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**STOREY COUNTY ADMINISTRATIVE  
POLICIES AND PROCEDURES**

**NUMBER: 609**  
**EFFECTIVE DATE: 11/10/08**  
**REVISED: 01/03/17**  
**AUTHORITY: BOC**  
**COUNTY MANAGER: PAW**

**SUBJECT: MILITARY LEAVE**

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**I. Purpose:**

To establish a policy for military leave.

**II. Policy**

Employees who are members of the uniformed services are entitled to military leave. The uniformed services covered include the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service Commissioner Corps, the reserve components of these services, and any other category dispatched by the President in time of war or nations emergency. The Army National Guard and Air National Guard are also covered.

**2.1 Notice and notification**

- a. The employer must provide employees with notice of their rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). This requirement may be met by posting the notice where the employer customarily places notices for employees.
- b. The employer may require written (orders) or verbal notice of service obligation, but must waive the requirement if notice is impossible or unreasonable.

**2.2 Salary and Benefits**

**a. Leave without pay**

1. The employer will treat the employee the same as any other employee on leave without pay.
2. The employee is entitled to 15-working days of leave with pay in one calendar year (NRS 281.145).
3. The employer is not required to pay the employee's salary after 15-working days.
4. The employee may choose to use annual leave and compensatory time, if any, before going on leave without pay.

**b. Health Insurance**

There is no impact to the employee's insurance coverage, including life insurance inclusive of the health insurance package if the services is less than 30 days.

During the 30 day time period, the employer and employee premium payments or obligations, if any, remain unchanged. for 30 days. Employee may then continue coverage similar to that required by the Consolidated Omnibus Budget Reconciliation Act (COBRA) for either 24 months or through the day after the date on which the employee fails to apply for reemployment in a timely manner; whichever is less (see Reemployment, Section 2.3 below). The employer must reinstate coverage upon the employee's prompt reemployment without the imposition of exclusions or waiting periods. An employee who takes up to 90 days after leaving the military before commencing his/her reemployment may stay on the military health insurance; however, it is the employee's responsibility to verify the continuation, scope, and duration of coverage.

**c. *Seniority***

An employee is entitled to the seniority (and rights and benefits governed by seniority) s/he had accrued at the commencement of military leave, plus any additional seniority rights and benefits that s/he would have attained if s/he had remained continuously employed (the "escalator principle"). However, if an introductory period is a bona fide period of observation and evaluation, the returning employee must complete the remaining period of introduction upon reemployment. The employer must count time served for the purpose of determining annual and sick leave accrual rates, if the accrual amount is based on seniority. Additionally, the employer must count time in the military when determining the employee's rate of pay if the rate is based on seniority (e.g., a grade-and-step pay system). The employer is not required to accumulate annual or sick leave for an employee during his/her absence. The "escalator principle" will be applied to a returning employee's opportunities to take promotional examinations or skills tests and to merit pay increases.

**d. *Retirement***

Time served will be counted as work time for purposes of retirement. The employer must make contribution payments to the retirement plan as if the employee had not left, provided the employee returns to work. The employer contribution will be based on the rate of pay the employee would have been paid had s/he not been called to military service (e.g., a grade-and-step pay system). An exception to this requirement is when the higher pay is based on additional knowledge, skill, or ability that can only be gained by work experience.

**e. *Death or Disability***

If an employee does not return to work due to death or disability, the survivor or disability benefit is treated as if the employee had been working until the date of the death or disability. The employer must make the retirement contribution up to the date of the death or disability.

*f. Other Leave*

The employer must count time served in the military when calculating the employee's Family Medical Leave Act eligibility.

**2.3 Reemployment**

- a. An employee has certain report-to-work obligations following military service. Eligible returning service members must be promptly reemployed, which in most cases means within two weeks of reporting. The employee's report-to-work obligations are:
  1. Service of one to 30 days: The beginning of the next regularly-scheduled work period on the first full day following completion of service, and expiration of an eight-hour rest period following safe transportation home.
  2. Service of 31 to 180 days: Application for reinstatement must be submitted not later than 14 days after completion of military duty.
  3. Service of 181 or more days: Application for reinstatement must be submitted not later than 90 days after completion of military duty.
- b. The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service, and the employer must make reasonable accommodations for the impairment.
- c. Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five years while employed by the same employer. Time spent in National Guard and reservist training does not count towards the five-year period.

**2.4 Discharge**

If time served is greater than 30 days, but less than 181 days, an employee may not be discharged within 180 days of reemployment, except for just cause. If time served is greater than 180 days, an employee may not be discharged for one year, except for just cause.

**III. RESPONSIBILITY FOR REVIEW: The County Personnel Director and/or Administrative Officer will review this policy every 5 years or sooner as necessary.**