

Military Leave Benefits Guide

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Military Benefit – General Procedure

Prior to Military Leave

- 1) Receive Orders or Drill Schedule
 - a) Active Duty Federal Ordered
 - i) Deployed
 - ii) For Training
 - b) Inactive Duty
 - c) State Ordered National Guard
 - d) Enlistment
- 2) Obtain current LES or Rank and/or pay grade and years of service
 - a) Determine differential eligibility (military daily pay) (see WI HR 720.120.2/720.120.3)
 - i) Use Current LES or Fed Military Chart
 - (1) If State daily pay is greater than Military daily pay – may use paid military time; always requires MPR
 - (2) If State daily pay is less than Military daily pay – use unpaid military time
 - (3) If unsure, use unpaid military time. You can always go back and change it later.
- 3) Complete USERRA Checklist form ET-2573

During Military Leave

- 1) Receive all LESs during military leave
- 2) Full FTE must be reported on timesheet for each week
- 3) Collect MPR each pay period when MILPD/MILPD+30 is used (see WI HR 720.120.5)

After Military Leave

- 1) Employee must return to pre-military service employment timely following honorable discharge from military leave (see WI HR 720.020.14, OSER-0019-CLR/LR)
 - a) [Failure to Meet Re-Employment Requirements](#)
- 2) Employee must complete USERRA form ET-4560
- 3) Obtain the DD-214 from the employee, if leave exceeds 30 days/240 hours
- 4) Reconcile military differential pay
 - a) Collect/refund any differences
- 5) Reconcile absence
 - a) Includes vacation, personal holiday and legal holiday
 - b) Create Military Leave Accrual entitlement
 - c) Employees have until the end of the second year to use this leave. (see WI HR 720.130.3(e))
- 6) Update employment record in Job Data (HR)
 - a) Apply Escalator Principle (WI HR 720.150.1)
 - i) Pay progressions, market/parity adjustments, GWAs, DMCs
- 7) Make whole for insurances

WRS

- 1) Even if the USERRA form is not returned, if the employee returns to work you should report the hours to ETF
 - a) Active employees
 - i) current year hours
 - (1) Employee *not* paying back contributions
 - (a) POTT for WAH with hours only
 - (2) Employee paying back contributions
 - (a) POTT for WAA with hours and earnings
 - ii) prior year hours
 - (1) Employee *not* paying back contributions
 - (a) P029 for hours only via ETFOne
 - (2) Employee paying back contributions
 - (a) P029 for hours and earnings via ETFOne
 - (b) POTT for Wxxx (E, R & S)
 - b) Inactive/terminated employees
 - i) Current year hours
 - (1) create ticket to be assigned to DOA Central Benefits to manually report WRS to ETF after termination
 - ii) prior year hours
 - (1) Employee *not* paying back contributions
 - (a) P029 for hours only via ETFOne
 - (2) Employee paying back contributions
 - (a) P029 for hours & earnings via ETFOne plus
 - (b) POTT for Wxxx (R & S)
 - (c) Employee pays their share via personal check
 - (d) Agency Finance will deposit and pay out with the prior year check created with WxxxR & WxxxS

Employees without permanent status

Inactive Duty, Active Duty Training or Guard/Reserves Enlistment

Examples: Weekend Drill, Inactive Duty Training, School, Drill makeup, Annual Training

Leave

- Leave Without Pay (LWOP)
 - Do not accrue annual leave, holiday or sick
- OR use personal paid leave (Vac, Legal Holiday, Personal holiday, Sabbatical)
 - Cannot use vacation within first 6 months of original state employment
 - May limit these to only using accrued leave after 6 months (USERRA Sec 4316 (d)/20 CFR1002.153)
- Can flex time, trade shifts
- Cannot use sick time
- Must be excused from work for any military service that has been ordered (720.050)
- Allow for reasonable time off for sleep/travel (rest period 8 hours)
 - Must use their own leave, flex time, trade shifts or use LWOP
- Probation is paused – should be sending a letter

Benefits

- Maintain current benefits
 - Opt Out Stipend would continue
- May lapse benefits if absence is greater than 30 days/240 hours
- Maintain Company Seniority Date (Adjusted Continuous Service Date)

