Policy Statement

Reason for Policy

To maintain consistent and uniform standards for granting leaves of absence relating to military service and to comply with state and federal guidelines.

Entities Affected By This Policy

All employees. If portions of this policy are covered by a collective bargaining agreement, employees should seek counseling from Human Resources to clarify policy applicability.

Related Documents

Personal Time Policy
Sick Time Policy
Vacation Policy

Scope

Leaves of absence for military service are supported. The following guidelines will be used in determining an employee's status and entitlement during a leave of absence for military service.

A. ELIGIBILITY

1. In order to be eligible for benefits granted under state and federal law, the employee must have:

   a. Been honorably discharged from uniformed service;
b. Given advance notice of his/her impending service unless conditions make it impossible or unreasonable for the employee to provide notice;

c. Not taken more than five years cumulative military leave time from his/her position; (Exceptions: Periodic Reserve and National Guard Training and voluntary or involuntary service performed by Reserve and National Guard members in time of war or national emergency. See also B.3. and B.4.) and

d. Applied or reported for re-employment within the time limits stipulated in Section B.2.

B. RE-EMPLOYMENT RIGHTS

1. The length of military service determines the scope of employee's re-employment rights:

   a. If the period of service was for ninety days or less, the employee will be immediately re-employed to the position s/he would have held if the employee remained continuously employed or, if not qualified for the position, to the pre-service position so long as the employee is qualified or could become qualified with reasonable effort.

   b. If the period of service is for more than ninety days, the employee's rights are essentially the same as above except that the employee is entitled to return to the same position or a position equivalent in seniority, status and pay rather than the position s/he would have held;

   c. Regardless of the length of service, if the employee can not become qualified for the above-mentioned positions, the employee may be returned to any other position of lesser status and pay that s/he is qualified to perform;

   d. If circumstances have changed to the extent that re-employment is impossible or unreasonable, employees will not be re-employed following a leave relating to military service.

2. To qualify for re-employment, an employee must apply within the following time periods:

   a. For service of less than thirty-one days, the employee must return on the first full day after the release from service, taking into account safe travel home plus an eight-hour rest period;

   b. For service of more than thirty days but less than one hundred and eighty-one days, the employee must submit an application for re-employment within fourteen days of release from service;

   c. For service of more than one hundred and eighty days, an application for re-employment must be submitted within ninety days of release from service.

3. The period of military service may extend not more than five years, unless the government required a further period of involuntary service or unless the initial enlisting period was greater than five years.

4. If a former employee is convalescing from injuries received during service or training, the employee may have up to two years to return to his/her former position.
5. An employee is qualified for his/her former position if s/he is able to perform the essential functions of the position with or without reasonable accommodation. If an employee is not qualified for the job to which s/he would otherwise has rights to reemployment, the organization will make reasonable effort to train the employee for the job. The employee is not entitled to reemployment if efforts to qualify the employee for the position or accommodating the employee’s disability would cause an undue hardship.

6. A re-employed employee may not be discharged without cause:
   a. for one year after the date of re-employment if his/her period of military service was more than six months; or
   b. for six months after date of re-employment if his/her period of military service was between thirty-one to one hundred and eighty days’ duration.

C. PAY DURING MILITARY LEAVE

1. Except as noted in C.2. and C.3. leave of absence under this policy will be unpaid.

2. An employee may elect to utilize accrued compensatory holiday, vacation and/or personal time to cover a period of the leave.

3. Up to seventeen days per calendar year will be paid to an employee who is serving his/her annual tour of duty (also referred to as Reserve Leave) or in order to serve in the military in the event of a natural disaster or civil disturbance.
   a. Vacation and sick time will continue to accrue during a paid Reserve Leave. Employees will not receive holiday pay in addition to Reserve Leave pay when a holiday occurs during the period the employee is on a Reserve Leave.

4. An employee who is a member of a reserve component of the Armed Forces of the United States or the Commonwealth must be released from work in order to attend assigned weekly and/or weekend drills.
   a. The employee will not be compensated for these absences unless the employee requests and is granted the use of vacation, personal or compensatory holiday time.
   b. An unpaid absence to fulfill weekend military obligations shall not negatively affect an employee’s benefits or the evaluation of the employee’s overall attendance record. A memo stating that the employee is absent without pay due to weekly/weekend military drill obligations must accompany the weekly timesheet to ensure the employee’s benefit status is protected. (Form # HR 004)
   c. An employee whose assigned weekly military drills interfere with his/her work schedule may request a schedule change. However, final approval for such a request resides with the department. If an alternate schedule cannot be arranged, the employee must be allowed release time, without pay, for his/her assigned weekly military drill.

D. CREDITABLE SERVICE AND PERSONAL, VACATION AND SICK TIME ACCRUALS

1. The period of military service will be considered credible service for the purpose of determining vacation and employment status.
2. An employee should consult with Human Resources for advice regarding the effect of military service on retirement status.

3. Vacation, sick and Personal time will not accrue during a Military Leave of Absence unless the employee utilizes accrued benefit time or the leave is with pay, as noted in C above.

4. All unused sick time, which had accrued prior to entry into military service, will be returned to the employee when s/he returns to work.

5. Upon reinstatement, an employee will be credited with three Personal days (pro-rated for a part-timer) which must be used within the fiscal year in which the time is awarded.

6. In accordance with the following schedule and based upon the length of military service, a vacation award will be given upon reinstatement if the leave had been unpaid and vacation had not accrued during the period of the leave. Thereafter, the employee will receive vacation in accordance with the usual monthly accrual schedule.

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<tr>
<th>Duration of Military Service</th>
<th>Vacation Award</th>
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<tbody>
<tr>
<td>3 months but less than 6 months</td>
<td>1 day</td>
</tr>
<tr>
<td>6 months but less than 12 months</td>
<td>2.5 days</td>
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<tr>
<td>12 months or more</td>
<td>5 days</td>
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E. HEALTH INSURANCE

1. An employee has three options concerning health insurance:
   a. If the leave is paid, s/he may continue his/her health insurance, having the premiums deducted as usual;
   b. If the leave is unpaid, s/he may continue his/her coverage and pay their premiums directly to the Group Insurance Commission at the same rate that was deducted through payroll; or,
   c. S/he may terminate his/her health insurance for the period on military leave and request to be reinstated when s/he is re-employed.

2. If re-employed prior to the 15th of the month, coverage will be retroactive to the first day of the month. If re-employed on the 15th or later, coverage will begin on the first day of the month following their date of return.

Responsibilities
Procedures

In support of this policy, the following procedures are included:

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<td>Procedure Name</td>
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Definitions

Approvals

Associate Vice Chancellor  
Human Resources  

Vice Chancellor Operations  

**Forms / Instructions**

In support of this policy, the following forms are included:

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**Appendices**

In support of this policy, the following appendices are included:

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