

DEPAUL UNIVERSITY



Military Leave of Absence

Category: Human Resources

Responsible Department: Human Resources

Responsible Officer: Vice President of Human Resources

Effective Date: 10/18/2023

Policy Summary

The purpose of this policy is to establish the practices governing the granting of military leaves of absence in accordance with The Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA) and all relevant state and local regulations, including the Illinois Family Military Leave Law and the Service Member Employment and Reemployment Rights Act (ISERRA).

For information related to taking a leave of absence to care for a family member in the Armed Forces, refer to the [Family Medical Leave Act policy](#).

Scope

This policy affects the following groups of the University:

- Full-Time Staff
- Part-Time Staff
- Full-Time Faculty
- Part-Time Faculty
- Student Employees

This policy affects all members of the above groups.

Policy

Generally, an employee who gives advance notice and leaves the university for periods of active duty or training service in the uniformed services of the United States or the State of Illinois for a cumulative amount of five (5) years or less is entitled to continued employment. For periods accumulating beyond 5 years reemployment opportunities will be in accordance with federal and state law.

All categories of uniformed services are covered, including:

- The regular Armed Forces (Army, Navy, Air Force, Marine Corps)
- The Reserves
- The National Guard
- The Public Health Service
- The Coast Guard
- The State Guard

All categories of service, voluntary or involuntary, are covered, including:

- Active duty
- Active duty for training
- Active service
- Drills
- Full-time National Guard duty
- Absence from work for an examination to determine fitness for any of these types of duty
- Certain disaster response work (and authorized training for such work)
- Any other service protected by law

Full-time employees will be paid differential pay while on military leave of absence or any other service protected for up to 24 months. Differential pay is equal to the difference between the employee's base or contract salary at the time the leave begins and the employee's military pay. If the university base or contract salary is less than the military pay, there is no differential pay.

Employees continue to receive continuous service credit at the university during any period of military leave. With respect to the 403(b) retirement plan, this means that an employee's period of military leave will count as service for purposes of determining eligibility to receive employer matching contributions.

The university complies with the Illinois Family Military Leave Act. An employee may take up to 30 days of unpaid Family Military Leave if the employee's spouse, parent, child, or grandparent is called to military service lasting longer than 30 days pursuant to orders from a state Governor or the President of the United States. To be eligible for this leave, an employee must be employed by the university for at least 12 months and must have worked at the university at least 1,250 hours during the 12 months preceding the requested leave. The employee must have exhausted all accrued paid or unpaid leave, except sick leave and disability leave, prior to taking Family Military Leave. This leave time may run concurrently with FMLA leave taken for a qualifying exigency (i.e. emergency).

An employee must give the university at least 14 days written notice of the Family Military Leave if the employee intends on taking leave for five (5) or more consecutive work days. Employees must consult with their managers and the Benefits Department of Human Resources to schedule the leave so it does not unduly disrupt business operations. Employees taking leave for less than five (5) consecutive days also must give advance notice as soon as practical.

Employees may be required to produce documentation from the proper military authority to verify the employee's eligibility for any Family Military Leave requested.

Procedures

This section covers the procedures for undertaking a military leave and summarizes the responsibilities of the employee, the manager and Human Resources pursuant to such a leave.

1. An employee going on military leave must give as much advance notice as possible. When possible, the employee should present the university with the service orders or other documentation of the military leave.
2. The employee should complete and submit a [Military Leave of Absence Request form](#) to his or her manager.
3. The manager will review the Military Leave of Absence Request form and submit it to the Benefits Department of Human Resources.
4. The Benefits Department will approve or deny the request for military leave.
5. The employee should be directed to contact the Benefits Department for information on the continuation of certain benefits (see "Benefits Continuation" section below).

Benefits Continuation

Participation under the following university benefit plans may continue for up to 24 months, subject to availability and in accordance with the terms and conditions of the applicable plan, during an approved military leave if employee contributions (where applicable) are paid or prepaid:

- Medical
- Dental
- Vision
- Life and Accidental Death and Dismemberment
- Short- and Long-Term Disability
- Adoption Assistance
- Employee Assistance Program
- Health Care Flexible Spending Accounts
- Transportation Program
- Health Savings Account (HSA)
- Tuition Waiver for spouse/unrelated SDA and dependent children

Note: Although participation in the plans can continue, benefits will be based on plan provisions. For example, participation in the long-term disability plan continues while on approved military leave, but if a particular disability is caused by an act of war or terrorism there will be no benefit payable. Participation in the 403(b) retirement plan may continue for the duration of an employee's military leave, as long as the employee continues to be paid by the university and makes elective deferral contributions to the 403(b) retirement plan

While on unpaid military leave of absence, participation in the Dependent Care Flexible Spending Account (DCFSA) will automatically cease as of the date the leave of absence begins. To re-enroll in the Dependent Care Flexible Spending Account upon return from leave, the employee must complete a life event through BlueSky within 31 days of returning from the leave to reinstate enrollment.

