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## EMPLOYEE RESPONSIBILITIES

**Employee Responsibilities** provides directions to employees to receive the rights and benefits under the following:

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

**Prior Notice of Leave:** Unless precluded by military necessity, an employee must provide the employer (supervisor and HR office) prior oral or written notice before taking leave for military duty. Employees should provide as much notice as possible. Failure to provide notice could result in a denial of protections under USERRA.

If 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 for social security/Medicare tax exemption. If an employee’s active duty orders are amended or extended, the new orders should be submitted to [MCSC-MilitaryLeave@michigan.gov](mailto:MCSC-MilitaryLeave@michigan.gov).

**Time Entry:** Employees may use annual leave, banked leave, or compensatory time credits for military service. Otherwise, time is entered as NPML for the employee’s regularly scheduled workday. Administrative leave or sick leave cannot be used by employees absent for military leave. State holidays during a short-term military training assignment are coded as HOL\* hours.

Employees on an extended military training cannot spread out leave accruals among different weeks to prolong insurance coverage eligibility. Employees on long-term active duty leaves should code time as NPML on a Monday-Friday schedule, even for state holidays. If an employee leaves in the middle of a pay period, NPML is used for as many days needed to complete 80 hours in a pay period. Pre-decompression time is also coded as NPML.

**Annual and Sick Leave Accruals:** The State of Michigan credits employees eligible for supplemental pay with annual, personal, and sick leave accruals, subject to limitations. Leave accruals are not issued until the employee submits documentation that eligible military service was performed. Documentation suitable to establish eligibility for leave accruals include only:

- Military Leave & Earnings Statement (LES) that includes the basic pay amount and the dates that the LES covered;
- DD-214, Certificate of Release or Discharge from Active Duty; or
- Military Attendance Schedule or Master Military Pay Account History (MMPA); or
- Document on military letterhead signed by a military superior confirming that the employee performed military duty on specific dates.

**Supplemental Pay:** The Michigan Civil Service Commission’s rules and regulations authorize supplemental pay to eligible employees on military leave. An employee is not eligible for supplemental pay (1) if military service is unpaid, (2) if military pay exceeds state pay, or (3) for any period of leave before or after military duty (decompression). To receive supplemental pay, an eligible employee must first submit to [MCSC-MilitaryLeave@michigan.gov](mailto:MCSC-MilitaryLeave@michigan.gov) Military Leave & Earnings Statements (LES) covering the dates on which NPML was entered on the employee’s timesheet.

If an employee’s active duty orders are amended or extended, the new orders should be submitted to [MCSC-MilitaryLeave@michigan.gov](mailto:MCSC-MilitaryLeave@michigan.gov). Supplemental pay will not be processed if the supporting LES is dated after the projected discharge date of the most recent orders. If it is

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discovered that supplemental pay was processed after the employee's discharge date, the overpayment will be recovered when the employee returns to work.

**Verification Documentation:** Documentation to confirm eligibility for seniority and to return to work is required only for leaves over 30 days. The documentation listed below is acceptable to verify absence from regularly scheduled workdays for service in the uniformed services:

- Military Leave & Earnings Statement (LES) that includes the basic pay amount and the dates that the LES covered;
- DD-214, Certificate of Release or Discharge from Active Duty; or
- Military Attendance Schedule or Master Military Pay Account History (MMPA); or
- Document on military letterhead signed by a military superior confirming that the employee performed military duty on specific dates.

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

Documentation to receive supplemental pay and leave accruals, regardless of length of leave, are described in the Annual and Sick Leave Accrual and Supplemental Pay sections above.

**Decompression Time and Return to Work:** Decompression time is the period between discharge from military service and the employee's return to work. It is unpaid and without benefits. The amount of decompression time an employee is allowed depends on the length of the most recent service. Employees are responsible for communicating with their supervisor and HR office to determine a return to work date within the decompression time limits below:

- Less than 31 days service – the next first full regularly scheduled work period.
- 31 to 180 days 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.

**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 ORS to ensure that retirement credits, contributions, and service hours are appropriate for the period of military service when coded as NPML.

All employees are entitled under USERRA to make up missed employee contributions to 401(k) and 457 plans if ORS receives the appropriate paperwork. Employees returning from military leave can obtain intervening retirement service credit and missed employer 401(k) contributions by submitting a military service credit application to ORS along with a copy of their DD214 and/or LES:

- Defined Contribution plan employees (DC or 40 plan) should use form [R0717G](#)
- Defined Benefit Plan employees (DB or 04plan) should use form [R81G](#)

*Additional information on military leave processing can be found on the Michigan Civil Service Commission's [military leave website](#). Questions should be directed to [MCSC-MilitaryLeave@michigan.gov](mailto:MCSC-MilitaryLeave@michigan.gov).*