

BENCO Personnel Manual

MILITARY FAMILY LEAVE

TO BE ELIGIBLE FOR MILITARY FAMILY LEAVE:

To be eligible for Military Family Leave, an employee must have worked for Benco for at least 12 months, not necessarily consecutive, and during the 12 months immediately preceding the leave, must have worked at least 1,250 hours.

Once an employee has determined that they are an eligible employee, that employee must determine whether their spouse, parent or child who is serving in the military is on call, has an impending call or order to covered active duty. Covered active duty means duty during deployment of the member with the Armed Forces to a foreign country.

EXTINGENCY LEAVE: may be taken if the employees' spouse, parent, son or daughter is a military member who is deployed or has been notified of an impending deployment to a foreign country. Exigency leave allows the employee to take up to a total of 12 workweeks of leave. Exigency leave allows the employee to take leave up to seven calendar days, beginning on the day the military member receives notice of deployment to address any issues arising from the military member's short-notice deployment, such as deployment within seven or less days of notice.

An employee who qualifies for exigency leave will be allowed to spend up to 15 calendar days with a military member who is on Rest and Recuperation leave during covered active duty.

The employee can use up to 90 days to attend post-deployment activities following the termination of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military.

An employee requesting qualified exigency leave will need to provide a copy of the active-duty orders or other appropriate documentation and will be asked to estimate how long or how often the employee may need the leave.

MILITARY CAREGIVER LEAVE: may be taken if the employee is the spouse, son or daughter or next of kin of the covered military member. Military caregiver leave allows the employee to take up to a total of 26 workweeks of unpaid leave during a single 12-month period. Military caregiver leave may be taken to care for a covered military member with a serious injury or illness.

A covered military member may be either a current military member or a veteran of the Armed Forces. A covered military member is a current member of the Armed Forces, including a member to the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness.

MULTIPLE INSTANCES OF MILITARY CAREGIVER LEAVE:

Military caregiver leave is available to the employee once per military member per serious injury or illness. However, if an employee takes leave to care for a family member when they are a current military member, the employee may be able to take another 26 workweeks of military caregiver leave, in a different 12-month period, to care for that same family member when they become a veteran, even if they continue to suffer from the same serious injury or illness. In any event, the employee is limited to a total of 26 workweeks of military caregiver leave in a 12-month period.

For a current military member or veterans of the armed forces:

- A serious injury or illness is one that was incurred by a military member in the line of duty on active duty that may render the military member medically unfit to perform the duties of their office, grade, rank or rating. A serious injury or illness also includes injuries or illnesses that existed before the Military member's active duty and that were aggravated by service in the line of duty on active duty.

An employee requesting military caregiver leave will need to provide Benco with certification supporting their leave request.

An employee who is returning from military family leave is entitled to be restored to a position of employment and the continuation of benefits just like an employee on FMLA leave.

OREGON MILITARY FAMILY LEAVE: (OMFLA)

An employee must have worked an average of 20 hours per week (there is no 180-day requirement).

An employee who is the spouse or same-sex domestic partner of a military member who is part of the Armed Forces, the National Guard or the Military Reserve Forces who has been notified of an impending call or order to active duty or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment. The 14 days can be taken continuously or intermittently.

An employee taking Oregon Military Family Leave must notify the employer within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment.

Any employee who takes Oregon Military Family Leave is entitled to be restored to a position of employment and to the continuation of benefits just like an employee taking OFLA leave.

EMPLOYEE MILITARY LEAVE

Military leave is unpaid unless the employee requests to use their accrued vacation time. Although an employee is not required by law to notify Benco of their military service leave, Benco would appreciate notice of the employee's pending military leave if the employee is inclined to do so.

Veterans and reservists returning from active duty must notify Benco of their intent to return to work within 90 days of the release from duty. Reservists and guardsmen returning from training must inform Benco of the training obligations and report back at the "next regularly" scheduled working period.

Employee Military Leave is entitled to be restored to a position of employment and the continuation of benefits just like any employee taking FMLA leave.

A returning veteran cannot have served more than five years on active duty since leaving Benco if they want to be reinstated.

Approved By: 
Julie Hansen, Benco Board President

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