

Department Policy and Procedure Manual

Subject: Military Leave of Absence
Scope: Organization-wide

Effective Date: 6/22/1998
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I. Purpose

The purpose of this policy is to define the process of utilizing a military leave of absence.

II. Policy Statements

It is the policy of the hospital to comply the Uniformed Services Employment, Re-employment Rights Act (USERRA) with regard to all military leaves of absence.

III. Procedures

- A. **Eligibility:** An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted an unpaid leave of absence for military service, training or related obligations in accordance with applicable law. According to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), military service members are protected against discrimination and retaliation, provides reemployment rights upon completion of military services, and addresses benefits such as access to health insurance while on leave. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position and benefit status he or she would have attained with reasonable certainty if not for the absence under USERRA. This could be the same position, a promotion, or alternatively, demotion, transfer or lay off.
- B. **Compensation:** Military leave is an unpaid leave. Employees on military leave may substitute their accrued paid leave time for unpaid leave.
- C. **Request for Leave**
- Leave for Active or Reserve Duty:** Upon receipt of orders for active or reserve duty, and as soon as possible, an employee should notify his/her manager/director, as well as our Absence Management vendor IPMG, at 877-737-0032 or www.insightonline.com of the military orders for approval (unless he/she is unable to do so because of military necessity or it is otherwise impossible or unreasonable).

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2. **Leave for Training and Other Related Obligations:** Employees will also be granted time off for military training (normally 14 days plus travel time) and other related obligations, such as for an examination to determine fitness to perform service. As far in advance as possible, employees should notify his/her manager/director, and complete a Military Leave of Absence Request and submit a copy of the training schedule and/or other related obligations to IPMG for approval.

D. Employment Benefits

1. **Health/Dental Benefits:** During a military leave of less than six (6) months, an employee is entitled to continued group health/dental plan coverage under the same conditions as if the employee had continued to work as long as the employee continues to pay the employee portion of the health/dental premiums. For military leaves of more than six (6) months, an employee may elect to continue his/her health/dental coverage for up to 24 months of uniformed service, but may be required to pay 102% of the premium for the continuation coverage (similar to COBRA arrangements).
2. **Other Employment Benefits:** All other employment benefits will either continue according to applicable law or cease during the leave according plan policy provisions and will be reinstated in full upon reemployment. Retirement benefits will recognize military service for benefit accrual and vesting purposes.

E. Return from Military Leave

1. **Notice Required:** Upon return from military service, an employee must provide written notice for reemployment in accordance with the following schedule:
 - a. **An employee who served for less than 31 days** or who reported for a fitness to serve examination, must provide notice of reemployment to IPMG or manager/director at the beginning of the first full regular scheduled work period that starts at least eight hours after the employee has returned from the location of service.

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- b. **An employee who served for more than 30 days, but less than 181 days,** must submit an application for reemployment to IPMG and/or manager/director no later than 14 days after completing his/her period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible.
 - c. **An employee who served for more than 180 days** must submit an application for reemployment to IPMG and/or manager/director no later than 90 days after the completion of the uniformed service.
 - d. **An employee who has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving** must provide notice of reemployment to IPMG and/or manager/director (if the service was less than 31 days), or submit an application for reemployment to IPMG and/or manager/director (if the service was greater than 30 days), at the end of the necessary recovery period (but which may not exceed two years).
2. **Required Documentation:** An employee whose military service was for more than 30 days must provide documentation within two weeks of his/her return (unless such documentation does not yet exist or is not readily available) showing the following:
- a. the application for reemployment is timely (i.e. submitted within the required time period);
 - b. the period of service has not exceeded five years; and
 - c. the employee received an honorable or general discharge.

3. **Reinstatement**

Reinstatement to returning military service member employee will occur within two (2) weeks after the employee applies for reemployment. The employee will be reinstated to the position he/she was assigned and benefit status just prior to the military leave. This will include any promotional opportunities and salary increases for which the employee may have been eligible based on employee's previous work and merit increase history and work and pay history of other employees in the same or similar positions.

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Upon reinstatement, the employee is entitled to have his/her retirement plan benefits determined as if the leave had not occurred. Employer contributions will be made to the employee's Value Growth Plan within 90 days after reemployment. For the contributory retirement plan (403b plan), the employee is entitled to make up any contributions missed during the leave. If employee elects to make up such contributions, the employer contributions will be made to the employee upon confirmation of employee's contributions being made.

e. Cross References / Related Policies

Date Written: 06/22/1998
Date Reviewed/Revised: 2/3/2011; 10/14/2011; 2/12/2014, 3/1/2019, 2/1/20
Date of Approvals [**as applicable**]:

Administrative Policy & Procedure Committee: 2/1/2020

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