



POLICY: 6Hx28:3D-10

Responsible Executive: Vice President,
Organizational Development and Human
Resources

Policy Contacts: Assistant Vice
President, Human Resources

**Specific Authority: Uniform Services
Agreement and Reemployment Rights
Act of 1994 (USERRA)**

Law Implemented: 1001.64, F.S.;
Chapter 115, F.S.

Effective Date: 09-05-2024

Date of Last Policy Review: 09-05-2024

Military Leave

Policy Statement:

- I. Valencia College ("College") supports employees serving in the United States military. As such, in accordance with applicable federal and state laws pertaining to military leave, College employees who perform service in the uniformed services are entitled to a paid and/or unpaid military leave of absence, as applicable.
- II. It is prohibited to discriminate or retaliate against or terminate an employee for being a past or present member of the uniformed service, military obligations, or applying for membership in the uniformed service. Any report of discrimination, retaliation, or termination for these instances or any other employment benefit for such military service obligation(s) in accordance with applicable laws or regulations should be made to the Equal Opportunity Office (equalopportunity@valenciacollege.edu) for further evaluation and action as deemed appropriate.
- III. The President or designee(s) may establish procedures to implement this policy.

Policy History:

Amended 01-19-83; Amended 04-18-91; Amended 11-18-92; Amended 04-16-13; Amended 2-24-21; Amended 9-05-24; Formerly 6Hx28: 07-20

Related Documents/Policies:

College Policies 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees

College Policy 6Hx28: 3C-01 Total Rewards: Compensation & Hours of Work for Employees of the College

College Policy 6Hx28: 3D-02 Leaves of Absence

College Policy 6Hx28: 3D-03 Total Rewards: Vacation, Sick and Personal Leave for Full Time Employees

College Policy 6Hx28: 3D-06.1 Family and Medical Leave

Procedures:

I. Definitions:

A. Uniformed services are:

1. Army, Navy, Marine Corps, Air Force, Space Force, and Coast Guard;
2. Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve and Coast Guard Reserve;
3. Army National Guard and Air National Guard;
4. Commissioned Corps of the Public Health Service; and
5. Any other category of persons designated by the President of the United States in time of war or emergency (e.g., under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work and authorized training for such work is considered “service in the uniformed services”).

B. Service in the “uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes:

1. active duty and active duty for training;
2. initial active duty for training;
3. inactive duty training (such as drills);
4. full-time National Guard duty;
5. participation in an examination to determine the fitness of an eligible employee to perform any such uniformed service duty;
6. performance of funeral honors duty by National Guard or Reserve

members;

7. duty performed by an intermittent employee of the National Disaster Medical System (NDMS), which is part of Department of Health and Human Services, when activated for a public health emergency, and approved training to prepare for such service; and/or
8. period during which a person in military service is absent from duty on account of sickness, wounds, leave or other lawful cause.

C. Military necessity, or otherwise impossible or unreasonable notice exception: In accordance with regulations, advanced written or oral notice of military service must be provided to the employer by an eligible employee or an appropriate officer of the military branch where the employee is serving, unless such notice is otherwise impossible, unreasonable, or due to military necessity. Military necessity is defined as a mission, operation, exercise, or requirement that is classified, or a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge.

II. Request and Documentation for a Military Leave of Absence:

A. Request for a Military Leave of Absence

1. An eligible full-time or part-time employee requesting a military leave of absence under this policy is responsible for providing a written or oral notice of military service as much in advance as possible to their supervisor.
2. Once a supervisor is notified by their employee of a military leave of absence request, the supervisor must notify Organizational Development and Human Resources (ODHR) Leave & Access Services as soon as possible by sending an email to leaveandaccess@valenciacollege.edu with the following information: employee's name, employee's job title, anticipated dates of military service.

B. Supporting Documentation for a Military Leave of Absence: An eligible employee is responsible for providing a copy of their military service orders or other appropriate military service-related documentation as soon as possible to their supervisor, who will also forward such orders or appropriate documentation to ODHR Leave & Access.

1. If military service orders or other appropriate military service related documentation is not readily available by the eligible employee's last work date prior to military service, the eligible employee or their designee shall provide the documentation as soon as possible to ODHR Leave & Access, unless military necessity prevents the eligible employee from providing such supporting documentation; or the giving of military service notice is otherwise impossible or unreasonable.

