



The University of Vermont

Policy V. 7.6.2

Responsible Official: Vice President
for Human Resources, Diversity and
Multicultural Affairs

Effective Date: August 8, 2012

Military Leave

Policy Statement

The University of Vermont supports employees who must be away from their jobs to serve in the armed forces of the United States.

Reason for the Policy

To ensure that the University's personnel practices are supportive to employees who serve in the U.S. armed forces and to be in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Applicability of Policy

This policy applies to all University of Vermont faculty and staff. Represented employees should consult their respective collective bargaining agreements for any other guidelines that may apply.

Policy Elaboration

Short-Term Military Service

Employees who serve in the National Guard or military reserve will be granted time off for periods of service. The employee's supervisor may seek to coordinate with the military services in arranging time off for active duty to meet the needs of both the University and the military. In all cases, the University will make the accommodations required by the USERRA.

During the period of annual training, the University continues the employee's salary or hourly payments for up to 10 working days, provided that the probationary period for the first University position has been completed. When the annual training period extends beyond 10 working days, the University pay will be discontinued. If the employee has not yet completed probation, time off will be granted without University salary or hourly payments. The period of time during an absence for military duty will not count toward the completion of probation.

Emergency Activities

Employees assigned to National Guard or Reserve units ordered to active duty by the Governor of Vermont or the President of the United States will continue to receive regular salary or hourly payments from the University, provided that the total number of days involved in the emergency call-out is not more than 10 working days in the year. If temporary military service due to emergency call-out exceeds 10 days in any year, the employee will be placed on non-paid leave status. If the probationary period has not been completed, time off will be granted for the call-out, but without University salary or hourly payments.

During periods of temporary military duty, limited to 10 days of the annual training period and 10 days of emergency service in any year, all fringe benefits for which the employee is eligible will continue, including applicable University contributions.

Long-Term Military Service

When an employee leaves University employment to join the armed forces or to begin a period of Initial Active Duty with the National Guard or Reserves, their pay will cease as of the last day of University employment. Benefits will cease within the policies for termination. Employment rights upon the employee's return from active duty will be as required by the USERRA and any other pertinent legislation.

Definitions

Emergency call-out: Temporary service due to an order by the Governor of Vermont or the President of the United States limited to 10 days per year.

Long-Term Military Service: When an employee leaves University employment for service in the armed forces for a period longer than the short-term military service and emergency call-out periods.

Short-Term Military Service: The annual mandatory active duty period limited to 10 days per year.

USERRA: Uniformed Services Employment and Reemployment Rights Act

Procedures

Procedures for Re-Employment

If an employee leaves University employment to perform service in the armed forces as defined by the USERRA, and provided he or she meets the eligibility criteria of the USERRA, the employee is entitled to reinstatement in a University position as required by the USERRA. The terms of the USERRA provide that:

- After a period of service of less than 31 days, the employee must report back to work not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for safe transportation from the place of service to the person's residence.

- Following a period of service of 31-180 days, the employee must submit an application for re-employment within 14 days of his or her release from military service.
- Following a period of service of 181 days or more, the employee must submit an application for re-employment within 90 days of his or her release from military service.
- The employee must supply Human Resource Services with evidence of satisfactory completion of active military service.
- The period of military service must not exceed five years (plus one additional year at the convenience of the government).

When the employee returns to University employment, they will be reinstated with credit for previous University service and the period of military service. In addition, the employee's pay will be set at the rate they would have received if their employment had been continuous.

If the employee is re-employed by the University after the period of military service, and they maintained enrollment in UVM's retirement plan during the leave, they may regain the amount of UVM retirement contributions that would have been received during the absence. To be eligible for restoration of retirement contributions, the employee must meet the reinstatement requirements described above. In addition, the employee must contribute the applicable percentage of their gross, straight-time University compensation at the time of separation for the entire period of absence, within the time limits required by the USERRA.

Forms

None

Contacts

Questions related to the daily operational interpretation of this policy should be directed to:

For managers and supervisors

Human Resource Services, Management Consulting Solutions
(802) 656-2241.

For employees

Human Resource Services, Employee Information Center
(802) 656-3150

The Vice President for Human Resources, Diversity and Multicultural Affairs is the official responsible for the interpretation and administration of this policy.

Related Documents/Policies

Leaves and Time Off

https://www.uvm.edu/sites/default/files/Human-Resource-Services-and-Operations/Current_Employees/leaves.pdf

The Family and Medical Leave Act Military Family Leave Entitlements

<http://www.dol.gov/whd/regs/compliance/whdfs28a.pdf>

Uniformed Services Employment and Reemployment Rights Act (USERRA)

<https://osc.gov/Pages/USERRA.aspx>

Effective Date

Approved by the President on August 16, 2012