
MILITARY LEAVE PROCESS

Military Leave Process provides directions in accordance with employee rights and benefits under the following:

1. [Civil Service Commission Rule 2-14](#): “Rights of Employees Absent Due to Service in the Uniformed Services”
2. [Civil Service Regulation 2.04](#): “Military Leaves of Absence and Return to Work: Basic Rights”

General Information: Absence from regularly scheduled workdays for service in the uniformed service is without pay. Continuous state service credit is allowed for the period of training duty and emergency active duty based upon submission of any required documentation that military service was performed. NPML hours do not officially become part of the employee’s state service record until they return to state employment and, if were on leave for more than 30 days, submit proof of military service.

Employees may use annual leave, banked leave, or compensatory time credits for any military service. Otherwise, time is entered as NPML hours for the employee’s regularly scheduled workday. For supplemental pay calculation purposes, a “state workday” is considered an 8-hour workday regardless of what the employee may have been scheduled to work if not on military leave. If the employee is on an extended leave for military training, leave accruals cannot be spread out among different weeks to prolong insurance coverage eligibility.

Prior Notice of Leave: Unless precluded by military necessity, an employee must provide the employer prior oral or written notice before taking leave for military duty. Employees should provide as much notice as possible. Failure to provide notice could result in a denial of protections under USERRA.

When an employee submits military orders, it (1) provides notice to the employer of possible absence from work, and (2) informs the financial offices whether the military service is training duty, emergency active duty in or in support of soldiers in a combat zone, or another type of active duty military service not qualifying for social security/Medicare tax exemption.

Documentation of Uniformed Service: Documentation for return to work is required only for leaves over 30 days.

The documentation listed below is acceptable to verify absence from regularly scheduled workdays for service in the uniformed services:

- Military Leave & Earnings Statement (LES) that includes the basic pay amount and the dates that the LES covered;
- DD-214, Certificate of Release or Discharge from Active Duty; or
- Military Attendance Schedule or Master Military Pay Account History (MMPA); or
- Document on military letterhead signed by a military superior confirming that the employee performed military duty on specific dates.

Orders do not verify that the employee performed military service. Orders are an "intent" or a "notice" of possible military service. Orders can be cancelled, postponed, amended, or extended. It is the employee’s responsibility to provide documentation, described above, that military duty was performed.

Documentation to receive supplemental pay and leave accruals, regardless of length of leave, are described in the Supplemental Pay and Annual and Sick Leave Accrual sections below.

Supplemental Pay: The Michigan Civil Service Commission's rules and regulations authorize supplemental pay to eligible employees on military leave. An employee is not eligible for supplemental pay (1) if military service is unpaid, (2) if military pay exceeds state pay, or (3) for any period of leave before or after military duty (decompression). Shift differentials, holiday overtime, and any other special pay premiums are not considered when calculating supplemental pay. An employee may be eligible for up to one 8-hour state workday per 24-hour period of military leave. To receive supplemental pay, an eligible employee must first submit to MCSC-MilitaryLeave@michigan.gov Military Leave & Earnings Statements (LES) covering the dates on which NPML was entered on the employee's timesheet.

1. An eligible employee receives a pay differential for each day absent from scheduled employment for uniformed service. The pay differential is the difference, if any, between the employee's (1) gross basic pay in the uniformed service and (2) gross base wage in the classified service.
2. Supplemental pay for training duty is payable for up to 15 scheduled workdays (120 hours) each fiscal year. The MSPTA collective bargaining agreement allows supplemental pay for up to 20 scheduled workdays (160 hours) of training duty each fiscal year. The AFSCME collective bargaining agreement allows supplemental pay for up to 15 scheduled workdays (120 hours) each calendar year. Supplemental pay for training duty is processed after the dates on the LES and after the State pay period in which those dates fall.
3. For emergency active duty, eligible employees receive supplemental pay for the duration of the emergency active duty. Supplemental pay for emergency active duty is processed after the period end date on the LES and according to the yearly Processing Schedule for Supplemental Pay (see MCSC Military Leave website).
4. If an employee is eligible for supplemental pay, the employee remains in active status.
5. If an employee's active duty orders are amended or extended, the new orders should be submitted to MCSC-MilitaryLeave@michigan.gov. Supplemental pay will not be processed if the supporting LES is dated after the projected discharge date of the most recent orders. If it is discovered that supplemental pay was processed after the employee's discharge date, a recovery of overpayment will be processed when the employee returns to work.
6. When supplemental pay is processed, it appears in the employee's pay warrant as a gross pay adjustment coded as: (1) 11ML for active duty in or in support of soldiers in a combat zone or active duty training, or (2) 10ML for active duty military service not qualifying under the "combat zone" eligibility for social security/Medicare tax exemption (Border Patrol, hurricane assistance, state national guard emergency call-up, etc.) or inactive duty training.
7. If a state holiday falls during a military leave, an employee who would otherwise be eligible to receive supplemental pay shall receive full base wage for that holiday. Holidays falling in any period of leave during which the employee is ineligible for supplemental pay will not qualify for holiday pay.

Annual and Sick Leave Accruals: The State of Michigan credits employees eligible for supplemental pay with annual, personal, and sick leave accruals, subject to the limitations below. Leave accruals are not issued until the employee submits documentation that eligible military service was performed.

1. Annual and sick leave accruals are credited only for the first 15 days of eligible training duty. Accruals will be granted after receipt of documentation that eligible military service was performed.
2. Annual and sick leave accruals are credited only for the first 30 consecutive calendar days of eligible emergency active duty under Civil Service Rule 2-14.2(b). Multiple short-term active duty assignments in a fiscal year will be considered as one consecutive assignment. Accruals will be granted after receipt of documentation that eligible military service was performed and the employee returned to work.

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3. An employee eligible for extended supplemental pay under rule 2-14.2(b) on October 1 receives the appropriate personal leave grant upon return to work.
 4. Documentation suitable to establish eligibility for leave accruals include only:
 - Military Leave & Earnings Statement (LES) that includes the basic pay amount and the dates that the LES covered;
 - DD-214, Certificate of Release or Discharge from Active Duty; or
 - Military Attendance Schedule or Master Military Pay Account History (MMPA); or
 - Document on military letterhead signed by a military superior confirming that the employee performed military duty on specific dates.

Insurances: USERRA entitles employees to continue health, dental, and vision insurances for the first 30 days of any military service. An employee on full-time emergency active duty may continue health, dental, and vision benefits for the duration of the military orders, except during any decompression time, by paying the employee's portion of the cost. Long-term disability is discontinued for extended military leaves. To cancel insurances during emergency active duty or for insurance-related questions should be directed to MCSC-EBD@michigan.gov.

Questions regarding military leave processing for State of Michigan employees should be directed to MCSC-MilitaryLeave@michigan.gov.