

Military Leave Policy Template

1. Introduction

This Military Leave Policy outlines our company's commitment to supporting employees who serve in the military, including active duty, reserve, and National Guard members. We recognize the importance of military service and are dedicated to complying with all applicable laws and regulations while ensuring a smooth transition for our employees.

1.1 Purpose

The purpose of this policy is to establish clear guidelines for military leave, define employee rights and responsibilities, and ensure compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and other relevant laws.

1.2 Scope

This policy applies to all employees of [Company Name], regardless of their employment status (full-time, part-time, or temporary), who are members of the uniformed services and are called to active duty, attend training, or perform other military service obligations.

2. Eligibility

All employees who are members of the uniformed services are eligible for military leave. This includes:

- Active duty personnel
- Reserve members
- National Guard members
- Commissioned corps of the Public Health Service

- Any other category of persons designated by the President in time of war or national emergency

3. Types of Military Leave

3.1 Short-Term Military Leave

Short-term military leave is defined as leave lasting up to 30 consecutive days. This typically includes annual training or shorter periods of active duty.

3.2 Extended Military Leave

Extended military leave is defined as leave lasting more than 30 consecutive days. This may include deployment, extended active duty, or other long-term military obligations.

4. Notification Requirements

4.1 Employee Responsibilities

Employees must provide advance notice of their military service obligations to their immediate supervisor and the Human Resources department. This notice should be provided as soon as the employee becomes aware of the upcoming service, preferably at least 30 days in advance, unless military necessity prevents such notice or it is otherwise impossible or unreasonable to provide.

4.2 Required Documentation

Employees must submit a copy of their military orders, annual training schedule, or other official documentation supporting their need for military leave.

5. Pay and Benefits During Military Leave

5.1 Compensation

For short-term military leave (up to 30 days), employees will receive their full regular pay, less any military pay received for the same period.

For extended military leave (more than 30 days), employees will be eligible for the following:

- Differential pay: The company will pay the difference between the employee's regular salary and their military pay for up to [X] months.
- Use of accrued paid time off: Employees may choose to use any accrued vacation, personal, or compensatory time during their military leave.

5.2 Health Insurance

During military leave, employees and their dependents may continue their health insurance coverage under the company's group health plan for up to 24 months. For the first 30 days of military leave, the company will continue to pay its share of the premium. After 30 days, employees may elect to continue coverage at their own expense.

5.3 Other Benefits

The company will maintain and continue the following benefits during military leave:

- Life insurance
- Disability insurance
- Retirement plans (401(k) or pension)
- Accrual of vacation and sick leave

6. Reemployment Rights

6.1 Eligibility for Reemployment

To be eligible for reemployment, employees must:

- Provide advance notice of their service
- Be absent for no more than five years cumulatively (with some exceptions)

- Be released from service under honorable conditions
- Report back to work or apply for reemployment within the specified timeframe

6.2 Timeframe for Returning to Work

The timeframe for returning to work depends on the length of military service:

- Service of 1-30 days: The employee must report to work by the beginning of the first regularly scheduled workday after completion of service, allowing for safe travel home and 8 hours of rest.
- Service of 31-180 days: The employee must submit an application for reemployment within 14 days after completion of service.
- Service of 181 days or more: The employee must submit an application for reemployment within 90 days after completion of service.

6.3 Position Upon Return

Upon return from military leave, employees will be reinstated to the position they would have attained had they remained continuously employed, or a position of like seniority, status, and pay. This is known as the "escalator principle."

6.4 Accommodations for Disabled Veterans

The company will make reasonable efforts to accommodate employees who return from military service with a service-connected disability. This may include modifying the employee's position, reassignment to a different position, or other accommodations as required by law.

7. Performance Reviews and Promotions

Employees on military leave will be considered for performance reviews, salary increases, and promotions as if they had remained continuously employed. Upon return, they will receive any general pay increases that would have been granted during their absence.

8. Training and Reintegration

The company will provide necessary training or retraining to ensure that returning employees can resume their duties effectively. This may include refresher courses, skills updates, or orientation to new systems or processes implemented during their absence.

9. Non-Discrimination and Anti-Retaliation

The company prohibits discrimination against employees based on their military service. This includes discrimination in hiring, promotion, reemployment, termination, and benefits. Retaliation against employees for exercising their rights under this policy or applicable laws is strictly prohibited.

10. Compliance with USERRA and State Laws

This policy is designed to comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state laws. In case of any discrepancy between this policy and federal or state laws, the provisions of the law will prevail.

11. Policy Review and Updates

This Military Leave Policy will be reviewed annually and updated as necessary to ensure compliance with changing laws and regulations. Employees will be notified of any significant changes to the policy.

12. Contact Information

For questions or concerns regarding this policy, please contact:

[Human Resources Department]

Phone: [HR Phone Number]

Email: [HR Email Address]

13. Acknowledgment

All employees are required to read and acknowledge their understanding of this Military Leave Policy. Please sign and date below to indicate that you have read, understood, and agree to comply with this policy.

Employee Name: _____

Employee Signature: _____

Date: _____

14. Appendices

Appendix A: Definitions

Uniformed Services: 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, and any other category of persons designated by the President in time of war or national emergency.

Appendix B: Relevant Laws and Regulations

- Uniformed Services Employment and Reemployment Rights Act (USERRA)
- Family and Medical Leave Act (FMLA) - Military Family Leave Provisions
- [List any applicable state laws]

Appendix C: Resources for Military Personnel and Their Families

- Military OneSource: www.militaryonesource.mil
- Department of Labor USERRA Advisor:
www.dol.gov/agencies/vets/programs/userra
- National Resource Directory: www.nrd.gov

This comprehensive Military Leave Policy demonstrates [Company Name]'s commitment to supporting our employees who serve in the military. We value their service and sacrifice, and we are dedicated to ensuring their smooth transition between military duty and civilian employment.