



POLICY: 6Hx28:3D-10

Responsible Executive: Vice President,
Organizational Development & Human
Resources

Policy Contacts: Director, ~~HR~~-Policy and
~~Special Projects~~~~Compliance Programs~~

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

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

Effective Date: ~~04-16-2013~~02-24-2021

Date of Last Policy Review: ~~01-22-~~
201902-24-2021

Military Leave

Policy Statement:

I. Valencia College ~~will comply~~supports employees serving in the United States military. As such, in accordance with applicable federal and state laws pertaining to military leave. ~~As a result,~~ 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 ~~A~~active duty and, active duty for training;⁵
- 2 ~~I~~nitial active duty for training;⁵
- 3 ~~I~~nactive duty training (such as drills);⁵
- 4 ~~F~~ull-time National Guard duty;⁵
- 5 ~~a period for which a person is absent from a position of employment for the purpose of participation in~~ an examination to determine the fitness of the person to perform any such duty;⁵
- 6 ~~and a period for which a person is absent from a position of employment for the purpose of performing~~ 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 -Ceommissioned Ceorps of the Public Health Service; and.-This includes the Reserve components of these services and the Army National Guard and Air National Guard.
- 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”).Upon receiving an assignment for military service, employees should promptly provide notice to their supervisors prior to going on military duty, unless precluded by military necessity.

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.

I. For those employees reporting for Federal active or inactive duty training due to membership in military reserves, including the National Guard, the first seventeen (17) working days of such leave shall be with pay. For those employees reporting for state active duty due to membership in the Florida National Guard, such leave not exceeding seventeen (17) working days per fiscal year, shall be with pay. All employees will have the choice of being placed on unpaid military leave status for all remaining days that they are engaged in such military service or they may elect to use accrued vacation and personal leave or earned comp time at their discretion.

~~A. An employee who notifies Valencia College that he or she will be away from work performing service is entitled to elect continued health insurance coverage through Valencia College, during the military-related absence from work. If the period of service (as called for in the individual's military orders) is for less than 30 days, Valencia College will at a minimum maintain health benefits and other benefits for the first thirty (30) days of military leave as if the employee was actively employed. If the period of service is greater than 30 days and the employee is on unpaid military leave, Valencia College may charge up to 102% of the entire premium, including the part that the employer normally pays in the case of active employees. Valencia College is required to make this continuing coverage available to the employee who is away from work for service until the first of the following occurs:-~~

~~ii The employee returns to work after service-~~

~~iv The employee allows the deadline for an application for reemployment to pass without having made such an application-~~

~~vii Eighteen (18) months have passed since the employee left his or her civilian job for service.~~

~~I. Valencia College is committed to reinstating returning employees to active status in the same or comparable position, pay grade, and salary at the end of the leave if they meet the following criteria:-~~

~~D. The employee had been employed in a regular staff position and would not have been subject to position discontinuation if employment had not been interrupted by military service.-~~

~~F. The employee gave notice to Valencia College prior to leaving, unless precluded by military necessity or to do so would have been impracticable or impossible.-~~

~~H. The cumulative period of service did not exceed five (5) years, excluding certain services required by, among other things, a declared war or national emergency.-~~

~~J. The employee was not discharged from the military under other than honorable terms. Valencia College may request that the employee present a certificate of discharge or release from active duty under honorable conditions (DD-214).5. The employee reported back to Valencia College in a timely manner.-~~

~~0 After a period of less than 31 days of service, the 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 service, the time reasonably required for safe transportation from the place of service to the individual's residence, and a period of eight hours (for rest). If reporting that next day is impossible or unreasonable because of factors~~

beyond the individual's control (like an accident on the return trip), the individual is required to report for work—

~~0~~ If the period of service is greater than 30 days, but less than 181 days, the individual is required to submit an application for reemployment within 14 days of release from service.—

~~0~~ If the period of service is 181 days or more, the individual must submit an application for reemployment within 90 days of release from service. 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.—

~~0~~ No particular form is required for the application for reemployment. If the former employee attempts to communicate with Valencia College, within the 14 days or 90 days respectively, and informs Valencia College that he or she is available to return to work after service, Valencia College will offer reemployment to the individual. If the former employee submits a timely application and meets the other eligibility criteria, Valencia College will act promptly on that application. Valencia College will not require the returning service member to wait for a vacancy, and if training or retraining is needed to meet the minimal standards associated with this reemployment, Valencia College will offer it to the employee “on the clock”. Reemployment will be offered to the individual not later than the start of the second two-week pay period after the pay period when the individual submits the application for reemployment.—

~~0~~ If the individual misses the relevant deadline for submitting an application for reemployment, the former employee may still be entitled to reemployment, but is subject to Valencia's policy regarding explanations or sanctions for absence from scheduled work. In this case, the final reemployment decision rests with the Vice President of Human Resources or his/her designee.—

~~V.~~ Circumstances have not so changed as to make such reemployment impossible or unreasonable and do not impose an undue hardship on Valencia College.—

~~X.B.~~ In most situations, the reemployment position will reflect the status and other benefits that the employee would have achieved had the employment not been interrupted by service including seniority, pay increases, and benefit increases based on length of employment.—

~~Valencia College may hire a replacement while an employee is on military leave. The temporary employee is a term appointment and the offer letter from the hiring chair person must clearly state the term of the appointment. The replacement worker may be eligible for~~

benefits depending on the type and length of the assignment. However, in no case, will a replacement employee be eligible for benefits provided under the Reductions in Force policy. The offer letter must clearly state the terms and conditions of employment and that the position will end upon the return of the employee on leave. Upon return of the employee from military leave, the temporary worker's employment with the College will end.

Policy History:

Amended 01-19-83; Amended 04-18-91; Amended 11-18-92; Amended 04-16-13; Amended 02-24-21; 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 attaching 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. The president or a designee is authorized to approve short-term military training.

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:

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

a. 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.

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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.

a. 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.

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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 02-24-21; formerly 6Hx28: 07-20

Date of Last Procedure Review: ~~01-22-2019~~02-24-2021