

Academic Affairs Manual (ACD)

ACD 708: Military Leave

Effective: 4/1/1980

Revised: 7/1/2011

Purpose

To provide leaves of absence for military service

Sources

38 *United States Code* § 4301

Arizona Revised Statutes §§ 26–101 to –181; 38–298; 38–610, 38–610.01

Arizona Board of Regents Policy Manual - 6–808

Applicability

Faculty

Academic professionals

Policy

Leave of Absence with Pay

A faculty member or academic professional who is a member of the Arizona National Guard or of another armed forces branch will be granted a leave of absence with pay for active duty or training. The leave of absence will be granted for a period not to exceed 30 working days in any two consecutive federal fiscal years (October 1–September 30). The period of time spent in training under orders shall not be deducted from the vacation with pay to which any employee is otherwise entitled.

For persons employed on an academic-year basis, any military leave in excess of 30 working days in any two consecutive federal fiscal years must be taken as leave without pay; for persons employed on a fiscal-year basis, such excess military leave must be taken as leave without pay or be charged to accrued vacation time. A faculty member or academic professional who takes leave without pay will not accrue sick and vacation leave. However, a faculty member or academic professional on leave without pay (other than an extended military leave without pay) may continue benefits coverage during the absence by arranging to pay the employee's and employer's monthly insurance premiums.

Faculty members and academic professionals must submit all military leave requests to the appropriate chair, director, or supervisor before beginning the leave.

Leave of Absence without Pay

A faculty member or academic professional who voluntarily or involuntarily enters active service in the armed forces of the United States will be placed on extended military leave without pay for the active service duration. Faculty or academic professionals on extended military leave without pay will not accrue sick or vacation leave. However, an employee on a leave without pay may continue certain benefits coverage during the absence as shown below:

1. When military medical, vision, and dental coverage is in effect for the military member, the university's employee group insurance ceases for the military member only. Dependents can remain covered under the university's plans.
2. Dependent medical, vision, and dental insurance may be continued under the Consolidated Omnibus Budget Reconciliation Act (COBRA), for a period of up to 18 months. It will be the employee's responsibility to ensure that the full premium, including both the employee's and the employer's contribution, is paid to the carrier on a monthly basis. Alternatively, the employee can discontinue health benefits coverage during his or her absence and then elect COBRA coverage the day after he or she fails to apply for or return to a position of employment at the university.
3. During the unpaid military leave of absence, the basic life insurance may be continued by paying the monthly premium to Human Resources (HR). However, accidental death and dismemberment (AD&D) coverage will cease until the employee returns to full-time university employment.
4. Voluntary supplemental life insurance will continue, as long as the employee pays the full monthly premium. The AD&D portion of the voluntary supplemental life insurance coverage is discontinued during the employee's absence.
5. Any employee who drops existing medical, vision, dental, or supplemental life insurance coverage while on military status may reinstate this coverage upon return to full-time university employment. Reinstate of this coverage must be made within 31 days of return to full-time university employment by completing the appropriate enrollment forms available from HR. Coverage will become effective the first of the following month upon return to university employment. Otherwise, coverage will not be available until the next open enrollment period.
6. Upon reinstatement, the university will pay both the employee and employer contributions to the Arizona State Retirement System (ASRS) or the Public Safety Retirement System (PSRS) for the period of military service, not to exceed forty-eight (48) months. If the absence for military leave exceeds 48 months, then the employee can purchase service credit from ASRS or PSRS for that excess time of up to 12 months and the university will fund the employer contribution.
7. Upon reinstatement, Optional Retirement Plan (ORP) participant employees have the option to catch up (maximum five years) for the period they were on military leave. The university will match those additional (catch-up) contributions.

Employees called to duty under the provisions of ARS §38–610.01 may apply to receive the pay differential between their military salary and allowances and their university salary by contacting the Office of Human Resources and coordinating the required documentation to support such a request.

Reemployment Rights

Under the Uniformed Services Employment Reemployment Rights Act of 1994 (USERRA), any individual who leaves a civilian job in order to enter active duty in the armed forces, voluntarily or involuntarily, is entitled to return to his or her civilian job after discharge or release from active duty if he or she meets the following five basic eligibility criteria of the USERRA law:

1. He or she must hold an “other than temporary” civilian job. However, the job need not be classified as regular or benefits eligible.
2. He or she must leave the civilian job for the purpose of going on active duty.
3. He or she must not remain on active duty longer than five years, unless the period beyond five years (up to an additional year) is “at the request and for the convenience of the Federal Government.”
4. He or she must be discharged or released from active duty “under honorable conditions.”
5. Depending on the length of military service, he or she must apply for reemployment with the preservice employer:
 - a. within the first full regularly scheduled work period on the first full calendar day following completion of the period of military service that starts at least eight hours after the person has been safely transported from the place of military service to the individual's residence, if the duration of military service is less than 31 days
 - b. within 14 days after the completion of the period of the military service, if the duration of the military service is more than 30 days but less than 181 days

or

- c. within 90 days after the unconditional release from military service, if the duration of the military service is more than 180 days.

6. Depending on the length of military service, a staff faculty member or academic professional will return to work as follows unless the university's circumstances have so changed as to make it impossible or unreasonable to do so:

- a. if the period of service was less than 91 days: the position he or she would have held if continuously employed; or in the former position held without loss of benefits or rate of compensation

or

- b. if the period of service was more than 90 days: the position he or she would have held if the continuous employment had not been interrupted by military service, or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or in the former position held or a position of like seniority, status and pay, the duties of which the person is qualified to perform without loss of benefits or rate of compensation.

7. If the staff faculty member or academic professional has a disability incurred in, or aggravated during, his or her military service, the university will make reasonable efforts to accommodate the disability under the provisions of USERRA and the university's Individuals with Disabilities policy.

Cross-Reference

For further information, see [ACD 707](#), "Leave of Absence without Pay."