- a. An eligible employee who is unable to provide applicable supporting documentation prior to their last work day before military service may be placed on a military leave of absence without pay.
 - b. A full-time employee may request to utilize their available accrued vacation and/or personal leave until they are able to provide appropriate military supporting documentation to ODHR Leave & Access Services.
2. Once appropriate documentation to support military service is received by ODHR Leave & Access Services, any:
- a. eligible full-time employee who used any available and accrued vacation and/or personal leave may retroactively adjust the leave to a military leave of absence with pay. The vacation and/or personal leave hours that were used during that timeframe will be returned to the respective vacation and/or personal leave balances.
 - b. eligible part-time employee will receive a military leave of absence with pay retroactively applied as appropriate.

C. Certificate of Absence (COA) Form and Timesheets:

1. COA Form: For documentation purposes, an eligible full-time or part-time employee is responsible for completing and submitting a COA form in the Request and Manage My Leave system and attach a copy of the military service orders or other applicable documentation with as much advance notice as possible.
- a. The eligible employee is responsible for redacting any personal information on the supporting documentation before uploading the documentation into the Request and Manage My Leave system.
 - b. The COA is based on the number of hours the eligible employee was scheduled to work during the military leave of absence. For more information, see College Policy 6Hx28: 3C-01 Compensation & Hours of Work for Employees of the College.
 - c. If the eligible employee is unable to complete the COA before their last work date prior to military service, the supervisor will be responsible for completing and submitting the COA on behalf of the eligible employee along with a copy of the military service orders or other applicable documentation. For assistance or additional questions, contact ODHR Leave & Access at leaveandaccess@valenciacollege.edu.

2. Timesheets

- a. Full-Time Employee: The supervisor of an eligible non-exempt full-time employee on a military leave of absence is responsible for ensuring that timesheets are completed and submitted on behalf of the employee for the timeframe during the employee's military leave of absence. (Note: The COA and timesheets must align for the appropriate timeframe.)
- b. Part-Time Employee: The supervisor of an eligible part-time employee on a military leave of absence does not need to submit any timesheets for the part-time employee during the period of the military leave of absence.

III. Military Leave of Absence Guidelines

A. Short-Term Military Reserve Duty or Guard Training

1. An eligible employee is entitled to a military leave of absence on all days during which they are engaged in training when assigned to active or inactive duty.
2. Providing official written military training orders or other appropriate military training related documentation is submitted to ODHR Leave & Access, any combination of active duty training and inactive training up to 240 working hours per fiscal year will be considered a paid military leave of absence and will not affect an eligible employee's other existing leave balances (e.g., vacation and/or personal leave), as applicable. If an official College observed holiday(s) or paid non-duty day(s) occurs during an eligible employee's military leave of absence with pay, the eligible employee shall receive holiday pay in lieu of paid military leave provided the eligible employee is in a paid leave status the full workday before and the full workday after the official College observed holiday(s) or paid non-duty day(s). After 240 work hours of paid military leave have exhausted, an eligible employee will transition to a military leave of absence without pay. An eligible employee may request in advance any of the following options, or in combination, as appropriate:
 - a. Full-Time Employee: An eligible full-time employee may:
 - i. Request in writing to ODHR Leave & Access to use available accrued vacation and/or personal leave for any additional military active duty or inactive duty training beyond the initial 240 work hours of paid military leave of absence (per fiscal year); and/or
 - ii. Request in writing to their supervisor for approval to

temporarily adjust their work schedule during the timeframe of the short-term military reserve duty or guard training (based on supervisor discretion and operational needs).

- b. Part-Time Employee: An eligible part-time employee may request approval from their supervisor for a work schedule adjustment (based on supervisor discretion and operational needs).

B. Active Duty Military Leave of Absence

1. An eligible employee is entitled to a paid military leave of absence for the first thirty (30) calendar days for federal military service that is equal to or greater than ninety (90) consecutive days. After the first thirty (30) calendar days, an eligible employee will transition to a military leave of absence without pay. An eligible employee may request in advance any of the following options, or in combination, as appropriate:

- a. Full-Time Employee: An eligible full-time employee may request to use available accrued vacation and/or personal leave for any additional military service beyond the first thirty (30) calendar days of a paid military leave of absence.
- b. Part-Time Employee: An eligible part-time employee is entitled to a military leave of absence with pay for the first thirty (30) calendar days for federal military service that is equal to or greater than ninety (90) consecutive days, provided official written orders are submitted to ODHR Leave & Access Services. After the first thirty (30) calendar days, the eligible employee will be placed on an unpaid military leave of absence for the remainder of the time as stated in the military orders.

