

MILITARY LEAVES

PURPOSE

To facilitate leave for military service and provide instructions for compensation and benefits.

SCOPE

This policy applies to employees in the state civil service except employees appointed on a temporary or intermittent basis.

POLICY

It is the policy of the State of Indiana to fully adhere to the requirements of federal and state law regarding military leaves for members of the uniformed services. In the event of a dispute between the provisions of this policy and the relevant procedures, the provisions of the Uniformed Services Employment and Re-employment Rights Act (USERRA) control.

Leave(s) will be granted in accordance with any orders for military duty.

Differential pay (the difference between basic active military salary and the salary that would have been paid as an active state employee) will be granted to employees who are members of the Indiana National Guard or other Indiana reserve component of the armed forces of the United States on active military duty. Differential pay does not apply to service performed exclusively for training. Employees who are members of the Indiana National Guard or other Indiana reserve component of the armed forces of the United States on active military service have the option to continue family health care coverage at the employee's own expense.

Members of the uniformed services desiring to return to work following military service will be reinstated in accordance with applicable federal and state laws.

Leave(s) of absence spent in military service will be counted for purposes of calculating seniority, retirement benefits and eligibility for family-medical leave subsequent to the service member's return to work.

REFERENCES & RESOURCES

Executive Order 05-18

IC 10-16-7

31 IAC 5-8-6(d) 31 IAC 5-8-8

IC 4-15-2.2-40

www.dol.gov/vets

USERRA 38 U.S.C.A. §§4301-4330 (1994)

USERRA Regulations 20 C.F.R. § 1002, et seq.

<http://www.osc.gov/userra.htm>

EFFECTIVE DATE August 1, 2012
Supersedes policy dated July 1, 2011

APPROVED _____



Daniel L. Hackler, State Personnel Director

Date Aug. 1, 2012