

Military Leave of Absence

The ESD will grant military leave to employees on duty' with uniformed service² in accordance with applicable state and federal law. Employees requesting military leave are required to provide written notice as soon as practicable following notification of military call up or reservist duty, unless precluded by military necessity.

Military leave exceeding 15 days is unpaid leave. Employees may use any accrued vacation or similar leave during the period of service exceeding 15 days.

While on military leave, the employee will receive the same benefits as other employees on leave, as well as the following:

1. The employee may continue enrollment in the ESD's health insurance plan for the period of the military leave up to five years. During the first 18 months of leave, the employee may be required to pay any employee contribution required of other employees on a leave of absence. If the leave extends beyond 18 months, the employee will be required to pay not more than 102 percent of the full premium;
2. Upon return from military service, the ESD will give retroactive employer contributions to the Public Employees Retirement System on the same basis as if the employee had not left, provided the employee was enrolled member at the time of leave. The employee may repay any required employee contributions over a period of three times the military service leave period or five years, whichever is less.

An employee on duty with a uniformed service is entitled to reemployment for a maximum of five years, unless retained on active duty because of war or national emergency. An individual returning from military leave shall notify the ESD of his/her intent to return as follows:

1. If the period of service was less than 31 days, the employee must report to work not later than the beginning of the first regularly scheduled work period on the first full calendar day following the completion of the period of service, and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of service to the person's residence;
2. If the period of service was more than 30 days, but less than 181 days, by submitting an application for reemployment with the ESD not later than 14 days after the completion of the period of service;
3. If the period of service was more than 180 days, by submitting an application for reemployment with the ESD not later than 90 days after the completion of service.

¹"Duty" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty and absence to determine fitness for duty.

²"Uniformed service" means the Armed Forces, the National Guard, the commissioned corps of the Public Health Service and any other category of persons designated by the President in time of war or national emergency.

An individual reemployed under this policy is entitled to the seniority and other currently existing rights and benefits the individual had when service started, plus the additional seniority and similar rights and benefits that would have been accrued if employment had been continuous.

This policy does not apply if the employee has been separated from service with a dishonorable or bad conduct discharge or under other than honorable conditions.

END OF POLICY

Legal Reference(S):

[ORS 334.125 \(5\)](#)
[ORS 408.290](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, P.L. 99-272, Title IX, Section 2003, 100 Stat. 232.

Internal Revenue Code, 26 U.S.C/ Section 4980 B (f)(4).

Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. Sections 4301-4333, as amended by the Veteran's Benefits Improvements Act of 1996, P.L. 104-272.