

POLICY 11
APPROVED AND UNAPPROVED ABSENCES

Rule 11.04 - Military Leave

A leave of absence shall be granted to an eligible employee who is a member of any reserve component of the United States Armed Forces or of any reserve component of the Illinois State Militia for any period actively spent in military service, in accordance with state and federal law. Eligible employees include those in status, trainee, learner, or apprentice appointments and employees in provisional appointments intended to become permanent. Such leave will be granted whether or not within the state and whether or not voluntary. Compensation while on active duty will be as provided by the State of Illinois Military Leave of Absence Act (5 ILCS 325/1).

Leave for Service in the Armed Forces of the United States without pay shall be granted an eligible employee who enlists, volunteers for, or is inducted into such service. Reemployment following discharge will be in compliance with the Service Men's Employment Tenure Act (330 ILCS 60/1), the Military Selective Service Act (50 App. Sec. 451 *et seq.*) and the Employment and Reemployment Rights of Members of the Uniformed Services Act (38 U.S.C. 4301 *et seq.*).

Regulations

11.041 **Compensation During Leaves for Training**

Compensation for employees during leaves for annual training, special or advanced training and basic training shall be in accordance with the Illinois Military Leave of Absence Act (5 ILCS 325/1), and applies to full-time and part-time employees. If the leave of absence is with pay, compensation will be at an employee's regular hourly rate for non-overtime scheduled hours. An employee taking military leave is required to furnish copies of military orders and proof of military compensation prior to processing of payment by the University.

Annual Training

During leaves for annual training, the employee shall continue to receive regular compensation as a University employee.

Special or Advanced Training

During leaves for up to 60 days during a University appointment year for special or advanced training, if such employee's compensation for military activities is less than his or her University compensation, the employee shall receive regular University compensation minus the amount of base pay for military activities for normally scheduled work days. The 60 days do not have to be consecutive.

Basic Training

During leaves for basic training, if such employee's compensation for military activities is less than his or her University compensation, the employee shall receive regular University compensation minus the amount of base pay for military activities.

11.042 **Benefits During Leaves**

Benefits for employees on military leave shall be continued by the University as mandated by state and federal legislation. Employees should contact the benefits offices for complete information about continuation of insurance coverage and any premium payments.

11.043 **Call-Up for Active Duty**

In the event an employee is called up for active duty, the employee shall receive leave with pay for normally scheduled work days for up to thirty (30) calendar days. In the event emergency call up for

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Regulations (Continued)

active duty is extended beyond thirty (30) calendar days, the employee will be granted leave without pay for such additional days or will be granted leave and compensated as mandated by federal or State of Illinois legislation. Compensation during the thirty (30) calendar day period will be at the employee's regular hourly rate for non-overtime scheduled hours.

11.044 **Return from Leave for Military Service**

In accordance with provisions of the Service Men's Employment Tenure Act, the Military Selective Service Act and the Employment and Reemployment Rights of Members of the Uniformed Services Act, an employee returning from leave for military service will be restored to the position of employment which the employee left, with the same increases in status, seniority, and wages that were earned during the term of military service by employees in like positions, or to a position of like seniority, status, and pay, unless the University's circumstances have so changed as to make it impossible or unreasonable to do so, or if the employee's position was temporary. Reemployment of employees in provisional appointments will be also be subject to Section 250.70(b) of the State Universities Civil Service Statute and Rules concerning conditions for provisional appointments.

The employee returning from leave must have received a certificate or other evidence of honorable discharge or satisfactory completion of military service, and must make application for reemployment within ninety (90) days after being relieved from military service, or from hospitalization continuing after discharge for a period of not more than one year.

In addition, the employee must be still qualified to perform the duties of the position of employment from which leave was taken. If, as a result of military service, the employee is not physically or mentally qualified to perform the duties of the former position, the employee will be restored to a position for which he or she is qualified and able to perform the duties and which will provide the similar seniority, status, and pay, or the nearest approximation thereof, consistent with the circumstances of the case. Restoral to such a position is not required if it would cause undue hardship to the University.

If questions arise about reemployment rights or qualifications for performing the duties of a position, the campus human resources office will consult with University Counsel to determine the University's obligations under the law.