WRS

- WRS “less than 30 days” rule still applies if they do not return from military leave
- USERRA
 - Hours (if they provide military documents)
 - May choose to make up some/all/none of WRS contributions (only on the days specified in the military orders and even though they are using the LWOP code)
 - May not make up contributions for non-military days (i.e. travel/rest if taken as LWOP)

Pay

- Not eligible for pay differentials

During Leave

- Refer to General Procedures

Deployed Armed Forces or National Guard (with Federal orders)

These employees are not eligible for the first 30 days/240 hours paid (MILPD) due to not having permanent status

Leave

- State Pay is LESS: Use Military Unpaid leave (MILNP) as the absence type
 - See notes on using pay to keep benefits
 - Allows for accrual of annual leave, holiday or sick
- State Pay is GREATER: Use Military Paid +30 (day) leave as the absence type from day 1
- Use personal paid leave (Vac, Legal Holiday, Personal holiday, Sabbatical)
 - Cannot use vacation within first 6 months of original state employment
- Cannot use sick time
- Must be excused from work for any military service that has been ordered (720.050)
- Allow for reasonable time off for sleep/travel (rest period 8 hours)
 - Must use their own leave, flex time, trade shifts or use LWOP

Benefits

- Maintain current benefits
 - Opt Out Stipend would continue
- May lapse benefits if absence is greater than 30 days
- Maintain Company Seniority Date (Adjusted Continuous Service Date)

WRS

- USERRA
 - Hours
 - May choose to make up some/all/none of WRS contributions (if using MILNP, as the WRS would automatically take if they are using their own paid leave or MILPD+30)
 - May not make up contributions for non-military days (i.e. travel/rest if taken as LWOP)

Pay

- If State pay is greater
 - qualify for pay differentials, including BAH with base pay from day 1
- If State pay is less
 - Use Military Leave Without Pay (MILNP)

During Leave

- Refer to General Procedures

National Guard (with State Orders ordered by the Governor)

Leave

- Use eligible paid leave (Vac, Legal Holiday, Personal holiday, Sabbatical)
- OR
 - If State Pay is LESS than Military Base Pay: Use Military Unpaid (MILNP)
 - See notes on using pay to keep benefits (pre-payments, send personal check, representative send personal check)
 - Allows for accrual of annual leave, holiday and sick
 - If State Pay is GREATER than Military Base Pay: Use Military Paid (MILPD) for the first 30 days/240 hours
 - Process MPR POTT to recoup DMA pay
 - Employees get a maximum of 30 days/240 hours total, whether activated for Federal or State active duty.
- Not eligible for extended MILPD+30 (not qualifying military service under 230.315)
- Gets new allotment of “first 30 days/240 hours” each calendar year
- Reasonable travel time: If time is in addition to that listed on orders, then they must use their own leave or LWOP.

Benefits

- Maintain current benefits
 - Opt Out Stipend would continue
- Maintain Company Seniority Date (Adjusted Continuous Service Date)

WRS

- State Benefits (s. 321.65 Wis Stats, see 720.100 #2)
 - Hours
 - May choose to make up some/all/none of WRS contributions (if using MILNP, as the WRS would automatically take if they are using their own paid leave or MILPD)
 - May not make up contributions for non-military days (i.e. travel/rest if taken as LWOP)

Pay

- Get paid through DMA
 - Can get the differential through the agency by using MILPD and having MPR processed to recoup the amount paid by DMA
- Can also choose to be paid via their own personal paid leave by the agency in addition to being paid by DMA

During Leave

- Refer to General Procedures

Enlistment in Armed Forces (does not include national guard/reserves)

Leave

- Do not accrue leave (see 720.130 #2)
- Not eligible for paid or unpaid military leave
 - May use
 - Eligible paid leave that has already been accrued (Vac, Legal Holiday, Personal holiday, Sabbatical)
 - Leave Without Pay
- Cannot use sick time
- Must be excused from work for any military service that has been ordered (720.050)
- If not permanent status, probation is paused

Benefits

- Not eligible for continuation of health insurance beyond 3 months or other benefits (40.05(4g)) except as provided by COBRA
- Maintain Company Seniority Date (Adjusted Continuous Service Date)

WRS

- USERRA
 - Hours
 - May choose to make up some/all/none of WRS contributions
 - May not make up contributions for non-military days (i.e. travel/rest if taken as LWOP)

