

Staff Personnel Manual (SPP)

SPP 706: Military Leave of Absence

Effective: 4/1/1980

Revised: 7/1/2013

Purpose

To provide leaves of absence for military service in accordance with federal and Arizona law

Sources

38 United States Code § 4301

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

Arizona Board of Regents Policy Manual - 6-808

Applicability

All [classified staff](#), [university staff](#), and [non-faculty administrators](#)

Policy

An employee who voluntarily or involuntarily enters uniformed service in any branch of the Armed Forces of the United States will be placed on a military leave of absence for the duration of the service up to a period of five years.

An employee will also be granted a leave of absence for purposes for training duty or to attend camps, maneuvers, formations, or drills under order with any branch, reserve, or auxiliary of the federal or state armed services.

Leave of Absence with Pay

A leave of absence with pay will be granted for a period not to exceed 30 working days in any two consecutive federal fiscal (October 1– September 30) years.

Leave of Absence without Pay

Any military leave in excess of 30 working days in any two consecutive federal fiscal years will be without pay unless the employee elects to use vacation leave benefits or accrued compensatory time to remain in a paid status.

Employees on military leave without pay will not accrue sick or vacation leave.

Health and Welfare Benefits

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.
2. Dependent medical, vision, and dental insurance may be continued under the Consolidated Omnibus Budget Reconciliation Act (COBRA), for a period of up to 24 months. It will be the employee's responsibility to ensure that the full premium, including both the employee's and the employer's contributions and any administrative fee are

paid. 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 benefits-eligible position.

3. The university will pay for the continuation of the employee's basic life insurance coverages for the duration of the leave. However, accidental death and dismemberment (AD&D) coverage will cease for the length of the leave.
4. The employee may elect to continue voluntary employee supplemental and dependent life insurance. The AD&D portion of the voluntary supplemental life insurance coverage is discontinued during the employee's absence. The employee will be billed by the Office of Human Resources (OHR), Benefits Design & Management Office and coverage will continue as long as the employee pays the premium.
5. An employee who waives medical, vision, dental, short-term disability, or supplemental life insurance coverage while on leave may reinstate coverage immediately upon return to benefits-eligible university employment by submitting a Benefits Enrollment/Change Form within 30 days of return; otherwise, coverage will not be available until the next open enrollment period or until a qualifying life event occurs.

Mandatory Retirement

Arizona State Retirement System (ASRS)

Upon reinstatement and meeting other eligibility requirements, the university will pay both the employee's and employer's contributions, based on the salary the employee would have earned if he/she had not been in service, for a maximum of sixty (60) months of military call-up service.

Optional Retirement Plan (ORP)

Upon reinstatement, the employee has the option to make catch up contributions for the period they were on military leave, to a maximum of sixty (60) months. The university will match the employee's contributions.

Public Safety Personnel Retirement System (PSPRS)

Upon reinstatement and meeting other eligibility requirements, active PSPRS members may receive credited service limited to 60 months if ordered/volunteered to active military service. The employee shall pay his/her contributions, upon which the university will pay the employer contribution. If the employee performs military service due to presidential call-up, the university will make employer's and employee's contributions not to exceed 48 months.

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 OHR 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 eligibility criteria:

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 and have given notice of military duty.
3. He or she must not remain on active duty longer than five years, with certain exceptions as outlined by USERRA.
4. He or she must be discharged or released from active duty under honorable conditions.
5. The employee must apply for reemployment with the university according to the following schedule:
 - a. if the duration of service is less than 31 days: Within the first full regularly scheduled work period on the first full working 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

- b. if the duration of the service is more than 30 days but less than 181 days: Within 14 days after the completion of the period of the military service

or

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

An employee will return to work in a status as described below unless the university's circumstances have so changed as to make it impossible or unreasonable to do so:

- 1. if the period of service was less than 91 days:
 - a. to the position he or she would have held if continuously employedor
 - b. in the former position held without loss of benefits or rate of compensation
- 2. if the period of service was for more than 90 days:
 - a. to 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 performor
 - b. 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.

If a disability has incurred in, or was aggravated during, military service, the university will make reasonable efforts to accommodate the disability under the provisions of USERRA and the university's Americans with Disabilities Act policy.

Cross-References

For further information, see

- 1. [SPP 404-04](#), "Overtime—General Policy"
- 2. [SPP 702-01](#), "Vacation Leave Benefits"

and

- 3. [SPP 705-01](#), "Extended Leave of Absence."

For information on the Americans with Disabilities Act, see the *Academic Affairs Policies and Procedures Manual*— [ACD 405](#), "Individuals with Disabilities."