



### Policies/Procedures Regarding Pay and Benefits While on Military Active Duty & Training

January, 2017

*Please note, this document reflects policies and procedures developed in 2012-  
It now consolidates policies, procedures and instructions for employees and payroll.*

The City of Melrose values and supports our employees in the Military. Following are Policies and Procedures relative to pay and benefits in the event you are called to military training or active duty during your employment.

#### Policies

##### **Pay and Benefits during Title 10 Activation**

The City pays employees ordered to active duty the difference between their military salary and city salary for six months in accordance with *current City ordinance*. City salary is defined as base pay excluding all stipends. If a holiday falls during the six month period, the employee will receive holiday pay. For purposes of Military Leave pay, base pay includes the Quinn bill and Longevity pay for members of the Police Department. For purposes of Military Leave pay, base pay includes the all pay rolled into base pay as defined in the collective bargaining agreement for members of the Fire Department. Base pay is also used when calculating military pay. If an employee's military base pay is higher than their City base pay, the first six months will be unpaid; however, the employee remains eligible for benefits for that six month period. The City may not require the employee to use accrued paid time off during a period of service in the uniformed services, however, they may use any accrued vacation, personal, or similar leave with pay during the period of service, in order to continue receiving a paycheck with benefit deductions. Employees are not entitled to use accrued sick leave. An employee is entitled to paid time off to travel to the Deployment Site and 8 hours of rest time before the Activation date. Additional time may be used from accruals. ***Active service shall not include active duty for training in the Army National Guard or Air National Guard, or active duty for training as a reservist in the armed forces of the United States – see Compensation during Military Training below.***

##### **Pay and Benefits during Mandatory Annual Military Training**

While attending Mandatory Annual Training, compensation will be paid in accordance with G.L. c. 33, §59 *as adopted through Order No. 00-309 on April 18, 2000*. Employees attending Mandatory Annual Military Training are entitled to a maximum of 34 days each calendar year. Payroll Clerks will enter this time into MUNIS or IMC as Military Training Time. If an employee attends Military Training during the Federal Fiscal year or the State fiscal year they are entitled to a maximum of 17 days. If they attend training during the period which overlaps between the Federal and State fiscal years they are entitled to a maximum of 34 days. For payroll purposes this means from January 1 – June 30 they will be paid up to 17 days, if they attend Training from July 1 – September 30, which is the overlap period between the Federal and State fiscal years, they will be paid up to 34 days and if they attend Training from October 1 – December 31, they will be paid up to a maximum of 17 days. During any twelve month period of time an employee is entitled to a maximum of 34 paid Training days. The twelve month period begins with the initial training assignment. These 34 days do not roll-over from one calendar year to another and may only be used for purposes of actual Mandatory on-site training. The City may not require the employee to use any accrued vacation, personal, or similar leave with pay during a period of service in the uniformed services. An employee is entitled to paid time off to travel to the Training Site and 8 hours of rest time before and after the Training. Additional time may be used from accruals.

##### **Pay and Benefits during Voluntary Attendance Training**

While attending training for more than thirty days for purposes of Professional Development, Military Job Development or for Pre-Deployment Training the City may require additional information, such as a letter from your Unit Commander before granting compensation and benefits as described under Title 10 Activation.

### **Pay and Benefits during Inactive Duty for Guard and Reserve (Weekend Drills)**

While attending Inactive Duty for Guard and Reserve (Weekend Drills), compensation will be paid in accordance with Mandatory Annual Military Training as above. An employee is entitled to paid time off to travel to the Duty Station and 8 hours of rest time before and after the Drills. Additional time may be used from accruals.

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### Procedures before Leaving

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#### **We ask that you please do the following prior to taking Leave:**

- ✓ Submit the Training Schedule or Orders to your supervisor as soon as possible in order for them to plan accordingly and accommodate your Military Leave. Although USERRA does not specify how far in advance notice must be given to us, please provide notice as far in advance as is reasonable under the circumstances. The Defense Department “strongly recommends that advance notice to civilian employers be provided at least 30 days prior to departure for uniformed service when it is feasible to do so.”
- ✓ Please remember to inform your Supervisor in the event your Training schedule is amended.
- ✓ Follow the City’s “Outprocessing Checklist for Leave.”
- ✓ Forward “Notice to Employer-Employee’s Military Active Duty Absence” to your Supervisor, the Retirement Office and HR. Inform the City about your decision to use accrued paid time off to extend your city paid leave and your decision to continue Insurance Coverage.
- ✓ Forward copies of your military orders to your supervisor and HR as soon as they are provided to you. Employees will receive compensation and benefits they are entitled to as long as they present a valid and current copy of their active duty/training orders.

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### Benefit Information

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#### **Health Insurance for the first six months of Title 10 Activation**

- ✓ If you wish to terminate your health insurance while activated and enroll in TRICARE you are entitled to do so as long as your orders are for more than 30 days.
- ✓ If you wish to continue your health insurance, the City will contribute to the premium for the first 6 months of military leave. If you are being paid, we will continue to deduct your contribution from your paycheck. If you are unpaid, you can pay by check for the employee cost.
- ✓ At the end of the six months, you (and your dependents, if applicable) can:
  - Option 1:** Choose to enroll in TRICARE, the military’s insurance plan or,
  - Option 2:** You can remain a member of the City’s plan under the same guidelines and definitions of COBRA - you are responsible for paying 102% of the premium on a monthly basis and may remain enrolled in the plan for a maximum of twenty four (24) months. You will pay the G.I.C. directly.
- ✓ While on **Annual Military Training** an employee’s health benefits and deductions will continue. If on Military Training Leave for more than 30 consecutive days, please see option 1 and 2 listed directly above.

