



THE STATE OF FLORIDA  
**JUSTICE ADMINISTRATIVE COMMISSION**

Post Office Box 1654 (32302)  
227 North Bronough Street, Suite 2100  
Tallahassee, Florida 32301



**Alton L. "Rip" Colvin, Jr.**  
Executive Director

(850) 488-2415  
Toll Free (866) 355-7902  
FAX (850) 488-8944

[www.justiceadmin.org](http://www.justiceadmin.org)

**COMMISSIONERS**

**Brad King, Chair**  
*State Attorney*  
**Diamond R. Litty**  
*Public Defender*  
**Jerry Hill**  
*State Attorney*  
**Nancy Daniels**  
*Public Defender*

**MEMORANDUM 007-14HR**

**TO:** Agency Administrators

**FROM:** Carolyn Horwich, J.D., Director of Human Resources

**THROUGH:** Rip Colvin, Executive Director

**SUBJECT:** Active Duty Military Leave of Absence

**DATE:** March 7, 2014

Attached please find a document just received from the Department of Management Services. It is a revised *Program Guideline: Active Duty Military Leave of Absence*. It updates the last Program Guideline on the subject issued August 22, 2012.

As per DMS, "There were several minor changes throughout the document. However, substantive changes were made by adding a new question #2 under Attendance and Leave Administration and editing question #9 under Payroll Administration."

If you have any questions, please contact me at [Carolyn.Horwich@justiceadmin.org](mailto:Carolyn.Horwich@justiceadmin.org) or Andy Snuggs at [Andy.Snuggs@justiceadmin.org](mailto:Andy.Snuggs@justiceadmin.org) or [Amber.Moore@justiceadmin.org](mailto:Amber.Moore@justiceadmin.org).

Thank you.

Attachment



# PROGRAM GUIDELINES

<b>SUBJECT:</b> Active Duty Military Leave of Absence (“Military Leave”)	
<b>STATUTORY/RULE REFERENCE:</b> Section 115.08, Florida Statutes (F.S.), Definitions Section 115.09, F.S., Leave to public officials for military service Section 115.14, F.S., Employees Section 250.48, F.S., Leaves of absence Rule 60L-33.002, Florida Administrative Code (F.A.C.), General Principles Rule 60L-33.003, F.A.C., Status Upon Appointment Rule 60L-34.0041, F.A.C., Annual Leave Rule 60L-34.0062, F.A.C., Military Leave	<b>EFFECTIVE DATE:</b> May 4, 2007 Revised: August 22, 2012 Revised: March 7, 2014
<b>FORMS</b>	<b>ADDITIONAL REFERENCE MATERIAL:</b>  <i>Governor Bush’s Resolution Dated September 25, 2001;</i> <i>DMS memorandum dated September 28, 2001</i> <i>Governor Bush’s Proclamation Dated September 12, 2003;</i> <i>USERRA Employment Law Guide</i> U.S. Department of Labor, Sept. 2009 <a href="http://www.dol.gov/compliance/guide/userra.htm">http://www.dol.gov/compliance/guide/userra.htm</a> )

## I. SCOPE AND PURPOSE

From time to time, the Executive Office of the Governor and the Cabinet may issue proclamations or directives which complement the statutes and rules covering military leave. These guidelines clarify military leave procedures for agencies that have employees who volunteer or who are called to active military duty, pursuant to these various provisions. Unless otherwise referenced herein, all previous DMS issued memoranda are hereby superseded by this guideline.

## II. DEFINITIONS

For the purposes of this document, the terms below are defined as follows:

**Active State Duty (Also termed “state active duty”)** - means full-time duty in active military service of the State of Florida when ordered by the Governor or Adjutant General of the State of Florida as provided in section 250.01(21), F.S.

**Florida National Guard Member** - A state official or employee who is a member of the Florida National Guard and who is entitled to his or her full state regular rate of pay for the first 30 calendar days when called into active state duty pursuant to section 250.48, F.S. or when called into federal active military service pursuant to either section 115.09, F.S. or section 115.14, F.S., as applicable.

**Military Pay Supplement** – A payment authorized by section 115.14, F.S., that makes up any difference between military compensation (that is, military base salary, not including allowances for quarters, rations, variable housing allowances, or other special pay) and civilian salary (that is, state salary based on regular rate of pay). **Note:** For brevity, this document also uses the term “supplement” to mean the military pay supplement.

**National Guard Member**– A state official or employee who is a member of the Air National Guard or Army National Guard of any state or U.S. territory, as defined in section 250.01 (2) and (6), F.S. respectively, and who, when called into federal active military service, serves on the same basis as any other member of a reserve component of the U.S. Armed Forces, and is entitled to full state salary for the first 30 calendar days pursuant to either section 115.09 or section 115.14, F.S. as applicable.

**Non-Reservists** - A state official or employee who is neither a member of the National Guard or the military reserves, and who is drafted or volunteers, and who, when serving in the armed forces of the United States is entitled to his or her full state regular rate of pay for the first 30 calendar days pursuant to section 115.14, F.S.

**Period of Active Military Service** – A period that begins with the date upon which the employee enters active military service and terminates upon death or a date 30 days immediately next succeeding the date of release or discharge from active military service, or upon return from active military service, whichever occurs first, pursuant to section 115.08(2), F.S.

**Positive Pay** – The method of payment whereby a timesheet must be submitted and approved (in the People First System) in order for the employee to receive any salary payment for the pay period in question. Therefore, unless a timesheet has been submitted (and approved) to charge leave credits during the pay period in question, the employee will receive no salary (other than the supplement, if eligible).

**Reservist** – A state official or employee who is a member of a reserve component of one of the armed forces of the United States and who, when called into federal active military service, is entitled to his or her full state regular rate of pay for the first 30 calendar days pursuant to sections 115.09 and 115.14, F.S., respectively and, pursuant to the prevailing September 12, 2003 Governor’s Proclamation, is entitled to a military pay supplement, if needed. **Note:** For brevity, the term ‘Reservist’ is used in this document to refer to both members of the National Guard who have been called to federal active military service as well as members of the reserves who have been called to federal active military service.

**State Regular Rate of Pay** – The pay that is composed of the employee’s base rate of pay plus all recurring incentive payments and salary additives, with the exception of on-call.

**III. APPLICABLE STATUTORY AND RULE PROVISIONS**

**A. Statutory Provisions**

**Section 115.08, F.S., Definitions**

- (1) The term "active military service" as used in this chapter shall signify active duty in the Florida defense force or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces, and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.
- (2) The term "period of active military service" as used in this chapter shall begin with the date of entering upon active military service, and shall terminate with death or a date 30 days immediately next succeeding the date of release or discharge from active military service, or upon return from active military service, whichever shall occur first.

