



POLICY: 6Hx28:3D-10

Responsible Executive: Vice President,
Organizational Development & Human
Resources

Policy Contacts: Director, Policy and
Special Projects

**Specific Authority: Uniform Services
Agreement and Reemployment Rights
Act of 1994 (USERRA)**

Law Implemented: 1001.64, F.S.;
Chapter 115, F.S.

Effective Date: 02-24-2021

Date of Last Policy Review: 02-24-2021

Military Leave

Policy Statement:

- I. Valencia College supports employees serving in the United States military. As such, in accordance with applicable federal and state laws pertaining to military leave, Valencia College employees who perform service in the uniformed services are entitled to a paid and/or unpaid military leave of absence, as applicable.
- A. The term "service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes:
1. Active duty and active duty for training;
 2. Initial active duty for training;
 3. Inactive duty training (such as drills);
 4. Full-time National Guard duty;
 5. participation in an examination to determine the fitness of the person to perform any such duty;
 6. performance of funeral honors duty as may be performed by National Guard or Reserve members; or
 7. Duty performed by intermittent employees of the National Disaster Medical System (NDMS), which is part of Department of Health and Human Services, when activated for a public health emergency, and approved training to prepare for such service.
- B. The uniformed services are the:

1. Army, Navy, Marine Corps, Air Force, Coast Guard, and the reserve components of these services;
 2. Army National Guard and Air National Guard;
 3. Commissioned Corps of the Public Health Service; and.
 4. Any other category of persons designated by the President of the United States in time of war or emergency (i.e. Under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work and authorized training for such work is considered “service in the uniformed services”).
- II. Uniform Services Agreement and Reemployment Rights Act of 1994 (USERRA) requires the eligible employee in the uniformed services to give advance written or verbal notice of the service to Valencia College, unless such notice is precluded by military necessity, or is otherwise impossible or unreasonable. For purposes of exception from the notice requirement, military necessity is defined in regulations of the Secretary of Defense as a “mission, operation, exercise, or requirement that is classified, or a pending or ongoing mission, operation, exercise or requirement that may be compromised or otherwise adversely affected by public knowledge.”
- III. It is prohibited to discriminate or retaliate against, or terminate an employee for being a past or present member of the uniformed service, military obligations, or applying for membership in the uniformed service. Any report of discrimination, retaliation, or termination for these instances should be made to an Organizational Development and Human Resources (ODHR) representative from a Regional Solution Center or Equity and Access Office for further evaluation and action as deemed appropriate
- IV. The President or designee(s) may establish procedures to implement this policy.

Policy History:

Amended 01-19-83; Amended 04-18-91; Amended 11-18-92; Amended 04-16-13; Amended 2-24-21; Formerly 6Hx28: 07-20

Related Documents/Policies:

College Policies 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees

College Policy 6Hx28: 3C-01 Total Rewards: Compensation & Hours of Work for Employees of the College

College Policy 6Hx28: 3D-02 Leaves of Absence

College Policy 6Hx28: 3D-03 Total Rewards: Vacation, Sick and Personal Leave for Full Time Employees

College Policy 6Hx28: 3D-06.1 Family/Medical Leave

Procedures:

- I. Requesting a Military Leave of Absence – An eligible full-time or part-time employee requesting a military leave of absence under this policy is responsible for providing as much advance notice as possible to their supervisor on the need for military leave. The notification shall include a copy of the eligible employee’s military orders or other appropriate written documentation indicating that the employee is being called to military duty for purposes listed under Policy Statement I. A. Once a supervisor is notified by their employee of a military leave of absence request, the supervisor must notify ODHR Payroll Services as soon as possible by sending an email to payroll@valenciacollege.edu with the following information: employee’s name, employee’s job title, and anticipated dates of military leave.
 - A. For payroll documentation purposes, an eligible full-time or part-time employee will initiate a request for military leave by completing a Certificate of Absence (COA) form in the Request and Manage My Leave system and attach a copy of orders or other applicable documentation with as much advance notice as possible. The eligible employee is responsible for redacting any personal information on the supporting documentation before uploading the documentation into the Request and Manage My Leave system. If military service orders or other applicable documentation is not readily available by the employee’s last work date prior to military service, the employee or an employee’s designee shall provide applicable supporting documentation as soon as possible to an Organizational Development and Human Resources (ODHR) representative, unless military necessity prevents the employee from providing supporting documentation.
 1. An eligible employee who is unable to provide applicable supporting documentation prior to their last work day before military service will automatically be placed on a leave of absence without pay status. A full-time employee may utilize their available accrued vacation and/or personal leave until they are able to provide appropriate military supporting documentation to ODHR Payroll Services. A full-time employee electing this option must send a written request to Payroll Services of this option prior to their military service.
 2. Supervisors are responsible for ensuring that timesheets are submitted while employees are absent from work due to a military leave of absence.
 - a. For a non-exempt full-time employee, appropriate COA(s) and web time entry documented military leave must match for the covered pay periods while the employee is on a military leave of absence.
 - b. For a non-exempt part-time employee, appropriate COA(s) must be submitted for the timeframe stipulated in Procedures Section II (Short-Term Military Reserve or Guard Training; or Active Duty Military Leave of Absence). For more information, see College Policy 6Hx28: 3C-01 Compensation

& Hours of Work for Employees of the College.

