

MARYLAND MILITARY DEPARTMENT
Active Military Duty
Frequently Asked Questions

The information contained in this document applies to employees who are called to active duty in federal status in the Armed Forces of the United States or ADSW (Active Duty Special Work) for periods of 181 or more days. Its provisions may not apply to employees called to State Active Duty or those called to active duty for training and may vary for those serving less than 181 days. This document is intended for informational purposes only. It cannot be construed as a contract of employment and is subject to change.

- 1. What happens to my State job while on active duty?** Generally, you are entitled to be reinstated to your former position or comparable position within two weeks after you notify us of your desire to do so, assuming you are released under honorable conditions and you return to work within 90 days of your release from active duty. The 90-day requirement may be waived if you sustain injuries during active military duty that render you unable to return to work within this period. If you are unable to perform the duties of your former position, you still have reinstatement rights to a suitable job. If your job has been abolished, the State may not be obligated to honor your request for reinstatement. However, the Department is committed to taking all reasonable steps to ensure you have employment upon your return from active duty.
- 2. Will I receive my State pay?** Generally, no. You will be carried in leave without pay status. However, if your military base pay will be lower than your State pay, you can be paid military administrative leave pay to compensate you for the difference. To apply, you must submit verification of your military base pay to the State Personnel Office.
- 3. What happens to my accrued leave?** You can “bank” your annual, personal and compensatory leave for use upon your return to work or you can choose to use it before being placed on military administrative leave. However, personal leave and regular compensatory leave will expire as usual. If you choose to use your leave beforehand, you must submit a leave request to your supervisor with a copy of your orders, if available. The supervisor, in turn, must submit both to the State Personnel Office for processing and to the Payroll Office attached to the Time and Attendance Report during the first pay period of your absence. You are not eligible for military administrative leave pay as long as you are receiving a paycheck for your use of accrued leave during your active military duty.
- 4. Do I earn leave while on active duty?** Generally, no, but if you qualify for military administrative leave pay, you will also earn leave on a prorated basis. You will also earn leave as usual if you are paid for military leave or elect to exhaust your accrued annual, personal and compensatory leave before being placed on leave without pay status.
- 5. How will my State pay and service credit be affected?** Assuming you return within the 90-day period, your entire absence will be counted toward your service credit for salary increment and leave accrual as if you had never left.
- 6. What happens to my health insurance benefits?** You can elect to continue your health, prescription and dental plans without cost, to make certain changes to your benefits or to terminate them altogether if you will not need them during your absence. The State will pay the full cost of these benefits after you are placed in leave without pay status or begin

receiving military administrative leave pay, where applicable. However, you will be billed for your other insurance, such as life and accidental death and dismemberment insurance unless you submit an enrollment form to terminate them. If you elect to continue your life insurance, it will remain payable to your beneficiaries if you are killed in the line of duty. However, the State's accidental death and dismemberment policy contains an exclusion for injuries or death caused by "war or war-like activities." Although you can elect to cancel some or all of your benefits, you cannot change plans altogether. If you do not cancel your benefits, the State assumes you have elected to continue them. . If called to duty for at least 180 days, you may submit a written request to the Employee Benefits Division for reimbursement of any unused money in your flexible spending account(s) on or after your activation date but before the end of the plan year. Please include a copy of your orders.

