

Personnel Guidelines

PERSONNEL GUIDELINE 01-004

January 23, 2002

To: Human Resources Administrators, Personnel Officers, Labor Relations Officers and Fiscal Officers of All Departments, Institutions, Boards and Commissions

From: Ramona Swayne, Deputy Director
High Performance Workplace Services
DAS, Human Resources Division

Subject: Military Leave

Types of Military Leave

In the event of activation, permanent public employees, as defined in Section 5903.01 of the Ohio Revised Code, who are members of the Ohio organized militia or members of other reserve components of the Armed Forces of the United States, including the Ohio National Guard, are entitled to leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, as defined in Section 5903.01 of the Ohio Revised Code for periods up to one month for each calendar year in which they are performing services in the uniformed services. The first day of January through the last day of December equals a calendar year. Twenty-two eight-hour workdays or 176 hours equals one month.

Except as otherwise provided in Division (C) of Section 5923.05 of the Ohio Revised Code, any permanent public employee, who is entitled to leave under Section (A) of 5923.05 of the Ohio Revised Code and is called to active duty by Executive Order of the President of the United States or an act of Congress pursuant to Section 5919.29 of the Ohio Revised Code during the period designated by order or act, is entitled to a leave of absence and to be paid during each monthly pay period of that leave of absence as follows:

- The difference of the permanent public employee's gross monthly wage or salary as an officer or permanent public employee and the sum of the permanent public employee's gross uniformed pay and allowances received that month.

NOTE: Employees called to Federal Duty are eligible for the benefits provided in Amended Substitute Senate Bill 164 (Pay Differential and Health Care), effective November 20, 2001, while employees called to State Active Duty are not. Please refer to Payroll Letter 817 regarding processes for Military Leave benefits for employees called to either State Active Duty pursuant to Section 5923.21 of the Ohio Revised Code or Federal Duty pursuant to Section 5919.29 of the Ohio Revised Code.

PROCEDURE:

The procedures listed are to be used when submitting or processing personnel actions for permanent employees entitled to military leave.

- Provisions under Section 5923.05 (A) of the Ohio Revised Code do not require a personnel action. The agency payroll officer will capture the applicable hours on payroll.
- For permanent employees called to active duty beyond 22 eight-hour work days or 176 hours, military orders must be attached to the personnel action and the personnel action is coded as follows:
 - I01 – Military Leave

NOTE: PA Decentralized agencies may enter this code directly onto the system without processing a personnel action. Military Orders shall be retained in the agency for record purposes. Centralized agencies must submit a personnel action form, with applicable attachment(s), to the DAS State Services Unit for approval.

- Agencies are responsible for submitting and/or maintaining all applicable paperwork related to processing military leaves of absence.
- The permanent employee is responsible for submitting all required documentation to the request for military leave. Agencies are to ensure that employees are provided the (Military) Leave Request form, in order to use available paid leave, when appropriate.
- Any permanent employee on military leave lasting 90 calendar days or less has reinstatement rights back to the same or similar position within the employee's former classification. If the period of duty lasts more than 90 days, the employee may be placed in any position of equivalent status, seniority and pay. If the appointing authority demonstrates to the director of Administrative Services that reinstatement is impossible or would impose undue hardship, the employee may be assigned to another position with like seniority, status and pay or the nearest approximation thereof consistent with the circumstances of the case. The employee receives all benefits as if he/she had not been on active duty. Reinstatement has priority over any type of eligible list.

Additionally, these procedures are for the specific agency, but not across agencies. For example, the returning permanent employee has reinstatement rights only to his/her agency.

If you have additional questions or require additional assistance please refer to Section 5923 of the Ohio Revised Code, Section 123:1-34-05(C) of the Ohio Administrative Code or you also may contact Ramona Swayne, Deputy Director, High Performance Workplace Services, DAS, Human Resources Division at (614) 728-9494.