




City of Olympia Administrative Guidelines

GUIDELINE #31	
Military Leave	
EFFECTIVE DATE: August 15, 2003	PREPARED BY: Human Resources Department
REVISED: June 12, 2008	APPROVED BY:  <hr/> Steven R. Hall City Manager
SUPERSEDED: N/A	

- SECTION INDEX:**
- 31 Military Leave**
 - 31.1. [Purpose](#)
 - 31.2. [Reference](#)
 - 31.3. [Application](#)
 - 31.4. [Policy](#)
 - 31.5. [Guidelines](#)
 - 31.5.1. [Advance Notice](#)
 - 31.5.2. [Reinstatement/Reemployment](#)
 - 31.5.3. [Returning to Work](#)
 - 31.5.4. [Military Leave With Pay](#)
 - 31.5.5. [Military Leave Without Pay](#)
 - 31.5.6. [Military Leave For Spouses](#)

Added/changed info
June 2008

Administrative Guideline #31 – Military Leave

31 Military Leave

31.1. PURPOSE: Establish guidelines and procedures for granting Military Leave to City of Olympia Employees

31.2. REFERENCE: Uniformed Services Employment and Reemployment Rights Act (USERRA); RCW 38.40.060, AGO Opinion No. 2 (1999); Washington State Family Military Leave Act

31.3. APPLICATION: This Administrative Guideline applies to all individuals employed by the City of Olympia

31.4. POLICY: The City of Olympia supports the participation of its employees and their spouses in the National Guard, the reserve components and the regular components of the Armed Forces of the United States of America. The City will fully comply with all Federal, State, and Local laws pertaining to the treatment of employees engaged in military service. If any provision of this Administrative Guideline is found to be in conflict with the current applicable laws, the Guideline will be changed to so that it conforms to current law.

31.5. GUIDELINES:

31.5.1. ADVANCE NOTICE: Unless precluded by military necessity, employees must provide their immediate supervisor, manager, or department Director with written or verbal advance notice of their intent to take any military leave. Employees must provide as much advance notice as possible. If copies of valid military orders, annual drill schedules, or other documentation are available, employees are requested to provide them before any military leave begins. If such documents are not immediately available, employees must provide them no later than 30 days after any military leave begins. Individuals receiving notice of intent to take any military leave must prepare a Personnel Action Form, attach all available documentation, and submit it to the Human Resources Department as soon as possible.

31.5.2. REINSTATEMENT/REEMPLOYMENT: Employees must contact the City as soon as possible after the end of military service and apply for reinstatement/reemployment. The initial application may be verbal but must be followed by a written application as soon as possible if the period of military service has been 30 days or more. Applications should be directed to an immediate supervisor, a manager, or a department Director. In their absence, Human Resources department staff may also accept applications for reinstatement/reemployment. The City will endeavor to reemploy persons returning from military leave as soon as possible. Reinstatement/reemployment to a former position is based on length of military service. Individuals receiving and accepting applications for reinstatement/reemployment must prepare a Personnel Action Form and submit it to the Human Resources Department as soon as possible.

- a. **Service of 1 to 90 days:** to the position the employee would have held had he or she remained continuously employed, so long as the employee is qualified for the position or can become qualified after reasonable efforts by the City. If the employee can't become qualified, reinstatement will be to the position held at the time military service began.

[back to Index](#)

Administrative Guideline #31 – Military Leave

- b. **Service of 91 or more days:** to the position the employee would have held had he or she remained continuously employed, so long as the employee is qualified for the position or can become qualified after reasonable efforts by the City, or to a position of like seniority, status, and pay, so long as he or she is qualified. If the employee can't become qualified, reinstatement will be to the position held at the time military service began or to a position which nearly approximates that position.

31.5.3. RETURNING TO WORK: Employees must return to work as soon as possible after military leave. Time limits depend on the duration of service.