IV. Total Rewards During a Military Leave of Absence

- A. Retirement: Retirement contributions shall continue to occur for any full-time employee and any eligible part-time employee while in a paid status. Retirement contributions cease once a full-time employee or eligible part-time employee is on a leave of absence without pay.
- B. Health Insurance and Other Eligible Benefits Coverage: An eligible full-time or Affordable Care Act (ACA) eligible part-time employee who notifies the College that they will be away from work performing military service is entitled to elect continued health insurance and other eligible benefits coverage through the College, during the military-related absence from work.

- 1. If the period of service (as called for in the eligible employee's military orders or other appropriate military service documentation) is for less than thirty (30) calendar days, the College will, at a minimum, maintain health

benefits and any other eligible benefits while on a military leave of absence with pay. As always, the eligible employee must pay the applicable employee premium and any dependent coverage or voluntary insurance premiums.

2. If the period of service is greater than thirty (30) calendar days and/or the eligible employee is on a military leave of absence without pay, the eligible employee would be responsible for the employer- and employee-paid expense in addition to any dependent coverage or voluntary insurance premiums. The College is required to make this continuing coverage available to the eligible employee who is away from work for military service until the first of the following occurs:

- i. The eligible employee returns to work after the military service;
- ii. The eligible employee does not request reinstatement within the time allowed as set forth in Procedures Section VI. A. 5. herein; or
- iii. Twenty-four (24) months passed since the eligible employee last worked in their Valencia College position and left for military service.

V. Extension of Active Duty Military Service: If an extension or continuation of a previously received military order is exercised prior to the eligible employee returning to work, the eligible employee will continue a military leave of absence in accordance with Procedures Section III. A. and B. The employee is not eligible to receive another thirty (30) calendar days of paid military leave.

- A. Eligible Employee: If an eligible employee's military service is extended beyond the initial orders, the eligible employee is responsible to submit a copy of their extended military orders or other appropriate military service documentation as soon as possible via email to leaveandaccess@valenciacollege.edu or via fax at 407-582-8049 so it can be evaluated for appropriate next steps in collaboration with ODHR Leave & Access Services and to continue active employment with the College.
- B. Supervisor: When a supervisor receives notification of an eligible employee's extension of military service, the supervisor must notify ODHR Leave & Access Services and provide a copy of the extended military orders as soon as possible for evaluation of next steps.
- C. ODHR Leave & Access Services: After receiving and evaluating the notice for the extension of active duty military service, ODHR Leave & Access will complete and submit the appropriate COA on behalf of the employee for the timeframe as documented on the extended military orders or other appropriate military service documentation.

Note: An eligible full-time employee who previously was on an approved military leave of absence and requested the use of available and accrued vacation and/or personal leave during that timeframe will continue using such leave for the extension or continuation of military service.

VI. Return to Work After a Military Leave of Absence

A. Valencia College is committed to reinstating returning full- and part-time military service employees to active status in the same or comparable position, pay grade, and salary at the end of the military leave of absence if they meet the following criteria:

1. The eligible employee had been employed in a regular position and would not have been subject to position discontinuation (e.g., temporary position, grant position, etc.) if employment had not been interrupted by military service.
2. The eligible employee provided appropriate notice and supporting documentation to Valencia College prior to leaving for military service, unless precluded by military necessity, or was otherwise impracticable or unreasonable.
3. The cumulative period of military service did not exceed five (5) years, excluding certain military services as required by the Uniform Services Agreement and Reemployment Rights Act of 1994 (USERRA).
4. The employee was separated from military service with an honorable or other qualifying discharge. Note: Valencia College may request that the employee present a certificate of discharge or release from active duty (DD-214).
5. The eligible employee provided military discharge documentation that specified the end date of military service to their supervisor and notified their supervisor of their intent to return to work in accordance with the applicable timeframe below:
 - a. Service of one (1) to thirty (30) days – After a period of less than thirty-one (31) calendar days of military service, the eligible employee is required to report for work at the start of the first full regularly scheduled work period on the first day after the completion of the period of military service, the time reasonably required for safe transportation from the place of military service to the eligible employee's residence, and a period of eight hours (for rest). If reporting that next day is impossible or unreasonable because of factors beyond the eligible employee's control, the

eligible employee is required to report for work thereafter as soon as reasonably possible. The eligible employee will be considered to be reinstated as of the time the employee reports for work.

