



**CITY OF WAUKESHA**

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<b>Committee:</b> HR Committee	<b>Date:</b> 11/17/2021
<b>Common Council Item Number:</b> ID# 21-3169	<b>Date:</b> 11/17/2021
<b>Submitted By:</b> Marquise Vasquez	<b>City Administrator Approval:</b> 7/30/2019
<b>Finance Department Review:</b> <a href="#">Click here to enter text.</a>	<b>City Attorney's Office Review:</b> 9/23/2021
<b>Subject:</b> Request to review and approve amendments to HR Policy C9 Military Leave Policy	

**Details:**  
Redlined policy updates on the following pages.

**Options & Alternatives:**  
[Click here to enter text.](#)

**Financial Remarks:**  
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**Executive Recommendation:**  
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# City of Waukesha HR Policy

## C9 Military Leave

### I. Purpose

~~WHEREAS, the City of Waukesha provides certain salary and benefits for its full-time employees who are members of the uniformed services of the United States or the State of Wisconsin per Leave of Absence Policy C-3 sub (D) Military Leave and sub (E) Leave For Annual Reserve Training; and~~

~~WHEREAS, such salary and benefits do not currently include continuation of full salary of the employee while the employee is on active military leave (except two weeks of annual reserve training), and do not currently include continuation of health and/or dental coverage for a City employee and his/her spouse and/or dependents while the employee is on active military leave for more than thirty (30) days; and~~

~~WHEREAS, given the national level of concern over terrorism and the resulting military state of alert that exists, certain City of Waukesha employees may be called upon to serve our country on active military duty; now,~~

~~THEREFORE, BE IT RESOLVED the Mayor and Common Council of the City of Waukesha in an effort to support the National Campaign against terrorism or other acts of war against the United States of America, and in support of the military personnel called to duty in the uniformed services of the United States or the State of Wisconsin, establish the following policy:~~

The City is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes they have been subjected to discrimination in violation of this policy, the employee should immediately contact the Employee Benefits Representative responsible for the employee's division, or the Representative's supervisor if the Representative is unavailable or unable to be of assistance.

### II. Summary

~~A. This resolution provides that~~ When an employee is involuntarily activated to military service and during a military leave of absence for the performance of duties in the uniformed services of the United States or the State of Wisconsin, the continuation of full salary of the employee, and health and/or dental insurance benefits for each such City employee's spouse/dependent(s) shall be paid by the City up to 24 months per occurrence, unless any Federal or State legislation provides directly for such incremental difference, and upon meeting certain conditions.

### III. Guidelines

- A. Section 1. The uniformed services of the United States consist of the following:
1. Army, Navy, Marine Corps, Air Force, or Coast Guard

2. Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve
3. Army National Guard or Air National Guard
4. Commissioned Corps of the Public Health Service
5. Any other category of persons designated by the President in time of war or emergency

Performance off duties may include; Active duty, Active duty for training, Initial active duty for training, Inactive duty training, Full-time national Guard duty, Absence from work for an examination to determine a persons' fitness for any of the above types of duty, Funeral honors duty performed by National Guard or reserve members.

**B. Section 2.** In addition to the currently existing rights of City employees during a military leave of absence for the performance of duties as a member of the uniformed services of the United States or the State of Wisconsin who are called to active duty for a period of more than 30 days;

1. Full salary (the difference between the employee's City base and their military base pay) of the employee shall be continued by the City for a period of twenty-four (24) months (requiring submission of the military base pay), and
2. Group benefits for the employee and employee's spouse/dependent(s) shall continue under the following conditions:
  - (a) The employee is a participant in the group benefits program.
  - (b) COBRA coverage will commence on the first day of the month following the month in which an employee's on-payroll status coverage terminates (i.e., COBRA will run concurrently with the military leave) and the City shall contribute an amount equal to the full monthly cost of such premium coverage for the health and/or dental plans for a period of up to twenty-four (24) months during a military leave of absence conditioned on this resolution.
  - (c) The employee or spouse/dependent(s) must certify to the City's Human Resources Department that although they are eligible for coverage through the U.S. government, they have opted to continue City health and/or dental coverage under this policy and the applicable COBRA entitlement.
  - (d) The eligibility of the employee or spouse/dependent(s) to continue City-paid health and/or dental coverage as provided in this resolution shall cease on the last day of the month in which the employee member of the uniformed services of the United States or the State of Wisconsin is released from active duty or the expiration of twenty-four (24) months of military leave of absence by the employee, whichever occurs first, and any remaining COBRA entitlement period will be at employee's cost.
3. The accumulation, award, or banking of leave (vacation, sick, etc.) will cease upon entering active duty and resume upon return to normal duty. Any amount accumulated but unused will be carried through and used according to existing policy.

**C. Section 3.** ~~The effective date of this resolution shall be upon passage. This resolution shall be reviewed annually on or before June 30.~~ **Section 3. Uniformed Services Employment and Reemployment Rights Act – USERRA**

1. Employees who are in the Uniformed Services should be aware of the Uniformed Services Employment and Reemployment Rights Act, the USERRA. USERRA is a federal statute that protects servicemembers' and veterans' civilian employment rights. Among other things, under certain conditions, USERRA requires employers to put individuals back to work in their civilian jobs after military service. USERRA also protects servicemembers from discrimination in the workplace based on their military service or affiliation.
2. Uniformed Services means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, and certain other federal emergency-response personnel.
3. The City of Waukesha will follow all requirements of the USERRA.

Passed this X day of December, 2021.  
Approved this X day of December, 2021.

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Mayor

ATTEST:

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City Clerk