



LAKE COUNTY FOREST PRESERVES
www.LCFPD.org

Preservation, Restoration, Education and Recreation

DATE: January 10, 2019

MEMO TO: Terry Wilke, Chair
Finance Committee

FROM: Mary E. Kann
Director of Administration

RECOMMENDATION: Approve amendments to the Procedure section of Personnel Policy 4.3 – Military Leave and Leave of Absence.

STRATEGIC DIRECTIONS SUPPORTED: Organizational Sustainability

FINANCIAL DATA: There is no financial impact.

BACKGROUND: On January 1, 2019, the Illinois Service Member Employment and Reemployment Rights Act (ISERRA) took effect. This act replaces three current state acts addressing military leave. Over the last several years, military leave laws creating employer obligations pertaining to those serving in the military have been frequently amended. Therefore, legal counsel has recommended that we do not attempt to maintain a comprehensive policy that mirrors the law and that must be amended each time the law changes. Rather our policy will provide that the District will comply with the law as it pertains to Military Leave now and as it may be amended in the future.

REVIEW BY OTHERS: Chief Operations Officer, Director of Finance, Manager of Human Resources & Risk, Corporate Counsel.

APPROVAL:

Motion to approve amendments to the Procedure section of Personnel Policy 4.3 – Military Training and Leave of Absence, in the form attached to staff’s January 10, 2019 memorandum.

Date: _____ Roll Call Vote: Ayes:____ Nays:____
 Voice Vote Majority Ayes; Nays:____

4.3 Military Training & Leave of Absence

Effective Date: August 15, 1980

Revision Date: May 27, 1994, April 9, 2013, July 15, 2015, July 11, 2018, January 15, 2019

Procedure

1. To notify the District of military service or annual training leave, the employee should submit his Official Orders to his Department Director and the Manager of Human Resource and Risk division. ~~The employee receives regular compensation during the period of annual training leave. The employee shall enter his timecard as regularly scheduled work days.~~
2. ~~To receive differential pay for monthly weekend training, basic training leaves, annual training, or for any other special or advanced training leaves besides annual training, the employee must supply proof of government payment to the Administration Department within fifteen (15) days of receiving military payment. The District will calculate the differential and make the pay adjustment on the next regular payroll.~~
3. ~~An IMRF eligible employee called to active duty will have their full wages reported to IMRF and will be required to pay the full employee portion each pay period while they receive the differential.~~
4. ~~An employee returning from an active duty assignment lasting longer than 60 (sixty) days must notify the District of his intent to return to work within ninety (90) days after he is relieved of military service, or not later than two (2) years if hospitalized when discharged. He shall be reinstated at the current rate of pay for the position.~~
5. ~~The District will reinstate service members returning from a period of service in the uniformed services if those service members meet five criteria:~~
 - ~~The person must have been absent from a civilian job on account of service in the uniformed services;~~
 - ~~The person must have given advance notice to the District that he or she was leaving the job for service in the uniformed services, unless such notice was precluded by military necessity or otherwise impossible or unreasonable;~~
 - ~~The cumulative period of military service with the District must not have exceeded five years;~~
 - ~~The person must not have been released from service under dishonorable or other punitive conditions; and~~
 - ~~The person must have reported back to the District job in a timely manner unless timely reporting back or application was impossible or unreasonable.~~
6. ~~USERRA provides that returning service members are to be reemployed in the job that they would have attained had they not been absent for military service (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. The District will make reasonable efforts (such as training or retraining) to enable returning service members to qualify for re-instatement. If the service member cannot qualify for the "escalator" position, the District will make every effort to reemploy the individual, if~~

qualified, in any other position that is the nearest approximation to the escalator position and then to the pre-service position. While an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights, if any, accorded other similarly situated individuals on non-military leaves of absence. The time limits for returning to work are as follows:

- ~~———— Fewer than 31 days service:~~ By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
- ~~———— 31 to 180 days:~~ The employee must apply for re-instatement no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- ~~———— 181 days or more:~~ The employee must apply for re-instatement no later than 90 days after completion of military service.
- ~~———— Service-connected injury or illness:~~ Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.