

QUESTIONS AND ANSWERS FOR STATE EMPLOYEES IN THE UNIFORMED SERVICES

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Important Note: This website briefly summarizes employment and reemployment rights and benefits of state classified employees who are absent from their state job to serve in the uniformed services. It is not possible to capture all the details and complexities of the law in this limited space. For a more comprehensive review of these rights and benefits, you may review the federal law and the Michigan Civil Service rules and regulations. If you are an exclusively-represented state employee, you should review your union's collective bargaining agreement.

ELIGIBILITY

Who is eligible for military leave?

Any career classified employee who leaves work for service in the uniformed services is eligible. This military leave is **unpaid**. You will receive full seniority credit for your military leave if your cumulative, nonexempted military service is under 5 years, your discharge is not disqualifying, and your return is timely.

Who is eligible for military leave with pay?

There is no paid military leave, however some career classified employees who are members of National Guard or reserve units ordered to training or emergency active duty by compulsory call of the governor or president may qualify for supplemental pay.

Can my employer deny my request for military leave?

No. Employees only need to give notice of leave; they do not need permission. Employees will need to provide documentation to verify their dates of military leave, once received.

I am performing unpaid service (funeral honors duty, attending a special investigation hearing out of state, etc.). Can I take military leave for this and receive seniority benefits?

If you are under military orders and performing duties required as part of your military service, you are eligible for a military leave with seniority accruals.

Under what circumstances am I ineligible for supplemental pay and benefits?

You are not entitled to supplemental pay and benefits if you enlist in the uniformed services and attend basic training, go over the 15 day per fiscal year limit for training duty, or for any period of leave before or after military duty (decompression time).

SUPPLEMENTAL PAY

Do I qualify for supplemental pay?

If you are employed in a career appointment and are a member of a reserve or National Guard unit and (a) are ordered to active or inactive duty training; (b) are ordered to emergency active duty by the governor or president; or (c) volunteer for emergency active duty, you may be eligible for supplemental pay. If you are a non-career employee, you are not eligible for supplemental pay.

What is supplemental pay?

Supplemental pay is the difference between the gross base wage as a state employee and the gross military pay received for each otherwise regularly scheduled workday.

If I code my time No Pay Military Leave (NPML) for military training days, what documentation do I need to submit?

If you code your time as NPML, you must provide official documentation that you attended or performed military service for the days of your absence from regularly scheduled employment whether or not you received military pay or state pay for those days. The State of Michigan considers the military Leave & Earnings statement (LES) or the DD-214, Certificate of Release or Discharge from Active Duty, as “official documentation of absence from regularly scheduled employment”.

How do I receive my supplemental pay?

You will need to submit a copy of each Leave and Earnings Statement (LES) from the military to your Human Resources Office for processing. No supplemental pay will be processed until an LES is received.

Once I submit my LES, how long until I receive my supplemental pay?

Gross pay adjustments (GPAs) will be processed biweekly on regular state paydays. **Your supplemental pay is processed after the period end date on the LES and after the state pay period in which that date occurs.**

I am on third shift. Is my shift differential considered when calculating supplemental pay?

No. Supplemental pay is calculated using your base pay rate only. Overtime, on-call, callback, and any other special pay premiums or allowances are not included in the employee’s base rate of pay when computing a pay differential.

I earn more in the military than I do with the state. Am I entitled to any supplemental pay?

No. Differential is not paid for any period when the employee’s gross pay in the uniformed service exceeds the employee’s gross base wage in the classified service.

I volunteered for additional unpaid military duty (performing extra weekend drills for military retirement credit, special recruitment days at high schools and fairs, etc.). Will I be eligible to receive supplemental pay for these days?

No. If the military does not pay you, you are not eligible for supplemental pay. Unless you are under orders, NPML can not be used for volunteering for unpaid military duty.

Am I entitled to holiday pay?

