

Military Leave

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Illinois Service Member and Reemployment Rights Act (ISERRA), leaves of absence for military or reserve duty are granted to all employees of RAILS. Employees called to active military duty or to reserve or National Guard training, or volunteering for the same, should submit copies of their military orders to their supervisor as soon as practicable. Employees will be granted a military leave of absence for the period of military service in accordance with applicable federal and state laws. Employees who are reservists or members of the National Guard are granted time off for required military training or equivalent orders.

Their eligibility for reinstatement after the completion of their military duty and/or training and their benefit continuation/eligibility issues are determined in accordance with applicable federal and state laws as outlined below.

For any member of the Illinois National Guard or any member of any branch of the Armed Forces Reserve who is placed on active-duty status, the rights and benefits of the employee shall have the following rights and benefits preserved and protected:

- a) the provision of insurance coverage and its automatic continuation immediately upon return to employment status with RAILS; and
- b) the right to any promotional, employment, contractual or salary benefits, or pension right, and benefits that accrued while the employee was on active-duty status.

An employee who is drafted or ordered into the military service shall be entitled to return to their former position at the current rate of pay with no loss in seniority and benefits, providing said employee returns to work within ninety (90) days of discharge from military service. Seniority shall accrue while in the service on active duty.

An individual returning from initial active training duty is entitled to reemployment if the following conditions have been met:

- The reservist was called for initial active-duty training for at least twelve (12) weeks and was called to active duty for at least ninety (90) days, and
- The reservist applies for reemployment within thirty-one (31) days after release from active duty for training after satisfactory service or from discharge from hospitalization from military injury, provided it is less than one year after the scheduled release from duty.

Employees granted a leave of absence for participation in training with the Army Reserves or National Guard need not apply for reemployment, but must report to work at the beginning of the next scheduled working period, unless prevented by circumstances beyond the employee's

Commented [SD1]: This policy should clearly define the maximum duration permitted for this type of leave, which is typically a cumulative total of up to five years without loss of employment rights, subject to certain exceptions. The policy should also clarify reinstatement or reemployment rights that are not addressed here, which is a component of Military Leave.

If the intent is to keep the policy general while stating that it will be administered in accordance with applicable federal and state laws, it may be beneficial to explicitly reference the relevant laws so employees know where to locate additional information that is not fully addressed within the policy.

I think this policy should go to legal for a second look.

Commented [MH2R1]: I'll send this to legal

Commented [MM3R1]: ▶ Flag for Legal

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[control. If the employee does not report to work, they may be subject to progressive discipline, but does not forfeit entitlement to reemployment.](#)

Employees may elect, but are not required, to use any vacation or personal leave for any portion of the absence that is unpaid. Training leaves will not normally exceed two weeks per year, plus reasonable travel time. Pay for military and reserve duty leaves is determined in accordance with applicable state and federal laws. [During leaves for annual training or equivalent orders, the employee shall continue to receive regular compensation as a RAILS employee, for up to 30 workdays per calendar year. During leaves for active service, for up to sixty \(60\) workdays per calendar year of special or advanced training, and for any other training or duty required by the United States Armed Forces, the employee shall receive differential compensation \(regular compensation minus the employee's base pay\) for military activities. After three \(3\) years of consecutive leave, while performing voluntary active service, the employee's entitlement to differential compensation shall be terminated. Should the employee return to work for more than 90 calendar days, the employee's right to differential compensation shall be reinstated.](#)

[Funeral Honors Detail Leave](#)

[Eligible employees, who have worked for RAILS for at least twelve \(12\) months and for at least 1,250 hours of service during the twelve \(12\) month period immediately preceding the commencement of the leave and who are trained to participate in the funeral honors detail at the funeral of a veteran and also either a retired or active member of the armed forces of the United States or a member of a reserve component of the armed forces of the United States, including the Illinois National Guard; or an authorized provider, or a registered member of a nonprofit or other organization that is an authorized provider, including a member of a veterans service organization, will be compensated at their regular rate of pay up to eight \(8\) hours per calendar month, and up to forty \(40\) hours per calendar year, to serve in a funeral honors detail. All participating employees must provide reasonable advanced written notice and appropriate documentation to their supervisor prior to taking leave.](#)

[An employee who takes leave under this Policy may do so in lieu of, and without having exhausted, their vacation, personal, comp time, or any other leave that may be granted to the employee, including sick leave and disability leave.](#)