

UNITED STATES POSTAL SERVICE

Washington, DC 20260

A REF: RAL:FW

DATE 5/19/78

SUBJECT: Military Leave for Probationary
Employees

TO:

Fred Shelton
Office of Compensation

ARTICLE	19
SECTION	ELM
SUBJECT	MILITARY LEAVE PROBATIONARY

This responds to your recent telephone inquiry concerning military leave for employees during their probationary period.

The fact that an employee is in his probationary period has no effect on his right to military leave. Rather, an employee who would be entitled to military leave after completion of the probationary period is also entitled to that military leave during the probationary period. See old Postal Manual Part 721.731.

The effect of an absence for military purposes on an employee's completion of the probationary period is a more complicated question. The probationary period is tolled during military service, including military leave. The applicable procedure is provided in the U. S. Department of Labor's Legal Guide and Case Digest: Veterans Reemployment Rights Under the Universal Military Training and Service Act, As Amended, and Related Acts, §3.24 at 325:

... a probationary position is protected by the reemployment statutes.

This does not mean, however, that military service can be counted toward completion of the probationary period. Where the probation involves a genuine evaluation of the employee's aptitude, skill, conduct and performance, the employee is entitled to return only to the probationary status he left; and after being reemployed, he must complete the remainder of his probationary period satisfactorily in accordance with the same standards (no higher, and no lower) as are applied to other probationers.

Upon satisfactory completion of the probation, his seniority must be established as if he had remained continuously employed instead of entering military service.

Thus, for example, an employee who left work on military leave after completing 60 days of a 90-day probationary period would, upon returning from military leave, still face a 30-day probationary period. However, upon successful completion of the remaining 30 days of his probationary period, the employee would be credited with seniority for all purposes as if the military leave was time worked.



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cc: Arthur Eubanks