

EAST COUNTY FIRE & RESCUE
Policies, Procedures, and Guidelines

SUBJECT: Military Leave

PPG NUMBER: 10.7.10

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DATE OF ISSUE: 11-21-2017

APPROVED BY:


Board Chair

REVIEWED: _____

BY: _____

POLICY:

The District provides leaves of absence for any employee who is a member of a uniformed service and is absent from work due to an obligation to a uniformed service. Uniformed services include the National Guard, Army, Navy, Air Force, Coast Guard or Marine Corps Reserve of the U.S., any organized reserve or armed forces of the U.S., and other categories designated by the President in times of emergency. The District will provide leave for voluntary and involuntary active duty, active duty for training, initial active duty for training, full time National Guard duty, and other types of duty as required by law.

Paid Leave: The District will pay up to twenty-one days each year beginning October 1 through September 30 per RCW 38.40.060 for military leave taken for active duty or active training duty. Such military leave shall be in addition to any vacation to which the employee might otherwise be entitled and shall not involve any loss of efficiency, rating, privileges, or pay. During the period of military leave, the officer or District member shall receive his/her normal rate of pay. As required by law, employees may use any previously accrued sick leave hours to provide income during the leave, in addition to the 21 days.

Unpaid Leave: Employees who are called to or volunteer for active duty military service in excess of twenty-one (21) workdays will be placed on an unpaid leave of absence during the time the employee is in an active duty status with any branch of the United States Armed Forces. The employee may choose to use accrued vacation leave prior to moving to an unpaid status. Any unused leave accruals remaining when the unpaid leave begins will be held until the employee returns to active employment with the District. During the unpaid leave, the employee will neither earn additional vacation or sick leave nor be entitled to health insurance benefits. Employees are entitled to remain on the District's health plan for up to 24 months under COBRA regulations; however, the employee will be required to pay the full insurance premium. Reinstatement following active duty will be in compliance with state and federal laws at the time of the return to work.

Leave for Spouses Deployed for Military Duty: Pursuant to RCW 49.77.030, during times of military conflict declared by the President or Congress, an employee, working 20 hours per week or more, whose spouse is a member of the United State Armed Forces, National Guard or Reserves who had been notified of an impending call or order to active duty, or who has been deployed, or when the military spouse is on leave from deployment, is eligible for a total of fifteen (15) days of unpaid leave per deployment. The employee must give notice of intention to take leave within five (5) days of the soldier/ spouse receiving official notice of the order to

active duty, or official notice of receiving leave from active duty. This leave is unpaid leave. However, employees may substitute accrued vacation or sick leave for any part of their spousal military leave. During leave under this policy, the District will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may in some cases be responsible to pay back the District for the employer portion of the health insurance premiums.

Employees Are Expected To Provide Advance Notice: Employees should provide written notice at least thirty (30) calendar days in advance of the anticipated date that a military leave or family military leave will begin, if the need for the leave is foreseeable. In the case of an unforeseeable or unanticipated leave, employees must provide notice as soon as possible or within two calendar days of learning of the need for the leave. No notice is required if it would be unreasonable or impossible for the employee to provide notice or if the giving of notice is precluded by military necessity.

Laws Governing Military Leave Are Complex: The law governing military leave is complex and all details are not covered in this policy. Any questions should be directed to the District Fire Chief who may elect to seek legal counsel.