of the Armed Forces of the United States are eligible for military leave pursuant to orders issued by the competent State or federal authority.

**NOTIFICATION**

- 1. Employees are required to notify their supervisors as soon as they are aware of upcoming military duty that will cause absence from work.
  - 1.1 Supervisors must be given a copy of the military orders in advance of military leave whenever possible.
  - 1.2 In the event of an emergency that prevents advance notice, supervisors are to be notified of ordered military duty and provided a copy of the orders as soon as possible.
  - 1.3 Employees on military leave are responsible for

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## MILITARY LEAVE

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ensuring that their supervisors receive timely notification of changes in the duration of ordered military duty.

### **PAY STATUS ON MILITARY LEAVE**

#### **1. ORDERED MILITARY DUTY -**

- 1.1 Employees ordered to military duty will be paid for up to 18 work days (144 hours) in a Federal fiscal year (October 1 through September 30), not to exceed 18 work days in one consecutive period. Employees will not be required to use accrued leave during this period. For employees whose work schedule is less than 40 hours per week, hours will be prorated by the percentage of time worked.
- 1.2 For any absence more than 18 work days, employees may request to use accrued annual and/or personal leave or be placed on leave without pay.

**NOTE: If the Governor declares an emergency and orders employees to ordered military duty as members of the National Guard, the employees, while performing such duty, will be paid for up to two hundred forty (240) hours in a Federal fiscal year.**

#### **2. ATTENDING SERVICE SCHOOLS -**

- 2.1 Employees who **are or become** eligible for military leave may receive orders for attending service school(s).
- 2.2 Employees attending any service school(s) will be paid in accordance with this policy.

#### **3. ENLISTMENTS OR INDUCTIONS -**

- 3.1 Eligible employees who **enlist or are inducted** into the National Guard or any reserve force or component of the U. S. Armed Forces, and are ordered to active duty, active duty for training or inactive duty training are entitled to approved absence from work as provided by law. Since the initial ordered duty following enlistment or induction exceeds two hundred forty (240) hours,

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## MILITARY LEAVE

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such absence is without pay. Employees may, however, request to use accrued annual and/or personal leave to cover the absence from work.

- 3.2 Employees who receive military orders to report for any pre-induction or other examination to determine physical or other fitness for service are entitled to approved absence from work as provided by law. Such absence is without pay; however, employees may request to use accrued annual and/or personal leave to cover the absence from work.

### EMPLOYMENT STATUS & BENEFITS

1. Time spent on military leave is not a break in continuous employment.
2. Employees on military leave are eligible for rights and benefits provided by Federal and State laws, and other benefits provided by the Agency.
3. While on military leave with pay, premiums for health insurance will continue to be deducted from employees' paychecks. Employees may elect to continue or discontinue health insurance benefits while on military leave without pay.
4. Some benefits offered through the flexible benefits program do not provide coverage for claims resulting from involvement in armed conflict or war. Employees who are called to active military duty under such conditions should discuss the continuation of flexible benefits while on military leave with the District Personnel Office.
5. Employees are eligible to continue Group Term Life Insurance while on military leave **without** pay.
6. Employees who return to work following military leave may pay contributions to the Employees' Retirement System and Deferred Compensation Program for the time period that contributions were not paid during the military leave. Employees should contact the District Personnel Office for information regarding applicable time frames.

### RETURN TO WORK

1. Employees whose cumulative absences from work while on military leave have not exceeded five years are entitled to return to work upon completing military duty as required by law.

## MILITARY LEAVE

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**NOTE: Certain types of service do not count toward the five-year limitation. The District Personnel Office should be contacted when employees have accumulated absences from work for military leave that exceed five years.**

2. The Board is not required to return individuals to work who were employed with CBH on a temporary basis (e.g., a brief, non-recurrent period for less than 9 months).
3. In order to be eligible for return to work, employees are to do the following:
  - 3.1 If the period of military duty was *two hundred forty (240) hours or less* **or** military leave of any length was *for examination purposes to determine fitness to perform service*, employees must report to work not later than the **first scheduled work day** after an eight-hour period following the completion of military duty and returning home.
  - 3.2 If the military duty was for *more than two hundred forty (240) hours, but did not exceed one thousand four hundred forty (1440) hours*, employees must submit a written notice for return to work to their supervisors, or other designated officials, **within 14 calendar days** of completing military duty.
  - 3.3 If the military duty was for *more than one thousand four hundred forty (1440) hours*, employees must submit a written notice for return to work to their supervisors, or other designated officials, **within 90 calendar days** of completing military duty.
4. Employees who are hospitalized or recovering from an illness or injury as a result of the military duty are to report for duty or apply for return to work as described above upon recovering from the illness or injury. The period of recovery may not exceed two (2) years.
5. Upon timely notice following the satisfactory completion of military duty, employees will be returned to work as follows:
  - 5.1 If the military leave was for 90 calendar days or less, an employee must be returned to a position in

## MILITARY LEAVE

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the same job category the employee would have held if military duty had not occurred, if qualified to perform the duties of the job category or able to become qualified with reasonable efforts by the Board. The employee's work status remains the same.

- 5.2 If the military leave was for more than 90 calendar days, an employee must be returned to a position in the job category the employee would have held if military duty had not occurred, **OR** another job category of like seniority, status and pay, if the employee is qualified to perform the duties of the job category or able to become qualified with reasonable efforts by the Board. The employee's work status remains the same.
- 5.3 If an employee is not able to perform the duties of the job category with reasonable accommodation due to disability sustained or aggravated during the military service, the employee will be employed in another job category in the Agency for which the employee is qualified and is able to perform the essential functions, with or without reasonable accommodation.

**NOTE: The Board is not required to return an employee from military leave if circumstances have drastically changed making it impossible or unreasonable to do so. (e.g., closing of a facility, reduction in force which would have included the employee, etc.)**

For additional information or assistance, please contact the District Personnel Office 706/272-2342.

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