

COLUMBUS STATE COMMUNITY COLLEGE
POLICY AND PROCEDURES MANUAL

ABSENCE FOR MILITARY DUTY

Effective August 21, 2000

Procedure No. 3-14 (I)

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- (1) The following requirements apply to individuals who seek to be reemployed after a leave of absence for service in the uniformed services.
 - (a) The maximum tour of active duty is normally five years. Absence beyond that period relinquishes the individual's right to reemployment, unless the absence is due to reasons set forth in 38 U.S.C.A. §4312(c).
 - (b) An employee returning from uniformed service leave without pay, or who was paid pursuant to Policy No. 3-14 (C), must first apply for reinstatement. The application should be made to the Human Resources Department within the period set forth below.
 - (i) Leave of less than 30 days: The application shall be made immediately upon release from uniformed service, with allowance for travel time and eight hours of rest.
 - (ii) Leave of 31 to 180 days: The application shall be made within 14 days of completing uniformed service requirement.
 - (iii) Leave of more than 180 days: The application shall be made within 90 days of completing uniformed service requirement.

Failure to provide timely notice, however, does not mean that an individual forfeits his or her rights; rather, it subjects the individual to the college's conduct rules, established policies, and general practices. An exception will be made to these required periods if the delay is due to circumstances beyond the employee's control.

If the leave of absence was for more than 90 days, it is required that the individual submit with the application evidence showing that the application is timely, the duration of all such leaves of absence does not exceed five years or the time set forth in (1) (a), and the employee's entitlement to reemployment has not terminated according to the circumstances described in the Uniformed Services Employment and Reemployment Rights Act of 1994, 108 Stat. 3149 (1994), 38 U.S.C.A. 4301 and 4304, as amended. Inability to obtain the required paperwork, if not the employee's fault, will not be the basis to deny benefits under the law.

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- (c) Upon compliance with the law and the application process, the individual returning from uniformed service shall be reinstated as follows:
- (i) Uniformed service of less than 91 days: A person whose uniformed service was less than 91 days is to be promptly reemployed in the position that he or she would have attained by remaining continuously employed, unless the college can demonstrate that the employee is not qualified or is incapable of becoming qualified for that position, in which case the employee is entitled to the position the employee was in at the time the employee's service commenced.
 - (ii) Uniformed service for more than 90 days: A person whose uniformed service was for more than 90 days has the same reemployment rights as persons with a shorter term of uniformed service, except that the employee may be placed in any position of like seniority, pay, and status.
 - (iii) The college will make reasonable efforts to update the skills of an employee who is not initially qualified for the position to which he or she is entitled, unless such efforts would create an undue hardship. This effort will include, where applicable, refresher training and any training the employee would have received if he or she had remained on the job.
 - (iv) Regardless of the duration of duty, if reinstatement is impossible or would impose undue hardship, the employee may be assigned to another position with like seniority, status, and pay or the nearest approximation thereof consistent with the circumstances of the case.
 - (v) If the employee is unable to perform the duties of his or her former position by reason of injury or illness incurred or aggravated during uniformed service, the college will make reasonable efforts to accommodate the employee's disability. If the employee cannot be accommodated in the former position, the accommodation effort shall include placing the employee in another position in which the employee is qualified and able to perform the essential duties that will provide similar status, seniority, and pay, or to a lesser position consistent with

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the employee's case.

- (vi) If an employee who is entitled to reinstatement under this rule is unable to report for or perform the duties of his or her position at the date of his or her application for reinstatement because of an injury or illness incurred or aggravated during uniformed service, he or she shall have up to two years to recover from that illness or injury before being required to report or reapply.
- (d) Upon reinstatement, a reinstated employee shall receive all rights and benefits generally available to employees in a comparable leave of absence without pay, and shall receive the following:
 - (i) All sick leave, vacation leave, and personal business leave which had been accrued at the time of entering service, and which was not used during the military leave;
 - (ii) All seniority which would have accrued had the employee been on the job;
 - (iii) Automatic salary adjustments associated with the position and due the employee had the employee been on the job;
 - (iv) Any change in position or pay range which would be due the employee had the employee been on the job;
 - (v) Reinstated health insurance and related insurance benefits with no waiting periods or pre-existing condition exclusions; and
 - (vi) Service credit and employer contributions to School Employees Retirement System (SERS) or State Teachers Retirement System (STRS) which are applicable under state and federal law.
- (e) Termination

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- (i) Uniformed service lasting between 31 and 180 days: Employees reinstated after uniformed service leave without pay lasting from 31 to 180 days shall not be terminated from their position within 180 days of reinstatement without cause.
 - (ii) Uniformed service lasting 181 days or more: Employees reinstated after uniformed service leave lasting 181 days or more shall not be terminated from their positions within one year of reinstatement without cause.
- (2) The employee is required to:
 - (a) provide copies of official orders or other official documentation as soon as available;
 - (b) submit an Application for Leave form as far in advance of the leave as possible under the circumstance; failure to provide advance notice will deprive the employee of rights under the federal act unless the provision of notice was impossible, unreasonable, or precluded by military considerations;
 - (c) indicate on the application the length of leave, if known; and
 - (d) apply for reemployment in a timely manner.
- (3) The employing department should:
 - (a) maintain copy of official orders and leave request; and
 - (b) forward Leave Request form to Human Resources Department.
- (4) The Human Resources Department should:
 - (a) process the Leave Request form;
 - (b) process any health care request forms;

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- (c) arrange payment of wages or benefits as provided in and in accordance with this policy and procedure; and
- (d) process any application for reemployment.