

STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 WEST DUBLIN GRANVILLE ROAD
COLUMBUS, OHIO 43235-2789

MEMORANDUM

TO: State Employees of the Adjutant General's Department

FROM: E. Dean Boling, Chief Human Resource Officer

SUBJECT: Procedures for Employees Requesting Reinstatement from Military Leave of Absence

DATE: July 8, 2002

GENERAL.

Permanent state employees granted a military leave of absence (i.e., uniform service leave of absence) have specific rights of employment and reemployment under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301 – 4333, if specific eligibility criteria are met. These rights are codified in Ohio law at section 5903.02, Ohio Revised Code. Prerequisites to establish leave eligibility, qualify for benefits and employment reinstatements are included in the Ohio Administrative Code Section 123: 1-34-05. Specific procedures for reinstatement to state civilian employment within the Adjutant General's Department and the Ohio National Guard component services are detailed below:

Reinstatement Rights.

An employee has reinstatement rights to the same or similar position if he/she applies in writing to the appointing authority within the specified time of his/her release from active duty. As provided by USERRA, the following guidelines apply:

1. If period of active duty was less than 30 days, the employee must apply for reinstatement immediately upon release from active duty,
2. If period of active duty was between 31 and 180 days, the employee must apply within 14 days of release from active duty,
3. If period of active duty was more than 180 days, the employee must apply within 90 days of release from active duty.

Procedures for Employees Requesting Reinstatement from Military Leave of Absence

Procedures for Short-term Military Leave of Absence and Reinstatement.

Short periods of military leave, i.e., single day requirements and/or periods of less than 30 days of military active duty, must be validated by a military order and a written request for military leave. Employees are encouraged to use the “Leave Request (Military)” format when requesting military leave. This request should be forwarded through the employee’s immediate supervisor to the Adjutant General’s Department, State Human Resource Division. A copy of the military order, or a letter specifying the start and end dates of military duty, must accompany the request. If a letter is submitted, it must be on appropriate letterhead and signed by proper military command authority. If a letter is submitted with the initial request for leave, a copy of the military order must be provided within a reasonable time. A published order identifying Unit Training Assembly periods will be sufficient to validate scheduled, recurring training periods requiring military leave on specific days. These short-term requests will establish start and end dates for authorized military leave and will require no further documentation unless the military duty requirements are changed.

Return to duty from these short periods of military leave, whether in state paid military leave, authorized compensatory leave, personal leave, annual leave or military leave without pay, requires no request for reinstatement from the employee if there is no change from the initial request for military leave. The term of duty identified in the validated military order or command letter will establish the last day of military duty and termination of authorized military leave of absence. If an employee requires additional time-off, the employee must notify his/her immediate supervisor prior to the expected return to duty date. An employee will not be required to report back to duty without adequate travel time and at least 8 hours rest between his/her release time from active duty and report time back to work.

Procedures for Requesting Reinstatement from Mid-to-Long Term Military Leave of Absence.

A military leave of absence for periods in excess of 30 days must be validated by a military order and a written request for military leave, using the same procedures outlined above for short-term military leave of absences.

Return to state civilian employment from an authorized military leave of absence in excess of 30 days, whether in state paid military leave, authorized compensatory leave, personal leave, annual leave or military leave without pay, will require the employee to submit a written request for reinstatement. Employees are encouraged to use the “Reinstatement Request (Military Leave) format (see attachment). This request should be forwarded through the employee’s immediate supervisor to the Adjutant General’s Department, State Human Resource Division. If the immediate supervisor is not known, the request may be forwarded directly to the State Human Resource Division.

1. The request must be accompanied by a copy of the military discharge (DD Form 214), or evidence of completion or release from active service under honorable conditions.

Procedures for Employees Requesting Reinstatement from Military Leave of Absence

a. Completion of military duty on the published date of valid military orders will be considered sufficient evidence of honorable completion of active service, if an individual is continued as a member of the military reserve component (i.e., retains reserve ID card).

b. Military service documentation (DA Form 31-Army or AF Form 988 – Air) identifying the employee to be on authorized leave from military duty through the completion date of the validated active duty order will be considered evidence of honorable release from military duty.

2. Requests for reinstatement should identify the date of effective release from military duty and the requested date of reemployment as a civilian state employee if the reinstatement date is other than the next scheduled work day after release from military duty.

3. A state employee on an authorized military leave of absence may not return to state civilian duty during the period of authorized military duty without submitting a request for reinstatement and satisfactory evidence of completion of military duty or release from military duty.

If you have questions concerning these procedures or benefits, please contact the Human Resource Office at (614) 336-7051. Requests and supporting documentation should be forwarded to:

State Human Resource Office
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789

Attachment

The Adjutant General's Department REINSTATEMENT REQUEST (MILITARY LEAVE)

Employee Name: _____

State Employment Work Title: _____

Location of work position: _____

I certify that I have completed my tour of military duty or have been properly released under honorable conditions. The date of my release from military duty is _____.

(date)

I request to return to duty on _____. If there is a delay between the release date and _____

(date)

the requested start date, identify the basis for the delay for return to duty.

- _____ Travel time and 8 hours rest.
- _____ Request authorized delay up to 14 days following release from active duty for periods of military duty in excess of 31 days.
- _____ Request authorized delay up to 90 days following release from active duty for periods of military duty in excess of 180 days.
- _____ Other: please specify: _____

I have attached a copy of my military discharge or a copy of a signed, military leave form authorizing release from duty, or a copy of my military orders identifying my last day of military duty. I have read the union contract and/or Sections 5903, 5923.05, ORC, 123:1-34-04-05, OAC.

(Employee Signature)

(Date)