**Section 115.09, F.S., Leave to public officials for military service.**--All officials of the State, the several counties of the State, and the municipalities or political subdivisions of the State, including district school and community college officers, which officials are also service-members in the National Guard or a reserve component of the Armed Forces of the United States, shall be granted leave of absence from their respective offices and duties to perform active military service, the first 30 days of any such leave of absence to be with full pay.

**Section 115.14, F.S., Leave of absence for military service: Employees.**--All employees of the State, the several counties of the State, and the municipalities or political subdivisions of the State shall be granted leave of absence under the terms of this law; upon such leave of absence being granted said employee shall enjoy the same rights and privileges as are hereby granted to officials under this law, insofar as may be, including, without limitation, receiving full pay for the first 30 days. Notwithstanding the provisions of s. 115.09, the employing authority may supplement the military pay of its officials and employees who are reservists called to active military service after the first 30 days in an amount necessary to bring their total salary, inclusive of their base military pay, to the level earned at the time they were called to active military duty. The employing authority shall continue to provide all health insurance and other existing benefits to such officials and employees as required by the Uniformed Services Employment and Reemployment Rights Act, Chapter 43 of Title 38 United States Code (U.S.C.).

**Section 250.48, F.S., Leaves of absence.**--Any officer or employee of the State, of any county or school district of the State, or of any municipality or political subdivision of the State who is a member of the Florida National Guard is entitled to leave of absence from his or her respective duties, without loss of pay, time, or efficiency rating, on all days during which the officer or employee is engaged in active State duty for a named event, declared disaster, or operation pursuant to ss. 250.28 or 252.36., F.S. However, a leave of absence without loss of pay granted under this section may not exceed 30 days for each emergency or disaster, as established by executive order.

**B. Rule Provisions**

**Rule 60L-33.002, F.A.C., General Principles.**

- (3) Employees on military leave shall be treated as if they had been continuously employed for purposes of status, pay, and other benefits.

## **Program Guidelines**

---

### **Rule 60L-33.003(2), F.A.C., Status Upon Appointment.**

- (d)3. Time spent on military leave shall count toward completion of the employee's probationary period, and an employee on military leave can attain permanent status while on such leave.

### **Rule 60L-34.0041, F.A.C., Annual Leave.**

- (4)(a) At the close of business on December 31 of each calendar year, a career service employee's annual leave balance in excess of 240 hours shall be transferred to sick leave on an hour-for-hour basis. In accordance with an agency-wide plan, the employee may carry-over up to 360 hours of annual leave credits past December 31. For senior management service and selected exempt service employees, at the close of business on the day before the member's anniversary date, all annual leave credits in excess of 480 hours shall be converted to sick leave on an hour-for-hour basis.

### **Rule 60L-34.0062, F.A.C., Military Leave.**

- (1) An employee, except an employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or member of the National Guard, or who is employed in a temporary position or employed on a temporary basis, who is drafted or who volunteers for active military service shall be granted leave beginning with the date of induction and ending up to one year after the date of separation from the military service or from hospitalization continuing after discharge. Active military service includes active duty with any branch of the United States Army, Navy, Air Force, Marines, or Coast Guard, of the National Guard of the State, or of any other service as provided in ss. 115.08 and 115.09, F.S. The leave of absence shall be verified by official orders or appropriate military certification, which shall be filed in the employee's personnel file.
- (3) An employee, who is a member of the Florida National Guard, shall be granted leave in accordance with s. 250.48, F.S.
- (4) An employee, except an employee employed in a temporary position or employed on a temporary basis, who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or member of the National Guard, who is ordered to active military duty under Title 10, U.S.C., s. 673b, shall be granted leave beginning with the day ordered to duty and ending up to thirty-one days after the date of release from the military service or from hospitalization continuing after discharge. Active military service includes active duty with any branch of the United States Army, Navy, Air Force, Marines, or Coast Guard, of the National Guard of the State, or of any other service as provided in ss. 115.08 and 115.09, F.S. The leave of absence shall be verified by official orders or appropriate military certification, which shall be filed in the employee's personnel file.

## **IV. POLICY**

1. In accordance with state and federal provisions, the granting of military leave and any associated benefits applies to Career Service, Selected Exempt Service and Senior Management Service employees, including part-time and probationary employees. Due to the temporary nature of their employment, the military leave provisions outlined in this guideline do not apply to Other Personal Services (OPS) employees, except as addressed in Part V, Section C, with respect to certain rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

## ***Program Guidelines***

---

2. Pursuant to the “period of active military service” for which state officials and employees are entitled to military leave as provided in Chapter 115, F.S., employees will be placed on one continuous period of active military leave. This leave commences upon receipt of their initial orders for active military service and ends no more than 30 days following their release or discharge from active military service or upon return to work, whichever occurs first. If the employee chooses to exercise their USERRA rights and requests to extend their leave beyond the 30 days allotted in statute before returning to work, then they will continue on active military leave without pay for the additional 30 to 60 days, as applicable under USERRA.
3. Pursuant to the provisions of sections 115.09 and 115.14, F.S., the Cabinet Resolution dated September 25, 2001, and Governor Bush’s Proclamation dated September 12, 2003, agencies are to implement the provisions of section 115.14, F.S., whereby they supplement the pay of certain state employees whose military pay is less than their state regular rate of pay. However:
  - a) at no time shall the combination of employees’ military pay supplement and military base pay exceed their state regular rate of pay for the pay period;
  - b) at no time shall the combination of the employees’ compensation from the State (i.e. military pay supplement and/or paid leave) exceed their state regular rate of pay for the pay period;
  - c) the employee must provide documentation to their agency indicating their current military rate of pay and contact information for verification of rate of pay when any change occurs affecting their military rate of pay;
  - d) pursuant to the instructions provided to the agencies via the Department of Management Services memorandum dated on September 28, 2001, implementation of state supplemental pay policies apply only to non-OPS Reservists called to active duty. After the first 30 calendar days of paid, leave such employees are placed on “military leave without pay” (that is, active military leave with or without the supplement) and are entitled to leave accruals and state insurance contributions, regardless of the amount of the state military supplemental pay or the total offset of the state military supplemental pay by the amount of the military pay.
4. Rule 60L-33.002(3), F.A.C., provides that employees who are granted military leave shall be treated as if they had been continuously employed for purposes of status, pay, and other benefits. This provision comports with the “escalator principle” of the USERRA law, which ensures that all employees on military leave (regardless of whether they are Reservists or volunteers) retain the perquisites of their seniority (i.e., all seniority-tied personnel actions such as increases in annual and sick leave accrual rates, pay adjustments based on legislatively granted across the board increases, continued access to group insurance coverage, etc., are not impacted by the employee’s absence). However, eligibility for leave accruals or payment of the state contributions to group insurance is governed by the State Personnel System provisions applicable to the leave of absence type to which the employee is eligible and not USERRA.
5. Employees on military leave without pay (LWOP) status are permitted to use accrued leave, subject to the same conditions as any other employee on LWOP, and consistent with USERRA.

