

City of
Lawrence
Administrative
Policy

SUBJECT Military Leave of Absence and Supplemental Pay for Full Time Active Duty		APPLIES TO City Employees	
EFFECTIVE DATE January 1, 2013	REVISED DATE December 15, 2015		NEXT REVIEW DATE
APPROVED BY		TOTAL PAGES 7	POLICY NUMBER 93

1.0 **Purpose**

To establish official policy and procedures governing City of Lawrence employee rights and responsibilities before, during, and after a leave of absence of 31 days or longer due to active military service. This policy does not include Reservist or National Guard Temporary Duty less than 31 days or "Drill" duty. Employees whose absence from a position of employment is necessary due to service in the uniformed services may be entitled to reemployment rights. Under most normal circumstances, an employee will be returned to his/her position or in a position of like seniority, benefits, and pay.

All employees who are active members of the National Guard, the Officer's Reserve Corps, or the Enlisted Reserve Corps of the United States Government, or the State of Kansas, shall be entitled to a military leave of absence pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 and K.S.A. 48-517 when applicable.

2.0 **Policy**

A. **Employee Responsibilities:**

All employees must provide advance notification (written or oral) to the appropriate Department Director, as well as to the Human Resources Division. However, no notice is required if military necessity prevents it, or it is impossible or unreasonable. After satisfactory completion of duty, employees are responsible for providing all necessary paperwork and proof of service documents in a timely manner.

Return to Work:

30 days or less of military service: Employees must report back to work by the beginning of the first full regularly scheduled work period no earlier than eight hours after the employee has returned home.

In the case of state active duty, employees must report to work within 72 hours after release from duty or recovery from disease or injury resulting from such duty.

31 to 180 days: Employees must submit an application for reemployment (written or oral) no later than 14 days after completion of service. This time can be extended under special circumstances, but the employee should contact Human Resources to clarify.

181 or more days: An application for reemployment (written or oral) must be submitted within 90 days after the completion of service. Special circumstances may warrant an extension, but must be cleared through the Human Resources Manager.

5 years or more: Unless an employee has a qualifying exception, reemployment is not obligatory after 5 years of cumulative military leave.

Exceptions include:

- Service required beyond five years to complete an initial period of obligated services
- Service from which a person, through no fault of the person, is unable to obtain a release within the five-year limit
- Required training for reservists and national Guard members
- Service under an involuntary order to, or to be retained on, active duty during domestic emergency or national security related situations
- Service under an order to, or to remain on, active duty (other than for training) because of a war or national emergency declared by the President or Congress
- Active duty (other than for training) by volunteers supporting “operational missions” for which Selected Reservists have been ordered to active duty without their consent
- Active duty in support of a “critical mission or requirement”
- Federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States
 - Those returning from state active duty who meet the provisions of K.S.A. 48-517 and report to work within 72

hours after release of duties

B. Employee Benefits Information:

Holiday Pay:

Employees on military leave will receive holiday pay.

Vacation and Sick Leave Accruals:

Any employee who is on active military status for two weeks or less, and who chooses to take leave without pay, will continue to accrue vacation and sick leave and will not be required to reimburse the City for missed payroll deductions for dependent health insurance premiums. In all other instances, vacation and sick leave accruals will discontinue unless the employee chooses to use any vacation and/or applicable paid time off benefits (i.e. personal leave, wellness time off, etc.) that had accrued or been otherwise earned before the beginning of their military service.

Group Health Coverage:

Benefits provided under Federal, state, or local laws, regulations, or programs (e.g. Tri-Care) will not be duplicated, whether or not an employee waives his or her rights to these services. Employees activated to military duty and eligible for Tri-Care must contact Human Resources immediately. Such employees may waive their health coverage from the date their coverage under Tri-Care becomes effective and have their health coverage reinstated effective their date of discharge or loss of coverage under Tri-Care if their re-enrollment application is received timely (within 31 days of the event). Such employees that continue their *family* health coverage during their period of military activation will be directly billed by the city to the address of the employees' choice. Failure to pay the premium is an indication of intent to waive coverage.

Life Insurance:

Eligible employees have group term life insurance and AD&D coverage provided by the city. The amount of coverage depends on the employee's job classification. Eligible employees may also purchase voluntary term life insurance for themselves, their spouse, and eligible dependent children through payroll deduction.

All coverage ends the last day of the month in which the employee enters the armed forces. Upon an employee's discharge from military duty, any waiting period or evidence of insurability requirement will be waived provided:

- The employee applies or is enrolled within 31 days after resuming active work; and
- The reinstated amount of insurance does not exceed the amount

which terminated.

Coverage can be continued during military leave by converting to a whole life insurance policy and paying the required premiums. To continue insurance, a written application and first premium payment must be made within 31 days of the date insurance would end. Upon return to work, the whole life policy has to be surrendered.

Be advised that according to the terms of the group policy, an insured death benefit is not payable for:

- Active duty as a member of uniformed services (of any military, Naval, or air force); and
- War or any act of war (declared or undeclared).

