

## MILITARY LEAVE AND REEMPLOYMENT RIGHTS

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### **SUMMARY**

It is the policy of the University to grant leaves of absence to regular full-time and part-time faculty members and staff employees entering active service, either voluntarily or involuntarily, in the uniformed services of the United States.

Faculty members and staff employees who are reservists or National Guard members will be granted time off to participate in summer encampments and/or cruises. Such employees will be reimbursed for the difference between their University base pay and any compensation paid by their Reserve or National Guard unit for up to two weeks in any calendar year.

Faculty members and staff employees who are reservists or National Guard members and are involuntarily called to active military service will be reimbursed for the difference between their University base pay and any compensation paid by the active military service organization (base pay, housing allowance, subsistence pay, overseas pay, combat pay, etc.) for up to twelve (12) months. The University reserves the right to extend this period at its sole discretion.

It is intended that this policy conform to the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994.

### **REINSTATEMENT FROM MILITARY LEAVE**

Any employee of the University who has completed one day of regular employment and who is drafted for military service or who volunteers for service in any branch of the uniformed services of the United States, will, upon completion of such service, be reinstated to employment with the University in accordance with the applicable laws regulating such matters.

Temporary and occasional employees are not eligible for employment with reinstatement rights.

Employees are required to provide written notice requesting military leave as soon as is practicable following notification of military call up or reservist duty.

Upon reinstatement, an employee's salary will be computed based on the last salary plus any budgeted increase to which the employee is entitled.

### **COMPENSATION AND BENEFITS**

Military leave is taken in a non-pay status except as provided in paragraph 1 above.

The following benefit plans are pertinent to employees who are on military leave:

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### **Medical and Dental Coverage**

The employee may continue enrollment in the University's medical and dental plans for the period of the military leave up to five (5) years. Coverage for the first 18 months will be paid at the employee's shared rate. If the leave extends beyond 18 months, the employee will be expected to pay the full premium (102%). Upon re-employment following military leave, the employee and/or family members will not be required to satisfy a waiting period or pre-existing condition clause unless the pre-existing condition is service connected; coverage will begin immediately.

### **Defined Contribution Retirement Plan**

Upon return from military service, the University will give retroactive contributions on the same basis as if the employee had not left provided the employee was an enrolled member of the retirement plan at the time of the leave. Contributions will be made on the base salary the employee would have earned taking into account any pay increases that may have occurred during the leave period.

### **Life and Disability Insurance**

Life Insurance (Group Term) and Accidental Death and Dismemberment Insurance (AD&D) for the employee ends on the date the employee begins active duty. Optional Life, Optional AD&D, and Dependent Life Insurance may be continued provided premium payments are made. At the time the employee returns to work, Life Insurance (Group Term) and AD&D coverage will be reinstated with no waiting period.

Disability coverage ends on the date the employee begins active duty. At the time the employee returns to work, coverage will be reinstated with no waiting period and no pre-existing condition limitation unless the condition is determined to be attributed to the military service from which the employee is returning.

### **Tuition Concession and Assistance**

If the employee has met the eligibility requirements before they are involuntarily called to active military service, tuition benefits continue for the duration of the period of involuntary active military service. If eligibility has not been met prior to an involuntary call to active military service, service during the involuntary period of military leave will count toward the eligibility period.

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### **Paid Time Off (PTO) Leave**

During periods of military service leave, employees will not accrue additional paid time off (PTO). Employees on military service leave are not eligible for payment of unused PTO.

Employees are not eligible for holiday pay or administrative leave pay while on military leave.

### **RETURNING FROM MILITARY LEAVE**

Employees returning from military leave are entitled to the same or similar position provided they satisfy the return to work provisions as follows:

<b>If the period of active duty was:</b>	<b>Employee must report to work following discharge:</b>
30 days or less	Next scheduled work day
31 - 180 days	Within 14 days
181 days - 5 years	Within 90 days

For leaves for military duty beyond 30 days, the employees will notify their immediate supervisor or Human Resources in writing of their intention to return to work. (Special conditions on time for requesting return to active employment apply for individuals hospitalized at time of release as a result of a service-related illness/injury. In such instance, contact Human Resources.) To ensure proper consideration can be given with regard to returning the employees to their original position, it is helpful if the employees would indicate their intention to return to active employment prior to the expiration of the military leave of absence.

If it is necessary to replace an employee who is granted a leave of absence for military service, the appointment of the new person will be for a period not longer than the duration of the military absence of the original person. During the period of employment, the new member will not be granted a military leave of absence. The new member will be informed in writing of the conditions of employment when employment begins.

### **APPLICATION OF THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)**

The information provided in this policy statement is a brief summary of the employment and reemployment rights of uniformed service members. USERRA governs any individual case. Because many modifying circumstances may affect the interpretation of an individual case, Human Resources should be consulted where there is doubt as to the University's obligation.