



HUMAN RESOURCES

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## MILITARY LEAVE

Robert Morris University is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the university's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Human Resources Department.

### ELIGIBILITY

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, period of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

### TEMPORARY (TWO WEEK) MILITARY LEAVE

In addition to the rights and benefits provided to employees taking Extended Military Leave, eligible employees who must be absent from their job for a period of not more than ten working days each year in order to participate in temporary military duty are entitled to as many as ten days unpaid military leave. All benefits will continue during an employee's temporary military leave.

### ALL OTHER (EXTENDED) MILITARY LEAVE

Employees directed to participate in extended military duties in the U.S. Armed Forces that exceed ten working days will be placed on an unpaid military leave of absence status for a period of as long as five years and will be entitled to the rights and benefits described below, subject to the procedures outlined below.

## **COMPENSATION**

The university will pay the difference between the employee's monthly pay and that which is provided by the military during the first 30 days of leave. The remainder of military leave is unpaid. Upon return, employees are eligible for general increases in compensation effected during absence for military leave, excluding merit or performance based increases.

## **PROCEDURES FOR MILITARY LEAVE**

Unless military necessity prevents it, or it is otherwise impossible or unreasonable, an employee must provide his/her department supervisor with notice that he/she will be engaging in military service, including, where feasible, a copy of the orders directing the military duty, unless he/she is prevented from doing so by military necessity. The employee is requested to provide such notice within 30 days of active military service. Failure to provide adequate notice may render him/her ineligible for the rights and benefits described in this policy. Written notice is preferred, but not required, under the law or this policy. Employees on temporary or extended military leave may, at their option, use any or all PTO leave during their absence. However, length of service towards PTO will continue to accrue. When an employee intends to return to work, he/she must make application for reemployment to Human Resources within the application period set forth below. If he/she does not return to work, he/she must notify his/her supervisor and Human Resources so that appropriate action may be taken.

## **BENEFITS WHILE ON MILITARY LEAVE**

If an employee is absent from work due to military service, benefits will continue as follows:

If an employee is on extended military leave, he/she may elect to continue group health insurance coverage for himself/herself and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. He/she must pay, per pay period, the premium normally paid by the employee. After the initial 31 day period, the employee and covered dependents can continue group health insurance up to 24 months at 102% of the overall (both employer and employee) premium rate. Beginning after the first 31 days of military leave, group health insurance coverage for an employee and/or an employee's covered dependents will run concurrently with applicable health insurance coverage under COBRA.

The group term life/AD&D insurance provided by the university will terminate the day the employee becomes active military. Conversion privileges for a group term life personal policy is available through the carrier if the employee applies within the application period described in the Summary Plan Description. Benefits will not be paid in war or warlike action in time of peace, including terrorist acts, or for service in the armed forces of any country or international authority, except the United States National Guard.

The group long-term disability insurance provided by the university will terminate the day an employee becomes active military. Disability benefits are not payable if caused or contributed to by war or an act of war (declared or not).

With respect to the university's retirement plan, employee and employer contributions temporarily cease with the last pay prior to military service. Upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reemployment the



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employee may, at his/her election, make any or all employee contributions that he/she would have been eligible to make had his/her employment not been interrupted by military service. Such contributions must be made within a period that begins with reemployment and that is not greater in duration than three times the length of military service, but no longer than five years. The employee will receive all associated university match for such contributions.

Voluntary supplemental life/AD&D insurance will terminate at the end of the month in which an employee becomes active military. Converting to an individual policy may continue voluntary life insurance coverage. To exercise this conversion option, dependents must submit a written application and the first premium payment within 31 days immediately following the termination of coverage.

## **REEMPLOYMENT FOLLOWING MILITARY LEAVE**

Upon prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the period of military service:

Less than 91 days of military service – (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the university, in the position in which the employee had been employed prior to military service.

More than 90 days and less than 5 years of military service – (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which he/she is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the university, in the position the employee left, or a position of like seniority, status and pay, the duties of which he/she is qualified to perform.

Employee with a service-connected disability – if, after reasonable accommodation efforts by the university, the employee has a service-connected disability and is not qualified for employment in the position he/she would have attained or in the position that he/she left, he/she will be employed in (i) any other position of similar seniority, status and pay for which he/she is qualified or could become qualified with reasonable efforts by the university; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the situation.

## **APPLICATION FOR REEMPLOYMENT**

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment according to the following schedule:



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If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) – the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to his/her residence.

If service is for 31 days or more but less than 180 days – the employee must submit an application for reemployment with Human Resources no later than 14 days following the completion of service.

If service is over 180 days – the employee must submit an application for reemployment with Human Resources no later than 90 days following the completion of service.

If the employee is hospitalized or convalescing from a service-connected injury – the employee must submit an application for reemployment with Human Resources no later than two years following completion of service.

## **EXCEPTIONS TO REEMPLOYMENT FOLLOWING MILITARY LEAVE**

In addition to an individual's failure to apply for reemployment in a timely manner, he/she is not entitled to reinstatement as described above if any of the following conditions exist:

The university's circumstances have so changed as to make reemployment impossible or unreasonable.

Reemployment would pose an undue hardship upon the university.

Employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.

The individual did not receive an honorable discharge from military service.

## **GENERAL BENEFITS UPON REEMPLOYMENT**

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. In addition, time spent on active military duty will be counted toward eligibility for FMLA leave once returned to their job at the university. Additionally, upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment.



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## DOCUMENTATION

The department supervisor will, upon an employee's re-application for employment, request that he/ she provide the university with military discharge documentation that establishes the timeliness of the application for reemployment, the duration of the military service, and the honorable discharge from the military service.