



***University Staff/American Federation of State, County and Municipal Employees AFL-CIO
(AFSCME)***

SUBJECT (R*)	EFFECTIVE DATE (R*)	POLICY NUMBER (O*)
Military Leave	June 2, 2017	1725.180

POLICY STATEMENT (R*)

An employee, except an employee in a temporary position, who performs voluntary or involuntary duty in the uniformed services shall be eligible for military leave and re-employment rights consistent with federal and state laws.

Employees are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States Military.

Military Leave of Absence granted under this policy and the applicable Florida law shall not exceed 17 working days in any one annual period for active or inactive training.

An employee shall receive their full pay in addition to their military pay for the first thirty (30) days of active duty. After the initial thirty (30) days, the law allows those on active duty to receive the necessary pay to fill any gap between their military basic pay and civilian pay and continue their existing benefits. Leave payment of this type shall be made only upon military authority that thirty (30) days of military service have been completed.

Upon separation from the military service, the employee shall be eligible to return to the position that the employee would have held but for military leave, or a position of like seniority, status and pay, provided that the employee is qualified to perform the job duties. If the employee cannot qualify for the new position, the employee shall be eligible to be reemployed in the former pre-service position or a position of like seniority, status and pay. The employee will be eligible for reemployment by meeting the following criteria:

1. The employee provided advance written or verbal notice of the employee's service unless the giving of such notice was precluded by military necessity or the giving of such notice was otherwise impossible or unreasonable;
2. The employee has five years or less of cumulative service in the uniformed services in his or her employment relationship with the University;
3. The employee returns to work or applies for reemployment within the statutory guidelines provided below; and,
4. The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

Period of time in military service	Timeline to return to the University
Less than 31 days	By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
31 days - 180 days	The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible
181 days or more	The employee must apply for reemployment no later than 90 days after completion of military service.
Service-connected injury or illness	Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

Employees who have been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a military

service connected disability and has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability shall be granted administrative leave for such reexamination or treatment without loss of pay or benefits. Such paid leave may not exceed 48 hours per calendar year.

REASON FOR POLICY (O*)

To establish a policy that defines the leave specifications for Military Leave.

RELATED INFORMATION (O*)

USERRA – The Uniformed Services employment and Reemployment Rights Act
 Florida Chapter 115.01 Leave of absences for military service
 Florida Chapter 115.14 Employees
 Florida Chapter 110.119 Administrative leave for military-service-connected disability

DEFINITIONS (R*)

USERRA” Uniformed Services Employment and Reemployment Rights Act of 1994 is a federal law that establishes rights and responsibilities for uniformed service members and their civilian employers.

“**Service Connected Disability**” refers to (1) a veteran who is entitled to compensation under laws administered by the Department of Veterans’ Affairs, or (2) an individual who was discharged or released from active duty because of a service-connected disability (38 U.S.C. 4211 (3); 29 U.S.C., Chapter 19, section 1503 (27)(C))

HISTORY (R*)

Adopted: September 22, 2006; Readopted: November 14, 2008; August 19, 2013; June 2, 2017.

RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R*)

Division of Human Resources
 Florida International University

RESPONSIBLE ADMINISTRATIVE OVERSIGHT (R*)

Benefits Administration
 Division of Human Resources
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 Miami, Florida 33199
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***R = Required *O = Optional**