

MILITARY LEAVE POLICY



Policy Title: Military Leave
Policy Number: 4.08
Authorization: Grand Forks County Commission

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POLICY STATEMENT

Grand Forks County grants leaves of absence for Military Duty to employees who are members of the National Guard or Armed Forces Reserves. The County also reemploys veterans in compliance with Veteran Reemployment Rights Law.

RATIONALE

To ensure compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and North Dakota Century Code 37-01-25 and 37-01-25.1.

APPLIES TO

All County employees who are members of the National Guard or members of the Armed Forces Reserve of the United States of America. Elected official or temporary/seasonal employees are not eligible.

DEFINITIONS

Temporary/Seasonal: Employees who are expected to remain in a position only for a certain amount of time.

Inactive Pay Status: Employees who are not receiving regular pay for hours worked

MILITARY LEAVE PROVISIONS

Grand Forks County employees who are members of the National Guard or of the Armed Forces Reserve of the United States of Americas, shall be subject to call in the federal service by the president of the United States or shall volunteer for such services, when ordered by proper authority to active non-civilian employment, are entitled to a leave of absence from such civil service for the period of such active service without loss of status or efficiency rating.

NOTIFICATION

An employee who have received military order must provide a copy of their supervisor as soon as the orders become available.

PAYMENT WHILE ON MILITARY LEAVE FOR ACTIVE DUTY

Employees shall receive 20 workdays each calendar year without loss of pay. To be eligible, employee must be in the continuous employ of the County for 90 days immediately preceding the leave of absence.

PAYMENT WHILE ON MILITARY LEAVE FOR FULL OR PARTIAL MOBILIZATION

Any leave of absence necessitated by a full or partial mobilization of the reserve or National Guard or emergency state active duty, must be without loss of pay for the first 30 days thereof less any other paid leave of absence which may have been granted during the calendar year.

NON-ACTIVE DUTY

Weekend, daily, or hourly periods of drill are excluded from the authorized 20 days paid leave of absence. If an employee is scheduled to work during those periods, the employee has the option to take unpaid leave, Vacation Leave or provided an opportunity to reschedule the work-period so that the reserve or national guard weekend, daily, or hourly drill or period of training occurs during time off from work without loss of status or efficiency rating.

PAY STATUS

Employees who are on Military Leave are not required to use paid leave prior to using leave without pay.

REINSTATEMENT

An employee who within ninety days after receiving a discharge other than dishonorable from such active noncivilian service, and who is not physically or otherwise incapacitated to perform the duties of the position formerly held by the person, applies for such position held by the person at the time of entering such active service, must be given such position or one of like seniority, status, and pay, and is immune to discharge from said position except for cause, as defined by the department of veterans' affairs, for a period of one year after entering upon the duties of the person's civilian position. Any such person not so re-employed or who is discharged within a period of one year without cause, has the right of appeal to the department of veterans' affairs under such rules and regulations as the administrative committee on veterans' affairs may promulgate. If the Department of veterans' affairs finds that such person was not re-employed or was discharged within one year without cause, it may order any officer or other appointing power to comply with the provisions of this chapter. If such person at the time of entering noncivilian service has been an officer or employee of the state of North Dakota or any political subdivision or city thereof, having a merit or civil service system with an appeal board, such appeal board has the same powers as are granted to the department of veterans' affairs in this section.

ROLES

Supervisors must secure a copy of the military orders.

Employees must promptly notify their supervisor when they receive military orders.

This policy is intended as a guideline to assist in the consistent application of Grand Forks County policies and procedures for employees. The policy does not create a contract implied or expressed, with any Grand Forks County employees. Grand Forks County reserves the right to modify this policy in whole or in part, at any time, in its sole discretion. This policy will be reviewed no less than every three years, unless required by Federal, State, or Local law.

RESOURCES

Contact the Human Resources if you have any questions or if you would like additional information about this policy.

FORMS

Time Off Request and Payment Form

RELATED POLICIES AND PROCEDURES

Vacation Leave