

What You Should Know About Military Leave

The following information is designed to help employees who are called to active military duty understand the status of their benefits during their leave.

Q: Who should I contact if I am going on military leave?

A: Contact Shell Funk, Employee Benefits Office (503-988-5015 ext. 22200).

Q: What happens to my health benefits during military leave?

A: The County will keep your current level of health care coverage in effect while you are on active military duty. This coverage is extended to your enrolled spouse/domestic partner and dependents (if applicable).

*The County will waive the employee cost shares if you provide a copy of your discharge paperwork to the Employee Benefits Office prior to your return **and** return to work within 14 days if your deployment was 180 days or less or if you return to work within 90 days if your deployment was over 180 days.*

After your active military leave ends, if you do not return to County employment within 14 days of discharge for deployments 180 days or less, or within 90 days of discharge for longer deployments, you will be offered the option of purchasing health care coverage under the federally mandated COBRA coverage continuation option for 24 months.

Q: What are the tax consequences of keeping my domestic partner on my health benefits?

A: According to the IRS, coverage for domestic partners is a taxable benefit to the employee and called imputed income. While an employee is on military leave, the imputed income continues to accumulate even if the employee is in an unpaid status. At the end of the year, the County issues a W-2 form which includes the employee's income plus the total imputed income. The employee is

responsible for all the taxes that went unpaid on the imputed income.

Q: Can I remove my domestic partner from my coverage?

A: Yes. Just request a medical/dental change form from the Employee Benefits Office.

Q: What happens to my other benefits during leave?

A: All disability and life insurance coverages, including AD&D ends when you no longer report to work at the County. You have the opportunity to purchase the Basic Life Insurance and/or the Optional Lifestyle Insurance during your leave. The appropriate paperwork will be sent to you from the Employee Benefits Office at termination of coverage.

If you had coverage prior to your military leave, you will automatically be re-enrolled in Short Term Disability and Optional Lifestyle Insurance plans if you return to work within 14 days of discharge if your deployment was 180 days or less, or within 90 days of discharge if your deployment was longer.

Q: What happens to my PERS benefits during leave?

A: Contributions for the period you are on active military duty will be paid retroactively into the PERS systems upon your return to County employment.

Q: What happens to my seniority date?

A: Re-employed service members are entitled to the seniority and all rights and benefits based on seniority that they would have attained had they remained continuously employed at the County.

Q: What must I do to be eligible for re-employment?

A: An employee must:

- 1) have given proper advance notice of military duty, unless no notice is available;
- 2) performed military duty not exceeding 5 years (some exceptions apply);
- 3) have separated from service with an honorable discharge;
- 4) submit an application for re-employment within 90 days after discharge.

Q: Are there any circumstances in which I would not be re-employed upon return from military leave?

A: Yes, if an employer’s circumstances have changed so much that re-employment of a person would be impossible or unreasonable (Example: A reduction-in-force that would have included the person).

Additionally, if a disabled employee cannot qualify for the re-employment position, after reasonable efforts are made by an employer to help the employee qualify to perform duties, then an employer is not required to re-employ the employee.

Q: After the completion of military service, when does a person have to request re-employment?

Period of Duty	Reporting/Application Period
Less than 31 days	Report: Next calendar day, plus travel time, plus 8 hours
31 to 180 days	Apply: 14 days
181 days or more	Apply: 90 days

A: A person must report back to work at the beginning of the first full regularly-scheduled work period as follows:

Up to 30 consecutive days of service: A person must report to work on the first calendar day following the completion of service and safe transportation home, plus an eight-hour period for rest. If reporting back within this time period is “impossible or unreasonable” through no fault of the employee, he or she must report back as soon as possible after the expiration of the eight-hour period.

31-180 days of service: A person must submit a written or verbal application for re-employment with the employer within 14 days after the completing military service. If submitting the application within 14 days is impossible or unreasonable through no fault of the employee, he or she must submit the application, not later than the next full calendar day after it becomes possible.

181 days or more of service: A person must submit an application for re-employment no later than 90 days after completing military service. This time period may be extended up to two years to accommodate a person who was hospitalized or convalescing from an injury or illness that occurred or was aggravated during the period of military service.

Q: What position will I be re-employed in upon my return?

A: A person is entitled to the job he or she would have attained if not on military service, provided the person is, or can become, qualified for the job. If a person is unable to become qualified for the position after reasonable efforts by the employer, the person is entitled to the job he or she left or a position of “like seniority, status and pay” -- the duties of which the person is qualified to perform.

For more information please contact your unit or installation legal assistance office.