**V. HUMAN RESOURCE RELATED ISSUES**

**A. ATTENDANCE AND LEAVE ADMINISTRATION**

**1. How is an employee placed on a military leave of absence?**

Upon inspecting the employee's official military orders, a Personnel Action Request (PAR) must be processed to place the employee in the appropriate pay status.

**a. First 30 calendar days**

**(1) The following applies to Reservists and Non-Reservists called to federal active military service.**

- Complete a PAR Action Type "LOA with Pay" (Leave of Absence),
- Use Action Reason "Active Military"

**Timesheet:** Enter leave type 0069 (Admin-Active Military) for the first 30 calendar days.

**Personnel File:** The agency will dictate the method for receiving and placing orders in the personnel file.

**Impact:** The employee will continue full pay and full leave accruals for the first 30 calendar days (i.e., all work days that fall within the first 30 calendar days), pursuant to the applicable statutory and rule provisions.

**(2) The following applies to members of the Florida National Guard called to active state duty.**

- Complete a PAR Action Type "LOA with Pay" (Leave of Absence),
- Use Action Reason "Active Military"

**Timesheet:** Enter leave type 0061 (Admin FL National Guard) for the first 30 calendar days.

**Personnel File:** The agency will dictate the method for receiving and placing orders in the personnel file.

**Impact:** The employee will continue full pay and full leave accruals for the first 30 calendar days (i.e., all work days that fall within the first 30 calendar days), pursuant to the applicable statutory and rule provisions.

**b. After 30 calendar days**

**(1) The following applies to Reservists called to federal active military service who will receive a supplement**

- Complete a PAR Action Type "LOA Without Pay"
- Use Action Reason: "Military Leave With Pay Supplement"
- Indicate the appropriate amount of supplement in the Military Allowance field of the pay section of the PAR (after verifying military base pay and calculating the amount needed to bring the employee up to the State regular rate of pay).

**Timesheet:** If the employee has chosen to use annual, regular or special compensatory leave for a portion of the pay period, the timesheet will need to be completed indicating the appropriate leave types.

**NOTE:** If the employee elects accrued leave rather than LWOP, the agency may require the use of special compensatory leave in lieu of other accrued leave, pursuant to current rule and any applicable collective bargaining agreement. This practice is consistent with USERRA law provided that the same substitution requirements are imposed for other similarly situated employees.

The remainder of the timesheet should be completed indicating leave type "0082 – LWOP active military with pay supplement". Timesheets may be submitted and approved in advance of the applicable pay period.

Note that the timesheet must be approved before the payroll cutoff for the employee to receive additional pay, on their regularly scheduled pay date, as a result of using leave during the period.

Timesheets should be submitted and approved each pay period, even if the employee has elected not to use accrued leave.

**Personnel File:** Agency will dictate the method for receiving and placing orders in the personnel file.

**Impact:** Once the PAR is completed, the employee will receive a military pay supplement. In addition, if a timesheet indicating annual, regular or special compensatory leave is approved for the pay period, then the hours indicated on the timesheet will be paid. Employees placed on this leave status will continue to earn leave credits and holiday pay during their leave of absence. Leave accruals and holiday pay will be handled by the system.

**(2) The following applies to Reservists who will not receive a Supplement and Florida National Guard members called to active state duty beyond 30 days.**

- Complete a PAR Action Type "LOA Without Pay"
- Use Action Reason "Military Leave Without Pay Supplement"

**Timesheet:** The employee will only be paid for State holiday hours, unless the employee chooses to use annual, special and/or regular compensatory leave.

If the employee has chosen to use annual, regular or special compensatory leave for a portion of the pay period, a timesheet should be completed and approved indicating the appropriate leave types and number of hours to be paid.

**NOTE:** If the employee elects accrued leave rather than LWOP, the agency may require the use of special compensatory leave in lieu of other accrued leave, pursuant to current rule and any applicable collective bargaining agreement. This practice is consistent with USERRA law provided that the same substitution requirements are imposed for other similarly situated employees.

The remainder of the timesheet should be completed indicating leave type "0083 – LWOP active military". Timesheets may be submitted and approved in advance of the applicable pay period.

## **Program Guidelines**

---

Note that the timesheet must be approved before the payroll cutoff for the employee to receive additional pay, on their regularly scheduled pay date, as a result of using leave during the period.

Timesheets should be submitted and approved each pay period, even if the employee has elected not to use accrued leave.

**Personnel File:** Agency will dictate the method for receiving and placing orders in the personnel file.

**Impact:** By State Personnel System (SPS) policy, these employees will continue to earn leave credits during their leave of absence, and will be compensated for holidays, even if they are on leave without pay. However, these employees are on “positive pay”. Therefore, no other pay from the State will be processed unless

- there is a state holiday during the period and/or
- a timesheet indicating annual, regular or special compensatory leave is submitted.

### **(3) The following applies to Non-Reservists**

- Complete a PAR Action Type “LOA Without Pay”
- Use Action Reason: “ Authorized Leave Without Pay”

**Timesheet:** If the employee has chosen to use annual, regular or special compensatory leave for a portion of the pay period, a timesheet will need to be completed indicating the appropriate leave types. Timesheets may be submitted in advance of the applicable pay period.

**NOTE:** If the employee elects accrued leave rather than LWOP, the agency may require the use of special compensatory leave in lieu of other accrued leave, pursuant to current rule and any applicable collective bargaining agreement. This practice is consistent with USERRA law provided that the same substitution requirements are imposed for other similarly situated employees.

If the employee elects to not use accrued leave for a pay period, the submitted and approved timesheet will indicate hours leave type “0058 – LWOP - Authorized” for the pay period. Timesheets may be submitted and approved in advance of the applicable pay period.

Note that the timesheet must be approved before the payroll cutoff for the employee to receive additional pay, on their regularly scheduled pay date, as a result of using leave during the period.

