
EMPLOYEE RESPONSIBILITIES

Employee Responsibilities provides directions in accordance with rights and benefits under the following:

1. [Civil Service Commission Rule 2-14](#): "Rights of Employees Absent Due to Service in the Uniformed Services"
2. [Civil Service Regulation 2.04](#): "Military Leaves of Absence and Return to Work: Basic Rights"

EMPLOYEE INFORMATION & RESPONSIBILITIES

1. **Notification:** Employees must notify their supervisor and HR Office of scheduled military training dates or active duty deployment. If and when orders are submitted to their HR offices, they will be transmitted to MCSC Office of Compliance for review. When an employee submits military orders, it (1) provides notice to the employer of possible absence from work and (2) informs the financial offices whether the military service is training duty, emergency active duty in or in support of soldiers in a combat zone, or another type of active duty military service not qualifying under the "combat zone" eligibility for social security/Medicare tax exemption. This is important when an employee is eligible for supplemental pay.

Orders can be cancelled, postponed, amended, or extended. Orders do not provide verification that the individual actually performed that military service. Orders are an "intent" or a "notice" of possible military service. It is the employee's responsibility to provide documentation that military duty was actually served.

2. **Time Entry: Employees may use annual leave, banked leave, or compensatory time credits for military service.** ADM1 is not to be used by employees absent for military leave. Employees (or timekeepers) code timesheets with the hours-type code "NPML" for days absent from regularly scheduled workdays to serve in the uniformed services. A "state work day" is considered to be an 8-hour work day regardless of what the employee would have been scheduled to work if not on a military leave. If you are on an extended military training, leave accruals cannot be spread out among different weeks to prolong your insurance coverage eligibility.
3. **Accruals:** Accruals are credited only for the first 15 days of eligible training duty under rule 2-14.2(a). Accruals will be adjusted in any pay period for any hours exceeding the FY15 training duty day limit. Accruals are credited only for the first 30 consecutive calendar days of eligible emergency active duty under rule 2-14.2(b) upon return to work. Multiple short term active duty assignments in a fiscal year will be considered as one consecutive assignment. An employee eligible for extended supplemental pay under rule 2-14.2(b) on October 1 receives the appropriate personal leave grant upon return to work.
4. **Verification Documentation:** The required documentation listed below is submitted to the employee's HR office to ensure an employee's right to benefits in returning to work under Civil Service Rule 2-14 and Regulation 2.04 and USERRA:
 - A. **Supplemental Pay.** In order to receive any supplemental pay (pay differential) for their military leave, the employee must provide copies of LES forms for all relevant dates so we can determine eligibility and calculate appropriate supplemental pay. No supplemental pay can be provided until LES forms are received.

-
- B. **Seniority and Other Benefits.** To confirm eligibility for seniority and other benefits during their military leave, employees must provide copies of either their military Leave and Earning Statement (LES) forms, Military Transaction Log History forms, or Military Attendance Schedule forms listing the absences on the dates listed above, such as the DJMS-RC MMPA: Defense Joint Military Pay System – Reserve Component Master Military Pay Account, or DA Form 1380, Record of Individual Performance of Reserve Duty Training. If these forms are not readily available, you may instead provide both (1) copies of orders requiring absence for service during your military leave with (2) a Commander’s Certification of Attendance, indicating that training or active duty in the uniformed service led to your absence on the dates above.

When military service is performed for “retirement points only” any of the above documentation is accepted to confirm eligibility for seniority and other benefits during their military leave. If the military does not pay the employee for service, the employee is not eligible for supplemental pay. Unless you are under orders and then provide appropriate verification documentation, NPML cannot be used for volunteering for unpaid military duty.

NOTE: Orders alone do not certify that duty was performed since they can be revoked or amended.

