



HUMAN RESOURCES POLICIES AND PROCEDURES

Area: Leave Time

Subject: Military Leave

Applies To: Campus employees

Sources:

Number: 2340

Issued: 7/2008

Revised: 2/7/2011

Page(s): 1 of 5

Purpose

Georgia Southern recognizes the requirements to allow employees time for military responsibilities. This policy ensures general consistency and compliance with applicable state and federal laws.

Policy

An employee who receives orders for active military duty shall be entitled to absent himself or herself from his or her duties and shall be deemed to have a leave of absence with pay for the period of such ordered military duty, and while going to and returning from such duty, not to exceed a total of eighteen (18) workdays or 144 hours in any one (1) federal fiscal year (October 1 - September 30). After an employee has exhausted his/her paid military leave, an institution may pay the employee for his/her accumulated annual leave. At the expiration of the maximum paid leave time, continued absence by the employee shall be considered as military leave without pay. The employee shall be required to submit a copy of his or her orders to active military duty.

Notwithstanding the foregoing leave limitation of eighteen (18) days or 144 total hours, in the event the Governor declares an emergency and orders an employee to State active duty as a member of the National Guard, such employee while performing such duty shall be paid his or her salary or other compensation as an employee for a period not exceeding thirty (30) days in any one (1) federal fiscal year.

Once the maximum time period has been reached, employees must take military leave without pay.

Subject to the conditions and limitations of the plan, health insurance benefits will be provided for the full term of the military leave of absence.

Upon return, every reasonable effort will be made to return the employee to their previous position or a comparable one. For purposes of determining benefits based on length of service, employees will be treated as though they were continuously employed.

Ordered Military Duty. For the purpose of this policy, ordered military duty shall mean any military duty performed in the service of the State or the United States, including, but not limited to, service schools conducted by the armed forces of the United States. Such duty shall be deemed “ordered military duty” regardless of whether the orders are issued with the consent of the employee

Procedure

Notification

- a) Upon receiving military activation orders, an employee must advise his/her employer. Unless precluded by military necessity, advance notice must be provided. Employees are encouraged to provide documentation of military duty prior to activation.
- b) Upon re-employment, an employee will be required to present the institution with a copy of his/her completion of military assignment orders that specify the dates/duration of ordered military service.

Compensation While on Military Leave

The employee must be paid for up to eighteen (18) days or a maximum of 144 hours of compensation in any one (1) federal fiscal year. If the employee’s active military duty transcends portions of two (2) different federal fiscal years, the employee will be paid eighteen (18) days or 144 hours of military leave for each fiscal year in which the military leave occurred. After an employee has exhausted his/her paid military leave, an institution may pay the employee for his/her accumulated annual leave.

Benefits

Generally, benefits will continue while an employee is on full time ordered military duty. However, such action constitutes a qualifying event and permits an employee to make a change in his/her healthcare

plan coverage. While an employee is on a paid leave status, to include military leave pay and payment of accrued annual leave, employee and employer retirement plan contributions should continue to be paid. Procedures related to specific benefits are detailed below:

Annual Leave

Once an employee has been paid for his/her maximum number of paid military leave days or hours, he/she may elect to use his/her accrued annual leave. Employees who elect not to use accrued leave or who exhaust accrued leave shall be deemed to have a leave of absence without pay.

Health and Dental Benefits

An employee may elect to continue coverage under a University System of Georgia health insurance and/or dental insurance plan while he/she is performing order military service.

The military will provide primary medical and/or dental coverage for an employee while he/she is on active duty. The University System of Georgia will provide primary medical and/or dental coverage for a covered spouse and dependents, unless the covered spouse/dependents have primary coverage through another group plan.

For an employee who is called to full time active military duty such action constitutes a qualifying event and permits an employee to make a change in his/her health and/or dental plan coverage. An employee must make a change in health and/or dental plan coverage within thirty-one (31) days of his/her activation date. If the required military service of an employer coincides with a University System of Georgia open enrollment period, the member may make an open enrollment election within thirty-one (31) days of his/her return to employment within the System.

A member may enroll, change type of coverage (single, employee plus spouse, employee plus child, family) or discontinue coverage as a result of the employee's full time activation into the military

service. When an employee returns to employment with the University System of Georgia, the member may revert to his/her initial election of health and/or dental coverage.

A military activated employee who elects to continue with the University System of Georgia health and/or dental coverage while on unpaid active military duty will be responsible for remitting the employee portion of the monthly premium. Coverage will be cancelled if the employee fails to remit required premiums within institutionally defined deadlines.

Retirement Plans

While an employee is on paid leave military status, employee and employer retirement contribution amounts should continue to be paid. When an employee enters a leave without pay military status the employee and employer retirement plan contributions should cease.

Upon return from active military service, an employee is entitled to catch up' with the retirement plan contributions that he/she would have made had the individual remained as an active employee with the University System of Georgia. Upon re-employment, USERRA identifies the time period that an employee is allowed to catch up with the retirement plan contributions. An employee may have either three (3) times the length of his/her active military service, or five (5) years, whichever is shorter.

A person's entitlement to the catch up retirement plan contribution benefit will be terminated if he/she separates from the uniformed services under other than honorable conditions.

When an employee begins making military service retirement plan catch up contributions, the institution must begin submitting its corresponding employer contribution. Upon payment of these contributions to TRSGA for active military service such service shall be added as years of creditable military service.

Life Insurance

The employer should continue to provide \$25,000 of basic life insurance for an employee while he/she is on active military duty.

With regard to supplemental and dependent life insurance, a covered employee may elect to continue such coverage while he/she is on active military duty. To continue this type of coverage, the member would be required to remit premiums to the employer. If a covered employee elected to drop this type of coverage while on active military duty, he/she would have to demonstrate evidence of insurability' to be reinstated in the plan. There will be no accidental death and dismemberment benefit if the member dies from an "act of war or service in any military force of any country when the country is engaged in war."

Holidays

There will be no payment for any holidays occurring during the period of an employee's order military service.

Return to Work

The cumulative length of time that a returning service member may be absent from work for military service, and retain his/her re-employment rights is five years. A returning service member is to be reemployed in the position that he/she held, or that he/she would have attained had he/she not been order to active military duty.

USERRA regulations specify return to work or re-employment timeframes that an employee must follow upon completion of active military service. They are:

Less than 31 days: An employee should return to work the first day following the completion of his/her active military service.

30 – 180 days: An employee must request reinstatement of employment within fourteen (14) days following the completion if his/her active military service.

Over 180 days: An employee must request reinstatement of employment within ninety (90) days following the completion if his/her active military service.

A service member convalescing from injuries during military service or in training may have up to two (2) years to return to his/her position.