**What you need to do:** Submit “Notice to Employer Military Active Duty Absence” to HR.

**Questions?** Call HR at 781-979-4145. For more information on TRICARE go to their website at [www.tricare.mil](http://www.tricare.mil)

### **Life, Disability, Dental Insurance for the first six months of Title 10 Activation**

- ✓ If employees are receiving City pay, the Insurance Policies will remain the same. After six months, when you are on unpaid leave, you have the right to convert to a non-group policy and you will pay the Vendor directly for the remainder of your military duty. Once you are reinstated you may reenroll as an employee in the Plans.

### **Flexible Spending Account**

- ✓ The City of Melrose has adopted The HEART (Heroes Earnings Assistance and Relief Tax) Act of 2008. As a member of a reserve unit called to duty, you may request a Qualified Reservist Distribution (QRD) which is a withdrawal of all or a portion of the amount remaining in your Health Flexible Spending Account. You can only request this distribution if you are called to active duty for a period of 180 days or more or for an indefinite period. You can receive the amount you have actually contributed minus any reimbursements you have already received (or are in the process). The amount you request may be adjusted if needed to conform to your actual account balance. You must request QRD before the last day of the Plan Year. You can only request 1 QRD for a Plan Year (July 1- June 30).

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## **Payroll Information**

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### **Clothing Allowance**

- ✓ An employee will receive clothing allowance if they are on the paid portion of their military leave (first six months). If on unpaid leave, they will not receive a check for clothing allowance. When employees return to employment, they will again become eligible for the Incentive going forward.

### **Compensation Increases**

- ✓ If an employee is entitled to a step increase, COLA, or contractual increase while on unpaid leave they will receive this additional compensation effective on the date they return to employment. Any entitled increase while on unpaid leave is not retroactive to the “anniversary date”. If the date of the increase falls in the first six months of paid leave or during paid Training Leave they’ll receive it until going on unpaid leave, then it will resume on the date of return.

### **Paid Time Off Accruals (PTO)**

- ✓ Since the City of Melrose considers an employee on “paid” or “eligible” status for their first six months of leave, an activated employee who has January as one of their “paid” or “eligible” months will receive PTO annual accruals in that January only. If an employee is on unpaid military leave during any given January, they will not receive annual accruals at that time. Once on unpaid leave, accrued PTO will be frozen and available once they return. If an employee returns to employment after January during any given year, they will receive a prorated number of PTO days for that year.

An employee is not required to use their vacation time or other PTO while on leave but they can use it if they choose. They will receive no further PTO accruals while on unpaid leave unless they reach an anniversary which would trigger an additional paid time off allowance (usually one additional week).

### **Annual Sick Time Incentive**

- ✓ An employee will receive Annual Sick Time Incentive if they are on the paid portion of their military leave (first six months). If on unpaid leave, they will not receive Annual Sick Time Incentive. When employees return to employment, they will again become eligible for the Incentive going forward.

### **Pension (Years of Service/Seniority)**

- ✓ Submit “Notice to Employer Military Active Duty Absence” to the Retirement Office. Employees on military leave who return to work are entitled to the same seniority they had on the date the leave began, plus the additional seniority and rights to benefits they would have attained if they remained continuously employed.

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## Procedures upon Returning

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### Reemployment

An employee who has been honorably discharged will be reemployed in the position the employee would have held if continuously employed. If, however, the employee has served 91 days or more, employers have the option to offer a job equivalent in seniority, status and pay to the job the employee would have held if continuously employed.

### Please do the following Upon Your Return from Leave:

- ✓ Present military discharge papers and “Notification Letter to Employer-Employee’s Military Active Duty Return” to HR as soon as possible and schedule a meeting in order to **reinstate your benefits**. The City of Melrose follows the Rules of Reemployment as defined in USERRA. Employees are encouraged to become familiar with these regulations.

Employees on military leave who return to work are entitled to the same seniority they had on the date the leave began, plus the additional seniority and rights to benefits they would have attained if they remained continuously employed.

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## Questions?

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**Human Resources:** Marianne Long (781) 979-4146 [mlong@cityofmelrose.org](mailto:mlong@cityofmelrose.org)  
Polly Latta (781) 979-4145 [platta@cityofmelrose.org](mailto:platta@cityofmelrose.org)  
Fax (781) 979-4246

**Retirement:** Adam Travinski (781) 979-4151 [atravinski@cityofmelrose.org](mailto:atravinski@cityofmelrose.org)

**TRICARE** [www.tricare.mil](http://www.tricare.mil)

**USERRA Code of Regulations** [www.ecfr.gov](http://www.ecfr.gov)

See TITLE 20--Employees' Benefits, Chapter IX--Office of the Assistant Secretary for Veterans' Employment and Training Service, Department of Labor, Subchapter B--Federal Coal Mine Health and Safety Act of 1969, As Amended, Part 1002--Regulations under the Uniformed Services Employment and Reemployment Rights Act of 1994

**U.S. Department of Labor** [www.dol.gov/vets/programs/userra](http://www.dol.gov/vets/programs/userra)

**Employer Support of Guard & Reserves (ESGR)** [WWW.ESGR.MIL](http://WWW.ESGR.MIL)

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