



## Delaware State University

**University Area(s) Responsible:** Office of Human Resources

**Policy Number & Name:** 4-24: Military Leave

**Approval Date:** 11/4/13

**Revisions:** \_\_\_\_\_

**Reviewed:** \_\_\_\_\_

**Related Policies & Procedures:** 4-01 Nondiscrimination Policy, 4-06: Affirmative Action Policy

### 1. Purpose

The purpose of this Policy is to ensure that the rights and responsibilities of all Delaware State University (DSU) employees, who are also military personnel, are met while they carry out their Military Service.

### 2. Scope

This Policy covers all DSU employees serving in any branch of the U.S. Armed Forces. Any full-time or permanent part-time employee is entitled to military leave.

### 3. Definitions

**3.1 Emergency National Guard Leave** occurs when an employee is called to active duty by proclamation of the Governor during a state of emergency. When a state of emergency is called by the President of the United States, the employee is placed on Extended Uniformed Services Leave.

**3.2 Extended Uniformed Services Leave** occurs when an employee enlists or is ordered into:

**3.2.1** Active Duty Service of any length,

**3.2.2** Active Duty Training greater than 180 calendar days, or

**3.2.3** Active Federal Uniformed Services as a member of the National Guard or Naval Militia.

**3.3 Inactive Duty Training** – authorized training performed by members of a Reserved or National Guard component not on Active duty. This duty is performed in connection with the prescribed activities of the Reserves or National Guard. It consists of regularly scheduled unit training periods, additional training periods and equivalent training.

**3.4 Physical Examination Leave** occurs when an employee is required to take a pre-induction or pre-enlistment physical examination. Leave shall be granted for time necessary to complete the examination, including time spent traveling.

**3.5 Temporary Uniformed Services Leave** occurs when an employee is ordered to full-time active Uniformed Services training for a period not greater than 180 calendar days, including time spent traveling to and from duty.

**3.6 Extended Uniformed Services** Leave occurs when an employee enlists or is ordered into:

**3.6.1** Active Duty Service of any length,

**3.6.2** Active Duty Training greater than 180 calendar days, or

**3.6.3** Active Federal Uniformed Services as a member of the National Guard or Naval Militia.

**3.7 Uniformed Services** -means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

#### **4. Policy**

Uniformed Services Leave and Leaves of absence without pay shall be granted to eligible employees in accordance with applicable state and federal laws. DSU does not discriminate against employees based on their military participation.

Employees are eligible for reinstatement following active duty with the United States Military or National Guard.

#### **5. Procedure**

**5.1 Requesting Leave** If called to active military duty or to reserve or National Guard training, or if you volunteer for the same:

**5.1.1** Submit a leave request form along with copies of your military orders to your supervisor or department head and/or to the Office of Human Resources as soon as practical.

**5.1.2** Your supervisor or department head shall notify Human Resources and provide a copy of the leave form along with your military orders.

**5.1.3** A military leave of absence, without pay, for the period of military service in accordance with applicable federal and state laws will be granted.

**5.2 Reinstatement** - To be reinstated submit a letter requesting reinstatement (within 14 days of release from active duty if the period of service was more than 30 but less than 181 days, or within 90 days of release from active duty if service was for more than 180 days) along with a certificate of satisfactory completion of active duty and documentation of discharge status.

**5.2.1** Upon application, eligible returning military personnel shall be given an equivalent position as the one they occupied prior to active duty, provided the employee would not have been laid off if his or her employment had not been interrupted by military service.

**5.2.2** If returning military personnel return disabled, reasonable accommodations shall be made to give a position commensurate with their pay and ability.

**5.2.3** In regards to pay and benefits, returning military personnel are treated as if they had been on a leave of absence. Credit is given for years of service spent on active duty for the purposes of satisfying any applicable benefit(s) or benefit waiting periods. Returning military personnel shall, upon election, be reinstated for health insurance coverage.

**5.2.4** A person's entitlement to leave of under this Policy by reason of the service in one of the uniformed services terminates upon the occurrence of any of the following events (per 38 U.S.C. §4304):

**5.2.4.1** A separation from uniformed service with a dishonorable or bad conduct discharge.

**5.2.4.2** A separation from uniformed service under other than honorable conditions, pursuant to regulations prescribed by the Secretary concerned.

**5.2.4.3** A dismissal permitted under section 1161(a) of title 10.

**5.2.4.4** A dropping from the rolls pursuant to section 1161(b) of title 10 (United States Code, Title 10 Armed Forces).

**5.2.4.5** The cumulative length of the absence and all previous absences from a position of employment with DSU by reason of service in the uniformed services exceeds five (5) years, except as provided by 38 U.S.C. § 4312 (c).

## **6. Responsibility**

The Office of Human Resources will be responsible for the implementation and enforcement of the Military Leave Policy. Any violation of this policy will be investigated and appropriate actions shall be taken to remedy the effect(s) of the violation.

All University employees at Delaware State University will comply with the Military Leave Policy.

## **7. References**

38 U.S.C. §§4301- 4318, 10 U.S.C

## The Americans with Disabilities Act of 1990