



POLICY TITLE: County Employees as Reservists or Active Duty Military Personnel

POLICY NO.: PR-9

I. PURPOSE

The purpose of this Policy is to establish formal guidelines that comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 (an overview of USERRA is attached and incorporated in this Policy). The guidelines in this Policy relate to County employees who voluntarily or involuntarily fulfill annual and extended leave for active duty as reservists.

II. SCOPE

This Policy applies to any County employee who falls within the term “uniformed services” as used in USERRA and this Policy, and further defined as the Armed Forces, the Army National Guard, and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, System members of the National Urban Search and Rescue Response System during a period of appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and any other category of persons designated by the President in time of war or national emergency.

III. GENERAL POLICY

The Board of County Commissioners fully supports employees who serve as military reservists or active duty military personnel and will reasonably accommodate the needs of employees and their dependents to the fullest extent permitted and required by law.

IV. POLICY AND USERRA COMPLIANCE

A. Job Security

1. Under USERRA, the Board of County Commissioners will guarantee that all employees serving in active duty status for up to five (5) years will be allowed to return to their previous jobs or equivalent jobs.
2. To be eligible for protection under USERRA, an employee must report back to work or apply for reemployment within the following guidelines:

- a. For one (1) up to thirty (30) days of service, the employee must report on the next scheduled work day after eight (8) hours of rest and travel time.
- b. For thirty (30) to one hundred eighty (180) days of service, the employee must apply for reemployment within fourteen (14) days after completion of service.
- c. For one hundred eighty-one (181) or more days of service, the employee must apply for reemployment within ninety (90) days after completion of service.

B. Compensation

1. Annual Training

- a. The County will pay the difference between the employee reservist's military pay and his or her regular civilian salary if the military wages are less than those paid by the County.
- b. The employee reservist is responsible for presenting the necessary documentation to the Department of Budget and Finance to receive this pay differential.

2. Active Duty

- a. The County will pay the difference between an employee reservist's military pay and his or her regular civilian salary if the employee serves in active duty status.
- b. The pay differential provided for active duty status will not be extended beyond five (5) years.
- c. The Board of County Commissioners reserves the right to periodically review this Policy and discontinue the pay differential provided for active duty status.
- d. The pay differential to the employee reservist will be the difference between the employee reservist's County salary and all payments received as compensation from the military after deducting per diem and reimbursement for expenses.

C. Benefits Status While on Active Duty

1. The County will continue any elected health and retirement coverage and benefits on an employee and his or her dependents during the employee's time on active duty status.

2. While employees and the County currently share payment of health insurance benefit premiums, the Board of County Commissioners reserves the right to make a determination whether appropriate employee premium costs should be recovered from an employee in active military status.

D. Point of Contact

The Department of Human Resources is the point of contact for employee reservists who need assistance or additional information regarding this Policy and the guidelines and requirements of USERRA.

