



**State of Delaware
Department of Human Resources**

| MILITARY LEAVE: EMPLOYEE SALARY CONTINUATION OPERATING PROCEDURE | |
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| DHR Statewide Operating Procedure #: To be assigned. | Authority: 29 Del.C. Chapter 5105 |
| Effective Date: November 20, 2019 | Supersedes: Employee State Salary Continuation Guideline for Employees on Authorized Military Leave (Sept. 2006) |
| Application: Executive Branch Agencies | |

1. ELIGIBILITY

Employees called to active military service for any operational mission to augment active forces are eligible for a continuation of their State of Delaware (State) salary during the initial period of active duty prescribed by the military, less any military compensation received.

2. POLICY/REGULATION

An eligible employee called to active military service for any operational mission to augment active forces as ordered may be eligible for continuation of his/her State salary during the initial period of active duty prescribed by the military, less any military compensation received.

3. OPERATING PROCEDURES

- a. Employees receiving continuation of their State salary will be placed on a “Military Leave without Pay” if they are to receive their biweekly pay when they return from active duty.
- b. Employees receiving continuation of their State salary will be placed on a “Military Leave with Pay” if they are to receive their biweekly pay while on active duty.
- c. Employees on military leave of more than 30 days will not accumulate holidays, sick leave, or annual leave while in a leave status. In accordance with State and Federal statutes, employees will be credited with State Service for their time on Military Leave upon their return to active employment.
- d. The amount of salary continuation will include the amount of an employee’s salary funded by State appropriation, Special Funds, or Federal funds.
- e. State compensation shall be limited to base salary.

- f. Military compensation shall include base salary, basic allowance for quarters (BAQ), basic allowance for subsistence (BAS), hazardous duty pay, and all other supplemental compensation.
- g. Salary continuation checks will be subject to applicable Federal, State, and City of Wilmington taxes, FICA (if employee is in a FICA-eligible position), and pension contributions (if employee is in a pension-eligible position). No other deductions, except garnishments, will be made from the salary continuation checks.

4. EMPLOYEE RESPONSIBILITIES

- a. The Request for Military Leave Employee Salary Continuation Form must be filed within 90 days of release from active duty.
- b. Employees are required to initiate the process by completing Sections B and C of the Military Leave Employee Salary Continuation Form. Employees are required to submit the completed form including a copy of their military orders and military pay vouchers for each pay period they are requesting salary continuation.
- c. Employees who elect to use paid Military Leave and/or Annual Leave may reinstate their Annual Leave and/or Military Leave hours equivalent to the amount of their salary continuation (Annual Leave/Military Leave hours should be rounded to the next higher quarter of an hour). Reinstatement of Military Leave is restricted to the amount of Military Leave used during the current calendar year.

FOR EXAMPLE:

An employee earning a base biweekly salary of \$685.15 (\$17,814.00 annually) with a 37.5-hour workweek requested and was paid 75 hours of annual leave while on active duty. The employee's total military compensation paid was \$564.15 for that same biweekly time period. The employee is eligible for salary continuation in the amount of \$121.00 and has requested reinstatement of his/her annual leave in lieu of the actual payment. Instead of issuing a check in the amount of \$121.00, the Agency will credit the employee's annual leave balance for 13.25 hours (\$121.00 divided by the employee's hourly rate of pay of \$9.135385). The employee's hourly rate of pay (\$9.135385) is determined by dividing Annual Salary (\$17,814.00) by 1,950 hours for an employee working 37.5 hours per week. The employee may continue to reinstate annual leave, in lieu of payment, until the full 75 hours of Annual Leave has been reinstated.

- d. Employees are responsible for notifying their Agency Human Resources (HR) representative of a change of mailing address for their State paycheck if they want their check mailed to an address other than their home address, i.e., APO mailing address.
- e. Employees who wish to continue their State group health and dental insurance while on active duty must submit a payment monthly for their share of the cost of the coverage(s) they wish to continue. An employee called to active duty with the National

Guard or Reserves for other than training purposes shall continue to receive State contributions towards health insurance coverage for a period of up to two (2) years. Statewide Supplemental Benefit plans may also be continued while on active military leave. Employees should contact the vendor of the plan in which they are enrolled to make arrangements for payments while they are not receiving a paycheck. If employees elect to discontinue coverage by not paying their cost, insurances will be canceled until employees return to work. Coverage may be resumed upon returning to active employment.

5. AGENCY RESPONSIBILITIES

- a. Agency HR representatives are responsible for the following: Completing Sections A and D of the application; verifying the orders in connection with the operational mission; and verifying the accuracy of the military pay voucher.
- b. Agency HR representatives are responsible for processing Payroll/Human Resource Statewide Technology (PHRST) transactions placing the employee on a Military Leave without Pay if the employee will be receiving his/her continuance pay when s/he returns from Military Leave or on a Military Leave with Pay if the employee will be receiving his/her continuance pay while on active duty. The following should be completed:

PHRST: Workforce Administration>Job Information>Job Data

Enter Empl ID.