KPERS and KP&F Benefits:

Basic and Optional Group Life Insurance

KPERS members called to active military duty will continue to be covered by Basic Group Life Insurance for the duration of their military leave. Should the employee not immediately return to covered employment, this extended coverage will cease once the active duty period has ended.

KP&F members do not have Basic Group Life Insurance. KP&F members have non-service connected death benefits that would apply in the event of the death of a member called to active military duty.

KPERS and KP&F members purchasing Optional coverage have the option to continue coverage on a premium paying basis for 12 months. After 12 months, the member must convert to a whole life policy to continue coverage. If the member returns to work within five years of activation, the coverage will be reinstated, per USERRA, even if the member did not elect continuation.

Disability

There is no KPERS or KP&F disability coverage during service in the military.

Service Credit

Service credit is granted for up to five years of active military duty if the time served is (a) immediately preceded by employment in a covered position and (b) followed by return to covered employment within 12 months immediately following discharge from such military service. For anyone disabled in the line of military duty, the allowed period for returning to covered employment is extended for two years.

Flexible Spending Accounts (FSA):

If an employee is on military leave of absence without pay for more than 30 days, the employee may direct the city to:

- Terminate contributions for the rest of the Plan year;
- Step back into his or her per pay period election upon return (there would be no coverage during the absence and the annual election would be reduced by the number of pay periods missed); or
- Upon return, allow the employee to make a new election as if he or she was a new employee.

An employee on military leave of absence who elects to use vacation accruals or other applicable paid time off benefits may direct the city in writing to continue his or her FSA contributions until the employee's status changes to an unpaid leave of absence.

In general, these options will apply to both health care and dependent care flexible spending accounts. However, dependent care expenses incurred while an employee is not working are never eligible for reimbursement within the Plan.

Payroll Deductions:

If an employee is on military leave of absence without pay, the employee may direct the city to either suspend or direct bill current paycheck deductions, including but not limited to fitness club memberships, computer lease purchases, United Way contributions, and union dues. If an employee is on military leave of absence and elects to use vacation accruals or other applicable paid time off benefits, their regular deductions will continue to be taken from the paycheck.

Supplemental Pay:

If the military pay of any full-time regular employee called into active service is less than the base salary they would have continued to receive if not called to active service, they may receive supplemental pay that is equal to the difference between city pay and military pay. This supplement is calculated by subtracting military base pay and Basic Allowance for Housing (BAH) and Basic Allowance for Subsistence (BAS) for the activated period from current city base pay and additional pays. To be eligible for this supplemental pay, the employee must:

1. Be an active member of a *part-time* military entity such as the National Guard, the Officer's Reserve Corps, or the Enlisted Reserve Corps of the United States Government or the State of

Kansas. (Employees who enlist in full-time active duty military would not be eligible for this benefit.)

2. The employee must be called to active duty for 31 consecutive days. Supplemental pay is available for initial and each subsequent activation to duty subject to policy monthly and annual limits.
3. The employee must provide documentation that their active duty military pay is less than the pay they would receive from their city employment. Such documentation would include a *Military Supplemental Pay Form*, proof of Honorable Military Discharge and/or similar document, and DFAS Form 702 (Military LES) or equivalent military document. If discharged from the military during active service, the service member must not be dishonorably discharged to receive continued payment and final pay reconciliation.

This supplemental pay is intended to reduce any adverse financial impact which may occur related to military deployment. This supplement will not trigger the accrual of vacation or sick leave, as stated earlier. Each activated employee is eligible for up to \$15,000 per payroll year and \$2,000 per month.

C. **Employer Responsibilities**

The city will work with the employee to make the transition from active service to civilian employment as smooth as possible. If at all possible, employees will return to the position they would have held before service. If that position is no longer available, the city will be responsible for providing the necessary training and skill development to place the employee in a position of like status, seniority, and pay. If the employee has incurred or aggravated a disability while in military service, the city will make reasonable efforts to accommodate any disability so that the employee can continue in a position or like-position previously held. If the employee can no longer perform the required duties of that position, the city will seek a position of equal status, seniority, and pay that the employee is or could be qualified to perform. However, under the circumstances, that reemployment would be impossible or unreasonable the city can, by law, refuse employment.

3.0 **Supplemental Pay Procedure**

- A. **Implementation Date-** This policy will begin on January 1, 2013 and is not retroactive.
- B. **Method to Calculating Benefit-** The service member's Leave and Earnings Statement (LES Figure 1) is needed to compare to the City Pay Vouchers. The most recent LES needs to be presented in order to apply

for the supplement. See Figure 1 for an example LES that shows base pay, BAH, and BAS under the entitlements column. The base pay, BAH, and BAS are added together and then subtracted from the employee city monthly pay (base pay plus add pays only). The difference, up to \$2,000 per month and up to a total of \$15,000 per payroll year is then paid bi-weekly to the employee while activated and absent from city employment. The LES uses a monthly and mid-monthly pay period, and Human Resources will convert the numbers to a bi-weekly pay period. Should a change in military pay occur during activation, the employee must contact Human Resources and submit updated information. Upon return to city employment, the employee needs to contact Human Resources to submit every LES accrued while activated and finalize paperwork. Payment will be reconciled upon return with submission of required final paperwork.

