

RESOLUTION NO. 2009-4

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE TOWN OF HOLLY, COLORADO AMENDING PERSONNEL POLICY NO. 9 TO INCLUDE MILITARY LEAVE

BE IT RESOLVED by the Board of Trustees of the Town of Holly that Section IV., 4.7 of Personnel Policy No. 9 shall be added as follows:

4.7 Military Leave:

A. Colorado State Veteran's Rights Law

1. The Colorado State Veteran's Rights Law prohibits discrimination or discharge of a person due to service or intended service in the National Guard or state militia. §28-3-506, C.R.S.
2. Public employees who are members of the National Guard, state militia or Reserve forces are entitled to a leave of absence without loss of pay, seniority, status or benefits for up to 15 days in a calendar year under the Colorado State Veteran's Rights Law §28-3-601(1), C.R.S. The Town of Holly Board of Trustees has determined that employees of this classification will receive regular pay for two weeks during any calendar year.

B. Uniformed Services Employment and Reemployment Rights Act of 1994

1. Employees are required to provide advance written or verbal notice to the Town of Holly as far in advance as is reasonable for all military duty unless giving notice is impossible, unreasonable or precluded by military necessity. 38 U.S.C. § 4312(a)(1). Employees may, but are not required, to use accrued vacation or annual leave while performing military duty.
2. Employees have a COBRA-like right to elect continued health insurance coverage. The Town of Holly can only require that the employee pay the employee's share, if any, of the cost of health coverage. The Town of Holly must treat a person on covered military leave the same way it treats other employees on leaves of absence pursuant to company policy to the extent that it offers holiday pay, disability benefit plans, life insurance, etc.
3. Upon return from military service, employees are entitled to a prompt reinstatement, accrued seniority, accommodations for disabilities incurred while in service, and special protection against discharge.

This Section IV., 4.7 may be modified or amended by Resolution.

PASSED AND APPROVED THIS 4th DAY OF MARCH, 2009.

W. Bruce Roup, Mayor

ATTEST:

Mary Rushton, Clerk/Treasurer