

CHAPTER 3.81

MILITARY SERVICE

Sections:

- 3.81.010 [Purpose](#)
- 3.81.020 [Definitions](#)
- 3.81.030 [Request for Military Leave](#)
- 3.81.040 [Paid Military Leave](#)
- 3.81.050 [Unpaid Military Leave](#)
- 3.81.055 [Active Duty Differential Payment](#)
- 3.81.060 [Continuation of Health Insurance Benefits](#)
- 3.81.070 [Employment Status](#)
- 3.81.080 [Restoration of Employment](#)
- 3.81.090 [Military Family Leave](#)

See also: Section 3.52.040 C.4, Section 3,76.040, subsection 3.80.010 E., and Section 3.80.060

3.81.010 Purpose.

The purpose of this chapter is to ensure proper administration of employment-related benefits, including leaves of absence, for regular full-time and regular part-time employees who are members of the Uniformed Services, in accordance with Federal and State law. This chapter shall supersede any conflicting provisions of the Pierce County Code or the Administrative Guidelines.

3.81.020 Definitions.

- A. **Uniformed Services.** Service in any branch of the United States armed forces (Army, Navy, Air Force, Marines, Coast Guard), including the reserves, the Army and Air National Guards, and the commissioned corps of the Public Health Service, and any other persons designated by the President of the United States.
- B. **Authorized Military Leave.** Approved leave for active duty or active training duty in the Uniformed Services, granted according to the provisions of this Chapter.

3.81.030 Request for Military Leave.

Requests for paid and/or unpaid military leave must be submitted in writing. Employees must provide their supervisors with copies of their military orders, including length of service if available, as soon as possible after they are received. The County may accept verbal notification of the need for military leave and may allow modification or postponement of the written requirements if giving such notice is impossible, unreasonable, or precluded by military necessity. Any request for leave must be submitted as far in advance as possible. Regular full-time and regular part-time employees are eligible for military leave as provided in this Chapter. Other employees will be permitted to perform their military service, but may not be eligible for other benefits.

3.81.040 Paid Military Leave.

Paid leaves of absence shall be granted for authorized military leave in the military service, under RCW 38.40.060, for periods of required military duty, training or drills for a period not exceeding a total of 21 working days during each year, beginning October 1 and ending September 30, provided the request for such leave is in writing and accompanied by a validated copy of military orders. Such leave will be in addition to any vacation leave to which an employee might otherwise be entitled.

3.81.050 Unpaid Military Leave.

Employees on authorized military leave for more than 21 working days, who have requested leave as prescribed above, shall be granted a leave of absence for a period not to exceed five years or as provided by applicable state and federal statutes.

3.81.055 Active Duty Differential Payment.

If, on or after July 1, 2004, a regular full-time or regular part-time employee of the County has been mobilized under Title 10 or 32 of the United State Code for a period exceeding 30 days, the employee may receive from the County the difference between the employee's base pay and the employee's military pay plus allowances, if the military pay and allowances are lower than the County base pay. If, during a period for which the employee seeks differential pay, the employee receives any pay from the County, the amount received will be deducted from the differential payment, if any, for the same pay period.

The employee shall also continue to receive from the County any health care benefits the employee was receiving prior to mobilization within the limits and restrictions of the health care plan.

For the purposes of this section, "base pay" shall mean the employee's regular straight time base hourly rate of pay plus longevity, if any.

Only members and potential members of the County Career Service, the County Civil Service, exempt regular employees of the Legislative Branch of government, the Executive Branch of government, the Prosecuting Attorney's Office, Superior and District Courts, and regular employees represented by bargaining units to the extent agreed upon through collective bargaining, are eligible to receive differential pay and continuation of benefits under this Section.

Receipt of differential payment and continuation of benefits is contingent on the employee applying for the same, agreeing to seek reemployment with Pierce County under Title 38, Chapter 43 of the United States Code, the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), and providing the County with supporting documentation as deemed necessary by the Human Resources Department.

Payment and benefits provided for a mobilization under this section shall be limited to the term(s) of the mobilization, but in no case shall be provided for more than 24 months from the date of mobilization.

Receipt of differential pay and continuation of benefits shall not grant any right, benefit, or interest in employment or reemployment not granted to employees under USERRA or

Washington State law. It is not a vested benefit and Pierce County may repeal this program at any time.

3.81.060 Continuation of Health Insurance Benefits.

Uniformed Service members who are on unpaid leave of absence from employment because of the performance of ordered military duties may elect to continue their health insurance coverage (including vision and dental insurance) for up to 24 months, or as required by law, by self-paying the insurance premiums. The County Executive may grant extensions of County-paid medical, dental and life insurance premiums for employees and their eligible dependents, when the employees are called to active duty with the National Guard or military reserve forces during times of crisis or emergency.

3.81.070 Employment Status.

No member of the Uniformed Services shall be discharged from employment or discriminated against because of the performance of military duties for which he or she is ordered to serve.

3.81.080 Restoration of Employment.

Any member of the Uniformed Services who has been on leave from employment because of the performance of ordered military duties may, upon the termination of such duty, make timely application to be reemployed. Such application must be submitted to the former Appointing Authority (department director or elected official) and include documentation establishing: (1) the employee's length of military service, (2) the timeliness of the application for reemployment, and (3) the type of discharge. Only honorably discharged veterans are eligible for reemployment under USERRA. Reemployment upon return from military services will be determined in accordance with applicable Federal and State laws.

A. **Application Deadlines.** Federal and State laws, such as USERRA, contain specific application deadlines, depending on the length of absence from work, ranging from 1 day to 90 days after completing military service. Failure to request reemployment within the application deadlines will result in a waiver of any reemployment rights.

B. **Reemployment.** Eligible returning service members will be restored, as nearly as possible, to their prior positions or the positions the service member would have held if remained continuously employed with the County, including such factors as:

- continuous service credit,
- anniversary date,
- step increase eligibility,
- automatic promotions,
- promotional eligibility,
- vacation accrual rates,
- personal holiday eligibility, and
- other benefit dates that are contingent upon seniority or continuous service.

However, returning service members who began their military leave while in probationary employee status will be required to successfully serve the remainder of their probationary period upon reemployment, subject to the provisions of Section 3.28.020.

- C. **Health Insurance.** Reemployed service members' health insurance benefits will be reinstated without serving any waiting periods.
- D. **Retirement Benefits.** If the employee applies to, and is approved by DRS for service credit, and pays the employee portion of retirement contributions, the reemployed service members' retirement benefits will be computed as if the employee had remained continuously employed. Authorized military leave will not be treated as a break in service and the County will make up its share of missed benefit contributions. However, no credit for employee earning will be attributed to the period of leave.
- E. **Seniority Benefits.** Reemployed service members' seniority, for purposes of County employment and collective bargaining agreements, will be computed as if the employee had remained continuously employed.

3.81.090 Military Family Leave.

Family Leave for eligible military family members and military caregivers will be provided according to law as set forth in Chapter 3.67 PCC.