March 11, 2015

FIRSTNAME LASTNAME

MAILING STREET ADDRESS

CITY pa ZIP CODE Personnel Number: EMP #

Dear ,

Under commonwealth policy and the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4312, an employee is entitled to a military leave of absence up to five cumulative years. Your cumulative period of unpaid military absence will reach five years on Date 5-yr max reached. After this date, you will no longer be entitled to reemployment or further military absence benefits including stipend payments.

Please complete the *Application for Reemployment after Military Leave of Absence* form to notify us of your intent to return to work or resign from your position.

The *Application for Reemployment After Military Leave of Absence* form is available online at [www.myWorkplace.state.pa.us](http://www.myWorkplace.state.pa.us)**,** and [www.myHRonline.state.pa.us](http://www.myHRonline.state.pa.us)**,**at Other Benefits > More Information.

Please notify your supervisor and this office at least 24 hours prior to returning to work. If your military duty ends after Date 5-yr max reached and you are unable to be released from duty and wish to return to work at the expiration of your current tour, immediately contact this office.

The enclosed *Notice to Employees* is provided as a reminder of your rights, benefits, and obligations while on a military leave of absence. If you do not return to work or respond to this letter by Date 5-yr max reached, further absence may be charged as absence without leave (AW) which may result in disciplinary action up to and including termination.

Please contact the HR Service Center at 866.377.2672 if you have any questions and also to convey your election regarding your reemployment. Please indicate that you are calling about your military leave at the beginning of your call. We are

available from 7 a.m. to 5 p.m., Monday through Friday. Dial 711 for PA Relay.

Interpreter services are available upon request. If you have ESS access, you can submit your questions and reemployment intent online at any time via the AskHR link on the Home page.

Sincerely,

HR Service Center

[**www.myWorkplace.state.pa.us**](http://www.myworkplace.state.pa.us/)

