



Procedure 410-09 Military Leave
Sponsor: Human Resources

Purpose

In accordance with federal and state law, Coconino Community College stands firm that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Human Resources (HR) department.

Definitions

None

Procedure

Eligibility

Employees are eligible to be granted a leave of absence to perform military service under the provisions of the A.R.S. § A.R.S. § 38-610 and 38-745 and the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994. Employees taking part in a variety of military duties are covered under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including active duty, reserve or National Guard, for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the law, these benefits are generally limited to five years of leave of absence.

Procedures for Military Leave

Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide their supervisor and/or Human Resources with notice of the need for leave as far in advance as is reasonable under the circumstances. The College asks that the employee complete a leave request form detailing the expected start date and potential duration along with a signature from their supervisor and submit it to Human Resources.

Human Resources will review the request for leave and provide an approval or denial letter to the employee.

Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.

When the employee intends to return to work, he or she must make application for reemployment to Human Resources within the application period set forth below.

If the employee does not return to work, the supervisor must notify Human Resources so that appropriate action may be taken.

Benefits

If an employee is absent from work due to military service, benefits will continue as follows:

1. Under the provisions of A.R.S. § 38-610, an employee in a qualified military role is entitled to receive his/her regular compensation during a period of active duty, not to exceed 31 calendar days over a 2-year period. While on paid leave, the employee will continue to be considered the same as other active employees for purposes of all rights and benefits of employment.
2. The employee's elected benefits are maintained for the paid period of leave with the exception of the College paid life insurance and any elected long-term disability plans which end upon first day of military leave.
 - a. Voluntary supplemental life/AD&D insurance will terminate the day the employee becomes active military. Converting to an individual policy may continue voluntary dependent life insurance coverage. To exercise this conversion option, dependents must submit a written application and the first premium payment to the insurance company within 31 days immediately following the termination of coverage. As mandated by A.R.S. § 38-745, if an employee is an active member of the ASRS and is a member of the Arizona National Guard or is a member of the reserves of the United States military and volunteers or is ordered into active military services as part of a military call-up, they are eligible to receive ASRS credited service time while on active duty.
3. After the initial 31-day period, if the employee is still on military leave, the employee is moved into an unpaid extended military leave status.
 - a. The employee and covered dependents can continue group health insurance for up to 24 months at 102% of the overall (both employer and employee) premium rate. Payments must be made by the due date provided by the College. Failure to make payments may result in the loss of coverage.
 - b. Employees unpaid extended military leave may, at their option, use any or all accrued paid vacation, compensatory time or personal leave during their absence.
4. Employees do not accrue vacation, or sick leave while on a military leave of absence status.
5. For voluntary retirement accounts such as 403b and 457 plans, the employee should contact the plan administrator directly
6. For information regarding the employee's Arizona State Retirement Account while on military leave, the employee is encouraged to contact ASRS directly. Additional ASRS information is as follows:
 - a. The employee can receive a maximum of 60 months of ASRS credited service. CCC will pay both the employee and the College's contributions in a lump sum upon return to work or receipt of death certificate. These contributions are based on the salary the member would have earned if the member had not volunteered or been ordered into active service.
 - b. Should the employee serve more than 60 months in the military call-up, the employee is encouraged to contact ASRS directly to inquire about their ability to purchase additional years of service.

Reemployment

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

Less than 91 days of military service – reinstated to a position that the employee would have attained if employment had not been interrupted by military service; or, if found not qualified for such position after reasonable efforts by the College, in the position in which the employee had been employed prior to military service.

More than 90 days and less than 5 years of military service – reinstated to a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or, if proved not qualified after reasonable efforts by the College, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.

Employee with a service-connected disability - if after reasonable accommodation efforts by the College, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in another position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the college or, if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

Application for Reemployment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment to Human Resources via the standard Human Resources process on the following schedule:

If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) - the employee must report back to work for their next scheduled workday.

If service is for 31 days or more but less than 181 days - the employee must submit an application for reemployment with Human Resources no later than 14 days following the completion of service.

If service is over 180 days - the employee must submit an application for reemployment with Human Resources no later than 90 days following the completion of service.

If the employee is hospitalized or convalescing from a service-connected injury - the employee must submit an application for reemployment with Human Resources no later than two years following completion of service.

Exceptions to Reemployment

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The College's circumstances have so changed as to make reemployment impossible or unreasonable.
2. Reemployment would pose an undue hardship upon the College.
3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
4. The employee did not receive an honorable discharge from military service.

General Benefits Upon Reemployment

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for Family and Medical Leave Act (FMLA) (see Procedure 410-10 Family Medical Leave Act (FMLA)) leave once they return to their job at the college. Additionally, upon reemployment, a covered employee will not be discharged except for cause, or a College business decision, for up to one year following reemployment.

Documentation

The Human Resources department will, upon the employee's reapplication for employment, request that the employee provide the College with military discharge documentation to established the timeliness of the application for reemployment, the duration of the military service, and the honorable discharge from the military service, if applicable

References

A.R.S. § 38-610

A.R.S. § 38-745

Family and Medical Leave Act (FMLA)

Procedure 410-10 Family Medical Leave Act (FMLA)

Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994

Procedure History

12/1993 New

04/2001 Revised

03/2010 Reformatted

11/29/2010 Revised

2/17/2021 Revised

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Legal Review

10/19/2020

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