Timesheets should be submitted and approved each pay period, even if the employee has elected not to use accrued leave.

**Personnel File:** Agency will dictate the method for receiving and placing orders in the personnel file.

**Impact:** By SPS policy, Career Service employees who voluntarily enlist in the armed forces are placed on an authorized leave of absence without pay, but (as with any other leave of absence without pay), no leave credits shall accrue and no holidays shall be paid unless employees use their own accrued leave to continue in pay status. However, SES/SMS

employees will still receive their annual and sick leave credits on their anniversary date, notwithstanding their unpaid leave status.

## **2. How is an employee returned from their military leave of absence?**

An employee remains on military leave until whichever one of the following occurs first in accordance with s. 115.08(2), F.S.:

- The employee returns to work immediately following discharge.
- The employee returns to work within 30 days following discharge.
- The employee's death.

Additionally, USERRA authorizes discharged employees to take an extended period of time (beyond 30 days) before returning to work; the duration of which is based on their length of military service. Please refer to the USERRA guideline to determine the amount of time allowed in relation to the employee's request.

Employees who are discharged but elect to utilize the extended period of time authorized by USERRA should remain on Military Leave Without Pay (and may substitute accrued leave credits for leave without pay hours) until they return to work. This is because they remain entitled to military leave benefits during this time. However, all salary supplements will be discontinued upon the effective date of discharge as the employee will no longer be receiving military pay.

Here are the instructions on how to return employees discharged from active military duty to payroll:

- a. Employee on Military Leave **Without Pay Supplement** is discharged and:
  - (1) returns within first 30 days –
    - No PAR or timesheet change required until employee returns.
    - Upon return, process PAR "Return from LOA Without Pay" and use Action Reason: "Return from LOA Without Pay".
  - (2) elects to remain on leave for up to 90 days following discharge under his/her USERRA rights –
    - No PAR or timesheet change required until employee returns.
    - Upon return, process PAR "Return from LOA Without Pay" and use Action Reason: "Return from LOA Without Pay".
- b. Employee on military leave **with pay supplement** is discharged and:
  - (1) returns within the first 30 days –
    - Complete a PAR "LOA Without Pay" and use Action Reason: "Military Leave Without Pay Supplement". The pay supplements must be removed effective the discharge date as the employee is no longer receiving military pay.
    - Timesheet should be completed indicating leave type "0083 – LWOP Active Military".
    - Upon return, process PAR "Return from LOA without Pay" and use Action Reason: "Return from LOA Without Pay".
  - (2) elects to remain on leave beyond the 30 days for up to 90 days following discharge under his/her USERRA rights –
    - Complete a PAR "LOA Without Pay" and use Action Reason: "Military Leave Without Pay Supplement". The pay supplement must be removed effective the discharge date

## Program Guidelines

---

as the employee is no longer receiving military pay. The employee remains on military leave without pay until their return or the end of the 90 days whichever occurs first.

- Timesheet should be completed indicating leave type “0083 – LWOP Active Military”.
- Upon return, process PAR “Return from LOA Without Pay” and use Action Reason: “Return from LOA Without Pay”.

**Special Note:** If the employee elects to use accrued leave while on “LOA Without Pay”/“Military Leave Without Pay Supplement, the agency may require the use of special compensatory leave in lieu of other accrued leave, pursuant to current rule provisions and any applicable collective bargaining agreement. This practice is consistent with USERRA law provided that the same substitution requirements are imposed for other similarly situated employees. The remainder of the timesheet should be completed indicating leave type “0083 – LWOP Active Military”. Timesheets may be submitted and approved in advance of the applicable pay period.

- c. Employee elects to remain on leave beyond the 90 days authorized under USERRA. Once the employee has exhausted their leave under USERRA, it is the agency’s discretion whether or not to approve this leave based on agency need.

(1) If the agency approves the additional leave:

- Complete a PAR “LOA Without Pay” and use Action Reason: “Authorized Leave”.
- Timesheet should be completed indicating leave type “0058 – LWOP Authorized”
- Upon return, process PAR “Return from LOA Without Pay” and use Action Reason: “Return from LOA Without Pay”.

**Special Note:** If the employee elects to use accrued leave while on “LOA Without Pay”/“Authorized”, the agency may require the use of special compensatory leave in lieu of other accrued leave, pursuant to current rule provisions and any applicable collective bargaining agreement.

(2) If the agency does not approve the additional leave:

- Complete a PAR “LOA Without Pay” and use Action Reason: “Unauthorized Leave”.
- Timesheet should be completed indicating leave type “0059 – LWOP Unauthorized”.

- 3. If an employee on active military leave has more than the maximum number of hours of annual leave on the date of their scheduled annual leave rollover (e.g. December 31<sup>st</sup> for Career Service employees or SES/SMS employee’s leave accrual date) may the employee request that the excess annual leave remain in annual leave and not roll over into sick leave?**

No. Based on Rule 60L-34.0041(4)(a), F.A.C., there is no authority to allow employees to carry over excess annual leave hours.

- 4. May an employee on active military leave use accrued annual, regular or special compensatory leave to cover payroll deductions?**

Yes. The above referenced leave types, which are available under any form of authorized leave without pay, may be used when requested by the employee and approved by the agency. However, the amount of leave charged, (in combination with any military pay supplement received), may not exceed the employee’s state regular rate of pay for the pay period.

**NOTE:** Due to fiscal impact, if the employee elects accrued leave rather than LWOP, the agency may require the use of special compensatory leave in lieu of other accrued leave, pursuant to current rule and any applicable collective bargaining agreement. This practice is consistent with USERRA law provided that the same substitution requirements are imposed for other similarly situated employees.

In such cases, the employee shall be entitled to accumulate all benefits granted under paid status.

**5. May an employee on active military leave use accrued sick leave to cover payroll deductions?**

No. As with any other employee on LWOP, the use of accrued sick leave must be consistent with the type of LWOP granted (for example, a medical leave). Military service is not an authorized purpose for using sick leave (although the employee may have been placed on some form of temporary medical leave by the military, the employee's military leave status with the state has not changed).

However, in the event that an employee, *who has been discharged*, defers returning to work until after the grace period allotted under USERRA for reinstatement purposes has expired, the employee's LWOP status will no longer be military leave. In this scenario, the employee may use accrued sick leave for any authorized purpose that occurs while under the new LWOP status that precedes return to work.

**6. May the amount of leave used exceed what is actually needed to cover payroll deductions?**

Yes. In recognition of the financial obligations of affected employees during these extraordinary events, the employee may elect to use any amount of leave, provided that the total amount of leave charged (in combination with military pay supplement, if applicable) does not exceed the employee's state regular rate of pay for the pay period.

