

## Uniformed Services Leave

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### **POLICY:**

Utica University will comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA), as administered by the Veterans' Employment and Training Service (VETS).

### **SCOPE:**

USERRA applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA. In addition, under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work (and authorized training for such work) is considered "service in the uniformed services."

### **REASON FOR POLICY:**

The purpose of this policy is to affirm the University's commitment to supporting our nation's service members through the proper administration of USERRA, to outline Utica University-specific employment and benefit procedures affecting USERRA covered service members, and to ensure compliance with federal law.

### **PROCEDURE:**

Affected employees will continue to accrue service credit and, with certain exceptions, have guaranteed reinstatement to work in jobs at the same level of pay and benefits as the positions they left provided their "uniformed services leave" does not, in most instances, exceed five cumulative years.

There are important exceptions to the five-year limit, including initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls, especially during a time of national emergency.

In accordance with USERRA and the Americans with Disabilities Act, the University will make reasonable efforts to accommodate disabled veterans. Service members convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs or apply for reemployment. Please contact the Office of Human Resources for more information about Utica University's Reasonable Accommodation procedure.

## Employment and Pay

Individuals called to, or who volunteer for, active duty will be entitled to be paid the difference between their University pay and their uniformed services pay for up to 10 days, provided they have not already used their 10-day allotment for camp or weekend training in the same fiscal year (official documentation is required). Employees must be reinstated at the level of pay and benefits they would have received if they had never left.

Offers of employment, including graduate assistantships, will not be rescinded but may be deferred because of uniformed services obligation if the appointment has already been offered and accepted.

## Length of Allowable Leaves

Uniformed Services Leave Personnel are entitled to a leave of absence for up to five cumulative years of active duty including reasonable travel time. Uniformed Services Leave Personnel are guaranteed reinstatement to their former or comparable position providing they return within the timeframe stated below:

- Service of one to 30 days: must personally report to duty on the first full business day after the completion of service.
- Service of 31 to 180 days: must personally report to duty within 14 days of completion of service.
- Service of more than 180 days: must personally report within 90 days of completion of service.

## Use of Earned Leave (Vacation, Floating Holidays, and Personal Days)

During uniformed services leave, employees are entitled to use any vacation, floating holidays, or personal days accrued prior to the commencement of said leave.

## Continued Benefits

Employees on uniformed services leave will continue to accrue service credit (i.e., seniority).

- Group medical insurance coverage may be continued by employees arranging to pay their employee share of the premiums for up to one year. After one year of uniformed services leave, employees and their eligible dependents may elect to participate in COBRA coverage (for 18 months) but will be required to pay up to 102 percent of the full premium. Contact the Office of Human Resources for further information. If an employee chooses not to return to work at Utica University following the approved leave, the employer cost for medical benefits must be repaid to the University.
- Utica University will also continue tuition benefits for dependents of employees on a uniformed services leave as though they were employed.
- Dental, Supplemental Life and Accident, and WISE (home, auto and umbrella) Insurance. Coverage will be maintained, provided the employee continues to make premium payments in the same manner as if they were actively employed by the University. Contact the Office of Human Resources for further information.
- Term Life Insurance. Coverage remains in effect up to 12 weeks after the commencement of covered military duties. After that period of time, a conversion option is available. The Plan Document governs this benefit.
- TIAA-CREF Retirement. Upon an employee's reemployment, the University will make up any missed contributions to the plan that would have been made had the employee not been on uniformed services leave. Such make-up contributions will be made in the same manner and to the same extent that allocation occurs for other employees during the period of service. Further, upon reemployment, an employee will be provided an opportunity to make up any elected deferrals missed as a result of Uniformed Services Leave. Any employee make-up contributions must be made, starting at the date of reemployment, within a period consisting of three times the length of uniformed services leave, not to exceed five years.

- Salary Continuation (Disability benefits). Coverage for illness or injuries remains in effect in the same manner as for an employee who is provided a non-uniformed services paid leave of absence under the plan except there is no coverage for disabilities resulting from an “act of war.”
- Accidental Death and Dismemberment. Coverage remains in effect up to 12 weeks after the commencement of covered military duties. There is no conversion option available. The Plan Document governs this benefit.

**RESPONSIBILITY:**

Uniformed Services Personnel called to duty should notify their supervisors and the Office of Human Resources as soon as possible and present a copy of their orders as they are received. The supervisor should attach a copy of the orders to the completed Personnel Action Form and submit these to the Office of Human Resources as soon as possible.

**ENFORCEMENT:**

Enforcement of Utica University policies is the responsibility of the office or offices listed in the “Resources/Questions” section of each policy. The responsible office will contact the appropriate authority regarding faculty or staff members, students, vendors, or visitors who violate policies.

Utica University acknowledges that University policies may not anticipate every possible issue that may arise. The University therefore reserves the right to make reasonable and relevant decisions regarding the enforcement of this policy. All such decisions must be approved by an officer of the University (i.e. president, vice president for academic affairs, or vice president for financial affairs).

**RESOURCES/QUESTIONS:**

For any questions or further information, please contact the [Office of Human Resources](#)

Please note that other Utica University policies may apply or be related to this policy. To search for related policies, use the Keyword Search function of the online policy manual.

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<b>Effective Date:</b>	03/23/2012
<b>Promulgation Date:</b>	03/28/2012