Enclosure: Notice to Employees

cc: Choose an item, Resource Account

Supervisor

Time Advisor

Timekeeper

Official Personnel Folder

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| **Uniformed Services Employment and Reemployment Rights Act (USERRA) Information** |
| This Notice provides information regarding employment and reemployment rights due to periods of military duty in any branch of the Armed Forces of the United States, any of its reserve components, any of its National Guard components, the commissioned corps of the Public Health Service, or the National Disaster Medical System for the purpose of training or service. The absence provisions described below are consistent with the USERRA (38 U.S.C. §4301-4335) and Pennsylvania Law except where more generous benefits are granted by the commonwealth. |
| **Documentation from Military** |
| **Beginning of Military Duty:** A copy of the military orders must be provided to the HR Service Center to determine eligibility for paid military leave, continuation of health benefits, continuation of pension benefits, and stipends during military duty. If military orders are not issued, other written authorization from the military unit must be provided, such as a memo from the commanding officer. Documentation should be provided prior to duty or as soon as possible thereafter. **Note:** Some of the benefits explained in this Notice may not be available until adequate documentation of the military duty is provided.  **Extension or Change of Military Duty:** If the orders or other documentation do not cover the entire period of absence, a copy of the amended or extended military orders must be provided when issued.  **End of Military Duty:** For active duty periods of more than 30 calendar days, a DD-214 or other written documentation must be provided upon return to work or when available which reflects the date of release from duty and shows that the release from duty was honorable. |
| **Absence Information** |
| **Absence Requests:** Advanced notice of military duty is required via written or oral communication, except where military necessity prevents notice or notice is impossible or unreasonable. For all periods of military duty, the *Request for Military Leave of Absence* form should be completed and returned to the HR Service Center as soon as possible. The information contained within the form will be shared with the Pennsylvania Employee Benefits Trust Fund (PEBTF). Timeliness is important since elections of benefits may have certain time limits.  **Paid Military Absence Entitlements:** Based upon the type of military duty, reservists and members of the National Guard may be eligible for the following paid military absences. If the period of military duty spans two or more leave calendar years, paid military absence to which an employee is entitled will be applied at the beginning of the next leave calendar year, unless a specific request is made to use it for another expected military leave of absence in that year. **Note:** Military members who have chosen to enlist full-time and those who are part of the Commissioned Corps of the Public Health Service or the National Disaster Medical System are not eligible for paid military absence benefits.   |  |  |  |  | | --- | --- | --- | --- | | **Military Type** | **Absence Code** | **Entitlement** | **Acceptable Use** | | Basic Military | M2 or M3 | Up to 15 days per leave calendar year | Active duty or inactive training duty | | PA Law | MAC2 or MAC3 | Up to 15 days per leave calendar year | * Active duty of at least 30 consecutive days performed at least 50 miles away from both home duty station and place of residence, and * Involuntary or is performed in a zone of combat, in response to a domestic emergency or pursuant to a contingency operations service agreement, and * Authorized under 10 USC 12301, 12302, or 12304, or 32 USC 502(f) | | Executive Board Resolution | MEB2 or MEB3 | Up to 15 days per career | - Active duty for permanent employees  - Another state’s national guard is eligible only for homeland security reasons | | Active State Duty | MASG | Unlimited | - PA National Guard active state duty ordered by Governor for emergency in Pennsylvania |   **Other Paid Absence Entitlements:** Accrued (actual) annual/combined, personal, compensatory, and holiday absence may be requested to be used during a military leave of absence in lieu of paid or unpaid military leave.  **Absence and Service Accrual:** Annual/combined, personal, and sick quotas accrue only while in a paid status. Leave service credit accrues when one hour is paid in the pay period.  **Payment of Accrued (Actual) Absence Quota:** Employees may request, in writing, a lump sum payment for accrued (actual) annual/combined, personal, compensatory, and holiday absence at the beginning of an unpaid military absence for active duty or at the beginning of the next leave calendar year, if the employee remains on military duty. In the *Request for Military Leave of Absence* form, mark the boxes as desired in the section Absence Benefits, Payment for Quota. **Note:** Quota that is paid out may not be bought back, and retirement contributions are not withheld from lump sum payments for absence.  **Unpaid Military Absence Entitlements:** Military leave without pay is typically approved for military duty when an employee is not eligible for paid military absence benefits. |
| **Benefit Continuation Information** |
| In accordance with the Affordable Care Act, health benefits eligibility will continue during all absences for military duty covered by USERRA. In order for benefits to continue during an unpaid military leave of absence, all employee costs must be paid; the PEBTF will bill you monthly for any required employee contribution or buy-up normally taken as payroll deductions. If those bills are not paid, you and your dependents’ health benefits will be canceled and you will be responsible to reimburse the PEBTF for any claims that you or your dependents incurred. If you choose not to continue coverage, select the option to decline coverage on the *Request for Military Leave of Absence* form, within 60 days of the first date of absence. Upon return to work, a PEBTF-2 form must be submitted to the HR Service Center to re-elect coverage. Contact the HR Service Center at 866.377.2672 with questions regarding continuation or declination of health benefits. Questions about monthly bills may be directed to the PEBTF at 800.522.7279.  Group life insurance benefits will continue. Contact MetLife at 855.972.5433 for questions about continuation coverage. |
| **Stipend Payment Information** |
| During periods of unpaid military absence while on active duty, permanent employees are eligible for monthly stipend payments of $520; payments are prorated for partial months. |
| **State Employees Retirement System (SERS) Information** |