- 7. Can I make changes to my health insurance benefits while in active duty status?** Yes, but only if you have a qualifying event, such as the birth of a baby. However, you may be held to the same 60-day limit for making changes as any other active employee.
- 8. How are my retirement benefits and service credit affected?** You will receive service credit for the period of your active military duty assuming you return to work within one year of your release from active duty and do not accept another permanent job in the meantime. This also assumes you have not exceeded the maximum absence for active military duty, usually five years. If you receive a benefits statement that does not credit this time, you can contact the State Personnel Office for assistance in correcting your record.
- 9. What happens to my supplemental retirement account while on active duty?** The State's administrator may refund asset fees charged while serving on active military duty. You also may be eligible to make up any missed deferrals. When you are discharged from active duty, please contact Nationwide Retirement Systems at 1-877-677-3678 for instructions or send a copy of your orders and evidence of discharge by facsimile to 1-877-677-4329.
- 10. Will I be eligible for promotional opportunities that arise during my active duty?**
Generally, yes. If available, you have a right to apply and compete for those opportunities. If you have Internet access during your active duty, you can find information about opportunities at www.mdmildep.org and apply according to the instructions provided. If you are unable to apply or were unaware of the opportunity because of your active military duty, you have two weeks after your release from active duty to notify the State Personnel Office of your interest in competing for any promotional opportunities that were advertised during your active military duty.
- 11. Are my benefits affected if I volunteer for active duty?** Generally, no. If your cumulative total of active military duty interrupting service is five years or less, you have the same rights as those called to active military duty. In some cases, volunteer periods in excess of five years may be excluded from the five-year limit prescribed by federal law provided your orders specifically state as much.
- 12. What forms or other documents should I submit before leaving for active military duty?**
What other documents are required? All forms are available in the State Personnel Office. The forms and requisite documentation are:
 - a.** Health Benefits - If you have health benefits and wish to retain all or a portion of them while on active duty, you should complete the bottom portion of an LAW – Military Notification Form, attach a copy of your orders and submit both to the State Personnel Office for processing. If you are changing your benefits, that is, dropping some but not all of your benefits, you must attach an enrollment form also. If you do not submit an LAW – Military Notification Form, the State will continue your health benefits. If called to duty

for at least 180 days, you may submit a written request to the Employee Benefits Division for reimbursement of any unused money in your flexible spending account(s) on or after your activation date but before the end of the plan year. Please include a copy of your orders.

- b. Retirement Benefits – Complete a retirement Form 46, Application to be Placed on an Approved Leave of Absence, attach a copy of your orders and submit both to the State Personnel Office.
 - c. Military Administrative Leave Pay – No form is required, but you must submit evidence of your military base pay to the State Personnel Office for processing.
 - d. Other leave benefits – If you wish to exhaust your accrued leave before being placed on a military leave of absence, you should submit a leave slip to your supervisor before your active duty begins and forward a copy to the State Personnel Office with any of the documents listed above.
 - e. Revised orders if extended, verification of most recent military base pay and a revised LAW – Military Notification Form
 - f. Upon your return, a health benefits enrollment form and retirement Form 43, Claim of Retirement Credit for Military Service, with your discharge paperwork attached to both. You must re-enroll in all health benefits carried while an active employee within 60 days of your return to work. An exception to this is if an open enrollment occurred during your active military duty, and you made changes to your benefits then. However, you cannot otherwise elect to cancel benefits you carried as an active employee.
- 13. What are my responsibilities following release from active duty?** If you are receiving military administrative leave pay or State-paid health benefits, you are required to provide immediate notice to the State Personnel Office upon release from active duty as these benefits cease the same day. You must also notify your supervisor and the State Personnel Office when you are ready to return to work. Proof that you were released from active duty under honorable conditions may be required. Failure to provide timely notice of your release from active duty while receiving military administrative leave pay or State-paid health benefits may result in disciplinary action up to and including termination from State service. The State may also pursue collection procedures to be reimbursed for all leave and benefits during the period you were not eligible for these benefits. If so, you will owe the full cost of all benefits paid. If your case is sent to Central Collections, an administrative fee will also be applied, currently at 17 percent of the amount owed.
- 14. What happens if there is a delay between the date I am released from active duty and the date I return to work?** Although you have the right under federal law to delay your return to work for up to 90 days, you will owe the full cost for your health benefits, plus a 2 percent administrative fee. If you fail to make the payments, your benefits will be canceled. You may not be able to reenroll in health benefits when you return to State service, and your case may be referred to Central Collections.
- 15. What happens if there is a delay in premium deductions for health benefits after I return to work?** You will owe for your share of any missed premiums. Failure to pay any retroactive amount is considered a debt that will be referred to Central Collections if not paid timely. It is your responsibility to contact the State Personnel Office to initiate a retroactive adjustment.
- 16. Who should I contact if I have additional questions?** You should discuss your call to duty with your immediate supervisor. Otherwise, you may contact the State Personnel Office at 410-234-3812 for specific information concerning your benefits.