

MADISON COUNTY, VIRGINIA PERSONNEL POLICIES MANUAL

MILITARY LEAVE

POLICY NO.	8.11	EFFECTIVE:	01/02/2024
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A. Eligibility

Regular full-time employees, including those serving a probationary period, are eligible for military leave with or without pay. Temporary and part-time employees are not eligible for military leave.

B. Military Leave with Pay

1. All employees who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to a military leave of absence, with pay, for the purpose of federally funded military duty to include training duty. This leave with pay shall not exceed 15 consecutive calendar days for training duty and 15 working days for emergency active duty each Federal fiscal year, October 1 - September 30.
2. Employees who are called forth by the Governor pursuant to the Code of Virginia shall also be entitled to leave with pay as authorized above.

C. Military Leave Without Pay

1. Any eligible employee who leaves County service as a result of volunteering for active duty or being drafted into the armed services of the United States during time of war or other national emergency, as determined by the Board of Supervisors, or when reservists and National Guard members are voluntarily or involuntarily called to active duty shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the County.
2. Leave shall only be granted for active military service for those dates stated on the employee's military orders and are subject to the provisions herein.
3. Status of Benefits for Employees on Leave Without Pay for Active Military Service
 - a. Service Credit - An employee on extended leave without pay due to active military service shall be treated as though s/he was continuously

employed for purposes of determining benefits based on length of service, such as the annual leave accrual.

- b. Compensatory Leave - Any compensatory leave balance shall be paid in accordance with Section 4.10 at the time the employee is placed on military leave without pay.

4. Reinstatement from Active Military Service

- a. Conditions - Upon satisfactory completion of active military service, the employee is entitled to reinstatement to his/her former position or to a position of like status and pay, provided that:

- i. The employer had applicable advance notice of the employee's service, when practicable.
- ii. The employee had five years or less cumulative military service during the employment relationship with a particular employer.
- iii. The employee returns to work or applies for reemployment in a timely manner depending on length of service:
 - a. 1-30 days of service - Report next scheduled work day following 8 hours rest and reasonable travel time from training site to place of employment.
 - b. 31-80 days of service - Apply for reinstatement within 14 days following completion of service
 - c. 181+ days of service - Apply for reinstatement within 90 days following completion of service.
- iv. The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.
- v. The employee presents a certificate showing satisfactory completion of military service.
- vi. The employee is still physically and mentally qualified to perform the duties of his/her position.
- vii. Employee returning from military leave with pay are required to return to work within the following time frames:

- b. Conditions stated in above shall not apply when County circumstances have changed making it impossible or unreasonable to reinstate the employee. Reinstatement may not be possible when:

- i. The employee's former position has been abolished at the time of reinstatement: The employee may be placed in a position of comparable status and pay to the one previously held. Employees selected to fill vacancies created by persons on military leave may be employed on a temporary basis.
- ii. Such a position is not available: The employee shall be considered affected by a reduction in force and the provisions of the County's Layoff Policy shall apply.

5. Employee Notification Requirements

- a. Requests for military leave should be made in writing and submitted with copies of the employee's official military orders to the Department head. The employee shall notify his/her Department head of the military obligation as far in advance as possible.
- b. The leave request and supporting military orders shall be forwarded to the County Administrator.