Pay

- Do not qualify for differentials

During Leave

- Refer to General Procedures

Employees with permanent status

Inactive Duty, Active Duty Training or Guard/Reserves Enlistment

- Inactive Duty
- Active Duty/Active Duty Training that is less than 3 days
- Active Duty Training greater than 3 days and employee **has used** first 30 days/240 hours of annual military leave
- Guard/Reserves Enlistment and employee **has used** first 30 days/240 hours of annual military leave

Examples: Weekend Drill, Inactive Duty, Training, School, Drill makeup, Annual Training (if less than 3 days)

Leave

- Use Military Leave Without Pay (MILNP) as the absence type (720.060)
 - Allows for accrual of annual leave, holiday and sick
 - Orders required
- Allows for use of eligible paid leave (Vac, Legal Holiday, Personal holiday, Sabbatical)
- Cannot use sick time
- Must be excused from work for any military service that has been ordered (720.050)
- Allow for reasonable time off for sleep/travel (rest period 8 hours)
 - Must use their own leave, flex time, trade shifts or use LWOP

Benefits

- Maintain current benefits
 - Opt Out Stipend would continue
- May lapse benefits if absence is greater than 30 days/240 hours
- Maintain Company Seniority Date (Adjusted Continuous Service Date)

WRS

- USERRA
 - Hours
 - May choose to make up some/all/none of WRS contributions (if using MILNP, as the WRS would automatically take if they are using their own paid leave, MILPD or MILPD+30)
 - May not make up contributions for non-military days (i.e. travel/rest if taken as LWOP)

Pay

- Not eligible for pay differentials

During Leave

- Refer to General Procedures

Deployed (active duty) Armed Forces or Federal National Guard

Leave

- Use eligible paid leave (Vac, Legal Holiday, Personal holiday, Sabbatical)
- OR
 - All Military codes allow for accrual of annual leave, holiday and sick
 - Military Leave Without Pay (MILNP)
 - Military Paid (MILPD) for the first 30 days/240 hours (pro-rated amount based on any days/hours already used)
 - Gets new allotment of “first 30 days/240 hours” each calendar year
 - Military Paid +30 (MILPD+30) after 30 days/240 hours
 - Must add BAH to MPR calculation
- Cannot use sick time
- Must be excused from work for any military service that has been ordered (720.050)
- Allow for reasonable time off for sleep/travel (rest period 8 hours)
 - If this time is not on the military orders, a military leave code cannot be used. Employee should use their own paid leave or LWOP.

Benefits

- May maintain current benefits
 - See notes on using pay to keep benefits (pre-payments, send personal check, representative send personal check)
 - Opt Out Stipend would continue
- May lapse benefits
- Maintain Company Seniority Date (Adjusted Continuous Service Date)

WRS

- USERRA
 - Hours
 - May choose to make up some/all/none of WRS contributions (if using MILNP, as the WRS would automatically take if they are using their own paid leave, MILPD or MILPD+30)
 - May not make up contributions for non-military days (i.e. travel/rest if taken as LWOP)

Pay

- If State pay is greater
 - qualify for pay differentials
 - BAH included with base pay after 30 days/240 hours each calendar year
- If State pay is less
 - Use Military Leave Without Pay (MILNP)

During Leave

- Refer to General Procedures

Guard/Reserves Enlistment or Active Duty Training

- Guard/Reserves enlistment and employee **has not used** first 30 days/240 hours
- Active Duty Training that is greater than 3 days and employee **has not used** first 30 days/240 hours

Leave

- Use personal paid leave (Vac, Legal Holiday, Personal holiday, Sabbatical)
- OR
 - If State Pay is LESS than Military Base Pay: Use Military Unpaid (MILNP)
 - See notes on using pay to keep benefits (pre-payments, send personal check, representative send personal check)
 - Allows for accrual of annual leave, holiday and sick
 - If State Pay is GREATER than Military Base Pay: Use Military Paid (MILPD) for the **first** 30 days/240 hours (or pro-rated amount based on any days/hours already used)
 - **NOT ELIGIBLE FOR THIS BENEFIT** - Military Paid +30 (MILPD+30) after 30 days/240 hours
 - **NOT ELIGIBLE FOR THIS BENEFIT**- Must add BAH to MPR calculation
 - Gets new allotment of “first 30 days/240 hours” each calendar year
- Cannot use sick time
- Must be excused from work for any military service that has been ordered (720.050)
- Allow for reasonable time off for sleep/travel (rest period 8 hours)
 - If this time is not on the military orders, a military leave code cannot be used. Employee should use their own paid leave or LWOP.

