

Servicemen’s Act – Procedures

In order to be covered under the Servicemen’s Act the following conditions apply:

1. The cumulative length of time for which an employee shall be entitled to payment of contributions by the employer shall not exceed four years;
2. The employee returns to State or County government service within ninety days of release from active duty or dies in the performance of the employee’s military service; and
3. The employee’s release from active duty was under honorable conditions.

| Department’s Responsibilities | ERS Action |
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| <p>Within 30 days, upon return of the employee to State or County employment from active duty, the department will send the following to ERS:</p> <ol style="list-style-type: none"> 1. Notice of personnel action documents showing: <ol style="list-style-type: none"> (1) the military leave without pay <u>start</u> date (2) the military leave without pay <u>return</u> date (or certificate of death) (3) any <u>salary changes</u> that would have occurred had the employee not been on leave. 2. <u>Employee’s DD-214 (Member-4 Copy) under Title 10 USC</u>. If a DD-214 is not available we will accept verification from the Office of Veteran’s Affairs or commanding officer that shows that the service was performed under Title 10 USC, the actual dates the employee was on active duty, and that the release from active duty was under honorable conditions. The ERS cannot accept the Orders that the employee received as it may not have the actual dates that the employee was placed on active duty. 3. Complete and attach the <u>Servicemen’s Act Worksheet</u>. Electronic version of the worksheet is available on our website under Employers > Employers Forms. | <p>Upon receipt of the department’s documents, the ERS will verify the employee’s eligibility for the Servicemen’s Act.</p> <p>If eligible, the ERS will send the payment certificate to the department (for Hybrid and Contributory Plan employees only). Only active duty service performed under the authority of Title 10 USC (wartime or national emergency) is eligible for coverage under the Servicemen’s Act.</p> <p><u>Payment must be received within 60 days of the employees’ return to work.</u></p> <p>If not eligible, the ERS will inform the employee and copy the department. Active duty service performed under Title 32 USC (training) is not eligible for coverage under the Servicemen’s Act. The ERS will contact the employee in regards to purchasing the service if it was performed under Title 32.</p> <p><u>FYI:</u></p> <p><u>Title 10: A member of the reserves is considered to be on active military duty if he or she is “federalized” under Title 10 USC, Section 672, during war or a national emergency.</u></p> <p><u>Title 32: Title 32 USC, Section 502, is used for training purposes and is not considered active military service for the purposes of the Servicemen’s Act.</u></p> |

As a reminder, Act 169/2006 amended the Servicemen’s Act for Contributory and Hybrid members who are called to active military duty. The law set a deadline for payment of contributions by the employer (on behalf of the employee), and requires the ERS to assess State and County departments regular interest (4 ½% or 2% [based on employee’s membership date] compounded annually) on contributions not received within 60 days of the employee’s return to service or the date of the employee’s death in performance of the employee’s military duty.

Official Servicemen’s Act Memo, issued by the ERS on May 30, 2012, is available on our website for reference under Employers > Memo.

