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RULE 15: MILITARY LEAVE

Civil Service Rule 15.7 states that whenever an employee *in permanent status* enters into the Military Service of the United States Government (Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, etc.), the employee must make application for military leave to the Executive Secretary for approval by the Civil Service Board. This provision also states that while such employees are absent from their City of Miami jobs, they maintain their Civil Service rights, and they shall be given credit for the time spent in the Armed Forces of the United States as actual service rendered as though said employment has not been interrupted by the military leave of absence. So, you might be wondering how the military leave rules apply to **probationary employees**.

Civil Service Rule 15.7(b) states that the provisions concerning permanent employees shall also apply to probationary employees; however, employment service credit will not accrue to the veteran until said veteran has satisfactorily completed his/her probationary period after returning as an employee of the City of Miami. For example, in accordance with the current FOP collective bargaining agreement, the regular length of a police officer's probationary period is 18 months. If the officer entered the military service during his/her 10th month of service with the City of Miami, when that officer returns to their City job, he/she would be required to complete the remaining 8 months of the probationary period. Additionally, because the Rule states that the City must treat a veteran's employment service as if it was not interrupted, once the veteran has returned and completed the probationary period, they maintain the original anniversary date even if the leave period goes beyond the permanent date. The only exception to this Rule, of course, is if the employer has reason to extend the employee's probationary period. As is the norm in extension of probation cases, the employer will add the length of the probationary extension (i.e. 3, 6, 9 months) to the original date, which would cause a change to the employee's anniversary date.

How does an employee make application for military leave? This is done by completing the "Request for Military Leave" Form (CS/AL 001 Rev. 11/08), attaching a copy of the military orders, and submitting these documents to the Civil Service Board Office prior to the leave date for approval by the Civil Service Board. Whenever an employee's military orders require him/her to be on leave for more than 30 days, the employee is required to request re-employment following the return from military service. In such instances, employees are required to forward a memo to the Executive Secretary requesting re-employment and attaching a completed copy of their long-form DD-214, which will indicate whether the employee was honorably or dishonorably discharged from military service. If an employee is unable to obtain a copy of their DD-214, a letter signed

by an officiating authority of their military branch, which indicates the employee's separation status (honorable/dishonorable) from the military will be accepted. For employees who fail to return from leave, Civil Service Rule 15.10 states, *"Any employee who fails to report for duty at the expiration of a leave of absence, without the consent of the Director of the Department, shall automatically be removed from the rolls. Personnel records will indicate 'Separation – Failure to Return from Leave'."*

Lastly, it is important that employees understand that it is not the Civil Service Board's responsibility, but the payroll clerk or other employees designated by the hiring department to keep up with an employee's military leave of absence; the Board's responsibility is to ensure that Civil Service rights are maintained by approving requests for leave and return for the following types of military service:

- State National Guard active duty
- Active duty leave
- Military Leave (Entering the military for the first time)

If employees have questions pertaining to pay issues (supplemental pay, etc.) regarding employees on military leave, the policy APM-1-05: MILITARY LEAVE SUPPLEMENTAL PAY AND BENEFITS, may be helpful, or questions can be directed to the Office of Labor Relations at (305) 416-2060.

Military Training Leave

Incidentally, if an employee is requesting any type of military training leave, the employee is required to complete the Request for Extended Leave Form (CM/LR 405 Rev. 03/06). Such requests should be submitted to the Department of Employee Relations, through the employee's department head for approval.

FOR QUESTIONS OR COMMENTS: E-MAIL (DLaurent@miamigov.com) or TELEPHONE: (305) 416-2020.

