



MINUTES
July 9, 2009
8:30 a.m. – 10:30 a.m.
Missouri Department of Conservation

The meeting was called to order at 8:30 a.m. by Cathy Harris and Vicki Glenn.

Military Leave – Jeremy Amick

- **FMLA**
Please refer to the handouts.
- The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period for any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take **up to 26 weeks** of job-protected leave in a “single 12-month period” to care for a covered servicemember with a serious injury or illness. These two new types of FMLA are known as the Military Family Leave Entitlements.
- **Qualifying Exigency Leave** – A covered employer must grant an eligible employee up to a total of **12 workweeks of unpaid** leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.
 - **Qualifying exigencies:**
 - Short notice deployment (seven or less days notice)
 - Military events and related activities
 - Childcare and related activities
 - Financial and legal arrangements
 - Counseling
 - Taking up to five days of leave to spend time with a covered military member is on short-temporary, rest and recuperation leave during deployment
 - Post-deployment activities

- **USERRA**

Please refer to the handouts.

- **Service Members Checklist:**

- Did you hold a job other than one that was brief, nonrecurring? (exception would be discrimination cases)
- Did you notify the employer that you would be leaving the job for military training or service? (verbal or preferably **written**)
- Did you exceed the 5-year limit on periods of service? (Exclude exceptions identified in the law.)
- Were you discharged under conditions other than disqualifying under Section 4304?
- Did you make application or report back to the pre-service employer in a timely manner? (**30 days or less**)
- When requested by your employer, did you provide readily available documentation showing eligibility for reemployment? (**more than 30 days documentation can be requested**)
- Did your military leave exceed 30 days elect to continue health insurance coverage?

- **Employer Checklist:**

- Did the service member give advance notice of military service to the employer? (**this notice can be written or verbal**)
- Did the employer allow the service member a leave of absence? The employer **cannot require** that vacation or other personal leave be used.
- Upon timely application for reinstatement, did the employer promptly reinstate the service member to his/her escalator position? (**within two weeks**)
- Did the employer grant accrued seniority as if the returning service member had been continuously employed? This applies to the rights and benefits determined by seniority, including status, rate of pay, pension vesting, and credit for the period for pension benefit computations.
- Did the employer delay or attempt to defeat a reemployment rights obligation by demanding documentation that did not then exist or was not then readily available? (**30 days**)
- Did the employer consider the timing, frequency, or duration of the service members training or service or the nature of such training or service as a basis for denying rights under this statute?
- Did the employer provide training or retraining and other accommodations to person with service connected disabilities?
- Did the employer make reasonable efforts to train or otherwise qualify a returning service member for a position within the organization/company? If the person could not be qualified in a similar position, did the employer place the person that most nearly approximates the proper position which he/she was qualified to perform with full seniority?
- Did the employer grant the reemployed person pension plan benefits that accrued during military service?
- Did the employer offer COBRA like health coverage upon request of a service member whose leave was more than 30 days? Did the employer continue coverage at the regular employee cost for service members whose leave was for less than 31 days?

- Did the employer discriminate in employment against or take adverse employment action against any person who assisted in enforcement of a protection afforded any returning service member under this Statute?
- Did the employer in any way discriminate in employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of past or present membership, performance of service, application for service obligation for military service?
- Did the employer satisfy the burden of proof where employment, reemployment or other entitlements are denied or when adverse action is taken when a service connection is the motivating factor in the denial or that adverse action? Did the employer provide documentation that the action would have been taken in the absence of such membership?

OA Personnel – Guy Krause

Guy mentioned he had print outs for each agency who had hourly's not up to the new Minimum Wage or had other discrepancy.

Just a reminder that Department of Labor offers free Posters on their website:

www.dolir.gov/posters2.htm

OA Accounting – Libbie Farrell

Libbie mentioned that stimulus testing should start July 31.

Libbie also wanted to remind everyone when promoting "State Agency Materials" to make sure they are in a pdf format when sending it electronic.

Next year W-2's will be printed front and back, there will be no separate notice sent out.

Other Business

If anyone has an idea for a speaker, please let Cathy or Vicki know.

The next meeting will be August 13, 2009 at Runge Nature Center in the Auditorium.

The meeting was adjourned.