

TO: All Faculty and Staff
THRU: William Decatur
Vice Preside of Finance and Administration
FROM: James Sciarini
Associate Vice President of
Human Resources
DATE: February 1, 2003
RE: Military Leave of Absence

In light of current world events a summary of the University's military leave procedure is attached. The University will follow the requirements of State and Federal law regarding military leaves of absence.

Mr. Joseph Klep has been designated as the contact person in Human Resources for coordinating military leave issues. Any employee, or supervisor of such employee, with questions regarding military leave should contact Mr. Klep at ext. 1485. Employees requiring a military leave of absence must submit a request for leave in writing, attach a copy of his/her orders, and a completed Absence Report Form for the time period requested to the Human Resources department (Mail Stop #205, or in person) for processing and approval.

To all of our employees who serve in the military, we express our thanks and appreciation.

Uniform Service Leave Procedure

Uniformed Service Leave With Pay

- (A) Permanent University employees, who are members of the Ohio organized militia, or members of other reserve components of the armed forces of the United States, including the Ohio national guard, are entitled to leave of absence from their respective positions without loss of pay for the time they are performing service in the uniformed services, for periods of up to one month, for each calendar year in which they are performing service in the uniformed services. There is no requirement that the service be for one continuous period of time. For multiyear military leave of absence, a permanent University employee is entitled to compensation for the year in which they take leave to go on active duty, but not subsequent years.
- (B) Except as otherwise provided in section (C), any permanent University employee who is entitled to the leave provided under section (A) and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the president of the United States or an act of congress or because of an order to perform duty issued by the Governor is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the difference between the permanent University employee's gross monthly wage or salary as a permanent University employee and the sum of the permanent University employee's gross uniformed pay and allowances received that month.
- (C) No permanent University employee shall receive payments under division (B) of this section if the sum of the permanent University employee's gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a permanent University employee for that period or if the permanent University employee is receiving pay under division (A) of this section.
- (D) Each permanent University employee who is entitled to leave provided under division (A) of this section shall submit to the permanent University employee's appointing authority the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing that service, prior to being credited with such leave.

Evidence Of Military Duty

University employees are required to submit to the Human Resources department an order or statement from the appropriate military commander as evidence of military duty before military leave with pay will be granted.

Uniformed Service Leave Without Pay

A permanent University employee shall be granted, upon giving notice to the Human Resources department, a leave of absence to serve in the uniformed service. This leave shall be without pay and shall be considered as a leave of absence from state service with reinstatement rights. No single leave of absence, or a combination of uniformed service leaves of absence, may exceed five years, or a single, longer period required to complete an initial period of obligated service.

Continuation Of Health Insurance And Related Benefits

Employees on uniformed service leave for less than 31 days may not be required to pay more than the employee share of the health insurance premium, if any, for health insurance coverage. Employees with longer periods of service, their spouse or dependant may request the reactivation or continuation of the University health care coverage for the duration of time the employee is on active duty. Such continuation or reactivation shall be at the same cost for coverage as if the employee were not on a military leave of absence.

Application For Reinstatement Upon Completion of Military Service

An employee returning from Uniformed Service Leave must apply for reinstatement. The application must be made to the Human Resources department or to the Director of Administrative Services if the employee's agency is no longer in existence, within the period set forth below.

Leave Of Less Than Thirty Days:

Immediately upon the employee's release from uniformed service. The University of Toledo will allow for travel time and eight hours of rest.

Leave Of Thirty-One To One Hundred And Eighty Days:

Within fourteen days of completing uniformed service requirement.

Leave Of More Than One Hundred And Eighty Days:

Within ninety days of completing uniformed service requirement.

If The Leave Of Absence Was For More Than Ninety Days:

The University requires, with the application, evidence showing that the application is timely if the duration of all such leaves of absence does not exceed five years, or the time to complete the initial period of obligated service and the employee's entitlement to reemployment has not terminated according to the circumstances described in the Uniformed Services Employment and Reemployment Rights Act of 1994.

Reinstatement***Duty Lasting Ninety Calendar Days Or Less***

Upon return from a period of duty in the uniformed service, the employee shall be returned to the same or similar position within the employee's former classification.

Duty Lasting More Than Ninety Days

If the period of duty lasts more than ninety days, the employee may be placed in any position of equivalent status, seniority, and pay.

Regardless of the duration of duty

If the appointing authority at the University of Toledo demonstrates to the director of administrative services that reinstatement is impossible or would impose undue hardship, the employee may be assigned to another position with like seniority, status, and pay or the nearest approximation consistent with the circumstances of the case.

Permanent disability

If the employee is unable to perform the duties of his or her former position by reason of injury or illness incurred or aggravated during uniformed service, The University of Toledo will make reasonable efforts to accommodate the employee's disability. These efforts shall include placing the employee in another position in which the employee is qualified and able to perform the essential duties that will provide similar status, seniority, and pay.

Temporary disability

If an employee who is entitled to reinstatement under this rule is unable to report for or perform the duties of his or her position at the date of his or her application for reinstatement because of an injury or illness incurred or aggravated during uniformed service, he or she shall have up to two years to recover from that illness or injury before being required to report or reapply.

Benefits upon reinstatement

A reinstated employee shall receive all rights and benefits generally available to employees in a comparable leave of absence without pay. Including the following:

- (1) All sick leave, vacation leave, and personal leave which had been accumulated at the time of entering service. Reinstated employees will not accrue any sick and/or vacation during the period of military leave.
- (2) All seniority which would have accrued had the employee been on the job.

- (3) Automatic salary adjustments associated with the position and due the employee had the employee been on the job.
- (4) Any change in classification or pay range which would be due the employee had the employee been on the job.
- (5) Re-instituted health insurance and related insurance benefits with no waiting periods or pre-existing condition exclusions.

Termination

Service between thirty-one and one hundred and eighty days

Employees reinstated after uniformed service leave lasting from thirty-one to one hundred and eighty days shall not be terminated from their position within one hundred and eighty days of reinstatement without cause.

Service one hundred and eighty days or more

Employees reinstated after uniformed service leave lasting one hundred and eighty-one days or more shall not be terminated from their positions within one year of reinstatement without cause.

Agency no longer in existence

Where an employee is entitled to be reinstated to a position and the agency with which such person was employed is either no longer in existence and its functions have not been transferred to any successor agency, or that for any reason it would be unreasonable or would impose undue hardship to restore the employee to the agency, the Director of Administrative Services shall determine whether there is a similar position for which the employee is qualified and which is either vacant or held by an employee on temporary appointment with any other agency, If such a position exists, the employee shall be reinstated to that position by the agency, in which it exists.

Extended duty and reenlistment

The provisions of this policy may not apply to an employee who accrues more than five years of cumulative, uniformed service as provided by law.