

MILITARY LEAVE

POLICY NUMBER: ADM-MILITARYLEAVE

POLICY TYPE: ADMINISTRATIVE

RESPONSIBLE OFFICIAL TITLE: CHIEF HUMAN RESOURCES OFFICER

RESPONSIBLE OFFICE: HUMAN RESOURCES

EFFECTIVE DATE: UPON PRESIDENTIAL APPROVAL – 7/23/2019

NEXT REVIEW DATE: PRESIDENTIAL APPROVAL PLUS FOUR (4) YEARS – 7/23/2023

SUPERSEDES POLICIES: MILITARY LEAVE-TRAINING & EMERGENCY DUTY AND MILITARY LEAVE-EXTENDED DUTY SECTIONS OF LEAVE OF ABSENCE WITH PAY

BOARD OF REGENTS REPORTING (CHECK ONE):

PRESIDENTIAL RECOMMENDATION (CONSENT AGENDA/VOTING ITEM)

PRESIDENTIAL REPORT (INFORMATION ONLY)

I. POLICY STATEMENT

Northern Kentucky University (NKU) supports an employee's commitment to perform duty, voluntarily or involuntarily, in the "uniformed services." This includes the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Services commissioned corps as well as the reserve components of each of these services, and federal training or service in the Army National Guard and the Air National Guard.

The [Uniformed Services Employment and Reemployment Rights Act of 1994 \(USERRA\)](#) is a federal law intended to ensure that persons that serve or have served in the "uniformed services" are (1) not disadvantaged in their civilian careers because of their service; (2) promptly reemployed in their civilian jobs upon their return from duty; and (3) not discriminated against in employment based on past, present or future military service.

II. ENTITIES AFFECTED

This policy applies to all employees in executive, administrative, faculty, and staff positions. Students (including covered employees who are also students) should refer to NKU's "Student Absence Due to Military Service" policy – see <https://inside.nku.edu/content/dam/policy/docs/Policies/StudentAbsenceMilitary.pdf>

III. AUTHORITY

This policy is written in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) – see <https://www.dol.gov/vets/programs/userra/>

IV. DEFINITIONS

Duty/Service: The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority. Service in the uniformed services includes active duty, active and inactive duty for training, National Guard duty under federal statute, and a period for which a person is absent from a position of employment for an examination to determine the fitness of the person to perform such duty. The term also includes a period for which a person is absent from employment to perform funeral honors duty as authorized by law ([10 U.S.C. 12503](#) or [32 U.S.C. 115](#)). The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107-188, provides that

service as an intermittent disaster-response appointee upon activation of the National Disaster Medical System (NDMS) or as a participant in an authorized training program is deemed “service in the uniformed services” ([42 U.S.C. 300hh-11\(d\)\(3\)](#)).

Uniformed Services: Includes the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency. For purposes of USERRA coverage only, service as an intermittent disaster response appointee of the NDMS when federally activated or attending authorized training in support of their federal mission is deemed “service in the uniformed services,” although such appointee is not a member of the “uniformed services” as defined by USERRA.

V. RESPONSIBILITIES

Employee:

- The employee must provide advance notice as soon as possible of the need for military leave to allow the employee’s department to plan for work to be completed during the employee’s absence.
- The employee must provide a copy of “military pay” so that a salary adjustment can be planned.
- In the case of Active Duty for other than training, the employee must report back to work in a timely fashion and provide a copy of discharge papers as provided under USERRA.

HR Leave Administrator:

- The HR Leave Administrator must approve/deny/request additional information within five (5) working days from receipt of leave request.
- The HR Leave Administrator is responsible for working with the supervisor/time administrator for time coding during the leave and for initiating a Personnel Action Request (PAR) for signature and processing by the supervisor.

Supervisor:

- The supervisor is responsible for notifying the employee of required documentation and providing such documentation to the HR Leave Administrator.
- The supervisor is also responsible for working with the time administrator for time coding during the leave and processing the PAR provided by the Leave Administrator.

VI. PROCEDURES

Advance Notice: The employee must provide advance notice as soon as possible of the need for military leave to enable the employee’s department to plan for work to be completed during the employee’s absence.

Active Duty for Training: Leave for Active Duty for Training is granted for a maximum of 10 working days in a calendar year.

Active Duty (National Guard or Reserves) for Emergency: Leave for Emergency Duty is granted for the duration of the Emergency Duty.

Active Duty for Extended Period: Leave for military service exceeding 30 days for other than emergency and including all service branches.

Leave Form: An employee must complete the Military and Personal Leave Request form. This form along with military orders and military pay information should be provided to the employee's supervisor. The supervisor should forward these materials to the HR Leave Administrator for processing. The HR Leave Administrator will work with the employee, the supervisor, and the appropriate time administrator on time coding during the employee's absence. In addition, the HR Leave Administrator will initiate any PAR (to begin the leave) for signatures and processing by the employee's department.

Length of Service: Service continues to accrue during the paid portion of leave. Service does not accrue during a period of unpaid leave. However, under USERRA, an adjustment to service must be made upon the employee's return to work. Length of service is important in determining an employee's eligibility for increases in vacation time accruals, length of service recognition, retirement benefit vesting, and Family Medical Leave eligibility.