II. Total Rewards During a Military Leave of Absence

A. Short-Term Military Reserve Duty or Guard Training

1. An eligible full-time and part-time employee may receive up to 240 work hours of paid military leave per fiscal year for any combination of active duty training and inactive duty training provided official written orders are submitted to ODHR Payroll Services. (Note: For a part-time employee, the hours of paid military leave are based on the number of hours the employee was scheduled to work during the military leave.) After 240 work hours of paid military leave have been exhausted, for any additional active duty training or inactive duty training, an eligible employee may elect one of the following options:
 - a. The employee may be placed on a leave of absence without pay; or
 - b. Based upon operational needs in the supervisor's discretion, the supervisor may adjust the schedule of an eligible full- or part-time employee; or
 - c. A full-time employee may elect to use accrued vacation or personal leave for any additional active duty or inactive duty training beyond the initial 240 work hours of paid military leave.

B. Active Duty Military Leave of Absence

1. Full-Time Employees – The first thirty (30) calendar days of active military service will be paid military leave provided official written orders are submitted to ODHR Payroll Services. (Note: If an official college holiday occurs during the eligible employee's paid military leave, the eligible employee shall receive holiday pay in lieu of paid military leave.) After the first thirty (30) calendar days, the eligible employee will be placed on an unpaid military leave of absence for the remainder of military service. Note: A full-time employee may elect to use all of their accrued vacation or personal leave for all remaining days that they are engaged in such military service. If the eligible employee wants to use their accrued leave after the first thirty (30) days of paid military leave, the eligible employee must send that written request to ODHR Payroll Services prior to their first day of military leave. If Payroll Services does not receive the written request before the eligible employee begins their military leave period, the eligible employee will automatically be placed on an unpaid leave of absence pending receipt of the written request. For more information on full-time employees utilizing applicable leaves, see College Policy 6Hx28: 3D-03 Total Rewards: Vacation, Sick and Personal Leave for Full Time Employees.

2. Part-Time Employees – The first thirty (30) calendar days of active military service will be paid military leave based on the number of scheduled hours the employee would have worked, provided official written orders are submitted to ODHR Payroll Services. After the first thirty (30) calendar days, the eligible employee will be placed on an unpaid military leave of absence for the remainder of the time as stated in the military orders.

Note: If an extension or continuation of a previously received order is exercised prior to the employee returning to work, the employee will continue on an unpaid military leave of absence, unless they previously arranged with ODHR Payroll Services to use available accrued vacation or personal leave. The employee is not eligible to receive another thirty (30) calendar days of paid military leave.

C. Retirement – Retirement contributions shall continue to occur for full-time employees and eligible part-time employees while in a paid status. Retirement contributions cease once a full-time employee or eligible part-time employee is on a leave of absence without pay.

D. Health Insurance and Other Eligible Benefits Coverage – An eligible full-time or Affordable Care Act (ACA) eligible part-time employee who notifies Valencia College that they will be away from work performing military service is entitled to elect continued health insurance and other eligible benefits coverage through Valencia College, during the military-related absence from work.

1. If the period of service (as called for in the individual’s military orders or other supporting documentation) is for less than 30 calendar days, Valencia College will at a minimum maintain health benefits and any other eligible benefits for the first thirty (30) calendar days of military leave. As always, the eligible employee must pay the applicable employee premium and any dependent coverage or voluntary insurance premiums.

2. If the period of service is greater than 30 calendar days and the eligible employee is on unpaid military leave, the eligible employee would be responsible for the employer- and employee-paid expense in addition to any dependent coverage or voluntary insurance premiums. Valencia College is required to make this continuing coverage available to the eligible employee who is away from work for military service until the first of the following occurs:

- i. The eligible employee returns to work after the military service;
- ii. The eligible employee does not request reinstatement within the time allowed as set forth in procedures section IV. A. 5. herein; or

- iii. Twenty-four (24) months passed since the eligible employee last worked in their Valencia College position and left for military service.

III. Extension of Active Duty Military Service

- A. Eligible Employee – If an eligible employee’s military service is extended beyond the initial orders, the eligible employee is responsible to submit a copy of their extended military orders or other appropriate documentation as soon as possible to their supervisor so it can be evaluated for appropriate next steps in collaboration with ODHR and to continue active employment with the College.
- B. Supervisors – When a supervisor receives notification of an eligible employee’s extension of military service, the supervisor must notify ODHR and provide a copy of the extended military orders as soon as possible for evaluation of next steps.

