

<b>Policy Title:</b>	<b>Leave for Military Service Members</b>		
	<b>OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER</b>	<b>Category</b>	Military Leave
		<b>Administrative Policy #</b>	
		<b>Revision #</b>	
		<b>Review Frequency</b>	As Needed – no less frequently than triennially
<b>Administrative Division</b>	Human Resources	<b>Reviewed By</b>	Chief Administrative Officer, General Counsel, Human Resources Director
<b>BOWC Approval</b>		<b>Last Reviewed/Update Date</b>	
<b>Implementation Date</b>			

## 1. AUTHORITY

- 1.1. Under the State of Michigan’s Military Leave; Reemployment Protection Act 133 of 1955 and the Federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), the Detroit Water and Sewerage Department (DWSD) is required to provide certain job protections for employees who perform military service.

## 2. OBJECTIVE

- 2.1. The policies and procedures in this document establish guidelines and internal controls for providing for the use of leave for military service in accordance with applicable laws.

## 3. PURPOSE

- 3.1. This policy is written to ensure that uniformed service personnel shall not be denied leave of absence, reemployment, retention in employment, promotion, or any benefit of employment by DWSD on the basis military service.

## 4. DEFINITIONS

“Appropriate Officer” means a commissioned, warrant, or non-commissioned officer authorized to give military leave notice on behalf of an employee.

“Covered employee” means full-time, temporary, part-time, probationary, and seasonal employment positions. Independent contractors are not considered covered employees.

“Management” means DWSD employees, including members of Executive Management, who exercise management authority and responsibility in each division for work groups, supervisors, and/or employees.

“Military Leave” means a leave where an employee is required to serve in the Uniformed Services of the United States including reservist training.

“Military Necessity” refers to an instance when providing advance notice of uniformed service is not required. In such cases, providing advanced notice may compromise or otherwise adversely affect a mission, operation, exercise, or requirement that is classified.

“Notice” means when an employee or authorized officer provides any written or verbal notification of an obligation or intention to perform military service.

“Qualified,” with respect to an employment position, means having the ability to perform the essential tasks of the position.

“Seniority” means longevity in employment together with any benefits of employment that accrue with, or are determined by, longevity in employment.

“Uniformed Services” means US Army, Navy, Marine Corps, Air Force, and Coast Guard, the reserve components of the Armed Forces, the Army National Guard and Air National Guard, the commissioned corps of the Public Health services and another category designated by the President of the United States.

## **5. SCOPE**

- 5.1. This policy applies to all employees who are required to perform or participate in military service, in accordance with applicable laws. This policy is not applicable to independent contractors.

## **6. RESPONSIBILITIES**

### **6.1. Human Resources**

- 6.1.1. The Human Resources Director publishes this policy; communicates this policy to all employees; reviews, approves and publishes divisional standards; and updates this policy as necessary.
- 6.1.2. The Human Resources Director interprets and enforces this policy and ensures that military leave management complies with applicable laws.
- 6.1.3. Human Resources, in coordination with management, places returning employees into an appropriate position.

### **6.2. Management**

- 6.2.1. Management immediately informs Human Resources of an employee’s intent to take leave for military service.
- 6.2.2. Management assists Human Resources in job placement for a returning service member after their completed period of service.

### **6.3. Employees**

- 6.3.1. Employees should be familiar with, understand, and fully comply with this policy.
- 6.3.2. Employees should provide advance notice of their intent to take leave for military service and return to employment unless advance notice is made impossible due to military necessity or otherwise impossible or unreasonable.
- 6.3.3. Employees shall return to work or apply for reemployment within the time limits established under law.
- 6.3.4. Employees are responsible for returning all DWSD property prior to the effective date of leave for any Military Leave extending beyond twenty-nine (29) days.

## **7. POLICY**

### **7.1. General Policy**

- 7.1.1. DWSD will provide an unpaid leave of absence to eligible employees who take time off from work to fulfill military obligations. An employee is eligible for Military Leave upon employment. Human Resources determines eligibility in accordance with applicable law.
- 7.1.2. Full-time employees are entitled to use paid vacation time during military leave. DWSD may not compel employees to use vacation time.
- 7.1.3. Employees returning from military leave will be granted employment protections afforded under the law, including those related to seniority, status, pay, and vacation and sick time accrual rates.

### **7.2. Requesting Military Leave**

- 7.2.1. Employees should notify their supervisor or/and Human Resources as soon as they have been called to active military service or scheduled for reservist training. Employees are required to complete the Military Leave Notification Form and submit it to their supervisor.
- 7.2.2. The supervisor completes the form and provides it to Human Resources. Human Resources notifies the employee of the status of the Military Leave Notification Form in writing within five (5) business days of receiving the completed form.
- 7.2.3. Should providing advanced notice be impossible or otherwise unreasonable under the circumstances, employees are required to provide verbal notice to their supervisor and/or Human Resources.
- 7.2.4. If an employee is unable to provide such notification, an appropriate officer of the uniformed service may notify DWSD on the employee's behalf.

### **7.3. Continuation of Health Care**

- 7.3.1. If the military leave is for a period of 30 days or less, health benefits coverage will continue as if the employee was actively at work during this time.
- 7.3.2. If the military leave is for a period of more than 30 calendar days of leave, the employee may request benefits through COBRA. Contact Human Resources for more information.
- 7.3.3. If an employee leaves DWSD without giving notice in a manner outlined in 7.2 above, DWSD may cancel the health plan coverage upon departure.
- 7.3.4. In cases in which an employee's failure to give advance notice of service was excused because it was impossible, unreasonable, or precluded by military necessity, DWSD will reinstate the employee's health coverage retroactively upon his or her election to continue coverage and payment of all unpaid amounts due. The employee will incur no administrative reinstatement costs.

#### **7.4. Returning to Work from Military Leave**

- 7.4.1. Employees should provide written or verbal communication to Human Resources to coordinate their return to work and any associated position accommodations.
- 7.4.2. Human Resources will determine if an employee is eligible for reemployment in accordance with applicable law.
- 7.4.3. DWSD may request that the returning employee provide documentation to verify that legal conditions for reemployment are met.
- 7.4.4. Reinstatement shall be to the former or comparable position provided the employee is still qualified to perform duties of that position. In the event the employee is not qualified by reason of disability sustained during service, but is qualified to perform duties of another available position that does not impose undue hardship on DWSD, an offer of employment shall be made in this position.

#### **7.5. Reasonable and Necessary Accommodations**

- 7.5.1. Management may take reasonable and necessary actions to accomplish the intent of this policy.