

**Section 212.226 Continuous Service
EMERGENCY**

- a) Definition:
 - 1) Continuous service is the uninterrupted period of service from the date of original appointment to State service.
 - 2) Employees who have previous State service which qualified for earning of vacation benefits shall be given credit for said service, as determined by the Office or as required by law.
- b) Interruptions in Continuous Service:
 - 1) Resignation; provided, however, that continuous service shall not be interrupted by resignation when an employee is employed in another position in State service within four calendar days of resignation.
 - 2) Discharge; provided, however, that continuous service shall not be interrupted if the employee is retained in the position after a hearing before the Grievance Review Committee.
 - 3) Termination; if an employee has not been reemployed by the Office within one year after layoff.
- c) Deductions from Continuous Service: Except as provided in subsection (f) below, the following shall be deducted away from, but shall not interrupt, continuous service:
 - 1) Time away from work for any leave of absence without pay totaling more than thirty calendar days in any twelve-month period;
 - 2) Time away from work because of disciplinary suspensions totaling more than thirty calendar days in any twelve-month period.
 - 3) Time away from work because of layoff.
- d) Veterans Continuous Service: Leaves of absence shall be granted to all employees who leave their positions and enter military service for four years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or similar position on making an application within ninety days after separation from active duty or from hospitalization continuing after discharge of not more than one year. The employee must provide evidence of satisfactory completion of training and military service or a qualified health care provider's statement when making application and be qualified to perform duties of the position. Continuous service and reemployment rights for veterans

subject to federal law shall be as provided in the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301-4333).

- e) **Peace Corps or Job Corps Enrollees Continuous Service:** Any employee who volunteers and is accepted for service in the overseas or domestic Peace Corps or Job Corps shall be given a leave of absence from his State employment for the duration of his initial period of service and be restored to the same or similar position provided that the employee returns to his employment within ninety days of the termination of his service or release from hospitalization from a service Peace Corps or Job Corps connected disability.
- f) **Accrual and Retention of Continuous Service During Certain Leaves:** During an absence for family and medical, educational, administrative, military, Peace Corps or Job Corps, disaster service volunteer or service-connected disability leaves, an employee shall retain and accrue continuous service provided appropriate application and return is made as required by this Part.