**NOTE:** As noted in Question 4 above, if an employee requests the use of accrued leave rather than LWOP, the agency may require the use of special compensatory leave in lieu of other accrued leave, unless specifically prohibited by collective bargaining agreements.

**7. Under what circumstances do employees who are called to active military duty (placed on Military Leave With or Without Pay Supplement) continue to accrue leave credits?**

If the employee is a member of a reserve unit (reservist) who is now serving in federal active military service, they will continue to accrue full annual and sick leave credits in accordance with the rules applicable to their position (regardless of paid or unpaid leave status). The agency must be sure to use the appropriate PAR Action Type and Action Reason (Military Leave With or Without Pay Supplement) as stated above.

**8. How is leave accrual handled for employees who are non-reservists (i.e. employees who voluntarily enlist in the armed services)?**

During the period of voluntary active military service that follows the initial 30 calendar days of military leave, Career Service employees will only accrue annual and sick leave credits to the extent that accrued leave is used to remain in pay status. Otherwise, they will be placed on Authorized Leave Without Pay (0058) and will not accrue leave credits. Additionally, SES and SMS employees will continue to receive their annual and sick leave credits on their anniversary date as their leave is always credited (as a lump sum and not an accrual) on their anniversary date and therefore not impacted by LWOP status.

**9. How does being called to active military duty affect an employee who is still in probationary status?**

Pursuant to Rule 60L-33.003(2)(d)3., F.A.C., "time spent on military leave shall count toward completion of the employee's probationary period, and an employee on military leave can attain permanent status while on such leave."

**10. How are performance appraisals to be handled for employees on active military duty?**

The employee's performance remains unchanged during military leave. Therefore, if the employee is achieving expectations prior to military leave, a performance evaluation is not required. He/she will have met standards by default at the end of the probationary period.

However, if the rater wishes to acknowledge the employee's performance while actively employed in probationary status, he/she may address such performance, and the additional time spent in probationary status will be rated as "having met standards". The rater may indicate in the comments section of the evaluation, that the employee was called to active duty on a particular date, and has attained permanent status.

**11. What if an employee is on a performance improvement plan prior to being called to active duty?**

If an employee's performance was deficient and was placed on a performance improvement plan prior to going on military leave, the military leave shall be used to extend the review period beyond the improvement plan period on a day-for-day basis.

**B. PAYROLL ADMINISTRATION**

**Note: When feasible, the agency should convert employees who are being placed on a military leave of absence to a standard work schedule to minimize any payroll administrative issues associated with flexible work schedules.**

**1. When are employees eligible for a military pay supplement?**

Section 115.09, F.S., authorizes the payment of a military supplement to account for the difference between the employee's state salary (regular rate of pay for the pay period) and their military base pay (exclusive of allowances for quarters, rations, variable housing allowances or any other special pay) to employees who are members of a reserve component of the U.S. Armed Forces (reservists) and who are called to federal active military duty.

The State currently operates under the September 25, 2001, Resolution of Governor Bush and his Cabinet, directing all agencies to supplement the pay of reservists who are called to active duty due to the events of September 11, 2001. Unique with regard to military activations following the wake of September 11, 2001, military pay supplements to eligible employees shall continue until further notice and are not at the discretion of agencies.

**2. How is an employee's military supplemental pay calculated?**

An employee's military pay supplement shall be calculated as follows:

An employee was called to active duty with an effective date of orders of September 20, 2011. On September 19, 2011, the employee was receiving a biweekly regular rate of pay of \$1,000. Employee's military base rate of pay on September 20, 2011 was \$1,200 per month.

First, annualize employee's State regular rate of pay. \$1,000 biweekly times 26 biweekly pay periods	\$26,000.00
Next, annualize employee's military base pay. \$1,200 monthly times 12 monthly pay periods	\$14,400.00
The starting annual military pay supplement is the difference between these amounts.	\$11,600.00
The bi-weekly military pay supplement is the annual amount divided by 26.	\$ 446.15
This is the amount to be paid to the employee.	\$ 446.15

**3. What are the methods for verifying the employee's military base pay?**

- a. Obtain a copy of the employee's monthly military Leave and Earnings Statement (LES) indicating current military base pay.
- b. Contact the employee's unit of assignment to request verification of military base pay. The address is on the front of the active duty orders.
- c. Request assistance from the Employer Support of the Guard and Reserve (ESGR) office at 1-800-336-4590.

**4. What is the employee's responsibility regarding advising the agency of changes in his/her military pay?**

The employee or his/her power of attorney should be advised that they must notify the agency of any change in the employee's military base pay. Keep in mind that pay changes could result from a change in rank or from regular pay increases. The federal fiscal year is from October-September and military pay tables are posted at <http://www.dfas.mil/>.

**5 If an employee is called to active duty and wants to work intermittently for the State within the first 30 calendar days, is the 30 calendar days extended based on hours worked?**

No. Based on current statutory language, the employee would receive full pay and benefits for the first thirty (calendar) days, regardless of the hours worked.

**6. What salary additives should be continued while on military leave?**

In accordance with section 115.14, F.S., all salary additives, with the exception of On-Call, that the employee received prior to being called to active duty shall be continued while the employee is on military leave. Section 115.114 states: "Notwithstanding the provisions of s. 115.09, the employing authority may supplement the military pay of its officials and employees who are reservists called to active military service after the first 30 days in an amount necessary to bring their **total salary**, inclusive of their base military pay, to the level earned at the time they were called to active military duty" (emphasis added).

**7. Should perquisites be continued for employees on a military leave of absence?**

No, perquisites should be discontinued while employees are on military leave. Upon the employee's return from the leave of absence, perquisites that the employee had been receiving prior to the leave of absence should be reinstated, if applicable.

**8. Are educational incentive payments (i.e. Criminal Justice Incentive Pay (CJIP) and Firefighter Incentive Pay (FFIP)) continued while an employee is on military leave?**

Yes. Criminal Justice Incentive Pay and Firefighter Incentive Pay will continue since they are not additives but incentive pay for additional education completed by law enforcement officers and firefighters.

**9. When an employee is ordered to active duty (including active duty training under federal orders), does he/she receive 30 days of paid leave with each set of orders received?**

**No.** The employee is on one continuous period of active military service as defined in section 115.08 (2), F.S., regardless of the number of new or extension orders the employee may receive during that period.

