Uniformed Services Leave

<table>
<thead>
<tr>
<th>Section: Leave</th>
<th>Policy Number: 503</th>
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<tbody>
<tr>
<td>Responsible Office: HR/HR Services</td>
<td>Effective Date: 04/01/01</td>
</tr>
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<td>Revised: 02/01/06</td>
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**Scope**
All administrators, staff and faculty as provided by federal law.

**Policy**
An employee who gives advance notice and who leaves the University for any period of active or training service in the Uniformed Services of the United States is entitled to continued employment and, after completing longer periods of service, will be re-employed in accordance with federal and state law.

The Uniformed Services Employment and Re-Employment Rights Act of 1994 covers all uniformed services, including regular armed forces, the Reserves, the National Guard, the Public Health Service, and the Coast Guard. All categories of service, voluntary or involuntary, are covered, including active duty, active duty for training, drills, full-time National Guard duty, and absence from work for an examination to determine fitness for any of these types of duty. In addition, under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work (and authorized training for such work) is considered “service in the uniformed services.”

**Procedures**
Employees going on Uniformed Services Leave must give as much advance notice as possible to their supervisor, and present the University with the service orders. Employees should be directed to contact the Benefits Office for information on the continuation of certain benefits.

The University will pay employees differential pay for the duration of Uniformed Services Leave. Employees must submit payment received from the Federal Government in order to receive regular salary from the University. Should the employee choose to use accrued paid vacation or other paid personal time off, he or she is entitled to full pay from the University, in addition to pay from the Federal Government.

Employees continue to receive continuous service credit at the University during any period of Uniformed Services Leave.

**Reinstatement**
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 service.
- Cumulative service was not in excess of five (5) years (with certain periods of service excepted).
- Employee must report to the University for re-employment within established time periods related to the duration of the service leave (see chart below).
- Employee must have been discharged or released from service “under honorable conditions.”

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St. John’s University
Human Resources Policy Manual
New York
<table>
<thead>
<tr>
<th>Period of Service (days)</th>
<th>Notice for Re-Employment</th>
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</thead>
<tbody>
<tr>
<td>1-30</td>
<td>Report for work on first full workday after travel home plus 8 hours</td>
</tr>
<tr>
<td>31-180</td>
<td>Submit application for reinstatement within 14 days of completion of military service</td>
</tr>
<tr>
<td>181+</td>
<td>Submit application for reinstatement within 90 days of completion of military service</td>
</tr>
<tr>
<td>Service-connected injury or illness</td>
<td>Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing</td>
</tr>
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</table>

The University will reinstate eligible employees who satisfactorily complete their period of service without reduction in seniority, status, or pay, if all the other conditions required by law are met, including a timely application for reinstatement. Reinstated employees are granted an extended period (three times the period of service up to a maximum of five years) to make contributions to the University’s defined contribution retirement plan.

**Statement Against Discrimination and Retaliation**

In accordance with USERRA, the University prohibits employment discrimination against a person on the basis of past military service, current military obligations, or an intent to serve. In addition, the University will not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

**Retention after Reinstatement**

Federal law protects employees returning from Uniformed Services Leave against discharge without cause for one 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.