- a. **Service of 1 to 30 days:** the beginning of the next regularly scheduled work period on the first full day following completion of service and expiration of an 8-hour rest period following safe transportation home.
- b. **Service of 31 to 180 days:** written application for reinstatement/reemployment must be submitted and the employee must return to work no later than 14 days after the completion of military duty.
- c. **Service of 181 or more days:** written application for reinstatement/reemployment must be submitted and the employee must return to work no later than 90 days after completion of military duty.
- d. Failure to apply for reinstatement/reemployment and return to work in accordance with the time limits specified in (a), (b), and (c) above, unless through no fault of your own, may be considered an unauthorized absence from work, jeopardize your reinstatement/reemployment rights, result in loss of eligibility for benefits, or may result in disciplinary action up to and including termination of employment.
- e. **Extensions for disability or injury incurred during military service:** Deadlines for reinstatement/reemployment and returning to work may be extended for up to two years for employees who are convalescing due to a disability or injury incurred or aggravated during military service. Employees must apply for disability/injury extensions to their Department Director or the Human Resources Director. Applications shall be in writing and shall include medical information pertaining to the request. The City reserves the right to seek or request additional medical information or second medical opinions. If the extension is granted, employees may, at their option, use accrued sick leave during the disability/injury extension up to the amount accrued prior to beginning military leave. Employees who receive annual leave instead of separate vacation and sick leave accruals may use accrued annual leave in this situation.

31.5.4. MILITARY LEAVE WITH PAY:

- a. In accordance with RCW 38.40.060, employees serving in the National Guard or a reserve component in the Armed Forces of the United States of America are entitled to a maximum of twenty-one (21) working days of paid military leave during each year beginning October 1 and ending the following September 30.
 - 1. Employees assigned to work shifts between 8 and 12 hours long will be required to use one paid military leave day to compensate for missing a regular work day;

[back to Index](#)

Administrative Guideline #31 – Military Leave

2. Employees assigned to 24-hour shifts (e.g. Firefighters) will be also be required to use one paid military leave day in order to compensate for missing a full 24-hour shift.
 - b. Use of this paid leave will not result in loss of seniority, any benefits conferred by seniority, pay, or leave accruals and will not impair other rights and benefits to which the employee is entitled.

31.5.5. MILITARY LEAVE WITHOUT PAY:

- a. Military Leave that extends beyond 21 working days as specified in 31.5.4 (a) shall be without pay. Employees must provide the City with valid military orders no later than 30 days after a military leave without pay begins.
- b. Employees may elect, in accordance with current Federal and State of Washington laws and regulations, to continue paying for medical, dental, and retirement benefits during a military leave without pay.
- c. Vacation, annual leave, and sick leave accruals will stop on the first day of the first full pay period of unpaid military leave and will restart on the first day of the first full pay period after an employee returns to work at the accrual rates that the employee would have been entitled to had he or she been continuously employed. Seniority and other benefits conferred by seniority, such as eligibility for promotional consideration, eligibility for longevity pay, step increases, increases in vacation, annual leave or sick leave accrual rates will not be affected during an unpaid military leave.
- d. Employees won't be required to use accrued vacation, annual leave, or compensatory time during an unpaid military leave. However, employees may elect to use those accruals if desired.
- e. Delays between the end of military service and reporting to work that conform to the limits specified in 31.5.3 (a) (b) (c) above shall be considered an extension of unpaid military leave.
- f. Employees who are unable to return to work within the time limits specified in 31.5.3 (a) (b) (c) above will be required to request a leave of absence in accordance with and subject to the provisions contained in Administrative Guideline #14.
- g. Employees who have been granted an extension of the return to work time limits in accordance with Section 31.5.3 (e) above, will be required to, if still unable to return to work at the expiration of the extension period, request a leave of absence in accordance with and subject to the provisions contained in Administrative Guideline #14.

[back to Index](#)

Administrative Guideline #31 – Military Leave

31.5.6. MILITARY LEAVE FOR SPOUSES:

- a. Employees who are spouses of members of the Armed Forces, National Guard, or Reserves are entitled to 15 days of unpaid leave per deployment provided the following:

Added/changed info
June 2008

1. The leave is requested during a period of active military conflict, as declared by the President or Congress, or a period in which members of the Reserve are ordered to active duty, and
 2. The employee works an average of 20 hours per week, and
 3. Notice of intent to take leave is made within five business days of receiving official notice of an impending call or order to active duty or notice of a leave from deployment.
- b. Employees may elect to use accrued vacation, annual leave, or compensatory time during this military leave period.
- c. This type of Military Leave is in addition to leave available under FMLA (see EHM policy) and other leave the employee may be entitled.

[back to Index](#)