

September 9, 2014

SUBJECT:**Compensation for Active Military Service During
Leave of Absence****ORIGINATING DEPARTMENT:**

Human Resources

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POLICY

Employees who are members of the United States Armed Forces Reserve, including the Florida National Guard, shall be entitled to administrative leave without loss of pay or time during periods of active duty as provided by Florida Statutes.

Compensation is authorized for leave of absence for active military service in accordance with State Statute Title X, Chapter 115.

PROCEDURE:

- A. Leave of absence for military services - Any county or official of the state, subject to the provisions and conditions hereinafter set forth, may be granted leave of absence from his/her office, to serve in the volunteer military forces of the United States, or in the National Guard of the state, or in the regular Army, Air Force, Marines, Navy, or Coast Guard of the United States, when the same shall be activated by the United States during periods of armed conflict between the United States and a foreign government or entity or other circumstances that warrant response by United States armed forces reserve and/or the National Guard.
- B. Officers and employees' leaves of absence for reserve or guard training – All officers or employees of the state, of the several counties of the state, and of the municipalities or political subdivisions of the state who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave pay or time, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.
 1. Leaves of absence granted as a matter of legal right under the provisions of this section shall not exceed 240 hours in any one annual period. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and shall be granted by the employing or appointing authority of any state, county, municipal, or political subdivision and when so granted shall be without loss of time.
 2. When an employee's assigned employment duty conflicts with ordered active or inactive duty training, it shall be the responsibility of the employing agency of the state, county, municipal, or political subdivision to provide a substitute employee, if necessary, for the assumption of such employment duty while the employee is on assignment for such training.
 3. It is the intent of the Legislature that the state, its several counties, and its municipalities and political subdivisions shall grant leaves of absence for active or inactive training to all employees who are members of the United States Reserve Forces or the National Guard, to ensure the state and national security at all times through a strong armed force of qualified and mobilization-ready personnel.
- C. Definitions:
 1. The term "active military service" as used in this law shall signify active duty in the Florida

defense force or federal service in training or on active duty with any branch of the United States Army, the United States Air Force, the United States Navy, the United States Marine Corps, the United States Coast Guard and service of all officers of the United States Public Health Service detailed by proper authority for duty either with the Army or the Navy, and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave or other lawful causes.

2. The term "period of active military service" as used in this law shall begin with the date of entering upon active military service to include any travel time to location of assignment and shall end as defined under Uniformed Services Employment and Re-employment Rights Act (USERRA) re-employment provisions.
 3. Leave to public officials for military service - All state and county officials in the state, and all others who hold office under the government of the state, and who are officers or enlisted men/women either in the Florida Defense Force, the National Guard, the Naval Militia, Marine Corps, United States Army Reserve, United States Air Force Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, or officers or enlisted men/women in any other class of the militia, or district school officers, and all municipal officials in the state, may, subject to the provisions and conditions hereafter set forth, be granted leave of absence from their respective offices and duties to perform active military service, the first 30 days of any leave of absence to be with full pay and the remainder without pay.
 4. Rights during leave - During such leave of absence such official shall be entitled to preserve all seniority rights, efficiency ratings, promotional status and retirement privileges. The period of active military service shall, for purposes of computation to determine whether such person may be entitled to retirement under the laws of the state, be deemed continuous service in the office of said official. While absent on such leave without pay, said official shall not be required to make any contribution to any retirement fund.
 5. Employees - All employees of the state, and of the several counties of the state, and of the municipalities or political subdivisions of the state, may, in the discretion of the employing authority of such employee, be granted leave of absence under the terms of this law, and upon such leave of absence being granted, said employee shall enjoy the same rights and privileges as are hereby granted to officials under this law.
- D. Adoption of federal law for employees - The provisions of section 8 of chapter 720 Acts of Congress of the United States, approved September 16, 1940 (Title 50 App. Section 308, U.S.C.A.), insofar as it relates to the reemployment of public employees granted a leave of absence on active military duty under this law, shall be applicable in this state and the refusal of any state, county, or municipal official to comply therewith shall subject him/her to removal from office.

FOOTNOTES & REFERENCES TO RELATED AR's: Supersedes AR 7.16 dated January 8, 1991; AR 7.16-1 dated January 6, 1999; AR 7.04 dated May 11, 2010.