IV. Return to Work After a Military Leave of Absence

- A. Valencia College is committed to reinstating returning full- and part-time military service employees to active status in the same or comparable position, pay grade, and salary at the end of the military leave of absence if they meet the following criteria:
 - 1. The eligible employee had been employed in a regular position and would not have been subject to position discontinuation (i.e. temporary position, grant position, etc.) if employment had not been interrupted by military service.
 - 2. The eligible employee provided appropriate notice and supporting documentation to Valencia College prior to leaving for military service, unless precluded by military necessity, or was otherwise impracticable or unreasonable.
 - 3. The cumulative period of military service did not exceed five (5) years, excluding certain military services as required by USERRA.
 - 4. The employee was separated from military service with an honorable or other qualifying discharge. Note: Valencia College may request that the employee present a certificate of discharge or release from active duty (DD-214).
 - 5. The eligible employee provided military discharge documentation that specified the end date of military service to their supervisor and notified their supervisor of their intent to return to work in accordance with the applicable timeframe below:

- a. Service of one (1) to thirty (30) days – After a period of less than 31 calendar days of military service, the eligible employee is required to report for work at the start of the first full regularly scheduled work period on the first day after the completion of the period of military service, the time reasonably required for safe transportation from the place of military service to the eligible employee’s residence, and a period of eight hours (for rest). If reporting that next day is impossible or unreasonable because of factors beyond the eligible employee’s control, the eligible employee is required to report for work thereafter as soon as reasonably possible. The eligible employee will be considered to be reinstated as of the time the employee reports for work.
- i. The time limit for reporting back to work for an eligible employee who is absent from work in order to take a fitness-for-service examination is the same as the one for a person who is absent for one (1) to thirty (30) days.
- b. Service of 31 to 180 days – If the period of service is greater than 30 calendar days, but less than 181 calendar days, the eligible employee is required to notify their supervisor of their intent to return to work within 14 calendar days of their release from military service. If this is impossible or unreasonable because of factors beyond the eligible employee’s control, the eligible employee is required to report to work thereafter as soon as reasonably possible. The eligible employee will be considered to be reinstated as of the time the employee reports for work.
- c. Service of 181 days or more – If the period of service is 181 calendar days or more, the individual must notify their supervisor of their intent to return to work within 90 calendar days of their release from military service. If this is impossible or unreasonable because of factors beyond the eligible employee’s control, the eligible employee is required to report to work thereafter as soon as reasonably possible.
- i. The deadline for reinstatement may be extended up to two (2) years for employees who are disabled or convalescing due to an injury incurred or aggravated as a result of military duty. The two-year period may be extended by the minimum time required to adjust a circumstance beyond an individual’s control that would make reporting within the two-year period impossible or unreasonable. For more information or other potential eligible total rewards, see College Policies 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees; 3D-02 Leaves of Absence;

3D-03 Total Rewards: Vacation, Sick and Personal Leave for Full Time Employees; and 3D-06.1 Family/Medical Leave.

- B. Once an eligible employee is released from military service, the employee shall provide to their supervisor a copy of the discharge documentation that specifies the end date of military service and of the eligible employee's intent to return to work. The supervisor must notify ODHR to initiate reinstatement processes by sending an email to payroll@valenciacollege.edu with the following information: employee's name, employee's job title, and anticipated release and intent to return to work date from military leave.
 - 1. If training or retraining is needed for the eligible employee to meet the minimum standards associated with their Valencia College position, the employee shall be paid their regular salary for attending applicable training or retraining.
 - C. In most situations, the reinstatement will reflect the status and other benefits that the eligible employee would have received had the employment not been interrupted by the military service. This includes and is not limited to applicable length of service, pay increases, and other applicable benefits based on length of employment.
 - 1. Eligible full-time employees will have thirty (30) calendar days to re-enroll in applicable benefits.
 - 2. Part-time employees eligible for the Affordable Care Act (ACA) must contact a representative from Total Rewards in ODHR for eligibility determination.
 - D. If the eligible employee misses the relevant deadline on notifying their supervisor of their intent to return to work, the eligible employee may still be entitled to reemployment and may be subject to applicable Valencia College policy(ies) regarding explanations or sanctions for absence from scheduled work. Supervisors must notify ODHR at 407-299-5000 x 4748 (HR4U) for assistance with next steps if after a reasonable attempt is made by the College unsuccessfully to reach the eligible employee.
- V. Temporary Replacement – While an eligible employee is on a military leave of absence, Valencia College may consider hiring a temporary replacement. Supervisors must contact ODHR at 407-299-5000 x 4748 (HR4U) for assistance on the temporary replacement process or other available options.
- A. The temporary employee is a term appointment and the offer letter from the hiring chairperson shall provide the terms and conditions of employment to include that the position will end upon the return of the employee on leave.

- B. The replacement employee may be eligible for benefits depending on the type and length of the assignment.
- C. The temporary replacement's employment with the College will end upon the return of the employee from military leave.

Procedure History:

Adopted 01-19-83; Amended 04-18-91; Amended 11-18-92; Amended 2-24-21; formerly 6Hx28: 07-20

Date of Last Procedure Review: 02-24-2021

Procedure supersedes amended procedure - 6-28-2022