

GEORGIA DEPARTMENT OF JUVENILE JUSTICE	Transmittal # 12-09	Policy # 3.64
Applicability: {x} All DJJ Staff {x} Administration {x} Community Services {x} Secure Facilities (RYDCs and YDCs)	Related Standards & References: O.C.G.A. §38-2-279 Rules of the State Personnel Board, 478-1-.19 Uniformed Services Employment and Re-employment Rights Act, 38 U.S.C. Chapter 43 DJJ 3.55, 4.2	
Chapter 3: PERSONNEL	Effective Date: 4/1/12 Scheduled Review Date: 4/1/14 APPROVED:	
Subject: MILITARY LEAVE		
Attachments: A – USERRA Poster B – Military Leave of Absence Paid Leave Declaration Form		
		_____ L. Gale Buckner, Commissioner

I. POLICY:

The Department of Juvenile Justice shall grant military leave to eligible employees in accordance with applicable federal and state law and the Rules of the State Personnel Board.

II. DEFINITIONS:

Employee: Every person who holds a full-time, part-time, or temporary position with the Department of Juvenile Justice.

Federal Fiscal Year: October 1 through September 30.

Ordered Military Duty: Any military duty performed in the service of the State or of the United States, including, but not limited to, attendance at any service school(s) conducted by the armed forces of the United States by an employee as a voluntary member of the National Guard or any reserve force or reserve component of the armed forces of the United States pursuant to orders issued by a state or federal authority. Ordered military duty includes the time necessary to travel to and return from military duty. For purposes of this policy, the term ‘ordered military duty’ does not apply to members of the State Defense Force.

III. PROCEDURES:

A. Eligibility for Military Leave:

The Department of Juvenile Justice will grant military leave to the following employees:

- Employees performing ordered military duty, including going to and returning from such duty;
- Employees who are members of the National Guard or of any reserve force or reserve component of the armed forces of the United States who are attending any service school(s) conducted by the armed forces of the United States, including going to and returning from service school(s); and

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- Employees who enlist or are inducted into the armed forces of the United States, or any reserve component, and who are ordered to active duty, active duty for training, or inactive duty.

B. State Defense Force:

Service with the State Defense Force will not be considered ordered military duty. Employees performing such service are not eligible for military leave.

C. Military Orders:

1. An employee ordered to military duty must provide a copy of the military orders to his/her immediate supervisor, if available.
2. If the orders are not available at the time that military leave begins, the employee must submit a copy of the orders as soon as they are received.
3. The copy of the military orders will be maintained in the employee's official personnel record (at Central Office).

D. Period of Leave:

An employee ordered to military duty will be granted a leave of absence for the period of time specified in the military orders. The period of time will not generally exceed a cumulative absence of more than 5 years.

E. Continuous Employment:

1. For employment and benefit purposes, an employee's absence while performing ordered military duty or attending services schools will not constitute an interruption of continuous employment.
2. Employees on military leave will not be discriminated against in the areas of employment, reemployment, reinstatement, transfer or promotion. In addition, these employees will not be subjected, directly or indirectly, to any loss or reduction of time, service, compensation level, vacation or holiday privileges, or any other right or privilege because of the military leave.
3. For Department training purposes, certified JCOs who are not actively serving as a JCO for more than 12 continuous months must successfully complete BJCOT before being responsible for the sole supervision of youth. (See DJJ 4.2, Security Staff Training Requirements)
4. Department employees whose position requires a professional credential shall ensure that the necessary professional credential is maintained. The Department of Juvenile Justice shall not permit an employee to perform work that requires

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professional credentials if the appropriate credential has not been obtained or if the credential has expired or been revoked. (See DJJ 3.55, Professional Credentials)

F. Paid Leave While on Ordered Military Duty:

1. Individuals employed on a temporary basis are not eligible for paid leave while on ordered military duty.
2. An employee ordered to military duty will receive his/her state salary or other compensation while on ordered military duty. This pay will not exceed a total of 144 hours in any federal fiscal year. Military leave pay will only apply to members of the National Guard, any reserve force, or any reserve component of the armed forces. Military leave pay will not apply to an employee who enlists for active duty in the armed forces.
3. An employee ordered to military duty for more than 144 hours in any federal fiscal year must use any accumulated deferred holiday time and Fair Labor Standards Act (FLSA) compensatory time. The employee may then elect to use accrued annual leave, personal leave, and/or state compensatory time. (See Attachment B, Military Leave of Absence Paid Leave Declaration Form.) If the employee does not elect to use paid leave or lacks available paid leave, the absence will be charged as Military Leave without Pay.
4. An employee who is absent due to military duty on October 1st of any federal fiscal year will automatically be placed in military leave with pay status beginning October 1st. He/she will remain in military leave with pay status until either exhausting the military leave entitlement for that federal fiscal year or returning to work status, whichever is earlier.
5. If the Governor declares an emergency and orders an employee to active duty as a member of the Georgia National Guard, the employee, while performing this duty, will be paid his/her state salary or other compensation. This pay will not exceed a total of 240 hours in a federal fiscal year.
6. An employee whose work schedule is established as less than 40 hours per week will be eligible for military leave as specified by this policy, prorated upon the employee's normal work schedule.

G. Paid Leave for Absence for Examination Purposes:

Employees ordered to report for a pre-induction or other examination to determine physical or other fitness for service in the armed forces of the United States may, upon specific request of the employee, charge the absence from work to accrued leave. (The use of annual leave will not be approved until all available deferred holiday time and Fair Labor Standards Act (FLSA) compensatory time has been exhausted.) An employee who does not request to use available paid leave will be granted a leave of absence without pay.

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H. Request for Reemployment:

Upon completing a period of ordered military service, the employee must notify the Department of the intent to return to duty by either reporting to work or submitting a timely application for reemployment according to the following schedule:

- Service of 1 to 30 days: must report to work on the scheduled work day following safe transportation home plus an 8 hour rest period;
- Service of 30 to 180 days: must apply for reemployment within 14 calendar days of discharge; or
- Service of 181 or more days: must apply for reemployment within 90 calendar days of discharge.

I. Employment/Reinstatement:

1. “Your Rights Under USERRA, The Uniformed Services Employment and Reemployment Act” (Attachment A) provides general guidelines regarding employment and reinstatement after completion of ordered military duty.
2. An employee reinstated following active duty, or active duty for training for 3 consecutive months or more will be entitled to the rights and benefits applicable to other employees on leave of absence without pay in accordance with the rules and policies in effect at the time the employee entered upon active duty or active duty for training.
3. An employee reinstated following inactive duty training, or active duty training for less than 3 consecutive months, will be entitled to such seniority, status, pay and all other benefits as if the employee had not been absent for such training.
4. Employees who were absent due to ordered military duty will be subject to changes within the organization of the Department in the same manner as employees who were not absent.

J. The “Your Rights Under USERRA” poster (Attachment A) must be permanently and prominently posted on the official bulletin board of each office/facility.

K. The Director of Human Resources will advise managers and employees on questions pertaining to this policy.

IV. LOCAL OPERATING PROCEDURES REQUIRED: NO