- i. The time limit for reporting back to work for an eligible employee who is absent from work in order to take a fitness-for-service examination is the same as the one for a person who is absent for one (1) to thirty (30) days.
 - b. Service of 31 to 180 days – If the period of service is greater than thirty (30) calendar days, but less than 181 calendar days, the eligible employee is required to notify their supervisor of their intent to return to work within fourteen (14) calendar days of their release from military service. If this is impossible or unreasonable because of factors beyond the eligible employee's control, the eligible employee is required to report to work thereafter as soon as reasonably possible. The eligible employee will be considered to be reinstated as of the time the employee reports for work.
 - c. Service of 181 days or more – If the period of service is 181 calendar days or more, the individual must notify their supervisor of their intent to return to work within ninety (90) calendar days of their release from military service. If this is impossible or unreasonable because of factors beyond the eligible employee's control, the eligible employee is required to report to work thereafter as soon as reasonably possible.
 - i. The deadline for reinstatement may be extended up to two (2) years for employees who are disabled or convalescing due to an injury incurred or aggravated as a result of military duty. The two-year period may be extended by the minimum time required to adjust a circumstance beyond an individual's control that would make reporting within the two-year period impossible or unreasonable. For more information or other potential eligible total rewards, see College Policies 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees; 3D-02 Leaves of Absence; 3D-03 Total Rewards: Vacation, Sick and Personal Leave for Full Time Employees; and 3D-06.1 Family/Medical Leave.
- B. Once an eligible employee is released from military service, the employee shall provide to their supervisor a copy of the discharge documentation that specifies the end date of military service and of the eligible employee's intent to return to work. The supervisor must notify ODHR to initiate reinstatement processes by sending an email to leaveandaccess@valenciacollege.edu with the following information:

employee's name, employee's job title, and anticipated release and intent to return to work date from military leave.

1. If training or retraining is needed for the eligible employee to meet the minimum standards associated with their Valencia College position, the employee shall be paid their regular salary for attending applicable training or retraining.

C. In most situations, the reinstatement will reflect the status and other benefits that the eligible employee would have received had the employment not been interrupted by the military service. This includes and is not limited to applicable length of service, pay increases, and other applicable benefits based on length of employment.

1. Eligible full-time employees will have thirty (30) calendar days to re-enroll in applicable benefits.
2. Part-time employees eligible for the Affordable Care Act (ACA) must contact a representative from Benefits in ODHR for eligibility determination.

D. If the eligible employee misses the relevant deadline on notifying their supervisor of their intent to return to work, the eligible employee may still be entitled to reemployment and may be subject to applicable Valencia College policy(ies) regarding explanations or sanctions for absence from scheduled work. Supervisors must notify ODHR at 407-299-5000 x 4748 (HR4U) for assistance with next steps if after a reasonable attempt is made by the College unsuccessfully to reach the eligible employee.

VII. Temporary Replacement: While an eligible employee is on a military leave of absence, the College may consider hiring a temporary replacement. Supervisors must contact ODHR at 407-299-5000 x 4748 (HR4U) for assistance on the temporary replacement process or other available options.

- A. The temporary employee is a term appointment and the offer letter from the hiring chairperson shall provide the terms and conditions of employment to include that the position will end upon the return of the employee on leave.
- B. The replacement employee may be eligible for benefits depending on the type and length of the assignment.
- C. The temporary replacement's employment with the College will end upon the return of the employee from military leave.

Procedure History:

Adopted 1-19-83; Amended 4-18-91; Amended 11-18-92; Amended 2-24-21; Amended 6-28-22;
Amended 9-5-24; formerly 6Hx28: 07-20

Date of Last Procedure Review: 09-05-2024

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