- C. **Applicability-** This policy is subject to annual appropriation of the governing body and can be discontinued or modified at any time.

DEFENSE FINANCE AND ACCOUNTING SERVICE MILITARY LEAVE AND EARNINGS STATEMENT																	
ID	NAME (Last, First, MI)		SOC. SEC. NO.		GRADE	PAY DATE	YRS SVC	ETS	BRANCH	ADSN/DSSN	PERIOD COVERED						
					E5	040211	04	100210	AF		1-31 JUL 08						
ENTITLEMENTS			DEDUCTIONS				ALLOTMENTS				SUMMARY						
	Type	Amount	Type	Amount	Type	Amount											
A	BASE PAY	2247.30	FEDERAL TAXES	88.46	DISCRETIONARY ALT	1521.00	+Amt Fwd .00										
B	BAS	294.43	FICA-SOC SECURITY	139.33	TRICARE DENTAL	11.58	+Tot Ent 4266.73										
C	BAH	1725.00	FICA-MEDICARE	32.59			-Tot Ded 1570.22										
D			SGLI	27.00			-Tot Allt 1532.58										
E			AFRH	.50			=Net Amt 1163.93										
F			FAMILY SGLI	5.50			-Cr Fwd .00										
G			TSP	112.37			=EOM Pay 1163.93										
H			MID-MONTH-PAY	1164.47													
I																	
J																	
K																	
L																	
M																	
N																	
O																	
	TOTAL	4266.73		1570.22		1532.58											
LEAVE	BF Bal	Ermd	Used	Cr Bal	ETS Bal	Lv Lost	Lv Paid	Use/Lose	FED TAXES	Wage Period	Wage YTD	M/S	Ex	Add'l Tax	Tax YTD		
	25.5	25.0	11	39.5	85.5	.0	.0	.0		2134.93	13682.36	M	02	.00	493.01		
FICA TAXES	Wage Period	Soc Wage YTD	Soc Tax YTD	Med Wage YTD	Med Tax YTD	STATE TAXES	St AK	Wage Period	Wage YTD	M/S	Ex	Tax YTD					
	2247.30	14402.50	892.94	14402.50	208.83			.00	.00	.00	N	.00	.00				
PAY DATA	BAQ Type	BAQ Depn	VHA Zip	Rent Amt	Share	Stat	JFTR	Depns	2D JFTR	BAS Type	Charity YTD	TPC	PACIDN				
	WIDEP	SPOUSE	08641	.00	1	R		0			.00						
THRIFT SAVINGS PLAN (TSP)	Base Pay Rate	Base Pay Current	Spec Pay Rate	Spec Pay Current	Inc Pay Current	Inc Pay Current	Bonus Pay Rate	Bonus Pay Current									
	5	.00	0	.00	0	.00	0	.00			0	.00					
	TSP YTD Deductions				Deferred		Exempt										
	720.14				720.14		.00										
REMARKS: YTD ENTITLE 27768.11 YTD DEDUCT 2557.92																	
<p>IF TSP ELECTION AMT EXCEEDS NET AMT DUE, TSP WILL NOT BE DEDUCTED.</p> <p>-LEAVE CARRYOVER INCREASED TO 75 DAYS FOR FY08. NO ACTION REQUIRED BY MEMBERS. DFAS WILL BEGIN RESTORING AFTER 1 OCT 08.</p> <p>-MYPAY HAS ALLOWED MBRS TO ELECT A HARD-COPY LES VIA US MAIL. AF POLICY IS TO PROVIDE AN ELECTRONIC LES. EFF 1 OCT (SEP LES), AF WILL NO LONGER PRINT LES STATEMENTS IF AVAILABLE ON MYPAY. THANK YOU FOR YOUR SUPPORT.</p> <p>-IF YOUR SPOUSE WANTS INFO ABOUT THE MILITARY LIFESTYLE WE INVITE HIM/HER TO JOIN US FOR THE NEXT HEART LINK SPOUSES ORIENTATION. LUNCH AND CHILD CARE ARE PROVIDED. CALL YOUR</p> <p>BASE AIRMAN & FAMILY READINESS CTR FOR DETAILS.</p> <p>-IF YOU GAMBLE WITH SAFETY...YOU BET YOUR LIFE.</p> <p>-ELECTIONS ARE COMING! UPDATE YOUR ADDRESS TO GET AN ABSENTEE BALLOT. REQUEST YOUR BALLOT FOR THE PRESIDENTIAL AND STATE ELECTIONS. SEE YOUR VOTING ASST. OFFICER OR WWW.FVAP.GOV.</p> <p>TSP 080701(183)</p> <p>RATE CHG SGLI 080701(183)</p> <p>CHANGE GRADE 080701(184)</p> <p>BAH BASED ON W/DEP, ZIP 08641</p> <p>BANK</p> <p>ACCT #</p>																	

DFAS Form 702, Jan 02

WWW.DFAS.MIL

Figure 1: Example Leave and Earnings Statement for Supplemental Pay Calculations