If you are eligible for supplemental pay, you are entitled to 8 hours of pay at your base state wage for a designated holiday that is observed during military leave for training or emergency active duty for which you are eligible to receive supplemental pay. Any period of leave used before or after military duty (decompression time) will not qualify for holiday pay.

Will I receive my longevity pay while on military leave?

Yes. You should receive your full annual longevity payment if any part of the year has been in military service.

Child support is being withheld from my pay. Will the state continue to withhold it?

If you are receiving supplemental pay, child support will continue to be withheld in accordance with the court order. The deduction will be prorated if the supplemental pay is insufficient to take the full amount.

What taxes are withheld?

Federal, state, and local income taxes will be withheld from supplemental pay in accordance with your W-4 elections and the applicable withholding charts. Medicare and social security will be withheld from supplemental pay, unless you are on active duty service in a combat zone or performing duty in support of troops in a combat zone. In that case, you will have no withholding for Medicare and social security.

TRAINING DUTY

I have been called to report to my unit for training. What do I need to do to request leave?

Notify your supervisor and Human Resources Office immediately. Once you have your official orders, provide a copy to your **Human Resources Office** to complete your military leave request.

How many days of military leave for training is a state employee entitled to receive each year?

Unpaid military leave is available for training duty in the uniformed service. Most state employees are eligible for up to 15 days of supplemental pay for inactive duty or active duty training each fiscal year.

NOTE: The AFSCME contract grants 15 days per **calendar** year. The MSPTA contract grants **20 days total** emergency and training duty in a fiscal year.

What happens when I have exhausted the 15 days of supplemental pay per year?

Once you exhaust all 15 workdays in a year, you may (1) use your available annual, banked, or compensatory leave balances, or, (2) receive no payment from the state for the remainder of the service. If you use leave time, you can keep both the state and military pay for those days. If you do not have accrued leave time available or choose not to use leave, your time will be coded as No Pay Military Leave (NPML). You will not receive supplemental pay for these days, but will receive seniority credit.

Do I receive accruals for all training duty?

Accruals are credited only for the first 15 days of eligible training duty under rule 2-14.2(a), whether or not you receive supplemental pay.

If I do not use the total 15 training days per year, can I carry forward those hours for next year's allotment?

No, unused hours are lost.

What if my military training is for an extended period, such as 75 days for specialized training and I have already used the 15 days per year?

You will be placed on an unpaid regular military leave. Upon your return to work, you will receive seniority credit for all 75 days.

How do I code my time in DCDS when I go on military leave for training?

Military time should be coded as NPML.

My union contract indicates I am allowed administrative leave for training days. Should my time be coded as administrative leave (ADM1/ADM2/ADM3)?

No. Use the NPML code.

Will the state pay for travel time to attend monthly training? I go from Baraga to Grayling.

You may leave your state job so that you have enough time to travel safely to your military duty and arrive fit for duty. This pre-duty time is unpaid, but you will receive seniority benefits for this time. You may use annual, banked, or compensatory leave for this period, but not sick leave.

My Human Resources Office wants proof that I attended military training duty.

What must I give them?

Your military Leave and Earnings Statement (LES) is the official documentation of your absence from scheduled work. It provides the dates of your service and pay information for possible entitlement to supplemental pay for missed scheduled workdays.

EMERGENCY ACTIVE DUTY

I have been called to report to my unit for emergency active duty. What do I need to do?

Notify your supervisor and Human Resources Office immediately. When you receive your official orders, immediately provide a copy **to your Human Resources Office** to complete your military leave request.

Are there time limits for emergency active duty with supplemental pay?

Extended supplemental pay is currently available for all emergency active duty.

Do I receive accruals for active duty?

Accruals are credited only for the first 30 consecutive calendar days of eligible emergency active duty under rule 2-14.2(b).

Will I be taken off payroll once I am activated?