Agencies should place the employee on a leave of absence for active military service which does not conclude until the employee's death or 30 days following release or discharge from the active service unless the employee returns from such service prior to the conclusion of the 30 day period (this period may be extended based on USERRA rights of the employee for up to 90 days). Employees are eligible for an additional 30 days of paid leave only if, after returning to work (or having been removed from active military leave status) they are subsequently ordered back into active military duty, in which case the agency shall grant a **new** authorized leave of absence.

The employee must be discharged and return to work for a minimum of one work day (use of leave does not qualify as a return to work) before additional orders will be considered "new" for purposes of receiving the first 30 days as paid administrative leave.

**10. How is pay handled for employees, who are members of the Florida National Guard, and are activated into a state disaster (i.e. hurricanes, tornadoes, floods)?**

If the official orders reflect activation for state service in accordance with section 250.48, F.S., the employee shall receive full pay not to exceed 30 calendar days at a time, but is not entitled to a military pay supplement. Each time the employee receives orders for a new event as established by executive order, the employee will be eligible for 30 calendar days of full pay.

**11. How is pay handled for employees who are reservists in the National Guard of another state?**

The official orders will need to be reviewed in order to make this determination.

If employees are called to active duty under Title 32 or Title 10, U.S.C., as members of the National Guard (of any state) pursuant to sections 115.09 or 115.14, F.S., they are in Federal Service and therefore, eligible for the first 30 calendar days full pay status and the supplement pay thereafter pursuant to the Sept. 25, 2001 Resolution. The official orders will reflect activation pursuant to Title 10 or Title 32, U.S.C.

However, if the official orders reflect activation for state service, the employee shall not receive full pay for the first 30 calendar days, nor the military pay supplement. Such employees should

immediately be placed on a leave of absence without pay (Complete PAR Action Type “LOA Without Pay” and use Action Reason “Authorized Leave without Pay”).

**12. Are OPS employees covered by the provisions in these guidelines in the same manner as employees in established positions?**

No. OPS employees are not kept in pay status, nor are they eligible for a military pay supplement.

**13. Are employees on active military leave without pay paid for holidays?**

Only reservists serving in federal active military service receive holiday pay in accordance with the rules applicable to their position, regardless of whether the employee is on a leave of absence with pay or without pay. If the employee is using intermittent leave, such leave may not be necessary or may be reduced during a holiday work period since the employee is receiving holiday pay.

If the employee is receiving a military pay supplement, the People First system will reduce the military supplemental pay by the number of holiday hours in the pay period. If no military supplemental pay or leave is being used, the employee shall be paid for holiday hours.

**14. If an employee voluntarily enlists in the federal reserves or National Guard and is required to report for four (4) months for basic recruit and/or advanced individual training, is the employee eligible to receive a military pay supplement?**

No. However, if an employee enlists in the federal reserves or National Guard and is required to report for basic recruit and/or advanced individual training, the employee shall be placed on a military leave of absence and is entitled to the first 30 calendar days of full pay.

**15. If an employee voluntarily enlists in the federal reserves or National Guard, completes their training, returns to work and is subsequently called to federal active duty, will the employee be eligible for supplemental pay?**

The official orders will need to be reviewed in order to make this determination.

a. If the federal reservist or member of the National Guard is activated pursuant to Title 10 or Title 32, U.S.C., the answer is **Yes**. The employee shall be eligible for the first 30 calendar days of full pay and supplemental pay thereafter.

b. If the employee is activated for State of Florida service in accordance with section 250.48, F.S., the employee shall receive full pay not to exceed 30 calendar days at a time. However, unless activated for federal service, the employee is not entitled to a military pay supplement.

**16. If an employee voluntarily enlists in one of the military services, is the employee eligible for supplemental pay?**

No. Once an employee enlists into active military service, they are not eligible for supplemental pay. The employee is now full-time active military personnel and not eligible to return to state employment until such time as they are discharged from military service. At no time should an enlisted employee return to work between the end of their basic training and the duty assignment as the employee would be on military leave and has not been discharged from the military.

**17. Are employees eligible to receive legislatively approved pay increases while on a military leave of absence?**

Yes. Pursuant to USERRA and Rule 60L-33.002 (3), F.A.C., employees on a military leave of absence are eligible to receive legislatively approved pay increases in accordance with the provisions of the General Appropriations Act (GAA).

**18. How are legislatively approved pay increases handled for state employees who are on a leave of absence for active duty when the pay increase takes effect?**

Pay increases for employees on a leave of absence are not automatically processed as part of the mass load in the People First system. The pay increase for any employee on a leave of absence must be handled through the PAR process.

- Complete a PAR Action Type “*Pay Change*”
- Use Action Reason “*Legislative Mandate*”

For employees receiving a military supplement, agencies should verify the employee’s military pay to determine how much to adjust the military supplement paid by the State.

It is recommended that the PAR is processed for all employees on a leave of absence, indicating the statewide effective date of the pay increase so in the event that the employee uses accrued leave on the timesheet that it is paid appropriately.

**NOTE: After processing the PAR for the pay increase, a second PAR must be processed to place the employee back on the appropriate leave of absence.**

<b>C. COMPLIANCE WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)</b>
--

**1. What is the Uniformed Services Employment and Reemployment Rights Act?**

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services.

**2. Who is covered under the provisions of USERRA?**

USERRA covers Career Service, SES and SMS employees, including part-time and probationary employees.

Under normal circumstances, OPS positions do not qualify for USERRA reemployment protection. However, due to the long-term employment nature of some grant funded OPS positions, individualized evaluation of the position will be required to determine if it meets the requirements to be included under USERRA. In the event the position identified does meet USERRA requirements, then it may be beneficial to place the employee in LWOP status until their return or the grant funding is terminated. A replacement for the OPS employee can be selected as long as the replacement employee is informed that their employment is temporary until the return of the employee on military leave or the discontinuation of the grant funding (whichever occurs first).

**3. What are the basic provisions and requirements of USERRA?**

The pre-service employer must reemploy service members returning from a period of service in the uniformed services if those service members meet all five criteria:

- a. The person must have held a civilian job;
- b. The person must have given notice to the employer that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable;
- c. The cumulative period of service must not have exceeded five years;
- d. The person must not have been released from service under dishonorable or other punitive conditions; and
- e. The person must have reported back to the civilian job in a timely manner or have submitted a timely application for reemployment.

USERRA establishes a five year cumulative total in military service with a single employer, with certain exceptions allowed for situations such as call-ups *during emergencies, reserve drills and annually scheduled active duty for training*. (See Question 6, below, for further information.)

