

National Guard Duty

Number: F-11

Revision:

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1.0 POLICY

The Town of Carolina Beach grants leave to employees called to emergency National Guard Duty.

2.0 PURPOSE

The Town supports employees wishing to serve their country through participation in the uniformed services. The Town complies with the guidelines of the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) and considers them to be minimum requirements. This policy explains how the Town fulfills its obligations under USERRA for employees who are serving on emergency National Guard duty and the additional benefits the Town provides in some cases.

3.0 SCOPE

This policy applies to employees in all benefit-eligible positions. Other (not benefit-eligible) employees are not covered by the leave in this policy but will be allowed time off.

4.0 DEFINITIONS

- 4.1 **Emergency National Guard Duty** - Activation of a National Guard reservist in response to a declared emergency.
- 4.2 **Benefit-Eligible** - Full time and part-time employees who are eligible for coverage and participation in the Town's benefit programs in addition to legally mandated coverage. See **Policy on Position Types**.
- 4.3 **Other (not Benefit-Eligible) Employee** - An employee assigned to a position designated roster, seasonal temporary, or special project who is eligible for salary and mandated benefits only. See **Policy on Position Types**.
- 4.4 **Military Lost Time** - Any absence from work without pay. An absence from work without pay for a period of a pay period or greater that impacts actual benefit accrual but not benefit accrual rates.

5.0 ORGANIZATIONAL RULES

- 5.1 A benefit-eligible employee called to emergency National Guard duty **in the State of North Carolina** will be granted leave with pay not to exceed a total of 96 hours for a full time employee (48 hours for a part-time employee). Any required emergency duty beyond the paid National Guard duty will require the employee to use vacation leave, compensatory time or authorized leave without pay.
- 5.2 A benefit-eligible employee called to emergency National Guard Duty **outside of North Carolina** will be granted leave without pay or may use all or part of his vacation leave or other forms of paid leave as identified in Section 5.1.
- 5.3 A non-benefit-eligible employee called to emergency National Guard Duty will be allowed unpaid time off.
- 5.4 Employees who return to work in less than five years will be returned to the same or like position they occupied prior to the activation for emergency National Guard Duty with full seniority, status and pay as if there had been no break in

employment. A military discharge form DD-214 with an honorable discharge must be submitted with the notification of intent to return to work.

- 5.5 Time limits for employees to reapply for return to work after release from National Guard Duty are:
 - A. Less than 31 days absence - employee must report to employer by the next business day.
 - B. 31 days to 180 days absence - notification to the supervisor must be submitted within 14 days.
 - C. More than 180 days absence - notification to the supervisor must be submitted within 90 days.
- 5.6 An employee returning to Town employment following emergency National Guard Duty must be able to perform the duties of his former position or a position of like classification.
- 5.7 **Provisions for Benefit-Eligible Employees**
 - A. Benefit-eligible employees will not earn vacation leave or accrue sick leave while in a leave without pay status.
 - B. During the absence for emergency National Guard Duty there will not be any lost time for current year longevity payments.
 - C. Salary increases may be awarded at appropriate times during the employee's absence.
 - D. In the event the emergency National Guard Duty is an extended period, the benefit-eligible employee may choose to drop or continue insurance. The Town will contribute the same amount to the employee's insurance as when the employee was in an active pay status with the Town. The employee's portion must be paid to the Town (by check or cash) on a monthly basis.
 - E. The benefit-eligible employee who is on an extended leave of absence for emergency National Guard Duty will receive full service credit with the Retirement System after returning from the duty provided he returns to work within the guidelines stated above in Section 5.5. In order to receive the retirement service credit, the returning employee **must** furnish his military discharge form DD-214 to the North Carolina Local Governmental Employees' Retirement System upon return and within the time guidelines specified by the Retirement System.
- 5.8 If the National Guard reservist receives notification of a deployment in support of a war effort of the United States, he should immediately contact his supervisor. If deployed for military service in time of war, the employee will be covered by the provisions of the **Policy on Military Leave - Deployment In Time of War**.
- 5.9 If an employee is injured while serving National Guard Duty, he must be cleared medically by Town Medical Review Officer before returning to work.

6.0 PROCEDURES

- 6.1 An employee should notify his supervisor as soon as he receives orders to report for emergency National Guard Duty and provide the supervisor with a copy of the orders.
- 6.2 On the first day back at work after the emergency duty, the benefit-eligible employee should complete a Leave Request Form and attach a copy of the orders. If the duty is in North Carolina, the benefit-eligible employee will receive up to 96 hours for a FT (48 hours for a PT) of National Guard Duty Pay and the remainder to leave without pay, vacation leave or other forms of paid leave as identified in Section 5.1 of this policy.

- 6.3 The supervisor is responsible for ensuring the Leave Request Form is properly completed, the appropriate signatures are obtained, a copy of the orders are attached and the form is given to the appropriate departmental timekeeper for further processing.
- 6.4 Upon receipt of release orders from active National Guard Duty, the employee must schedule a return-to-work evaluation with Town Medical Review Officer if he was injured while serving National Guard Duty. The exam components will be determined by the medical provider.

7.0 APPENDIX, APPENDICES

- Leave Request Form