No. Currently, state employees called to emergency active duty are under special pay provisions. Your time is coded as No Pay Military Leave (NPML) and benefits continue. When you submit your Leave and Earnings Statement (LES), your supplemental pay will be processed. If you do not want insurance coverages for yourself or your dependents while you are on active duty, you must send a written request to MCSC Employee Benefits authorizing that action. This will end insurance coverages for yourself and any dependents.

MILITARY LEAVE HOURS

Can I use my available leave balances for military leave?

You may use available annual, banked or compensatory leave for your military leave only at the beginning of any military leave. Using available leave accruals for your military leave allows you to keep both your state and military pay for those days. If you are on an extended military training, leave accruals can not be spread out among different weeks to prolong your insurance coverage eligibility.

Can I use my available sick leave balances for military leave?

No.

Can I take time away from my job before my military leave starts?

Yes. For training leave, you may take off enough time to travel safely to your military duty and arrive fit for duty. For extended emergency active duty, you may take a reasonable amount of time off your state job to put your affairs in order before beginning your duty. This pre-duty time off is unpaid, unless accrued annual, banked, or compensatory leave is used.

What is considered a “reasonable amount of time” before my emergency active duty begins to get my affairs in order?

Whether a request for unpaid pre-duty military leave is reasonable will depend on your unique circumstances and will be judged by your department.

Does the state pay me for travel time to my military destination?

No. Travel time is unpaid. You can use available annual, banked, or compensatory leave for travel time if it occurs during your regular work schedule.

What if I do not use available leave balances for travel time?

If you do not have or use leave time, your time will be coded as No Pay-Military Leave (NPML). You will not receive supplemental pay for these days.

I work flex hours with four 10-hour days. How is my time coded?

If you are to miss the entire week, your time will be coded as five eight-hour days. If you are to only miss part of the week, your time on regularly scheduled workdays for which you were absent will be converted to eight-hour days. To make up hours to equal a full 80-hour pay period, you may need to use annual, banked, or compensatory leave hours.

Does my time on military leave count toward my eligibility for family medical leave?

Yes, all time on military leave for service in the uniformed services is included in calculating both the 12-month service requirement and the 1,250-hour work requirement for the Family Medical Leave Act.

INSURANCE COVERAGE

Can I change plans or coverage for my dependents while I am on military leave?

When a military leave begins, dependents can only continue coverage for plans they are currently enrolled in. Changes to coverage can be made during annual open enrollment periods or within 31 days of a qualifying life event.

Can I continue my long-term disability (LTD) coverage while on military leave?

No. Your LTD will be stopped once your military leave begins and will be reactivated when you return to work.

How are insurance premiums paid during my leave?

If your leave is eligible for supplemental pay, the state will continue to pay the employer's share of health insurance. Your share of benefit deductions will go into arrears while on leave. Arrears will come out on your first supplemental pay. If your leave is not eligible for supplemental pay, you must make arrangements for payment of 102 percent of the full premium cost to continue your dependents' coverage for up to two years.

What if I want to cancel my insurances coverages while I am on active duty?.

If you do not want insurance coverages for yourself and your dependents while you are on active duty, you must send a written request to MCSC Employee Benefits authorizing that action. You can not cancel your coverage and keep only dependent (family) coverage.

RETURN TO WORK

I am being discharged from emergency active duty. Who do I need to contact regarding returning to work? As soon as you know your discharge date, you should notify your Human Resources Office of your discharge date and your expected return to work date.

Do I have to return to work immediately after being discharged from emergency active duty?

No. You may take additional time off to "decompress" from your military service before returning to your state job. This time is referred to as "decompression time".

How much decompression time am I entitled to?

Decompression time is based on the number of days of military service. You must report to work within the following limits:

- **Less than 31 days:** Immediately upon release from duty. Your agency must allow for travel time and eight hours of rest.
- **31 to 180 days:** Within 14 days after the end of your military service.
- **181 or more days:** Within 6 months after the end of your military service.

Is decompression time covered under supplemental pay?

