

	Town of Chapel Hill, NC	Policy Number: PP 2-5	I. <u>POLICY</u>	Approved By:  Roger L. Stancil, Town Manager
	Military Service and Leave Personnel Policy	Effective Date: July 1, 2017	II. <u>PURPOSE</u> III. <u>PROCEDURE</u> IV. <u>FORMS/INSTRUCTIONS</u> V. <u>ADDITIONAL CONTACTS</u> VI. <u>DEFINITIONS</u> VII. <u>RESPONSIBILITIES</u> VIII. <u>APPENDICES</u> IX. <u>FAQ</u> X. <u>SCOPE</u> XI. <u>RELATED INFORMATION</u> XII. <u>POLICY HISTORY</u>	

Military Service and Leave Policy

I. POLICY The Town of Chapel Hill complies with all applicable state and federal laws, rules and regulations with respect to any applicant or any employee who serve as members of the Uniformed Services of the United States. For regular full and part time employees, the Town provides up to two weeks of military leave each year to participate in qualifying training activities that is not deducted from any other accrued leave. Additionally, the Town provides salary protection for these employees by paying a “pay differential stipend” while they are participating in these activities. Reservists receive salary protection for up to two weeks of annual service; employees called to active duty receive salary protection for up to twelve (12) months. Temporary or Program support employees are not eligible for the pay differential stipend.

[Town of Chapel Hill Ordinance Section 14-82](#)

II. PURPOSE Town employees who serve in the Uniformed Services of the United States provide an important service to our country. Our Teamwork value supports the Town’s policy to financially support this service by providing a period of pay protection for these employees while they participate in required activities.

RESPECT

Teamwork: We participate in a cooperative work environment in order to support each other in our service to the community. We encourage an environment that fosters innovation and creativity.

The Director of the Human Resource Development Department is authorized to issue procedures consistent with this policy.



Town of
Chapel Hill, NC

Military
Service and
Leave
Procedures

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- I. [POLICY](#)
- II. [PURPOSE](#)
- III. [PROCEDURE](#)
- IV. [FORMS/INSTRUCTIONS](#)
- V. [ADDITIONAL CONTACTS](#)
- VI. [DEFINITIONS](#)
- VII. [RESPONSIBILITIES](#)
- VIII. [APPENDICES](#)
- IX. [FAQ](#)
- X. [SCOPE](#)
- XI. [RELATED INFORMATION](#)
- XII. [POLICY HISTORY](#)

Approved By:

Cliff Turner, Director
Human Resource
Development

III. Military Service and Leave Procedures

These procedures are issued by the Director of Human Resources Development to implement the Military Service and Leave Policy, PP 2-5, issued by the Chapel Hill Town Manager. These procedures may be periodically updated.

- A. Policy Intent: The Town will follow all applicable laws, rules and regulations governing job and benefit retention and/or reinstatement. Town policies must meet legal requirements. In the event of any conflict, the provision which provides better protection or benefit for the Town employee will prevail.

- B. Annual Military Leave:
 - 1. Two weeks of Salary Protected Annual Leave for Military Service: A regular employee who is a member of the Uniformed Services of the United States shall be granted [two \(2\) calendar weeks per year of salary-protected leave for military training](#). This leave is not charged as annual leave. The Town provides salary protection for this period by providing a pay differential supplement if the salary paid to the employee for his/her military service is less than the amount he/she is paid by the Town for the same time period. The amount of leave and pay differential is based on the employee's base pay. Leave continues to accrue as though the employee were present for duty during this two week period.
 - 2. Travel time for service: Reasonable travel time to and from qualifying military activities during normal work hours qualifies for annual military leave. If travel time plus service time is greater than two weeks, employees may use annual leave or leave without pay for the extra time.
 - 3. Requesting Leave: Employees should provide as much notice as is reasonably possible when requesting leave. Written notice is preferred but not required.
 - 4. Annual Military Leave Beyond Two Weeks: Leave for training and other military exercises beyond two weeks annually is granted as leave without pay. An employee may use accrued vacation, holiday, or compensatory time at the employee's discretion. Employees called to active duty or to serve in instances of state or national emergencies should refer to these sections below for more

information about salary protection and benefits. Leave continues to accrue as long as the employee is in pay status.

C. Call to Active Duty or Call to Assist with State or National Emergencies :

1. Compliance with State and Federal Regulations: The Town complies with all federal and state regulations when an employee is called to active duty or to assist with state or national emergencies.
2. Salary Protection: The Town provides salary protection for up to twelve (12) months to any employee who is a reservist or National Guard member when the employee is called to duty. The Town provides salary protection for this period by providing a pay differential supplement if the salary paid to the employee for his/her military service is less than the amount he/she is paid by the Town for the same time period. Employees must provide documentation of their military pay rate.
3. Duty Service in Excess of Twelve (12) Months: Employees called to qualifying types of duty are granted leave without pay for duty service in excess of twelve months. Active Duty in excess of 12 months does not qualify for salary protection. An employee may use vacation, holiday, or compensatory leave at the employee's discretion. Job protection follows all federal requirements.
4. Insurance: If the employee returns to employment in less than 31 days, then the Town will maintain all insurance benefits as though the employee were actively employed. Otherwise, an employee may choose to continue insurance coverage for the employee and/or his/her dependents for a period of up to 24 months under terms similar to COBRA while the employee is on active duty.
5. Cumulative Service: Subject to certain exceptions under the law, military leave is generally limited to a cumulative total of five years during an employee's career with the Town.
6. Requesting Leave – Military orders to report for qualifying duty should be submitted when requesting Military Leave. Employees are asked to provide as much notice as reasonably possible. Written notice is preferred but not required.
7. Reinstatement – Employees serving on qualifying duty will be reinstated to employment according to applicable state and federal laws. Please refer to the Uniformed Services and Re-Employment Rights Act for more information.

