

MANUAL OF PROCEDURE

PROCEDURE NUMBER: 2506

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PROCEDURE TITLE: Military Leave

STATUTORY REFERENCE: FLORIDA STATUTES 115.07, 115.09, 115.14
STATE BOARD OF EDUCATION RULES 6A-14.0432
UNITED STATE CODE TITLE States Code Title 38, CHAPTER 43,
Uniform Services Employment and Re-employment Rights Act
(USERRA); VOW references

BASED ON POLICY: I-21 Equal Access/Equal Opportunity
II-31 Military Leave for Training Duty and Extended Period of Time

EFFECTIVE DATE: March 11, 1974

LAST REVISION DATE: November 8, 2005; May 14, 2013

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I. PURPOSE

To provide information concerning the application of military leave.

II. PROCEDURE

A. Military Leave for Training:

All full-time employees who are members of the Reserves and the U.S. Armed Forces or the National Guard, if ordered to temporary active duty for training, shall be granted military leave with their college base pay up to 240 work hours in an annual period. Such training periods are normally less than 90 days.

1. The Request for Leave form must be submitted to the immediate supervisor.
2. Military training orders must be attached to the Request for Leave form.
3. Instructional personnel should plan military training during a time when classes are not in session, as much as is possible. Professional Exempt Contractual, Professional Exempt Non-Contractual and Support Non-Exempt personnel should schedule

military training during a time that would not unduly affect the operation of the College as much as is possible.


B. Military Leave for an Extended Period of Time:

All full-time employees who enter the Armed Forces may be granted military leave for an indefinite period of time. Eligible employees will receive their College base salary for the first month of military service; except that no compensation shall be paid for any time that an employee would not normally be in a pay status at the College. Eligible employees will only receive this payment once during a continuous and uninterrupted deployment period.

Effective July 1, 2010 once all available Miami Dade College (MDC) paid military leave (240 work hours plus one month of extended Military Leave) is exhausted and the individual's deployment is extended, the College will provide additional compensation equal to the difference between the College's total compensation and total military compensation (including military allowances and supplements, excluding combat pay), if MDC's total compensation during the same period would be higher. This "gap compensation" will be provided to any full-time employee that is a member of a Reserve, National Guard Unit, or Armed Forces and is activated and deployed.

1. The Request for Leave form must be submitted to the immediate supervisor
 - a. Military active duty orders must be attached to the Request for Leave Form.
 2. Compensation for the first month of military service will be paid only when the individual submits, to the Vice Provost of Human Resources or designee either a) an affidavit signed by the Unit Commander stating that (s)he has been in the Armed Forces at least one (1) month, or b) a copy of the military active duty orders.
 3. "Gap compensation" will be paid only when the employee is not using accumulated leave balances and the Vice Provost of Human Resources or designee receives:
 - a. A copy of the military active duty orders, and
 - b. A copy of active duty pay stub for the affected period
- C. The employee is not required to give prior notice, i.e. submission of a Request for Leave form, if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. The employee is, however, required to provide a copy of the military active duty orders within one month of deployment.
- D. The Uniform Services Employment and Re-employment Rights Act (USERRA) requires that an employee who has been granted a Military Leave for an indefinite period of time or for extended active duty shall, upon completion of the tour of duty, be returned to employment without prejudice provided an application for re-employment is filed in accordance with the State and Federal law. The District Board of Trustees shall have a reasonable length of time, in accordance

with State and Federal law, to reassign the employee to duty at the College. This protection may also apply to employees in positions designated as temporary. Departments should consult Human Resources for information related to these guidelines.

	
PRESIDENT	<i>5/14/2013</i> DATE