| **Retirement Contributions:** Retirement contributions will **not** be deducted from employees’ pay during absences for military duty, including any paid leave used in lieu of military leave. Employees will be provided with an opportunity to purchase this time upon returning to work.  The leave used during military duty is provided to SERS. SERS uses this information to determine the method for receiving credit for the time, whether or not the time is covered by USERRA and how much service may be purchased for retirement purposes.  **Should Military Service be Purchased?** An important component in calculating retirement benefits is “years of credited service.” In general, one year of credited service is received for working 1,650 hours in a calendar year. If **more than 1,650 hours** are worked in the calendar year (as most employees do), employees still only earn one year of credited service. Thus, if employees work at least 1,650 hours during the year, excluding time for military duty, years of credited service will not be increased by purchasing military service. However, if employees will **not** work at least 1,650 hours, employees can increase credited service by purchasing military service.  Another important component of retirement benefits is “final average salary.” If employees are on military leave with pay, their earnings will be included in the calculation of the final average salary regardless of whether military service is purchased or not. If, however, employees use military leave without pay, their salary that would have been earned will not be included in the calculation of the final average salary until the military service is purchased.  A third important component is “eligibility points.” Eligibility points are used to determine when employees can vest in the pension plan, or in other words, when employees qualify for monthly annuity payments from the retirement benefit. Eligibility points are accrued during USERRA leave, regardless of whether service is purchased or not. Eligibility points are credited to the employees’ retirement accounts when reemployed.  **USERRA Military Leave Purchases:** USERRA provides that retirement credit may be received for an absence for military duty by paying the contributions that would have paid if employees were not on an absence for military duty, but employees must pay in full within specific timeframes. **USERRA does not permit the purchase of military service if the timeframes are exceeded.**  SERS provides at least 30 days from the date of the *Invoice of Amount Due* to pay for military service. For absences less than 30 days, payment must be made in a lump sum. For absences greater than 30 days, employees may choose between lump sum payment or payroll deductions. No interest will be added to the amount of contributions owed. More information will be provided in the *Invoice of Amount Due* sent by SERS.  If payment is not made or if all payments are not made within the established timeframe, employees will not be able to purchase this military time later. In the case of partial payments, only the portion of time that was paid for will be added to service credit.  **Non-USERRA Military Leave Purchases:** Non-USERRA military leave can be purchased as non-intervening military service at any time while an active contributing member of SERS, provided the eligibility requirements are met. Employees will not receive notices about this kind of service purchase from SERS. You will need to contact SERS to request to purchase this service.  For questions about military service purchases, please contact the SERS Regional Counseling Center at 800.633.5461. |
| **Return to Work Information** |
| **Application for Reemployment:** An *Application for Reemployment after Military Leave of Absence* form must be submitted for absences of more than 30 days. Employees shall be offered an opportunity to return to work when:   * prior oral or written notice of the impending duty was provided; * the five year cumulative period of military duty was not exceeded; * the period of service was completed without having received a punitive or other than honorable discharge, or having been dismissed or dropped from the rolls of the uniformed service; and * the *Application for Reemployment after Military Leave of Absence* form was submitted timely or the employee reported back to work in a timely manner.   **Delay in Returning to Work:** Employees are expected to return to work at the expiration of military duty, unless a delay in return to work is requested on the *Application for Reemployment after Military Leave of Absence* form, which is covered by and in accordance with USERRA as explained below. Employees must notify their supervisor and the HR Service Center (or agency HR office if not served by the HRSC) at least 24 hours in advance of their expected return to work if returning to work sooner than the expiration of military duty or requesting to delay the return.   |  |  | | --- | --- | | **Duty Length** | **Maximum Delay Allowed** | | 0-30 days | No delay. Must report to work the next regularly scheduled work day on the first full day following completion of duty and expiration of an eight hour rest period, including travel to residence | | 31-180 days | No later than 14 days after duty | | 181+ days\* | No later than 90 days after duty |   **\*** For hospitalization or convalescence from illness/injury incurred during military duty, employees may return up to two years after duty or when recovered, whichever occurs sooner.  If employees delay their return to work, military leave without pay will be charged during the delay. Benefits may be affected. Refer to the Benefit Continuation Information section above. Employees may choose to use accrued (actual) annual/combined or personal absence prior to military leave without pay. Stipends are not paid during a return to work delay. For illness/injury, paid or unpaid sick, parental or family care (SPF) absence may be approved upon receipt of appropriate medical certification.  **Return to Work with Medical Restrictions:** Employees who are able to return to work, but with limitations due to an injury/illness sustained during the line of duty, must have the job duty restrictions documented by the health care provider, and an approval to return to work with restrictions must be granted in writing before returning to work. |
| **Maximum Military Entitlement** |
| **Entitlement:** Employees are entitled to a military leave of absence for up to five cumulative years during their careers. Paid leave used for a military leave of absence is not counted against the five year entitlement. Employees will be notified when nearing the maximum entitlement.  **Exclusions to the five year entitlement:** Certain periods of military duty are not counted toward the five year entitlement and are defined in USERRA 38 U.S.C., §4312(c) as follows:  “(1) that is required, beyond five years, to complete an initial period of obligated service;  (2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;  (3) performed as required pursuant to section 10147 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined and certified in writing by the Secretary concerned, to be necessary for professional development, or for completion of skill training or retraining; or  (4) performed by a member of a uniformed service who is—  (A) ordered to or retained on active duty under section 688, 12301(a), 12301(g), 12302, 12304, or 12305 of title 10 or under section 331, 332, 359, 360, 367, or 712 of title 14;  (B) 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 concerned;  (C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 12304 of title 10;  (D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or  (E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 12406 of title 10” |
| **Questions** |
| Questions concerning military absences or health benefits may be referred to the HR Service Center at 866.377.2672 or [www.myworkplace.state.pa.us](http://www.myworkplace.state.pa.us) > AskHR.  Questions concerning retirement benefits may be referred to the State Employees Retirement System (SERS) at 800.633.5461. |