No. Decompression time is always an unpaid military leave, unless you use accrued annual, banked, or compensatory leave. Upon your return to work, you will receive seniority credit for any decompression time taken. If you return to work after discharge using annual, banked leave, or compensatory time, your entitlement to any further decompression leave ends.

What documents are required to be reinstated to my position?

To be entitled for reinstatement or reemployment, you must submit a certificate of satisfactory service or general discharge (i.e., under honorable conditions).

Once I ask for reinstatement, do I get my old position back?

Upon return from a period of duty in the uniformed services lasting 90 days or less, you will be returned to the same or similar position within your former classification. If the period of duty lasts more than 90 days, you may be placed in any position of equivalent status, seniority and pay, regardless of the duration of duty. However, layoffs and organizational changes during your leave may affect the position you are reinstated to.

If my agency has a layoff while I am on emergency active duty, can I be laid off?

Yes. If layoffs or other organizational changes occur during your leave, your position upon return will be determined by applying your bumping rights as if you had been working at the time, including any seniority credit due for military service. If this would result in your separation or demotion, this will affect your eligibility for and calculation of any supplemental pay.

I am currently laid off and have been called to emergency active duty. What are my rights?

If you would have been recalled while on emergency active duty, you are entitled to a working position upon release from duty if you have applied for reinstatement. You may qualify for retroactive supplemental pay starting from the date you would have been recalled.

I was injured during military duty. My doctor is recommending convalescence time.

Can I continue my military leave?

Yes. You must present documentation establishing military confirmation that the injury or illness is duty-connected. If you are no longer on active duty during your convalescence, you will no longer be eligible for supplemental pay, but you will receive seniority credit for this time when you return to work.

PAY INCREASES

Will I receive annual general wage increases?

If general wage increases for your classification are approved, those increases will be reflected in your pay calculations.

Will I receive my step increases while on emergency military leave?

Yes, if you were in satisfactory status when your military leave began, you will receive any step increases while on leave.

I think I should qualify for reclassification from the 8 level to the 9 level while I am on emergency active duty. Will I receive my level increase?

No. Only step increases are continued while you are on emergency active duty. Reclassifications are a performance-based benefit and not given automatically. You must be performing the duties for the specified time required before a reclassification will be granted.

LEAVE ACCRUALS

Do I receive annual and sick leave accruals while on military leave?

You will receive sick and annual leave accruals for the first 30 days of emergency active duty and the first 15 days of training duty each fiscal year.

Will I receive the October personal leave grant while on military leave?

Yes, when you return to work you will receive the allotted number of hours for your bargaining unit or as provided in Civil Service Commission Rules if you are a non-exclusively represented employee.

RETIREMENT

Do I receive credit for retirement when on military leave?

When you return to work in the classified service, your retirement account will be updated to include all eligible military leave time. If you are in the defined benefit plan, the time will be credited as service. If you are in the defined contribution plan, (1) the State will contribute an amount up to 4% of the hypothetical state pay you would have received but for your military service and (2) you may (but are not required to) make up missed elective contributions to your 401(k) or 457 plan, and (3) the State will match those contributions under the terms of the plan.

What should I do to ensure that my retirement records reflect my military service?

For employees returning from military leave to obtain intervening retirement service credit and missed employer 401(k) contributions:

- Complete a military service credit application and forward that to ORS along with a copy of your DD214 and/or LES.
- Defined Contribution plan employees (DC or 40 plan) should use the *new* form R0717G, available at the ORS web site
http://www.michigan.gov/documents/orsstatedc/R717G_DC_Military_LOA_209572_7.pdf
- Defined Benefit Plan employees (DB or 04 plan) should use form R81G:
http://www.michigan.gov/documents/R81G_129584_7.pdf
- Submit this with a copy of your military papers to: Office of Retirement Services, PO Box 30171, Lansing MI 48909.

All employees are entitled under USERRA to make up missed employee contributions to 401(k) and 457 plans if ORS receives the appropriate paperwork.

Questions about state retirement credit should be directed to the ORS at (800) 381-5111.

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