

## **Policy: 5.38**

### **Military Leave**

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**Purpose:** To comply with federal law (Uniformed Services Employment and Reemployment Rights Act) which provides employment protection to those employees that continue to serve the United States in the uniformed services.

**Scope:** All full-time employees that are National Guard and Military Reserves members and those who volunteer or are involuntarily inducted into military service, to attend military training and for active duty.

#### **Policy Statement**

It is the College's policy to support our employees who continue to serve their country in the uniformed services, which includes Army, Navy, Marine Corps, Air Force, or Coast Guard; Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve; Army National Guard or Air National Guard; Commissioned Corps of the Public Health Service; or any other category of persons designated by the President in time of war or emergency; in accordance with federal and state law, in particular the Uniformed Services Employment and Reemployment Rights Act (USERRA).

#### Notice of Military Leave

Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide their immediate supervisor with written or verbal notice with their need for leave as far in advance as is reasonable under the circumstances including, where feasible, a copy of the orders directing the service. Notice may also be provided by an appropriate officer of the branch of military in which the employee will be serving. Failure to provide notice may render the employee ineligible for the rights and benefits contained in the military leave policy. However, no notice will be required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable.

#### Pay While on Military Leave

##### **Temporary Military Leave (1-30 days of uniformed service):**

All employees will be granted time off with pay for an annual military reserve duty provided the duty is obligatory to maintain military status. The maximum paid time allowed for annual reserve duty is limited to 30 workdays per fiscal year (July 1 to June 30)

##### **Other Military Leave (30+ days of uniformed service)**

Subject to a lifetime cap of 12 months, any regular full-time College employee is entitled to differential pay during military leave. In the event that the military base pay, not including allowances (e.g. Hostile Fire Pay, Housing Allowance, Food Allowance, and others), is less than the employee's College individual pay, the College will reimburse the employee the difference between the base pay for uniformed service and their individual pay earned at the College during the same time. The maximum amount paid is \$1,000 per month.

### Returning to Work After Military Duty

Prior to returning to work, you will need to notify your supervisor of your intent to return and provide a copy of your discharge documentation. The length of our military leave determines your return-to-work notice requirements.

1. Service of 1 to 30 days: the employee must return to work at the beginning of the first regularly scheduled workday or 8 hours after the end of the military duty, allowing for reasonable commuting time from the military duty station to home.
2. Service of 31 to 180 days: application for reinstatement must be submitted to the College not later than 14 days after completion of military duty.
3. Service of 181 days up to 5 cumulative years: application for reinstatement must be submitted not later than 90 days after completion of military duty.

Reinstatement applications shall be granted for a period not to exceed five years, in accordance with the cumulative service limit provisions of the USERRA.

### Benefits During Military Leave

An employee on military leave may elect to continue the health benefit plan coverage and is required to pay only the employee's portion of the insurance premium when in the service for up to 12 months. Thereafter, the employee may elect to continue healthcare coverage as provided under COBRA. However, if coverage is terminated at the employee's option, KCKCC may not impose a waiting period for benefit reinstatement upon return to employment. For more specific information regarding the status of Health Plan coverage, Group Term Life/AD&D and other benefits during military leave, the employee should contact the Human Resources Department.

Employees who are members of Kansas Public Employee Retirement System (KPERs) will continue retirement participation according to the employee's retirement plan guidelines.

### Time off Accruals

Employees will continue to accrue vacation, sick and personal leave hours each month. Additionally, when an employee returns to work, the accrual rates will be adjusted for staff employees that reach a different accrual rate due to their years of service during their absence.

### Tuition Waiver

Tuition waiver benefit shall continue for any eligible dependents for a period not to exceed the five-year cumulative service limit of their military service.

Board Approved: 04/21/2020