# 5470 Military Leave

The Uniformed Services and Re-Employment Rights Act of 1994 governs re-employment rights after military service and projects against discrimination based on military service and/or training. The law is meant to encourage non-career service in the uniformed services.

Upon presentation of official military orders (if this is possible) or other evidence indicating that the employee is active military, the College grants a Military Leave of Absence to all regular (non-temporary, non-interim, non-visiting) employees during the time they are on active duty in the Armed Forces of the United States (and other uniformed services as specified below).

**I. Services Covered**

Armed Forces of the United States are defined as the Army, Navy, Air Force, Marine Corps, and Coast Guard and their reserve components. Members of any State National Guard are also included.

**II. Types of Active Duty**

A. Annual Duty for Training
Training with the Reserve or National Guard. Such training is normally for a two week or 5-day period.

B. Special Training
Required active duty for a special purpose such as attending an Armed Forces school for career advancement.

C. Local Emergency
Active duty for individuals ordered out in a local emergency by the President of the United States or Governor of Wyoming.

D. National Emergency
Extended active duty for individuals ordered out by the President of the United States in a declared emergency.

E. Obligated Service
Normally a two-year active duty as part of a Reserve or ROTC obligation.

***Procedure***

**III. Payment while on Military Leave**

When Military Leave is granted for annual duty for training or local emergency, the College shall pay a military training allowance for time lost up to a maximum of 15 calendar days per calendar year. Such military training allowance is paid at the same salary the employee would have received if they had not been on military leave, less the amount of any military pay received by the employee. Employees have the option to use any annual leave they have available.

When Military Leave is granted for active duty other than annual duty for training or local emergency, such leave is without pay. Employees have the option to use any annual leave they have available.

**IV. Reinstatement**

If the period of military service is less than 91 days, the returning employee is entitled to the job he/she left or the job he/she would have attained if he/she had not left, whichever is better. For longer periods of military service up to the five-year statutory limit, the employee is entitled to the job he/she left; the job he/she would have attained; or a job of like seniority,

status and pay; whichever is better. An employee on Military Leave shall be reinstated provided he/she:

- Is released from active duty under honorable conditions, and
- Is still qualified to perform such duties of such position, and
- Makes application (verbal or written) for reinstatement to the Human Resources Director:
    - Within 90 calendar days after release from a military service period of 181 days or more;
    - Within 14 calendar days from a military service period of 31-180 days; or
    - The first full regularly scheduled work day on the day following the completion of the period of service and safe transportation home, plus an 8-hour period of rest from military service.

*Adopted 07/19/2006*