

# TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 5.27

## MILITARY LEAVE

### 1. Definitions

For purposes of this military leave policy, a “permanent” employee of the Board means an employee holding a position that requires working a regular schedule of twenty-six consecutive bi-weekly pay periods, or other regular schedule of comparable consecutive pay periods, and specifically does not include student help; intermittent, seasonal, or external interim employees; or individuals covered by personal services contracts. “Uniformed services” and “Service in the uniformed services” has the same meaning as established in O.R.C 5903.01.

### 2. Leave without Pay; Reinstatement Rights

- a. Leave of Absence: Permanent employees are entitled to a leave of absence to serve in the uniformed services. This leave is without pay, however, employees may use accrued vacation. No single leave of absence or combination of uniformed service leaves of absence may exceed five years or, alternatively, the time to complete the initial period of obligated service.
- b. Health Insurance Premiums: Covered employees on uniformed service leave are entitled to the same health benefits given to other employees who take a leave of absence for non-military reasons. The Board will continue health benefits for eligible, covered employees during the first 30 days of military leave. Covered employees with longer periods of service have the option, at the employee’s expense, of continuing health care coverage and related benefits for up to eighteen months. The affected employee may be required to pay up to one hundred and two percent of the entire insurance and related benefits premium costs.
- c. Reinstatement Rights: An employee returning from uniformed service leave without pay may apply to the Superintendent for reinstatement, provided the employee has received an honorable or general discharge. The application must be made within the following time period:
  - I. Leave of less than thirty days: immediately upon release from uniformed service, but allowing for travel time and eight hours of rest;
  - II. Leave of thirty-one to one hundred and eighty days: within fourteen days of completing uniformed service requirement;
  - III. Leave of more than one hundred and eighty days: within ninety days of completing uniformed service requirement.

Upon return from a period of duty lasting ninety calendar days or less, the employee will be returned to the same or similar position within the employee’s former classification. If the period of duty lasts more than ninety days, the

employee may be placed in any position of equivalent status, seniority, and pay. Regardless of the duration of duty, if reinstatement is impossible or would impose an undue hardship on the employer, the employee may be assigned to another position with like seniority, status, and pay or the nearest approximation thereof consistent with the circumstances of the case.

- d. Benefits Upon Reinstatement: Upon reinstatement, the employee shall receive rights and benefits including:
  - I. All sick leave, vacation leave, and personal leave which had been accumulated at the time of entering service;
  - II. All seniority which would have accrued had the employee been on the job;
  - III. Automatic salary adjustments due the employee had the employee been on the job;
  - IV. Any change in classification or pay range due the employee had the employee been on the job; and
  - V. Reinstated health insurance and related insurance benefits, if applicable, with no waiting periods or pre-existing condition exclusions.
  
- e. Temporary Disability: If an employee is unable to report for or perform the duties of his or her position at the date of his or her application for reinstatement because of an injury or illness incurred or aggravated during uniformed service, he or she shall have up to two years to recover from that illness or injury before being required to report or reapply.
  
- f. Permanent Disability: If the employee is unable to perform the duties of his or her former position by reason of injury or illness incurred or aggravated during uniformed service, the Board will make reasonable efforts to accommodate the employee's disability including placing the employee in another position in which the employee is qualified and able to perform the essential duties that will provide similar status, seniority, and pay.

### 3. **Payment During Reserve Duty**

- a. Leave With Pay for One Month a Year: Permanent employees who are members of the Ohio organized militia, or members of other reserve components of the armed forces of the United States, including the Ohio National Guard, are entitled to a leave of absence without loss of pay for up to one month for each calendar year to cover the time they are performing uniformed service. For purposes of this policy, "month" means twenty-two eight-hour workdays or one hundred seventy-six hours within one calendar year.
  
- b. Limited Payment for Leaves Exceeding One Month: Employees serving longer than a month, during such service of greater than a month, are entitled to a leave of absence and to be paid by the Board, per month, the lesser of:
  - I. The difference between the employee's gross monthly wage and the sum of the employee's gross uniformed pay and allowances received that month; or
  - II. Five hundred dollars.

In no event shall the Board be liable to pay the employee if the sum of the employee's gross uniformed pay and allowances received in a month exceeds the employee's gross wage as a Board employee for that month.

- c. Military Orders Must be Supplied to the Superintendent: Each employee must submit to the Superintendent the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing that service, prior to being credited with such leave.

Adopted: 4/28/03  
Updated: 7/24/2012

**References:**  
O.R.C. § 124.29  
O.R.C. § 5903.01  
O.R.C. § 5923.05  
O.R.C. § 123:1-34-05