

**TOWN OF DAVIE  
HUMAN RESOURCES DEPARTMENT**



**MILITARY LEAVE  
SOP #23-003**

**June 4, 2019**

**SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL**

This operating procedure shall replace the Personnel Rules and Regulations and Policies enacted prior to the effective date of this Operating Procedure.

Revision	Date	Responsible Department	Description of Change
1	May 1, 2009	Human Resources	Initial Release
2	October 1, 2010	Human Resources	Revision
3	September 19, 2012	Human Resources	Revision
4	June 4, 2019	Human Resources	Revision

**APPROVALS:**

  
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Human Resources Director/Grace Garaguzzo

5-30-19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Town Administrator/Richard J. Lemack

6-11-19  
\_\_\_\_\_  
Date

## 1-1. POLICY.

It is the policy of the Town to establish guidelines for employees who are called for military service.

Military leave will be granted to employees in accordance with this policy and Chapter 115 of the Florida Statutes.

### Short-Term Military Leave:

Employees are eligible for Short-term military leave when they are commissioned reserve officers or reserve enlisted personnel in the United States Military or Naval Services or members of the National Guard.

### Long-Term Military Leave:

Employees are eligible for long-term military leave when they are assigned (drafted, volunteered, ordered) to active military service/duty in connection with the United States Reserve Forces or the National Guard. Employees shall be granted long-term military leave, for any period extending beyond granted short-term military leave.

## 1-2. SCOPE.

This operating procedure applies to all full-time and part-time employees of the Town of Davie (Town) in the Regular Service (regardless of probationary or other status), as well as all Executive, and Part-Time employees.

## 1-3. PROCEDURE.

### a. Short-Term Military Leave

#### 1. Eligibility of Short-term Military Leave

- (i) Short-term military leave will be granted to employees in accordance with this policy and Chapter 115 of Florida Statutes.
- (ii) Employees are eligible for Short-term military leave when they are commissioned reserve officers or reserve enlisted personnel in the United States Military or Naval Services or members of the National Guard.

#### 2. Use of Short-term Military Leave

- (i) Eligible employees will be granted leave, when serving as reserve officers or enlisted personnel in the United States military or naval services or members of the National Guard, when ordered to engage in training under the provisions of
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the United States military or naval training regulations, when assigned to active or inactive duty AND/OR when serving in the volunteer forces of the United States, or in the National Guard of the State, or in the regular Army or Navy of the United States, when the same shall be called into active service of the United States during war between the United States and a foreign government.

- (ii) Short-term military leave may not exceed 240 working hours in any one annual period beginning on January 1 and ending December 31.
- 3. Payment of Short-term Military Leave - Employees that have been granted leave of absence through the use of short-term military leave will be paid in full their normal rate of pay without loss of vacation leave benefits, efficiency ratings, promotional status, and retirement privileges for their leave period.
  - 4. Request for Short-term Military Leave
    - (i) Request for short-term military leave shall be submitted in writing on the "Leave Request Form" to the employee's supervisor, with approval by the department manager. The request must have proper documentation attached for approval. The request shall be submitted for approval at least fourteen (14) days prior to the requested day or as soon as possible. A copy of the approved form with documentation will be submitted to the Payroll Office, by the department, during the payroll that employee is to receive compensation.
    - (ii) Any request for military leave beyond 240 working hours in an annual period should refer to this policy regarding long-term military leave.

b. Long-term Military Leave

- 1. Eligibility of Long-term Military Leave
    - (i) Long-term military leave will be granted to employees in accordance with this policy and Chapter 115 of Florida Statutes.
    - (ii) Employees are eligible for long-term military leave when they are assigned (drafted, volunteered, ordered) to active military service/duty in connection with the United States Reserve Forces or the National Guard. Employees shall be granted long-term military leave, without pay, for any period extending beyond granted short-term military leave.
  - 2. Request for Long-term Military Leave - Request for long-term military leave shall be submitted in writing on the "Leave Request Form" to the employee's supervisor, with the approval of the department manager. The request must have proper documentation attached for approval. Requests should be submitted for approval as soon as possible.
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### 3. Benefits while on Long-term Military Leave

- (i) Employees granted long-term military leave will be paid by the Town of Davie for the first (30) thirty calendar days of leave. Employees will be paid according to their regular work schedule beginning with the first day of their long-term military leave. Following the first (30) thirty calendar days, employees still on Long Term Military Leave shall receive supplemental pay from the Town of Davie, which shall be the difference between the employee's military rate of pay and their regular rate of pay at their current Town of Davie salary, excluding overtime. Employees will be required to provide proof of their military salary in order to receive the supplemental pay. Supplemental pay will be paid to the employee for up to one (1) year and will not affect an employees' Sick, Vacation, PTO, or Holiday leave bank. All other leave banks (IE birthday, personal leave, quality service day, etc.) may be used by the Town in order to supplement the employee's regular pay. Employees will receive Administrative/Military Pay as the supplement once all banks (other than sick, vacation, PTO, and holiday) are exhausted.
- (ii) Employees granted long-term military leave may request all monies due the employee, including unused leave balances, at separation of leaving Town employment for active military service/duty.
- (iii) Group life, health, and dental insurance coverage, for both the employee and dependents, may be continued while on approved long-term military leave, provided that premiums for coverage of employee's dependents are paid and kept current by the employee.
  - (a) The Town agrees to pay the employer's portion of benefits for a period up to one (1) calendar year following commencement of military leave of absence as requested by employee.
  - (b) Following one (1) calendar year the employee may have the right to continue insurance coverage under COBRA of 1986. Retainment of insurance benefits must be made by the employee, through the Human Resources Department.
- (iv) Employees will continue to accrue leave while on long-term military leave.

### 4. Return to Regular Employment

- (i) In the case of an employee whose period of service in the uniformed services was for less than 181 days, the employee must request reinstatement, in writing to his/her supervisor or department manager, within thirty (30) calendar days of his/her official military separation date. In the case of an employee whose period of service in the uniformed services was for 181 days or greater, the employee
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must request reinstatement in writing to his/her supervisor or department manager within ninety (90) calendar days of his/her official military separation date.

- (ii) The Town may require the employee to submit to a physical examination to determine fitness to perform the duties of the position that the employee is returning.
  - (iii) Employee will be reinstated at the rate of salary that they would have received, including all adjustments that the employee would have received if they had remained in continuous service.
  - (iv) Employee will be entitled to be reinstated to the position that they held prior to military leave or a comparable position at the same rate of salary.
  - (v) If the position left by the employee has been reclassified or renamed during the period of long-term military leave, the employee shall be entitled to reinstatement in the reclassified/renamed position.
  - (vi) If employee is not capable of satisfactorily performing the required duties of their prior position, they will be entitled to, by reinstatement, a position as comparable as possible in rate of salary and duties of the one the employee left.
  - (vii) If the cumulative length of absences by the employee by reason of service in the uniformed services exceeds five years, minus the exceptions listed in the Uniformed Services Employment and Reemployment Rights Act and Florida Statute § 115.15, the employees reinstatement rights may be forfeited.
  - (viii) Employee will earn and accrue leave at the rate that the employee would have been earning leave if they had remained continuously in the employment of the Town, upon returning to employment.
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