Information

Military Leave

Effective

May 1, 1992

Number

PER-4.08

Applicability

This policy applies to University Administrators, Faculty, and Staff.

Administrative Authority

Vice President for Human Resources

Responsible Unit

Human Resources

Miller Information Technology Center Rm 02C

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History

Revision Date(s): December 10, 2021 (minor edits); August 24, 2022 (minor edit); October 27, 2022; April 2, 2026 (minor revision)

Reviewed Date(s): March 8, 2016; April 1, 2019

Categories

Reason for Policy:

The purpose of this policy is to protect employees from detrimental employment decisions based upon the employee's military commitments by establishing Military Leave in accordance with the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable Kentucky laws.

Statement:

A. Military Leave

An employee ordered to uniform service, upon presentment of military orders to the employee's immediate supervisor, shall fill out a Request for Leave form and be placed on military leave. While on military leave, the employee is entitled to reemployment without loss of leave, seniority, or rate of pay pursuant to provisions of this policy.

1. Additionally, while on military leave, employees shall receive up to 21 calendar days of paid leave in a federal fiscal year (21 calendar days equate to 15 working days based on UofL's five-day workweek). All other military leave shall be unpaid. However, at the employee's option, the employee may request use of vacation leave in order to remain in pay status. However, an employee may not be required to use vacation leave.

2. While on military leave, an employee may request to use any vacation leave, sick leave, or other leave with pay accrued by the person before the start of military leave.

B. Insurance

An employee on military leave may elect to continue health and other insurance coverage once the leave becomes unpaid. A person who elects to continue health and other insurance coverage shall not pay more than 102 percent of the full premium under the plan except that in the case of an employee who is on military leave for less than 31 days shall not be required to pay more than the employee share of the insurance premium. The maximum period of coverage of a person and the person's dependents under such an election shall be the lesser of:

1. The 18-month period beginning on the date on which the military leave begins; or

2. The day after the date on which the person fails to apply for or return to employment after completion of military service.

C. Reemployment Rights

An employee on military leave shall be entitled to the reemployment if the employee has given written or verbal notice that the employee intends to return to work.

1. No notice is required if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable.

2. A person entitled to reemployment shall be reemployed in the position that the employee held before the uniform service or to one comparable in pay and status.

If the employee is not qualified to perform the duties of the former or comparable position due to disability sustained during uniform service, the employee shall be placed in another position for which the employee is qualified and which will provide closest pay and status as the former position.

D. Benefits Upon Return to Work

A person who is reemployed is entitled to the seniority, rate of pay, and other rights and benefits that the person had on the date of the commencement of uniform service and would have had if the person had remained continuously employed.

A person reemployed may elect to make voluntary contributions to the retirement

program in order to receive the employer matching contribution for the time the person was on military leave. The time period for electing to make a voluntary contribution to the retirement program in order to receive the employer matching contribution shall commence from the date of reemployment and end no sooner than three times the period (not to exceed five years) of the military leave.

E. Reporting To or Expressing Interest To Return to Work

An individual desiring to return to work after completion of uniform service shall report to work or provide notice of intent to return to work pursuant to the provisions of this policy.

Notice shall be given according to the following timeline upon completion of service:

1. For a period of service less than 31 days, the employee shall report to work no later than the beginning of the first full regularly scheduled work day following the completion of service plus any reasonable travel time;

2. For a period of service more than 30 days but less than 181, the individual shall submit a letter of intent to return to work no later than 14 days after the completion of the service;

3. For a period of service for more than 180 days, the individual must submit a letter of intent to return to work no later than 90 days after the completion of service.

A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of service in the uniformed services shall report to work a letter of intent to return to work within two years. Such two-year period shall be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting to or applying for work impossible or unreasonable.

A person who fails to report or apply for employment or reemployment within the appropriate period specified in this subsection shall be terminated according to the provisions of Policy 4.14 Separations.

The letter of intent to return to work shall be submitted to the Vice President or Dean and copied to the Vice President of Human Resources. Affixed to the letter of

intent to return to work shall be a copy of the order(s) which indicate dates of uniform service as well as a certificate of satisfactory completion of the service.

F. Limitations on Reemployment Right

The cumulative length of the absence because of service in the uniformed services does not exceed five years. Except that any such period of service shall not include any service:

1. That is required, beyond five years, to complete an initial period of obligated service;

2. During which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

3. To fulfill additional training requirements to be necessary for professional development, or for completion of skill training or retraining; or

4. Ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency.

There will be no obligation to reemploy the individual if the reemployment would be impossible, unreasonable, or would pose an undue hardship.

Reemployment rights accrue for regular employees. Temporary or casual employees do not have reemployment rights.

A person is not entitled to benefits and protections of this policy if they receive anything other than honorable discharge from the uniform service.

G. Prohibited Discrimination

A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of that membership, application for membership, performance of service, application for service, or obligation.

An employee shall not be discharged, except for cause, within one year after the date of reemployment.

It is the policy of the University of Louisville to promote a sense of collegiality and community among UofL staff by permitting administrators and staff employees to voluntarily contribute vacation or sick leave to fellow staff employees who would otherwise suffer a loss of regular income due to a personal or family catastrophic illness.

Employees are eligible to apply for up to 12 weeks of Catastrophic Shared Leave, after 12 months of continuous service, equivalent to Family Medical Leave eligibility.

University employees and administrators (even though administrators are not eligible to apply for leave awards) may donate their accrued sick or vacation leave to the Catastrophic Shared Leave Pool. Employees and administrators who voluntary donate leave will not receive payment of any kind for their donation.

Related Information:

38 USC Section 4303 Uniformed Services Employment and Reemployment Act of 1994 (USERRA)

KRS 61.373 through 61.377

KRS 61.394

Request for Leave Form

Definitions:

Notice: Any written or verbal notification of an obligation or intention to perform service in the uniformed services provided by the employee who will perform such service or by the uniformed service in which such service is to be performed.

A. **Employee:** Any full or part-time regular person employed by the University of Louisville.

B. **Federal Fiscal Year:** A federal fiscal year is October 1 through September 30.

C. **Service in the Uniformed Services:** The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority. Service includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty, and a period for which a person is absent from employment for the purpose of performing funeral honors duty.

D. **Uniformed Services:** 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.