Click Search.

Add a row on the *Work Location* page.

Enter the ***Effective Date*** of the Military Leave and select one of the following:

- a. The Action of **Leave of Absence (LOA)** and the Reason of **Military Leave (MIL)** if the employee will be receiving continuance pay when s/he returns from active duty.

or

- b. The Action of **Paid Leave of Absence** and the Reason of **Military Leave (MIL)** if the employee will be receiving continuance pay while on active duty.

Add a New Note to the *Notepad* for the new *Job Data* row. Enter the following comments in the *Note Text* (detail) and save:

“Employee is serving on active military service in connection with an operational mission ordered and is entitled to a continuation of State salary in accordance with 29 Del.C. § 5105(b) & (c).”

Time & Labor Agencies, if the employee is going to be out for more than one pay period:

- On the *Employment Information* page, click the *Time Reporter Data* link, add a new row and enter the *Effective Date*. Change the *Time Reporter Status* to *Inactive*.

- If Payable Time has been generated in TL, the *Time Reporter Status* cannot be inactivated using the LOA Effective Date. Enter the first day of the next pay period as the *Effective Date* to inactivate the *Time Reporter Status*.
- On the *Payroll* page, change the *Holiday Schedule* to “DEL”
- On the *Benefits Participation Program* page, remove the “TL” in Elig Fld 5.
- Add a new row on the *Compensatory Plan Enrollment* page using the *Effective Date* on *Time Reporter Data* and change the status to Inactive.
- Add a new row on the *Assign Work Schedule* page using the *Effective Date* on *Time Reporter Data* and assign a *Blank Schedule*.
- Click *Save*.

Refer to PHRST End User Procedure Leave of Absence (HRU-JOB-12) on the PHRST Extranet for additional information.

If the employee wants a check mailed to an address other than the home address, i.e., an APO mailing address, it must be entered into PHRST.

PHRST: Workforce Administration>Personal Information>Biographical>Modify a Person

Enter the Empl ID and Search.

On the *Contact Information* page, in the *Current Addresses* section, Select the *View Address Detail* link or add a row or Select the *View Address Detail* link to add a row.

Enter the *Effective Date* of the address change.

Click on the *Add Address* link.

Enter the **Mailing Address**.

Save Page.

Notify the Agency Payroll Representative.

Only one HR transaction is required for the entire period of active duty. Another row will need to be inserted into HR when the employee’s active duty period ends and the employee returns to his/her State position.

Workforce Administration>Job Information>Job Data

Enter Empl ID.

Click Search.

Add a new row on the *Work Location* page.

Enter the *Effective Date* of the Return from Military Leave.

Enter the Action of **Return from Leave** (RFL) and the Reason of Return from Military Leave (RML).

Time & Labor Agencies, if the employee was out for more than one pay period:

- On the *Payroll* page, enter the appropriate schedule in *Holiday Schedule*.
- On the *Employment Data* page, access the link to *Time Reporter Data* and add a new row. Enter the appropriate *Effective Date*, activate *Time Reporter Status*, and verify the *Workgroup* and *Taskgroup*. (Verify the *Commitment Accounting Flags* are checked. If not, contact the PHRST Help Desk.)
- On the *Benefits Program Participation* page, enter “TL” in *Elig Fld 5*.
- Assign the employee to the appropriate Work Schedule.
- Enroll the employee in a Comp Plan, if applicable.

Add a New Note to the *Notepad* for the new *Job Data* row. Enter the following comments on the *Note Text* (detail) to support the new Job row and save:

“Employee returned from Military Leave”

Refer to PHRST End User Procedure Leave of Absence (HRU-JOB-12) on the PHRST Extranet for additional information.

- c. When an employee is called to Active Duty Military Service, the Agency will place the HR record in **Leave of Absence** status until the employee returns to work unless the employee elects to receive Military Salary Continuation. In that case, the Agency will place the record in **Paid Leave of Absence** status so that a Paysheet can be built for the employee.

Employees electing salary continuation will only have Pension and garnishments deducted from their salary continuation monies. To prevent any other deductions from being taken, the Agency must enter the MIL Deduction Subset ID to Payroll Data 2.

Payroll for North America>Employee Pay Data USA>Update Payroll Options

Enter Empl ID.

Click Search.

Select *Payroll Options 2* page.

Enter Subset on **Deductions Taken section:**

Deductions Taken: Deduction Table Subset Governs

Deduction Subset ID: **MIL**

Save Page.

NOTE: Payroll Data 2 MUST be updated prior to Paysheets being built in order for deductions to be handled properly for the pay period.

