

The University of Mississippi

Military Leave of Absence

Summary/Purpose: This policy contains information regarding employees who take a leave of absence due to military training or duty. Notification of activation and request for leave of absence, benefits available upon reemployment, and employer and employee responsibility is also given.

The University provides leave as mandated by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

Under provisions of USERRA, University employees are entitled to leave of absence without pay for voluntary or involuntary military training or service.

Employees are required to give advance written or verbal notice of his/her intent to take a leave of absence to perform military service. Notice should be provided as far in advance as is reasonable under the circumstances. The employee's department must permit the employee to take additional time immediately preceding his/her military service for safe travel and to ensure the employee arrives at his/her destination fit to perform military service. The department must process an HR Form 3 to place the employee on leave of absence.

A leave of absence with pay not in excess of fifteen days annually (based on calendar year) may be granted to a permanent employee who, as a member of the National Guard, official militia of Mississippi, or a member of any of the reserve components of the armed forces, is ordered to active duty.

Continuation of health related insurance benefits is available for employees on either paid or unpaid leave of absence. Premiums will be collected via payroll deduction for employees who are on paid leave and electing continuation of coverage. Monthly billing notices will be mailed to the address on record. The employee who elects to waive coverage while on leave is entitled to reenrollment of benefits upon return to active status with the University. Completion of enrollment applications within 30 days from the date of reemployment is required.

The employee is not required to notify the employer of his/her intent to seek reemployment after completion of military service. Notification that an employee does not intend to return to employment does not forfeit his/her rights to reemployment upon release from duty or training. Service for a cumulative period of up to five (5) years entitles reemployment rights. Exclusions to this provision are defined by USERRA.

Upon successful completion of military service, the employee must notify the University of his/her intent to return to work in a timely manner. Timely notification is defined as follows.

- Absence from work for periods of service lasting less than 31 days or for a period of any length for the purpose of a fitness examination: the employee must report to work no later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service, and the expiration of 8 hours after the period permitted for safe transportation from the place of service to the employee's place of residence.
- Periods of service that extend from more than 30 days but less than 181 days: a written or verbal application for reemployment must be submitted not later than 14 days after completion of service. In instances where the employee is unable to apply within 14 days through no personal fault, he/she has until the next full calendar day after it is possible to submit an application.
- A period of service more than 180 days: the employee has 90 days after completing military service to submit application.

One of the following forms of documentation must be furnished for reemployment when uniformed service exceeds 30 days. The document will also serve as supporting documentation for a waiver of pre-existing conditions when applying for reinstatement of health benefits.

- DD214 (Certificate of Release or Discharge from Active Duty).
- Copy of duty orders prepared by the facility where the orders were fulfilled confirming completion of service.
- Letter from the commanding officer of a Personnel Support Activity or someone of comparable authority.
- Certificate of completion from military training school.
- Discharge certificate indicating character of service.
- Copy of extract from payroll documents showing periods of service.
- Letter from National Disaster Medical System (NDMS) Team Leader or Administrative Officer verifying dates and times of NDMS training or Federal activation.

Returning employees are entitled to reemployment in a job position with seniority, status, benefits, and pay that he/she would have reasonably attained had he/she not been called to active duty.

Participants of the Public Employees' Retirement System of Mississippi (PERS) are eligible to receive four (4) years service credit for active military duty, as defined in the PERS Handbook, providing a DD214 is furnished. Additional service credit exceeding four (4) years is permissible provided the employee completes PERS Forms 25A, 25D, and 25M and both the employer and employee remit contribution payments, including interest, within the following time frame: from the reemployment date continuing up to three times the length of the employee's immediate past period of military service not to exceed 5 years.