Benefits

- Maintain current benefits
 - Opt Out Stipend would continue
- May lapse benefits
- Maintain Company Seniority Date (Adjusted Continuous Service Date)

WRS

- USERRA
 - Hours
 - May choose to make up some/all/none of WRS contributions (if using MILNP, as the WRS would automatically take if they are using their own paid leave, MILPD)

Pay

- If State pay is greater
 - qualify for pay differentials
 - only until the first 30 days/240 hours annual military leave is exhausted
- If State pay is less
 - Use Military Leave Without Pay (MILNP)

During Leave

- Refer to General Procedures

National Guard (with State Orders ordered by the Governor)

Leave

- Use eligible paid leave (Vac, Legal Holiday, Personal holiday, Sabbatical)
- OR
 - If State Pay is LESS than Military Base Pay: Use Military Unpaid (MILNP)
 - See notes on using pay to keep benefits (pre-payments, send personal check, representative send personal check)
 - Allows for accrual of annual leave, holiday and sick
 - If State Pay is GREATER than Military Base Pay: Use Military Paid (MILPD) for the first 30 days/240 hours
 - Process MPR POTT to recoup DMA pay
 - Employees get a maximum of 30 days/240 hours total, whether activated for Federal or State active duty.
- Not eligible for extended MILPD+30 (not qualifying military service under 230.315)
- Gets new allotment of “first 30 days/240 hours” each calendar year
- Reasonable travel time: If time is in addition to that listed on orders, then they must use their own leave or LWOP.

Benefits

- Maintain current benefits
 - Opt Out Stipend would continue
- May lapse benefits
- Maintain Company Seniority Date (Adjusted Continuous Service Date)

WRS

- State Benefits (s. 321.65 Wis Stats, see 720.100 #2)
 - Hours
 - May choose to make up some/all/none of WRS contributions (if using MILNP, as the WRS would automatically take if they are using their own paid leave or MILPD)
 - May not make up contributions for non-military days (i.e. travel/rest if taken as LWOP)

Pay

- Get paid through DMA
 - Can get the differential through the agency by using MILPD and having MPR processed to recoup the amount paid by DMA
- Can also choose to be paid via their own personal paid leave by the agency in addition to being paid by DMA

During Leave

- Refer to General Procedures

Enlistment in Armed Forces (does not include national guard/reserves)

Leave

- Do not accrue leave (see 720.130 #2)
- Not eligible for paid or unpaid military leave
 - May use
 - Eligible paid leave that has already been accrued (Vac, Legal Holiday, Personal holiday, Sabbatical)
 - Leave Without Pay
- Cannot use sick time
- Must be excused from work for any military service that has been ordered (720.050)
- If not permanent status, probation is paused

Benefits

- Not eligible for continuation of health insurance beyond 3 months or other benefits (40.05(4g)) except as provided by COBRA
- Maintain Company Seniority Date (Adjusted Continuous Service Date)

WRS

- USERRA
 - Hours
 - May choose to make up some/all/none of WRS contributions
 - May not make up contributions for non-military days (i.e. travel/rest if taken as LWOP)

Pay

- Do not qualify for differentials

During Leave

- Refer to General Procedures

Failure to Meet Re-Employment Requirements

HR Handbook Sec. 720.160 Employees That Don't Return from Military Leave

1. *Pension*. Former employees that do not make a timely application for reemployment/restoration following military service are not entitled to have the period of military leave treated by the employer as continuous service with the employer for purposes of determining participation, vesting and accrual of pension benefits. Employees that apply for reemployment with the state following the period designated under state or federal law for timely reemployment will be subject to the ordinary rules regarding employee participation in the Wisconsin Retirement System.

Sec. 720.140 Eligibility for Prompt Reemployment / Restoration after Military Service

8. Timely Application for Reemployment

d. If an employee fails to timely report for or apply for reemployment, he or she does not automatically forfeit entitlement to reemployment and other rights and benefits. Rather, the employee becomes subject to the conduct rules, established policy, and general practices of the employing agency pertaining to an absence from scheduled work.

