

1 **DRS:3-3-10. Military leave**
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3 (a) ~~Any An~~ employee with the Department who is a member of the Reserve Corps, Air
4 National Guard, or any other component of the Armed Forces branch of the United States
5 Military or its reserve shall, when ordered by proper authority to active or inactive military
6 duty, or service, be is entitled to a leave of absence without loss of status, or seniority and
7 ~~without loss of pay~~ during the first ~~20~~ 30 regularly scheduled work days of such leave of
8 absence during any federal fiscal year, (October 1 through September 30).
9

10 (b) Military Leave Beyond 30 Days.
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12 (1) If the period of military status extends beyond ~~20~~ 30 days, the employee's absence
13 for the period beyond ~~20~~ 30 days is governed by applicable leave rules.
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15 (A) Accrued compensatory leave, compensatory holidays, annual leave, or military
16 leave without pay may be requested to cover this period of time.
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18 (B) Accrued compensatory leave and compensatory holidays must be exhausted
19 prior to any approval of use of annual leave, except where the annual leave would
20 otherwise be forfeited under the provisions of Merit Rule 530:10-15-11(b)(5) ~~260:25-~~
21 15-44(c).
22

23 (2) ~~An employee who is ordered to report for physical examination in connection with~~
24 ~~military service is not considered absent from duty during the time required for the~~
25 ~~examination or the time required for travel~~ When the status of an employee ordered to
26 active or inactive duty extends beyond 30 days during the period in which Operation
27 Enduring Freedom is in effect and the employee is in military leave without pay status,
28 he or she may be paid an amount equal to the difference between his or her full regular
29 state pay and his or her military pay.
30

31 (A) The employee must provide verification of military pay to the DRS Human
32 Resources Payroll, Leave and Retirement Office.
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34 (B) If the military pay exceeds the employee's regular rate of pay, he or she is not
35 eligible to receive payment pursuant to this section.
36

37 (c) Request for Military Leave.
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39 (1) An employee must provide advance notice of a need to be absent for military
40 service. The notice may be verbal or written. The notice should be accompanied by a
41 request for military leave (either with or without pay or a combination of the two) on the
42 Request for Approval of Leave form, in accordance with instructions for the form. This
43 form shall be approved by the immediate supervisor.
44

45 (2) If available, a copy of the orders or a written statement from the appropriate officer
46 should be attached at the time the leave is requested.

47
48 (A) If a copy of the orders are not available at the time the leave is requested, the
49 orders may be submitted as soon as received.

50
51 (B) The completed Request for Approval of Leave form should be scanned or faxed
52 to the Human Resources Payroll, Leave and Retirement Office.

53
54 (C) A supervisor does not have the right to request an employee or the federal
55 government to reschedule military exercises for the convenience of the agency.

56
57 ~~(3) If, within 90 days of the date of termination of active duty, the employee applies for~~
58 ~~reemployment, he or she shall be restored within 30 days to his or her former position or~~
59 ~~a position of equivalent seniority, status and pay. Reemployment is subject to the~~
60 ~~employee being released from active duty under "honorable" conditions not later than~~
61 ~~four years, or upon authorization of the United States Government, five years after the~~
62 ~~date of entrance upon active duty or as soon after the expiration of such specified time~~
63 ~~period as he or she is able to obtain orders relieving him or her from active duty.~~
64 ~~Applications for reemployment must be made in writing to the DRS Personnel Office and~~
65 ~~must include a copy of the discharge papers. The 30 days for the agency to reemploy an~~
66 ~~employee shall commence upon receipt of a copy of the discharge papers.~~

67
68 ~~(4) The application materials, including a copy of the discharge papers, are forwarded to~~
69 ~~the DRS Personnel Office attached to DRS-A-101, Personnel Transaction.~~

70
71 ~~(5) All applications for military leave (either with or without pay or a combination of the~~
72 ~~two) are made on the Request for Approval of Leave form, in accordance with~~
73 ~~instructions for that form and must be approved by the immediate supervisor. A copy of~~
74 ~~the orders or a written statement from the appropriate officer should be attached at the~~
75 ~~time the leave is requested. If a copy is not available at the time the leave is requested, it~~
76 ~~must be submitted as soon as it has been received.~~

77
78 (d) Reemployment.