**4. What re-employment provisions are granted under USERRA?**

Employees have the right to be reemployed with their agency if they leave that job to perform service in the uniformed service and they:

- a. provide the agency with advance written or verbal notice of service;
- b. have five years or less of cumulative service in the uniformed services while with that particular employing agency;
- c. return to work or apply for reemployment in a timely manner after conclusion of service; and
- d. have not been separated from service with a disqualifying discharge or under other than honorable conditions.

Employees who are reservists called to active military service must notify the agency within a specific time period from the date of discharge from active service based on the length of military service duty. The employee or his/her power of attorney is responsible for notifying the agency of the last day of active duty.

To be eligible for protection under USERRA, the service member must report back to work or apply for reemployment within the following guidelines:

- 1-30 days of service – Report next scheduled work day after safe travel and 8 hours rest
- 30-180 days of service – Apply within 14 days after completion of service
- 181+ days of service – Apply within 90 days after completion of service

**5. What are the reemployment rights provided for under the provisions of USERRA for an employee whose position is slated for lay-off or a workforce reduction, but the employee is called to active military duty prior to the lay-off?**

Section 4312(d)(1)(A) of Title 38, U.S.C., Changed Circumstances provides:

Reemployment of a person is excused if an employer's circumstances have changed so much that reemployment of the person would be impossible or unreasonable. A reduction-in-force that would have included the person would be an example.

**6. How long do agencies need to hold the jobs or guarantee reemployment of employees who take a leave of absence for active duty service in the military forces?**

The cumulative length of service that causes an employee's absence from a position of employment may not exceed five years, subject to a number of exceptions set forth below.

Most types of service will be cumulatively counted toward the five year period; however, there are eight categories of service that are exempt from the five year limitation. These include:

- a. Service required beyond five years to complete an initial period of obligated service (Title 38, USC, section 4312(c)(1)). Some military specialties, such as the Navy's nuclear power program, require initial active service obligations beyond five years.
- b. Service from which a person, through no fault of the person, is unable to obtain release within the five year limit (Title 38, USC, section 4312(c)(2)). For example, the five year limit will not be applied to members of the Navy or Marine Corps whose obligated service dates expire while they are at sea.

Nor will it be applied when service members are involuntarily retained on active duty beyond the expiration of their obligated service date, as was experienced by some persons who served in Operations Desert Shield and Storm.

- c. Required service performed to fulfill periodic National Guard and Reserve training requirements as prescribed by 10 U.S.C. 10147 and 32 U.S.C. 502(a) and 503, and required training for reservists and National Guard members (Title 38, USC, section 4312(c)(3). The two week annual training sessions and monthly weekend drills mandated by statute for reservists and National Guard members are exempt from the five year limitation. Also excluded are additional training requirements certified in writing by the Secretary of the applicable military branch to be necessary for individual professional development.
- d. Service under an involuntary order to, or to be retained on, active duty during domestic emergency or national security related situations (Title 38, USC, section 4312(c)(4)(A)).
- e. Service performed in a uniformed service if the employee was ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary of the applicable military branch (Title 38, USC, Section 4312(c)(4)(B)).
- f. Service performed in a uniformed service if the employee was ordered to active duty (other than for training) in support of an operational mission for which personnel have been ordered to active duty under 10 U.S.C. 12304, as determined by a proper military authority (Title 38, USC, Section 4312(c)(4)(C)).
- g. Service performed in a uniformed service if the employee was ordered to active duty in support of a critical mission or requirement of the uniformed services as determined by the Secretary of the applicable military branch (Title 38, USC, Section 4312(c)(4)(D)).
- h. Service performed as a member of the National Guard if the employee was called to respond to an invasion, danger of invasion, rebellion, danger of rebellion, insurrection, or the inability of the President with regular forces to execute the laws of the United States (Title 38, USC, Section 4312(c)(4)(E)).

**7. What would disqualify an employee from their reemployment rights under the provisions of USERRA?**

Title 38, USC, section 4304, lists four circumstances when service would be disqualifying:

- a. Separation from the service with a dishonorable discharge or bad conduct discharge.
- b. Separation from the service under other than honorable conditions. Regulations for each military branch specify when separation from service would be considered "other than honorable."
- c. Dismissal of a commissioned officer in certain situations involving a court martial or by order of the President in a time of war (section 1161(a), Title 10).
- d. Dropping an individual from the rolls when the individual has been absent without authority for more than three months or is imprisoned by a civilian court (section 1161(b), Title 10).

**8 Where can I find more information regarding the provisions of USERRA?**

Further information regarding USERRA can be found on the Department of Labor's website at <http://www.dol.gov/compliance/laws/comp-userra.htm>.

<b>D. STATE GROUP INSURANCE BENEFITS</b>
--

**Health/life/supplemental insurance benefits**

**1. What happens to an employee's State benefits when they are called to military active duty?**

Pursuant to USERRA, an employee in active duty will automatically continue coverage in any benefit plans the employee was enrolled in at the time of reporting for active duty, unless coverage is cancelled. Pursuant to SPS policy, the employer will continue to pay the State share of the premiums for health and basic life insurance coverage for reservists on LWOP.

In addition, the employer will continue to pay the State disability insurance premiums for SES and SMS reservists on LWOP, as per SPS policy.

Employees enrolled in any other health insurance coverage (example: coverage through the military) are not eligible to make or receive contributions from a Health Savings Account (HSA). Consequently they may change their health insurance coverage from the Health Investor Health Plan to the Standard Health Plan. Employees with an HSA should contact People First for guidance.

Employees may continue, however, to use funds from an existing HSA to pay for eligible medical expenses.

**2. If an employee voluntarily enlists in one of the military services, is the employee eligible for state premium contributions if they do not use or have exhausted leave credits?**

No. Pursuant to State Personnel System policy as articulated on page one of the DMS memorandum dated September 28, 2001, the employee is not eligible for the military leave without pay status of Reservists and instead shall be placed on regular authorized leave without pay. Consequently, they are not eligible for state premium contributions for any group benefits and will be responsible for the full premium if they decide to continue the coverage. (In the alternative, they may drop coverage during their military term of service and reinstate coverage upon their timely return to employment.)

**3. What are the employees' responsibilities regarding payment for the amount of their portion of the insurance contribution?**

The employee will continue to be responsible for any amount that the employee had been paying, whether through continued payroll deductions or by personal check or money order. If payments are to be made by personal check/money order, employees must be given instructions to make the personal check or money order payable to the Division of State Group Insurance and remit the payment to the People First Service Center at the following address:

People First Service Center  
PO Box 863477  
Orlando, FL 32886-3477

If the employee participates in a plan outside of the State Group Insurance Program (i.e. agency contracted plans), the agency personnel office should inform the employee of payment options and how to remit payment.