5. **LES Statements/ Supplemental Pay:**

- A. Employees submit Military Leave & Earnings Statements (LES) to their HR offices who will submit to MCSC Office of Compliance for review and processing of any supplemental pay due to the employee. This LES statement is the official documentation verifying absence for service in the uniformed services. If an employee does not submit documentation to verify absence from work, any undocumented hours and earned accruals will be deducted from the employee’s counters.
- B. To serve as acceptable documentation of military service, an LES must clearly show all of the following:
- **From the Top Line:** EMPLOYEE NAME, GRADE, YRS SERV.
 - **Entitlements Type:** Basic Pay & Dollar Amount, i.e. \$1,3201.60
 - **Remarks:** The lines that state what type of duty was performed and all dates that the Basic Pay amount covers.
6. **Pay Differential:** An eligible employee may receive a pay differential for each day absent from scheduled employment for uniformed service. A pay differential equals the difference between the employee's (1) gross basic pay in the uniformed service and (2) gross base wage in the classified service.

-
7. **Supplemental Pay:** Supplemental pay for training duty is payable for up to 15 scheduled workdays (120 hours) in any fiscal year. Under MSPTA collective bargaining agreement training duty is payable for up to 20 scheduled workdays (160 hours) in any fiscal year. AFSCME members' eligibility is based on the calendar year, not the fiscal year. Supplemental pay for training duty is processed **after the dates on the LES and after the State pay period in which those dates fall.**

For emergency active duty, eligible employees receive supplemental pay for the duration of the emergency active duty. Supplemental pay for emergency active duty is processed after the period end date on the LES and according to the yearly Processing Supplemental Pay Schedule (See MCSC Internet Military Leave website.)

8. **Active Duty Extensions:** If an employee's active duty orders are amended or extended, the new orders should be submitted to the HR Office for transmittal to MCSC Office of Compliance. No supplemental pay will be processed if the military LES is dated after the projected discharge date of the most recently received orders. If it is discovered that supplemental pay was processed after the employee's discharge date, a recovery of overpayment will be processed when the employee returns to work.
9. **Discharge and Return to State Employment:** Employees should notify their HR Offices of discharge and return-to-work dates as soon as possible. When available, employees also submit a copy of their DD-214 to the HR Office for transmittal to MCSC Office of Compliance. If the employee does not return within two pay periods following discharge, an unpaid leave of absence is processed.
10. **Decompression Time:** Decompression time is the period between discharge from military service and the employee's return to work. It is unpaid and without benefits. Continuous service credit is given for any decompression time, if the employee exercises that option. The amount of decompression time an employee is allowed depends on the length of the most recent service. Decompression time is ended once an employee's time is changed from NPML to leave accruals or the employee returns to a regular work schedule. **NOTE:** Prior to training duty, an employee may take off enough time to travel safely to military duty and arrive fit for duty. For extended emergency active duty, an employee may take a reasonable amount of time off their state job to put their affairs in order before beginning their duty. This pre-duty time off is unpaid, unless accrued annual, banked, or compensatory leave is used. Whether a request for unpaid pre-duty military leave is reasonable will depend on the employee's unique circumstances and will be judged by the employee's department.

Time Limits for returning to work for Decompression:

- Less than 31 days service – the next first full regularly scheduled work period.
- 31 to 180 days' military service – not later than 14 days after the completion of the period of service.
- 181 or more days service – not later than 6 months after the completion of the period of service.

Extension for medical reasons: An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during service in the uniformed services shall return to work at the end of the period necessary to recover from the illness or injury. This period may not exceed 2 years. Military medical documentation must be provided to establish this extension.

11. **State Service Hours:** Under the HRMN payroll system, NPML hours continue the employee in active status in order to process supplemental pay. **NPML hours do not officially become part of the employee's state service record UNTIL they submit their proof of military service AND return to state employment.** Civil Service Regulation 2.04, like USERRA, only grants seniority benefits when the employee is reemployed.

12. **Retirement Service Credit:** The retirement system is independent and separate from the MCSC, HRMN functions, and HR Offices. Office of Retirement Services (ORS) will only discuss an employee's retirement program with the employee. The employee needs to contact DTMB/ORS to ensure that retirement credits, contributions, and service hours are appropriate for the period of military service when coded as NPML.

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 04plan) 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 regarding Military Leave Processing for State of Michigan employees should be directed to:

MCSC-MilitaryLeave@michigan.gov.