MILITARY LEAVE OF ABSENCE

Faculty and staff members of Washington University who are also members of the United States military will receive a leave of absence to fulfill their military obligations.

A. Notice – Employees requesting military leave must provide reasonable advance notice (ordinarily at least 30 days) to their supervisor, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable.

B. Compensation – Regular full-time and benefits-eligible part-time employees called to active military duty shall receive the difference between their University salaries and their military compensation for a period of up to six months from the date of military activation or the length of service, whichever is shorter. Funding for active duty leave shall be from departmental resources, and payment shall be made consistent with the regular payroll schedule. Following the period of paid active duty leave, continued military leave is unpaid. Likewise, military leave for members of the Reserves or National Guard to fulfill training obligations is unpaid.

Employees may utilize accrued vacation time during unpaid military leave or in lieu of the salary differential pay. The University will not apply accrued vacation time toward military leave without the employee’s consent.

C. Benefits

1. Vacation and Sick Time – Vacation and sick time will not accrue during any unpaid portion of military leave.

2. Health Benefits – Employees on active duty leave may elect to continue participation in the Washington University group health plans with University contribution during the salary differential payment period (maximum of six months). At the conclusion of the salary differential payment period, employees on active duty leave may elect to continue participation in the Washington University group health plans without University contribution for the duration of the leave period or up to 24 months, whichever is shorter. An employee on leave fewer than 31 days will only be required to pay the employee’s share of the premiums.

3. Tuition Assistance – Tuition assistance will continue for spouses, domestic partners and dependent children during the period of military leave.

4. Retirement Savings Plan – Employees on military leave are not eligible to continue making contributions to the University’s retirement saving plan. Employees on active duty leave are not eligible to receive the University contribution following the salary differential payment period. A returning
employee will be allowed to make up any missed deferrals or contributions over a period equal to three times the period of the military leave, up to a maximum of five years, and the University will make up any missed contributions attributable to those employee contributions. Makeup deferrals and contributions are limited by the Internal Revenue Code as applicable to the year to which the deferrals or contributions relate, not to the year in which they are made up.

5. **Life Insurance** – University-provided life insurance will continue to be provided by the University during military leave. Optional life insurance coverage will be continued during military leave as long as the required monthly premium is paid.

6. **Accidental Death and Dismemberment Insurance, Travel Accident Insurance, Long Term Disability** – These benefits will be suspended during military leave. Upon returning to work from military leave, any such suspended benefits will be reinstated, as appropriate.

7. **Workers’ Compensation** – Workers’ Compensation benefits are not available if the disability is the result of war. Other government benefits may be available.

D. **Reemployment** – Absent unusual circumstances, the University will reemploy eligible employees returning from military leave. Supervisors should consult with Human Resources to determine employee eligibility.

1. **General reporting requirements** – Employees returning from military service of 30 days or fewer must report for reemployment by the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service, provided that such reporting time is at least eight hours after the completion of the service period. If reporting within this time period is impossible or unreasonable through no fault of the employee, he or she must report as soon as possible upon expiration of the eight-hour period. Employees returning from military service of 31 to 180 days must submit an application for reemployment (written or verbal) no later than 14 days after completing service. If it is impossible or unreasonable to apply within that time period through no fault of the employee, he or she must submit an application by the next full calendar day after it becomes possible to do so. Employees returning from military service of 181 days or more must submit an application for reemployment no later than 90 days after completing service. An employee’s failure to report to work or to apply for reemployment within these time limits does not automatically forfeit the employee’s reemployment rights, but does subject the employee to applicable policies and practices governing absence from scheduled work.
2. **Documentation** – Employees returning from military leave of 31 days or more must provide documentation along with their application for reemployment showing that their application is timely and that they are eligible for reemployment. If such documentation does not exist or is not readily available at the time of application, it must be submitted as soon as practicable after it is created or becomes readily available.

3. **Reemployment priority**

   a. Employees returning from military service of fewer than 91 days will be promptly reemployed (generally within two weeks of the application for reemployment) in a position in accordance with the following order of priority:

      i. In the position in which the person would have been employed if his/her continuous employment with the University had not been interrupted by such service (the “escalator position”), provided that the person is qualified to perform the duties of such position; or

      ii. In the position the person held on the date of the commencement of military service (the “former position”), only if the person is not qualified to perform the duties of the escalator position after reasonable efforts by the University to help the person become qualified; or

      iii. In any other position (with full seniority) for which the person qualifies (with reasonable assistance from the University, if necessary) that is the nearest approximation to the escalator position or the former position (in that order of priority), only if the person is not qualified for either the escalator position or the former position and cannot become qualified with reasonable efforts by the University.

   b. Employees returning from military service of 91 or more days will be promptly reemployed in a position in accordance with the following order of priority:

      i. In the escalator position or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or

      ii. In the former position or a position of like seniority, status and pay, the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of a position comparable to the escalator position after reasonable efforts by the University to qualify the person.
iii. In any other position (with full seniority) for which the person qualifies (with reasonable assistance from the University, if necessary) that is the nearest approximation to the escalator position, the former position, or a like position (in that order of priority), only if the person is not qualified for either the escalator position or the former position and cannot become qualified with reasonable efforts by the University.

4. **Discharge** – A person reemployed under this policy shall not be discharged from such employment, except for cause (including legitimate business needs), within one year after the date of such reemployment if the person’s period of military service was more than 180 days, or within 180 days after the date of such reemployment if the person’s period of military service was more than 30 days but less than 181 days.

E. **Non-discrimination/Non-retaliation** – Washington University shall not unlawfully discriminate in the employment of any person because of his/her past, current or future military obligations. The University also shall not take any adverse employment action against any person because he/she has exercised a right or taken an action to enforce a protection afforded under the Uniformed Services Employment and Reemployment Rights Act (the Act), or has testified, assisted or otherwise participated in a proceeding or investigation under the Act.

F. **Family and Medical Leave Act (“FMLA”)** – The FMLA provides for two types of leave related to military service.

1. The FMLA provides that “an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember.” The term “covered servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

2. The FMLA also provides that an eligible employee may take leave of up to 12 weeks in any 12-month period because of any “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Washington University reserves the right to modify this policy at any time, with or without notice.

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