See also 20 CFR s. 1002.117 (a), 20 CFR s. 1002.116, 20 CFR s. 1002.259 and Wis. Stats. 321.65 (3)(e)5.

If you are unsuccessful in contacting the employee regarding their return, talk with Employment Relations for further guidance.

Useful Resources

Create & Maintain Absences:

Using the create and maintain absences search function you can search by a specific time frame, specific employee and/or specific leave type. You can only search one absence name at a time. You can download your results to excel.

Search

Work Flow Status

From Date

Employee ID

Through Date

Employee Record

Absence Name Military Unpaid Leave

Absence Name Military Leave Paid

Absence Name Military Leave +30 Days

Absence Requests

-
-
-
-

Report:

Military Time Used by Employee



State of Wisconsin

Report ID: AB_RPT_117
 Agency:
 Department:
 Year: 2019

Military Leave Used by Employee

Page: 1
 Run Date: 04/26/2019
 Run Time: 10:41 AM

Emplid: Position Nbr:
 Job Title:

Military Leave Type	Leave Begin Date	Leave End Date	Hours Taken
Military Leave Paid	2019-01-14	2019-01-18	40.00
Military Leave Paid	2019-01-07	2019-01-11	40.00
Military Leave Paid	2019-01-22	2019-01-25	32.00
Total Taken:			112.00

Helpful Websites:

Wisconsin Human Resources Handbook Ch. 720

https://dpm.wi.gov/Hand%20Book%20Chapters/WHRH_Ch_720.pdf

Wisconsin Retirement System Administration Manual (ET-1127) Ch. 20

<https://etf.wi.gov/resource/wisconsin-retirement-system-administration-manual>

ETF Military information

<https://etf.wi.gov/retirement/wrs-retirement-benefit/military-service-and-your-wrs-benefits>

Uniformed Services Employment and Reemployment Rights Act

<https://www.esgr.mil/USERRA/USERRA-for-Employers>

“Know Your Rights Under USERRA” poster

https://www.dol.gov/sites/dolgov/files/VETS/legacy/files/USERRA_Private.pdf

Glossary

30 day/240 hour provision (WI HR Handbook Ch. 720 Sec. 720.080)

The first 30 regularly scheduled work days absent in a calendar year for qualifying military leave

Activation

Ordered to active duty (other than for training) in the federal service

Active Duty (AD)

Full-time duty in the active military service of the United States. They work for the military full time, may live on a military base, and can be deployed at any time. Persons in the Reserve or National Guard are not full-time active duty military personnel, although they can be deployed at any time should the need arise.

Federal active duty or state active duty. See below for the separate definitions of federal and state active duty. s. 321.01 (1), Wis. Stats.

Active Duty for Training (ADT)

A tour of active duty which is used for training members of the Reserve Components to provide trained units and qualified persons to fill the needs of the Armed Forces in time of war or national emergency and such other times as the national security requires. The member is under orders that provide for return to non-active status when the period of active duty for training is completed. This includes annual training, special tours of active duty for training, school tours, and the initial duty for training performed by non-prior service enlistees.

Active Guard and Reserve

National Guard and Reserve members who are on voluntary active duty providing full-time support to National Guard, Reserve and Active Component organizations for the purpose of organizing, administering, recruiting, instructing or training the Reserve Components.

Annual Training (AT)

Annual training refers to the yearly training period conducted by all National Guard and Reserve components of the United States military pursuant to law and military service directives.

Armed Forces of the United States

A term used to denote collectively all components of the Army, Marine Corps, Navy, Air Force and Coast Guard

Basic Allowance for Housing (BAH)

A United States military privilege given to many military members. It is used to calculate the MPR after 30 days/240 hours and is found on the LES.

Basic Training [also known as Initial Entry Training (IET)]

The recruit training program of physical and mental preparation for service in the United States Army, U.S. Army Reserve or the Army National Guard.

DD-214

Document showing discharge from the Military

Deployment

The movement of forces into and out of an operational area

Differential Pay

Military differential (or supplemental) pay is any payment made by a civilian employer to an employee who has been called up for active duty with the National Guard or U.S. Air Force, Army, Coast Guard, Marine or Naval Reserves, which is intended to make up some or all of the difference between the employee's higher civilian salary or wages and his/her active duty military pay.

Drill Schedule

Annual list of pre-scheduled weekend drill dates. Most often will be on newsletter or memo.