**4. What happens to the optional life and/or supplemental insurance coverage of employees called to active military duty?**

If enrolled in optional life or any supplemental insurance coverage, the employee may continue or cancel any or all of the coverage. Since the premiums for this coverage are the total responsibility of the employee, employees continuing the coverage are responsible for the entire monthly premium.

For those electing to continue an insurance coverage, any premium amounts due from the employee will continue to be deducted from each payroll. If the amount of the employee's pay is not sufficient, the employee or their representative must make the payments by personal check or money order. In such instances, payments are due no later than the tenth (10) day of the month prior to the coverage month, e.g., by October 10 for November coverage. Payment received after that date may cause a lapse in coverage or cancellation.

**Note:** The basic life insurance and optional life insurance both provide additional coverage for accidental death and dismemberment at no cost. However, the additional coverage for accidental death and dismemberment benefits are only paid in the event of an accident and will not be paid if death occurs due to war or any act of war, declared or undeclared. But, since this coverage is provided at no cost, it is not possible to cancel the accidental death and dismemberment portion of the coverage and retain the basic life coverage.

**5. Can employees who cancelled their insurance coverage when called to active duty re-enroll upon discharge from military service?**

Yes. Pursuant to USERRA, an employee canceling an insurance coverage due to being called to active duty may reenroll in that same coverage if the employee returns to work no later than ninety (90) calendar days after separation (date of discharge per DD Form 214) from military service. Information on how to enroll is on the People First website. Enrollment is handled by the People First Service Center and they can be reached at 1-866-663-4735. For such employees, any pre-existing condition provisions of any coverage will not apply to those persons who were insured under the employee's coverage in effect at the time the employee was called to active duty.

Employees enrolled in a Preferred Provider Organization (PPO) plan should contact the People First Service Center to ensure the State's PPO plan's third-party administrator (TPA) is properly notified that pre-existing conditions are waived.

**6. Where can the agency and employees find information regarding the administration of State insurance benefits during military leave?**

Agencies and employees can obtain specific information/instructions by calling the People First Service Center at 1-866-663-4735.

The People First system also contains information related to the State benefits available to all employees and addresses how to continue each insurance plan. The People First system can be accessed by going to <https://peoplefirst.myflorida.com>. Employees will log on to the system using their People First User ID and Password.

**7. What happens to medical or dependent care reimbursement accounts during a military leave of absence?**

Enrollment in medical and dependent care reimbursement accounts may be continued at the elected amount, at a reduced amount or cancelled to the amount that has been deposited. The same reenrollment provisions apply to these accounts as apply to an insurance coverage, except that an employee that cancels a medical reimbursement account may not reenroll in such an account in the same calendar year. Also, if the employee's pay is less than the amount of the deduction (under payment), the employee or their representative must make the payments by personal check or money order, payable to the Division of State Group Insurance and remit to the following address:

People First Service Center  
PO Box 863477  
Orlando, FL 32886-3477

Remember to advise your employees of the next open enrollment period (usually September-October of each year). These employees should be encouraged to make their necessary benefit changes prior to departure.

**E. POST TAX INSURANCE (agency sponsored plans)**

**How is the continuation of post-tax insurance plans handled (auto insurance, universal life, etc.)?**

Agencies should provide employees with assistance in contacting the applicable carriers, so that if the employees are not able to continue payments through payroll deductions, other arrangements can be made.

**F. OTHER MISCELLANEOUS BENEFITS AND PROGRAMS**

**1. What happens to Deferred Comp Deductions during a military leave of absence?**

An employee's military pay cannot be considered by the State in computing the amount of deferral. Upon call-up, an employee who is participating in the deferred compensation program may choose whether or not he/she wishes to continue their deduction while serving on active duty. Unless the appropriate papers have been processed through the Deferred Compensation Office, deferrals will continue at the same amount as was in effect prior to call-up, unless the military pay supplement is not sufficient to cover the deferral.

If an employee wishes to discontinue their deduction, they must contact their investment provider directly. Employees who are not sure who their investment provider is or whether they qualify for a withdrawal, can contact the State Deferred Compensation Office toll-free at 1-877-299-8002.

**2. How are retirement contributions handled during a military leave of absence?**

Reservists: The employing agency shall make the appropriate employer retirement contributions and deduct the employee contributions on any salary (military supplemental salary payments and/or accrued leave) paid to employees during their period of military leave. However, in order to ensure full retirement credit for the period of military leave, reservists who timely return to employment must submit a request for calculation of additional retirement contributions necessary to make up the difference between the contributions paid on any state compensation received during the leave and the contributions that would have been paid on the regular rate of pay at the time military leave was granted, along with a copy of their DD Form 214 or equivalent discharge papers (indicating their honorable discharge), to the Division of Retirement. The employing agency and the employee will be billed by the Division for their respective cost of the required contributions, plus interest, for their period of military leave.

Enlisted/Non-Reservists: The employing agency shall make the appropriate employer retirement contributions and deduct the employee contributions on any salary (accrued leave) paid to employees during their period of military leave. However, Enlisted/Non-Reservists who timely return to employment must submit a request for calculation of additional retirement contributions necessary to make up the difference between the contributions paid on any state compensation received during the leave and the contributions that would have been paid on the regular rate of pay at the time military leave was granted, along with a copy of their DD Form 214 or equivalent discharge papers (indicating their honorable discharge) to the Division of Retirement. The employing agency and the employee will be billed by the Division for their respective cost of the required contributions, plus interest, for their period of military leave.

**3. How are court-ordered or other mandatory payroll deducted payments handled during a military leave of absence?**

If the employee has monetary obligations (i.e., Garnishments, Court Ordered Support, IRS Tax Levies, Federal Student Loans) being deducted from his/her check, these deductions will continue to be processed through the State payroll system if the employee remains in pay status. Employees will need to make up any difference in the amount owed for any court ordered support that is not collected through payroll deduction during this time. Agencies should contact the Bureau of State Payrolls to coordinate this collection activity.

**4. How are other non-insurance payroll deductions handled during a military leave of absence?**

Employees who have payroll deductions for credit unions, football tickets, Florida State Employees' Charitable Campaign, etc., must advise their payroll office of their wishes to continue or stop each of these deductions.

**5. What happens to Direct Deposit during a military leave of absence?**

Direct Deposit (EFT) will continue for any payments processed during the leave, unless the employee makes a change.