An employee has the option to continue or suspend coverage in the university benefits plans. If the employee continues coverage, he or she must make arrangements to pay any employee premiums required. Any benefits that are suspended may be reinstated when the employee returns to work if the requirements of the "Reinstatement of Employment" are met. If an employee discontinues coverage during a leave and wishes to resume coverage upon his/her return, the employee must re-enroll within 31 days of returning from the leave. Otherwise, the employee must experience a qualifying event or wait until the open enrollment period to re-enroll. If an employee experiences a qualifying event during the leave of absence, the employee may increase or decrease coverage in accordance with that event.

403(b) retirement plan, transportation program and health savings account contributions will be automatically suspended during an unpaid military leave. Upon return from unpaid military leave, contributions that have been suspended by Human Resources will re-start automatically. Reinstated employees are granted an extended period (three [3] times the period of leave up to a maximum of five [5] years) to make up contributions to the university's 403(b) retirement plan and will receive corresponding university contributions, if eligible. Earnings (and losses) on make-up contributions to the 403(b) Plan will be credited only as of the date the contributions are actually made to the 403(b) retirement plan (not as of the date such contributions would have been made if the employee had not been on military leave).

Vacation and sick time continue to accrue while on approved military leave in accordance with the provisions of the university sick and vacation policies. An employee's time on approved military leave will not be considered a break in service with respect to benefits that are based on years of service.

Performance Appraisals and Merit Increases

The employee who is absent on military leave will be credited with the average of his or her efficiency or performance rating or evaluations received over the three years preceding the leave, but in no case can the average rating be less than the rating that the employee received for the last rating period preceding his or her leave.

Reinstatement of Employment

Generally speaking, the university will reinstate eligible employees under the following conditions, in accordance with federal guidelines:

- Advanced written or verbal notice must have been given to the university of the impending military service
- Cumulative military was not in excess of five (5) years (with certain periods of service excepted as required by government regulations)
- Employee must report to the university for re-employment within established time periods related to the duration of the military service leave (see chart below)
- Employee must have been discharged or released from military service under honorable conditions

The following notice requirements apply to applications for reinstatement:

Period of Military Service (days)	Notice Required for Re-Employment
1-30	Report for work at the beginning of the next regularly scheduled work period on the first full calendar day after release from service, taking into account safe travel home plus an eight- hour rest period or within three work days of travel home, whichever is greater.
31-180	Submit application for reinstatement within 14 days of completion of service or on the first full calendar day when submission of such application becomes possible if submission within 14 days is impossible or unreasonable through no fault of the person
181+	Submit application for reinstatement within 90 days of completion of service or on the first full calendar day when submission of such application becomes possible if submission within 90 days is impossible or unreasonable through no fault of the person

In the event of a service-connected injury or illness, reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

The university will reinstate eligible employees who satisfactorily complete their period of service without reduction in seniority, status or pay if all other conditions required by law are met, including a timely application for reinstatement. An employee who fails to notify the university of his or her intent to return within the timeframe stated above shall be deemed to have resigned.

Federal law protects employees returning from military service against discharge without cause for one (1) year after reinstatement if the period of service was more than 180 days, or for 180 days if the service was 31 to 180 days duration.

Employee's Responsibilities

- Provide as much advance notice as possible to the manager of upcoming military leave
- Complete the Military Leave of Absence Request form and obtain management and Human Resources approvals
- Obtain information on benefits continuation from Human Resources and arrange to pay or prepay employee premiums for any benefits that will be continued
- Report to the university for re-employment within established time periods related to the duration of the service leave
- Provide proof of discharge or release from service under honorable conditions
- Provide supervisor and Human Resources with contact information during the leave

Manager's Responsibilities

- Immediately notify Human Resources upon learning of employee's intent to take a military leave of absence

- Consult Human Resources if uncertain as to whether an employee absence qualifies for military leave or if any departmental changes may impact an employee on military leave
- Review the completed Military Leave of Absence Request form and sign the form
- Submit completed form to the Benefits Department
- Track the time off relating to military leave
- Advise Human Resources of employee's planned leave and anticipated return date
- At the end of the military leave, reinstate employee

Human Resources' Responsibilities

- Upon notification that an employee wishes to take a military leave provide the [Military Leave of Absence Request form](#)
- Once the completed and signed form is received, notify the employee of military leave approval, date it begins and date the employee is expected to return
- Notify employee of any impact to benefits (if applicable)

Keep in contact with the employee and the employee's manager to verify that the employee is still on leave and determine if there has been any change to the expected return date

Divisional Collaborations

None

Contact Information

Office of Human Resources

Mailing Address:

1 East Jackson Boulevard
Chicago, Illinois 60604

Office Location:

14 East Jackson Boulevard
13th Floor
Chicago, Illinois 60604

(312) 362-8500

Appendices

[Military Leave of Absence Request form](#)

[DePaul Leave of Absence website](#)

History/Revisions

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