



XAVIER UNIVERSITY

Military Leave

Effective: April 30, 2008

Last Updated: April 30, 2008

Last Reviewed: March 29, 2023

Responsible University Office: Human Resources

Responsible Executive: Associate Vice President for Human Resources

Scope: All University Employees

A. POLICY

Uniform services is defined in the policy: Army, Navy, Air Force, Marines, Coast Guard, reserve units, National Guard and Commissioned Corps of Public Health Service.

Military leaves are granted for employees in active duty in the Armed Forces in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994;

a. Uniformed services include:

- Active duty (including Reserve and Guard members who have been called up);
- Active duty for training;
- Initial active duty for training;
- Inactive duty training;
- Full-time National Guard duty;
- Absence from work for an examination to determine a person's fitness for any of the above types of duty;
- Funeral honors duty performed by National Guard or reserve members.

Employees on Military Leave, currently enrolled in Xavier University's health, dental and vision benefit plans, may continue such benefits. The University will continue to pay the employer portion of the premiums if the employee elects to continue his/her University benefits. Employee would be responsible for his/her portion of the premium. In addition, eligibility for Tuition Remission for employees and dependents continues.

Time Periods for Reemployment

If the employee has been on active duty for 30 days or less, he or she must report for work at the beginning of the next scheduled work period on the first full day after release plus travel time and an eight-hour rest period.

If the employee has been on active duty for more than 30 but less than 180 days, he or she must notify of his or her intent to return to employment within 14 days after release from service.

If the employee has been on active duty for more than 180 days, he or she must notify his or her intent to return to employment within 90 days after release from service.

If the employee is recovering from a service-related injury, the time period for application for reemployment may be extended for up to two years.

If the time frame for application for reemployment is missed due to the employee's fault, the employee may be subject to the same disciplinary action for failure to report to work as any other employee who does not report to work.

B. PROCEDURE

- a. Employees who are members of the uniformed services and are called to duty must notify their supervisor immediately. This notification must be made in writing and include a copy of the military orders.

Employees who fail to give advance notice may lose their military leave protection under applicable laws, unless providing advance notice is impossible or unreasonable due to military necessity or for other legitimate reasons.

- b. Length of Military Leave

- Active Duty - Employees entering active military service will retain their rights to reemployment for a total of five years.
 1. Exceptions - The cumulative period of military service may exceed five years in the following cases:

- A. The additional time is necessary to complete an initial obligated service requirement;
 - B. The employee was unable to obtain release orders through no individual fault;
 - C. Additional training is determined necessary by the secretary of the particular service;
 - D. The service is performed on active duty during periods of war or national emergency;
 - E. The service is considered statutorily mandated National Guard and reserve training requirements.
- Reserve Duty - Full-time employees that are members of the U.S. Military Reserves or National Guard are given time off for up to 15 days per year for active duty. During this time, these employees will be paid the difference between their military pay and their regular rate of pay. Part-time employees are given the time off without pay.
 - Return to Work - In accordance with federal law, employees who are members of the uniformed services and are returning from duty may be reemployed at Xavier University if they meet the following conditions:
 - The employee provides advance notice of such military service, where possible;
 - The length of Military Service limits are not exceeded; and
 - The employee does not receive a dishonorable discharge.

Reinstatement would also be withheld if it would require creation of a useless job or where there has been a reduction in the workforce during the period of the military leave that would reasonably have included that employee.

c. Applying for Reemployment

Federal law provides time limits, based on length of military service, during which returning employees must apply for reemployment. In general, employees returning from military leave will be guaranteed their former job if they apply within 90 days or a lesser period as required by law. Employees should check with the Office of Human

Resources for the more specific information on the time period for applying for reemployment.

d. Reemployment Documentation

Documentation verifying eligibility for reemployment may be requested of employees returning from military service. If requested, this documentation should verify that: 1) the employee has made timely application; 2) the employee has not exceeded length of military service limitations; and 3) the employee has been released from service under honorable conditions. If the requested documentation does not currently exist or is not readily available, reinstatement of the employee will not be denied. However, it is the employee's responsibility to provide such documentation as soon as possible.

Other applicable policies and/or resources:

Family and Medical Leave Act (FMLA)