

MILITARY LEAVE

Revised September 2026

SECTION: 28

A. PURPOSE

This Section establishes Tooele City's policies and procedures for short-term and long-term military leave for employees who are members of the uniformed services, including Reservists and National Guard members, and are absent for training, periods of active military service, funeral honors duty, and time spent being examined to determine fitness to perform. This Section is intended to comply with and be administered in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). In the event a benefit plans or contracts conflict with this policy, the official plan documents will prevail.

B. SHORT-TERM MILITARY LEAVE PAY

Short-term military leave is leave of less than 31 days in duration.

1. Regular and appointed status employees are provided up to eleven (11) days of paid short-term military leave per calendar year (January 1 to December 31). Paid short-term military leave may be used to bring the employee's compensation up to their regular salary based on their normal work schedule (for administrative purposes, police may be temporarily calculated to a 42-hour, M-F schedule). Each use is counted as a full-day; hours are not banked or accumulated. Unused days are forfeited and are not carried over.
2. Employees who are not eligible for paid military leave, or whose leave exceeds the eleven (11) paid days, may elect, but are not required, to use their comp time or annual leave in increments up to their normal work schedule.
3. In accordance with the Fair Labor Standards Act (FLSA), exempt employees' salaries may be reduced for one or more full-day absences due to short-term military leave after paid short-term military leave has been exhausted.
4. Benefits remain in effect during short-term military leave as if continuously employed. During this period, employees are responsible for employee share of any premiums, which will continue to be processed via payroll deduction. In the event that leave is unpaid, employees may remit premium in advance or via a catch-up payroll deduction within 30 days upon return from leave. Benefits based on hours worked or leave used (i.e. leave accruals and paid holidays) are administered consistently with City policies for employees on comparable forms of paid and unpaid leave.
5. Employees are expected to provide advance notice of military service to their supervisor, preferably at least four (4) weeks in advance, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. Employees should provide a copy of their military orders, when available, identifying the dates and nature of service. A copy of such documentation must also be forwarded to the human resource office.

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C. EXTENDED MILITARY LEAVE

Extended military leave is leave greater than 30 days in duration.

1. An employee whose leave exceeds 30 days may, but are not required to, use accrued annual leave or comp time in increments up to their normal work schedule.
2. Benefits terminate the day the employee becomes active military, except:
 - a. Pursuant to USERRA employees may elect to continue their City-sponsored health insurance for up to twenty-four (24) months. During this period, the City is no longer responsible for the employer's portion of the premium; employees electing to continue coverage may be required to pay up to 102% of the full premium cost (the total cost of the plan plus a 2% administrative fee).
 - b. For retirement plan required employee contribution (i.e. URS Tier 2), employees may elect to continue making their contributions during their leave through payroll using accrued annual leave or comp time or by remitting personal payment to the City. Employees may also elect to make their missed contribution when they return.
 - c. For life insurance, coverage may continue pursuant to plan provisions.
 - d. Employees do not accrue paid leave, except leave accrual may be prorated based on annual leave or comp time used.

Contact the human resources office for specific benefit provisions and options.

D. REINSTATEMENT RIGHTS & RESPONSIBILITIES

Reinstatement rights extend to individuals who have been absent because of performing duty in the uniformed services will follow the Uniformed Services Employment and Reemployment Rights Act (USERRA).

1. To maintain reemployment rights, employees must report back to work or apply for reemployment within the following time frames:
 - a. **Service of 1–30 days.** The beginning of the first regularly scheduled work period on the first full calendar day following completion of service (allowing for safe travel home and an 8-hour rest period).
 - b. **Service of 31–180 days.** An application for reemployment must be submitted no later than 14 days after completion of service.
 - c. **Service of 181+ days.** An application for reemployment must be submitted no later than 90 days after completion of service.

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2. Upon reinstatement, employees receive the pay level they would have reached during their extended military leave and credit for the purpose of computing service-related benefit accrual, service time, and other seniority-related purposes pay.
3. Upon reinstatement, benefits become effective upon return to work.
 - a. With respect to the URS retirement plans, upon reinstatement, the City will remit payment to the Utah State Retirement Office (URS) for the City and employee share of the premiums. If an employee chose not to pay their required premium during their leave, they are provided a period equal to three times the length of the military service (not to exceed five years) to remit payment to the City for the principal amount of their missed contributions (the City bears the cost for any interest charged by the URS).
 - b. With respect to the City's 401(k) and other savings plans, upon reinstatement, the City will remit any non-elective employer contributions (i.e. flat percentage contribution) to the URS office. For matching programs, the City will remit the matching portion only to the extent the employee elects to make up their missed deferrals. Employees returning from unpaid military leave may make up elective deferrals pursuant to USERRA and IRS rules.
4. Tooele City reserves the right to request employees provide military discharge documentation that establishes the timeliness of the application for reemployment and length and character of the employee's military service.

E. REEMPLOYMENT ELIGIBILITY – FIVE-YEAR SERVICE LIMITATON

1. In accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), employees who are absent from employment due to military service are generally entitled to reemployment rights for a cumulative period of up to five (5) years. The five-year limit is measured as the total length of military service performed during the employee's employment, regardless of the number or frequency of absences. Certain types of military service are excluded from the limit, including but not limited to:
 - a. Required training obligations (e.g., weekend drills and annual training)
 - b. Involuntary active duty or service performed under orders during a national emergency or war
 - c. Other service required or exempted under applicable law

As a result, employees may remain eligible for reemployment rights even if their total time away for military service exceeds five (5) years, provided that the excess service falls within one or more of these excluded categories.

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2. The City will evaluate military service on a case-by-case basis to determine eligibility for reemployment in accordance with USERRA and applicable regulations.

F. LIFE INSURANCE & DISABILITY EXCLUSIONS

Employees are advised that most City-sponsored life, accidental death and dismemberment (AD&D), and disability insurance policies contain exclusions for claims resulting from acts of war or service-connected activities. Employees are encouraged to review their military-provided life insurance for coverage during their period of active service.

G. FAMILY MEDICAL LEAVE ACT MILITARY LEAVE (FMLA)

Time spent on military leave will be counted toward the employee's entitlement to qualifying FMLA leave, if applicable. The FMLA also provides job-protected leave in some military circumstances. Reference the City's FMLA policy for more information.