Enlistment

The period of time for which one is committed to military service.

Escalator Principle

Wisconsin Human Resources Handbook Ch. 720 Sec. 720.150

Federal Active Duty

“Full-time duty in the active military service of the United States, as defined in 10 USC 101 (d) or 32 USC 502, 503, or 904.” s. 321.01 (4), Wis. Stats. Includes full-time training duty, annual training duty, and attendance, while in the active military service, at a military school. Does not include inactive duty for training or full-time National Guard duty by order of the governor. Mutually exclusive with active state service.

Inactive Duty Training (IDT)

Authorized training performed by a reserve component member not on active duty or active duty for training, and consisting of regularly scheduled unit training assemblies, additional training assemblies, or equivalent training periods. A common example of IDT is the weekend training drill that Guard and Reserve members typically attend each month.

Leave and Earnings Statement (LES)

Paystub for military pay

Leave of Absence (LOA)

Absence from employment with the approval of the appointing authority with or without loss of pay in accordance with the appropriate statutory provision or rule.

Leave Without Pay (LWOP) (absence code 014)

Absence type used for employees who have not attained permanent status.

Military Accrual Leave Entitlement (absence code 033)

An absence bucket created to house restored absence during military leave to be used within 2 years.

MILNP (absence code 023)

Military Unpaid Leave

MILPD (absence code 013)

Military Leave Paid

MILPD +30 (absence code 03)

Military Leave +30 Days

Military Pay Reduction (MPR) (see Differential Pay above)

Earnings code used in POTT to reduce the employee’s paycheck

Mobilization

The process of assembling and organizing troops to bring them to a state of readiness for deployment.

Orders

Military order (instruction), including an individual command by an armed forces officer to a person under his command. General order, a published directive originated by a commander of a military organization. Operations order, an executable plan that directs a unit on how to conduct a military operation.

Permanent Status as a State Employee

The rights and privileges attained upon successful completion of a probationary period or career executive trial period required upon an appointment to a permanent, seasonal or sessional position.

NOTE – Once an employee has attained permanent status in any position with the State, they remain eligible for State Military leave benefits, even if subsequent probationary periods are required in new positions.

Pre-Mobilization

Preparing to deploy

Probation

All original and all promotional appointments to permanent, sessional and seasonal positions, with the exception of those positions designated as supervisor or management under s. 111.81, in the classified service shall be for a probationary period of one year, but the director at the request of the appointing authority may extend any such period for a maximum of 12 additional months.

State Active Duty

“Full-time state duty in the national guard, or state defense force when activated, under an order of the governor or under an order otherwise issued by authority of law, and includes travel to and from that duty.” s. 321.01 (11), Wis. Stats.

USERRA (Uniformed Services Employment and Reemployment Rights Act)

The Uniformed Services Employment and Reemployment Rights Act of 1994 (**USERRA**) is a Federal law that establishes rights and responsibilities for uniformed service members and their civilian employers.

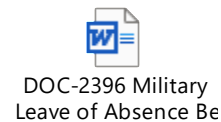
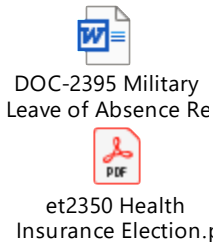
Military Procedure Checklist

End to End Example

The following document details the entire process for an employee going out on military
(use in conjunction with the [General Procedures](#))

Prior to Military Leave

- Meet with employee to go over:
 - Military Checklist
 - Military Leave of Absence Request (DOC-2395)
 - Military LOA Benefit Planning Checklist (DOC-2396)
 - Health Insurance Election (ET-2350)
- Receive orders/drill schedule
- Obtain current LES or Rank and/or pay grade and years of service



During Military Leave

- Receive all Leave and Earnings Statements (LES) during military leave
- Report full FTE each week on the timesheet
- Track 30 day/240 hour use of military paid leave
- Enter MPR POTT each pay period with paid military leave

After Military Leave

- Employer completes USERRA Checklist (ET-2573)
- Employee completes USERRA (ET-4560)
- Obtain DD-214, if leave exceeds 30 calendar days
- Collect any missing Leave and Earnings Statements (LES)
- Update Job Data (RFL)
- Reconcile military differential pay
- Reconcile absence balances
- Make employee whole for WRS
- Make employee whole for insurances