TO CORRECTLY PAY THE EMPLOYEE:

Non-Time & Labor Agencies:

**Payroll for North America>Payroll Processing USA>Update
Paysheets>By Payline Security**

Enter Empl ID.

Click Search.

Turn off the ***OK to Pay*** on the Regular monies Payline.

Add a row on the Earnings component.

Confirm the *Earnings Begin/End Dates* .

Enter the Earnings Code **MIL** in the *Other Earnings*.

Enter the dollars in the *Amount* field.

Click ***OK to Pay*** on.

Save Page.

Time & Labor Agencies:

Manager Self Service>Time Management>Report Time>Timesheet

- On the *Timesheet Summary* page, enter *Employee Selection Criteria* and click *Get Employees*.
- Select the employee in the Time Summary section.
- Enter or select the *Time Reporting Code MILSC* from the Look Up list.
- Enter the amount of the reimbursement in the Day fields.
- Save Page.

eSTAR Agencies:

On *Edit Timesheet*, click *Find* and enter the search criteria for the employee and click Search.

On the employee timesheet for the appropriate Pay Period, select the *Pay Code MILSC* and enter the amount of the reimbursement for each Day.

- d. When an eligible employee is called to Active Duty Military Service and the employee elects not to receive Military Salary Continuation, the Agency will place the HR record in Leave-of-Absence (LOA) status until the employee returns to work. However, the employee will remain in an “active” benefits status.
- e. If the employee elects to maintain his/her benefits, all premiums must be paid by personal check payable to: The State of Delaware. Premiums are due the first of the month for which the employee is paying and are to be given directly to the Agency.

Agencies are to forward the personal check along with a check transmittal form and the Intergovernmental Vouchers for State Share to the Department of Human Resources (DHR) - Statewide Benefits Office (SBO). This must be accomplished in a timely manner to ensure continuation of coverage for the employee. The employee has the option of selecting which benefit plans s/he wishes to continue while on LOA. Any benefit plan(s) the employee does not desire to continue while on LOA must be waived. When the employee returns from LOA, any benefit plan(s) waived must be returned to an “enrolled” status.

- f. Employees electing to receive Military Salary Continuation will have their HR record placed in a Paid-Leave-of-Absence (PLA) status until they return to work. The employee will remain in an “active” benefits status. However, all benefit plans **except Pension** MUST be waived. If the employees wish to maintain their remaining benefit plans while on PLA, premiums must be paid by personal check by the end of each month for which coverage is desired directly to their Agency. All personal checks and the Intergovernmental Vouchers for State Share must be sent to DHR - SBO. This must be accomplished in a timely manner to ensure continuation of coverage for the employees. When the employees return from PLA, all benefit plan(s) that were waived must be returned to an “enrolled” status.

6. DISSEMINATION AND TRAINING

The Agency HR office shall provide current employees a review of this policy and procedure within 30 days of its effective date and shall provide employees who are new to their respective Agencies a review of this policy and procedure within 30 days of the employee’s hire date.

7. FORMS ASSOCIATED WITH THIS OPERATING PROCEDURE

- [Military Leave Policy and Procedure](#)
- [Military Leave: Employee Salary Continuation Form](#)
- [Military Serious Illness/Injury Leave Operating Procedure](#)
- [Military Serious Illness/Injury Leave Request Form](#)

8. ASSOCIATED POLICY/REGULATIONS/INFORMATION

A. References

- United States of America, *Uniformed Services Employment and Reemployment Rights Act (USERRA)*, Pub. Law No. 103-353, October 13, 1994
- U.S. Department of Labor, *Uniformed Services Employment and Reemployment Rights Act of 1994 Final Rules*, Federal Register, Vol. 70, No. 242, December 19, 2005
- U.S. Department of Defense, Employer Support of the Guard and Reserve (ESGR), [Employer Resource Guide](#), 2011

- Merit Rule 5.6.1 [State of Delaware Merit Rules](#)
- 29 *Del.C.* § 5905
- Employee State Salary Continuation Guideline for Employees on Authorized Military Leave – 29 *Del.C.* § 5105(b) & (c)
- Federal Code, Title 20, Chapter IX, Part 1002

B. Resources

Delaware Commission of Veterans Affairs
Website: www.veteransaffairs.delaware.gov
Phone: 1-800-344-9900

Employer Support of the Guard and Reserve
Website: www.ESGR.mil
Phone: 1-800-336-4590

Delaware Department of Labor
Website: www.delawareworks.com/veterans
Phone: 1-877-872-5627

Personnel Locators
Army: 1-800-318-5298
Air Force: 1-210-565-2660
Navy: 1-901-874-3383
Marines: 1-800-268-3710
Coast Guard: 1-202-493-1697

This policy is not intended to create any individual right or cause of action not already existing and recognized under State and Federal law.