D. Town Benefits While on Military Leave

1. Individual circumstances and applicable law determine benefits: State and Federal Laws protect certain benefits, such as the calculation of service time, longevity pay, eligibility for promotions, and timing of salary increases for the duration of any authorized military leave. Other benefits, such as retirement contributions, continued insurance coverage, and voluntary benefits may continue depending on the specific circumstances of the leave and the individual employee's situation and choices.
2. Employees must meet with HRD and Payroll to Receive Individualized Assistance Regarding Benefits: Because the laws governing an employer's responsibility for military leave are complex and evolving, any employee who anticipates or has a confirmed need for military leave must meet with Human Resource Development and the Payroll staff prior to the commencement of the leave to receive specific information regarding their benefits and various options they may have under the law and the Town's policy.

E. Voluntary Military Service

1. Leave Accruals and Longevity Pay: An employee does not accumulate leave nor receive longevity pay while on leave without pay for volunteer active duty. Total service credit is granted upon reinstatement within appropriate time limits, which depends on duration of military service.
 2. Retirement Service Credit: Retirement service credit is given if the employee returns to employment after discharge within time frames specified by the Retirement System. Please refer to the NC Local Government Retirement System information www.myncretirement.com
 3. Health Insurance coverage: Health insurance coverage with the Town will be paid for at least 30 days from the date of active service, after which the employee may choose to continue coverage by paying the full premium.
- F. Reinstatement after Military Duty: The Town follows all legal requirements regarding reinstatement of eligible employees who have completed military service requirements. In the case of service of less than 31 days, the individual must normally return to work on the first workday after release from military service. In the case of service lasting between 31 and 180 days, the individual must submit a written or verbal application for re-employment within 14 days after completing active service. In the case of service lasting more than 180 days, the individual must submit a written or verbal application for re-employment within 90 days after the completion of service.

IV. FORMS/INSTRUCTIONS None

V. ADDITIONAL CONTACTS

Human Resource Development 919-968-2700 or HR@townofchapelhill.org

Ombuds office 919-265-0806 or Ombuds@townofchapelhill.org

Payroll office 919-968-2312 payroll@townofchapelhill.org

VI. DEFINITIONS

- A. **Military Training** – Military training for which Military leave (not charged against annual leave) can be used is normally the annual two weeks of required training. If Vacation Leave or unpaid leave is used instead for this period, then salary protected Military Leave may be granted for weekend unit assemblies (drills).
- B. **Pay Differential:** an amount of money paid to an employee when the military service pay is less than the employee’s base Town salary for the same time period.
- C. **Salary Protection:** Some military service qualifies for salary protection from the Town. This is generally [two calendar weeks](#) annually for military training, and twelve months for active duty service. The Town will provide a pay differential supplement if the military pay is less than the employee’s base pay for the same time period.
- D. **Uniformed Services Employment and Reemployment Rights Act:** a federal law that establishes rights and responsibilities for uniformed service members and their civilian employers.
- E. **Two calendar weeks** –Two ‘Calendar weeks’ is equal to twice the base hours the employee is scheduled per week. For a full time Police Officer, a base week is 42 hours; therefore the total amount of paid military leave available to the police officer is 42 hours times 2; or 84 total hours. For a full time Firefighter, a base week is 56 hours, so total paid leave available is 112 hours. For most other employees, it would be 75 or 80 hours, depending on average number of hours per week. , Paid Military leave for normal weekend drills is only available to employees with scheduled work hours on the weekend.
- F. **Uniformed Services of the United States** – Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services.
- G. **Year** – Occasionally two-week tours of duty will be scheduled fairly close together, although each tour is annual training. Whatever ‘year’ works best with this may be used to allow paid Military Leave for annual tours of duty.

VII. RESPONSIBILITIES

All Employees are expected to:

- a) Understand and follow the military leave policy and procedures
- b) Provide as much notice as possible for military leave

All Department Heads are expected to:

- a) Follow applicable laws and regulations regarding the employment, reinstatement, and management of members of the Uniformed Services of the United States.

The Payroll Department is expected to:

- a) Assist employees taking military leave in understanding their pay and salary protection
- b) Help employees make payment arrangements for benefits they want to continue while on leave
- c) Work with HRD to assure that employees receive accurate and complete information when they take military leave

All Human Resource Development is expected to:

- a) Help assure Town wide compliance with applicable laws and the Town policy regarding military leave and reinstatement of employees serving in the Uniformed Services of the United States.
- b) Assist employees who are taking military leave in understanding applicable laws and the Town policy regarding their benefits and reinstatement protections and options.
- c) Work with the Payroll Department to assure that employees receive accurate and complete information when they take military leave.

VIII. APPENDICES None

IX. FREQUENTLY ASKED QUESTIONS None

X. SCOPE This policy covers all regular full and part time employees. The Town complies with applicable laws for all applicants and employees, but program support/temporary employees do not receive a pay differential stipend or paid leave.

XI. RELATED INFORMATION

[Town of Chapel Hill Code of Ordinance Section 14-82](#)

[Employer Support of the Guard and Reserve](#)

[Uniformed Services Employment and Reemployment Rights Act](#)

XII: .POLICY HISTORY

Issued February 1980

Reissued November 2000

Updated and reissued July 1, 2017

This policy replaces and supersedes any previous Town policies, departmental policies, handbooks, or unwritten policies or practices covering the same subject. Supplemental policies in compliance with this policy are referenced in Section XI, **Related Information**. In the event of any disparity between this policy and the Town's Code of Ordinances and/or applicable local, state, or federal laws, the Town's Ordinance and/or applicable laws shall prevail.