Maximum Leave Allowed: The chart below shows the maximum number of days of military leave allowed by type of leave:

Type of Leave	Maximum Days / Calendar Year
Active Duty for Training	10 Days
Active Duty for Emergency	Duration of Duty
Active Duty for Extended Period	Duration of Duty

Medical Coverage: Medical coverage will be continued during a military leave of fewer than 30 days as if the employee was actively at work. If any employee payroll deductions were missed during such period, they will be made up in the first or first few pay periods upon the employee's return to work. The duration of the repayment will be based upon the amount to be collected. If the employee's leave exceeds 30 days, the employee may elect to continue NKU medical coverage for up to 24 months. NKU may require the employee to pay 102% of the full premium during that time.

Orders: The employee must provide the employee's supervisor with a copy of military orders (or other appropriate documentation from the authority requesting such duty) along with the completed Military and Personal Leave Request form. In addition, the employee must provide a copy of "military pay" so that a salary adjustment can be planned. This is especially important in cases where military pay is comparable to NKU pay. Failure to provide this information in advance can result in an earnings overpayment. Such overpayment must be recovered as soon as possible upon the employee's return to work.

Pension Coverage: The Kentucky Retirement System retirement plan and the TIAA 403(b) mandatory plan contain provisions for military leave absences in compliance with USERRA. Please refer to those plans for details.

Reemployment: NKU is committed to reinstating returning employees to active status in the same or comparable position, pay grade, and salary at the end of the leave if the following criteria are met:

1. The employee had been employed in an executive, administrative, faculty, or staff position and would not have been subject to position discontinuation if employment had not been interrupted by military service.
2. The employee gave notice to the University prior to leaving, unless precluded by military necessity or to do so would have been impracticable or impossible.

3. The cumulative period of active service did not exceed five (5) years, excluding certain services required by, among other things, a declared war or national emergency.
4. The employee was not discharged from the military under other than honorable terms.
5. The employee reported back to the civilian job in a timely manner per USERRA.
6. Circumstances have not so changed as to make such reemployment impossible or unreasonable and do not impose an undue hardship on the University.

NKU may request that the employee present a certificate of discharge or release from active duty under honorable conditions.

Salary Adjustment: An employee will receive pay for the difference between NKU pay and military pay as shown in the chart below. An employee may choose to use accrued vacation time during the salary adjustment period or the no salary adjustment period.

Type of Leave	Salary Adjustment	No Salary Adjustment
Active Duty for Training	10 Working Days	Working Days 11 to End of Duty
Active Duty for Emergency	First 30 Working Days	Working Days 31 to End of Duty
Active Duty for Extended Period	First 30 Working Days	Working Days 31 to End of Duty

Sick and Vacation Accruals: Sick and vacation accruals will continue during a period of paid leave as if the employee was in active status. Sick and vacation accruals will not accumulate during unpaid leave.

VII. REFERENCES AND RELATED MATERIALS

REFERENCES & FORMS

Military and Personal Leave Request form

RELATED POLICIES

Payroll Overpayment policy:

<https://inside.nku.edu/content/dam/policy/docs/Policies/PayrollOverpayment.pdf>

Student Absence Due to Military Service policy:

<https://inside.nku.edu/content/dam/policy/docs/Policies/StudentAbsenceMilitary.pdf>

Faculty Handbook (<https://www.nku.edu/academicaffairs/resources/faculty/handbook.html>) (login required): Section 12.3 “Temporary Military Leave” and 12.4 “Extended Military Leave”

REVISION HISTORY

REVISION TYPE	MONTH/YEAR APPROVED
Revision & Name Change	July 23, 2019
Leave of Absence With Pay: “Military Leave-Training & Emergency Duty” and “Military Leave-Extended Duty” sections	

MILITARY LEAVE

PRESIDENTIAL APPROVAL

PRESIDENT	
Signature <i>Ashish K. Vaidya</i>	Date <i>7/23/19</i>
Ashish K. Vaidya	

BOARD OF REGENTS APPROVAL

BOARD OF REGENTS (IF FORWARDED BY PRESIDENT)	
<input checked="" type="checkbox"/> This policy was forwarded to the Board of Regents on the Presidential Report (information only) . Date of Board of Regents meeting at which this policy was reported: <u>9 / 11 / 19</u> .	
<input type="checkbox"/> This policy was forwarded to the Board of Regents as a Presidential Recommendation (consent agenda/voting item) .	
<input type="checkbox"/> The Board of Regents approved this policy on ____/____/____. (Attach a copy of Board of Regents meeting minutes showing approval of policy.)	
<input type="checkbox"/> The Board of Regents rejected this policy on ____/____/____. (Attach a copy of Board of Regents meeting minutes showing rejection of policy.)	
SECRETARY TO THE BOARD OF REGENTS	
Signature <i>Bonita Brown</i>	Date <i>9/18/19</i>
Print Name <i>Bonita Brown</i>	