

<b>Reference:</b>	<b>Title:</b>
Supersedes HR Policy Bulletin 2013-3  Lincoln Municipal Code 2.76.415  FMLA 29 U.S.C. 28 et seq. (1993); 29 C.F.R. Part 825  USERRA Title 38, USC 43 et seq. (1994); 20 C.F.R. Part 1002	Military Leave Policy

## **I. PURPOSE**

- A. To support employees who serve in the military by providing guidance about their rights and benefits protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Family Medical Leave Act (FMLA), and the Department of Labor (DOL) regulations.

## **II. DEFINITIONS**

**Covered Service Member:** A current member of the Armed Forces (including National Guard or Reserves) who has a serious injury or illness incurred or aggravated in the line of duty.

**Covered Veteran:** For the purposes of military caregiver leave under the Family and Medical Leave Act (FMLA), a covered veteran is a former member of the Armed Forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. The veteran must have been discharged or released under conditions other than dishonorable, and the discharge must have occurred within the five years prior to the eligible employee's first use of FMLA leave to provide care.

**Military Caregiver:** An employee who is the spouse, child, parent, or next of kin of a covered service member and provides care for that individual during the recovery period from a serious injury or illness.

## **III. MILITARY LEAVE**

### **A. Eligibility**

- i. Employees are eligible for military leave if they are members of the U.S. Armed Forces, Reserves, National Guard, or other uniformed services, including certain non-military organizations such as FEMA's Urban Search and Rescue.

### **B. Leave Entitlement**

- i. Employees are entitled to unpaid leave for active-duty service, training, or other military obligations.
  - ii. Employees may choose to use accrued vacation, sick leave, personal holidays, or military leave provided per collective bargaining agreement or municipal code.
- C. Notice and Documentation
  - i. Employees must provide advance written or verbal notice of service to the Department Head as soon as reasonably possible, unless military necessity prevents such notice.
  - ii. Military orders are required for absences exceeding 30 days.
- D. Benefits
  - i. Health, dental, and vision insurance coverage will continue for up to 30 days and employees are responsible for the employee share of the premiums. COBRA continuation is available following the 30-day period for up to 24 months. The employee is responsible for paying the COBRA premiums.
  - ii. Retirement contributions are suspended during unpaid leave and will resume automatically upon return to and active employment status.
  - iii. **Return to Work 1-30 days:** Employees returning after military leave of 1-30 days are entitled to return to work after an 8-hour rest period or the next scheduled workday whichever is later.
  - iv. **31-180 days:** Employees returning after military leave of 31 to 180 days must notify their employer and return to work within 14 days.
  - v. **181+ days:** Employees returning after military leave exceeding 180 days must notify their employer and return to work within 90 days.
  - vi. Employees providing proper notice and intent to return will be reinstated to their previous or equivalent position with no loss of seniority, pay, or benefits in accordance with USERRA.

#### IV. FMLA MILITARY LEAVE

- A. Eligibility
  - i. Employees are eligible for FMLA military leave if they have been employed by the City for at least 12 months and have worked a minimum of 1,250 hours worked during the 12 months preceding the leave.
- B. Leave Entitlement
  - i. **Qualifying Exigency:** Employees may take up to 12 weeks of FMLA leave for a qualifying exigency related to a family member's covered active-duty military service.
  - ii. **Military Caregiver Leave:** Employees may take up to 26 weeks of FMLA leave to care for a covered service member with a serious injury or illness incurred or aggravated in the line of duty.

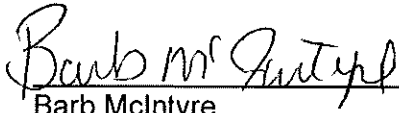
C. Notice and Documentation

- i. Employees must provide 30 days' notice when the need for leave is foreseeable. Certification from a healthcare provider or military official may be required for military caregiver leave.
- ii. Leave may be granted even if documentation is pending.

D. Benefits

- i. Employees on FMLA military leave are entitled to continued health benefits as specified under FMLA regulations, provided they continue to pay the employee insurance premiums and meet the eligibility requirements for FMLA leave.

The City of Lincoln has the exclusive right to interpret this policy.

  
Barb McIntyre  
Human Resources Director

5/20/2025  
Date

  
Leirion Gayler Baird  
Mayor

June 3, 2025  
~~May~~  
Date