79
80 (1) An employee who has been absent from his or her position due to military service
81 will be eligible for reemployment under the following conditions:

82
83 (A) The employee provided the proper advance notice under (c) above.

84
85 (B) The employee has five years or less of cumulative service in the uniformed
86 services in his or her employment relationship with DRS.

87
88 (C) The employee timely returns to work or applies for reemployment.

89
90 (D) The employee is not separated from service with a disqualifying discharge or
91 under other than honorable conditions.

92

93 (e) Return from Military Duty.
94

95 (1) In order to exercise reemployment rights, the employee must report to work or
96 submit a timely application for reemployment depending on the length of service, as
97 follows:
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99 (A) Returning from active or inactive military duty of less than 31 days. The
100 employee reports to DRS at the beginning of the first regular scheduled work day
101 after release from military duty and a period of time that includes safe transportation
102 from the place of service to the employee's residence as well as eight hours of rest.
103 If timely reporting back to work is deemed to be unreasonable or impossible, the
104 employee must return as soon as possible after the 8 hour period.
105

106 (B) Returning from active or inactive military duty period of 31 to 180 days. The
107 employee must submit discharge papers and an application for reemployment
108 (written or verbal) to the DRS Human Resources Personnel Office no later than 14
109 days following the completion of military duty.
110

111 (C) Returning from active or inactive military duty period of over 180 days. The
112 employee must submit discharge papers and an application for reinstatement to the
113 DRS Human Resources Personnel no later than 90 days after the completion of
114 military duty.
115

116 (D) Reporting and application deadlines are extended for up to two years when an
117 employee is hospitalized or convalescing from an injury or illness incurred or
118 aggravated by active military service.
119

120 (f) Reinstatement to Position.
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122 (1) An employee returning from active military duty is entitled to prompt reemployment
123 in the position the employee would have attained with reasonable certainty if not for the
124 military service. Absent unusual circumstances, reemployment should occur no later
125 than two weeks from the employee's application. The position to which the employee
126 is reemployed will depend on length of service and qualifications.
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128 (A) Military Duty 90 days or less.
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130 (i) The person shall be restored in the position he or she would have held if he
131 or she remained continuously employed and is qualified for the position or can
132 become qualified after reasonable efforts by the employer; or
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134 (ii) The person shall be restored in the position he or she was employed on
135 the date his or her service began, only if the person is not qualified to perform
136 the duties of the position in (i) after reasonable efforts by the employer to
137 qualify the person.
138

139 (iii) If the person cannot become qualified for either position described in (i) or
140 (ii) even after reasonable employer efforts, the employee must be reemployed
141 in a position that is the nearest approximation to the position described in (i) or
142 (ii) that the person is qualified to perform with full seniority.

143 (B) Military Duty 91 days or more.

144
145
146 (i) The person shall be placed in the position he or she would have held if he
147 or she remained continuously employed or a position of similar seniority
148 status and pay if the person is qualified for the position or can become
149 qualified after reasonable efforts by the employer.

150
151 (ii) The person shall be restored in the position he or she was employed on
152 the date of his or her service began, or a position of similar seniority, status
153 and pay the duties of which the person is qualified to perform, if the person is
154 not qualified to perform the duties of the position described in (i) after
155 reasonable efforts by the employer to qualify the person.

156
157 (iii) If the person cannot become qualified for either position described in (i) or
158 (ii) even after reasonable employer efforts, the person must be reemployed in
159 a position that is the nearest approximation to the positions described in (i) or
160 (ii) that the person is qualified to perform with full seniority.