

County of Cumberland Board of Commissioners	Policy Number: 2.06	Pages: 1 of 1
Chapter: Employee Benefits	Effective Date: February 28, 2023 Supersedes Policy 2.06 dated 03/12/98	
Subject: Military Leave		

I. POLICY:

Cumberland County Government shall provide for a Military Leave Program in compliance with Federal USERRA & State Law (See N.J.A.C. 4A:6-1.11 and N.J.A.C. 5A:2-1, et seq.).

DEFINITIONS:

1. Annual Training: A type of active duty for training which a reservist must perform for a minimum of 15 days per federal fiscal year.
2. Active Duty for Training: Encompasses a wide variety of training/duty other than annual training or active duty.
3. Other Active Duty: Members called up pursuant to Title 10 or Title 32 of the United States Code in response to a particular event or threat.
4. State Active Duty: For National Guard only, response to an event or threat in the State. This is different from Federal Active Duty (when State Guard personnel are activated pursuant to Title 10 or Title 32). Only New Jersey National Guard members are entitled to a paid leave for State Active Duty.
5. Inactive Duty Training: Duty performed by a member of the organized militia other than active duty or active duty for training, commonly known as “drill”.

II. PROCEDURE:

1. When an employee is called to military service, USERRA requires the employee in the uniformed services to give advance written or verbal notice of the service to their employer, unless such notice is precluded by military necessity. The employee should submit a Leave of Absence Request Form to their supervisor when notified of an impending call to service as soon as possible and provide documentation in writing if available.
2. At the discretion of the employee, vacation leave, administrative leave and other accrued compensation may be used for such absences. This is an exception to our other leave policies which requires an employee to exhaust all paid sick leave prior to going into an unpaid status. Leave time is not accrued while the employee is on

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- military leave, however the employee shall continue to accrue seniority and salary increments, if applicable.
3. To be eligible for protection under USERRA, the employee must report back to work or apply for reemployment within the following guidelines:
 - A. If the employee served fewer than 31, the employee must return to work the next regularly scheduled workday.
 - B. If the employee served more than 30 days but fewer than 181 days, the employee must notify his/her supervisor of their intention to return to work within 14 days after completion of service.
 - C. If the employee served more than 180 days, the employee must notify his/her supervisor of their intention to return to work within 90 days after completion of service.
 - D. Upon notification of intent to return to work, the employee must provide military discharge documentation to their supervisor that establishes timeliness of application for reemployment and length and character of the staff member's military service.
 4. An employee returning from military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have obtained with continuous employment. In addition, time spent on active duty will be counted towards eligibility for FMLA once the employee has returned to work.