Military Leave (30.025)

Introduction
Brown University meets the requirements of the Uniformed Services Employment and Reemployment Rights Act, and in addition provides supplemental pay for certain military leaves. The Policy is organized as follows:

- Regular Pay for Military Reserve Duty and Active Military Duty Up to Two Weeks
- Supplemental Pay for Active Military Duty and Training Exceeding Two Weeks
- Eligibility for Reinstatement Following Military Service
- Return to Work Following Military Service
- Pay and Benefits Following Military Service

Policy Statement
Brown University employees whose military obligations interrupt or interfere with their employment have certain job protections provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA) concerning compensation, benefit continuation and job reinstatement rights in the administration of these leave provisions. Brown will fully comply with the USERRA and in situations where this policy does not contain a specific obligation or right, the University will follow applicable federal requirements.

Regular Pay for Military Reserve Duty and Active Military Duty Up to Two Weeks
United States Military reservists or members of the National Guard are permitted to spend up to 10 working days (2 weeks) per calendar year away from their positions at Brown when required to assist with a national, state or local emergency, or for military training duty. A copy of the military orders must be presented to the employee’s supervisor as soon as they are received. Employees must return to work on the first workday after completion of duty, allowing for reasonable travel and rest time. During the time staff members are on military reserve duty, they continue to receive their regular pay and benefits, but must remit to Brown University compensation received for military duty (excluding payments for room and board).

Supplemental Pay for Active Military Duty and Training Exceeding Two Weeks
Members of the Uniformed Services who are called to active duty (including extended training) are eligible for supplemental pay equal to the difference between the military compensation (excluding payments for room and board) for military duty and the employee's regular rate of pay for up to ninety (90) calendar days of active military service. In order to receive the supplemental pay, the employee is required to submit a completed Military Leave of Absence request in Workday, a copy of their orders, and a copy of a current pay stub to the Benefits Office.
Note: An employee will not receive both 10 days of regular pay and an additional 90 days of supplemental pay for the same Military Leave request.

Eligibility for Reinstatement Following Military Service
Employees are eligible for reinstatement following active duty with the United States Military or National Guard. Reservists must make application for reinstatement within 90 days of release from active duty and must submit a certificate of satisfactory completion of active duty.

Return to Work Following Military Service
Upon application, eligible reservists shall immediately be given the same or an equivalent position as the one they occupied prior to active duty, provided the employee would not have been laid off if
employment had not been interrupted by military service. If reservists return disabled, they shall be given a position commensurate with their pay and ability.

**Pay and Benefits Following Military Service**

In regards to pay and benefits, returning reservists are treated as if they had been on leave of absence. Credit is given for years of service spent on active duty for the purposes of satisfying any applicable benefits waiting periods. Returning reservists shall, upon election, be immediately reinstated for health insurance coverage.

**Definitions**

**Uniformed Services Employment and Reemployment Rights Act (USERRA):** The USERRA is the federal law that protects servicemembers from discrimination and provides job reinstatement rights upon completion of service. Additional information can be found [here](https://www.brown.edu/about/administration/policies).

**Responsibilities**

**Service Member:** The service member must notify his/her supervisor regarding any required service or training as soon as possible. If the service or training is longer than two weeks, a Military Leave of Absence should be requested through Workday.

**The Service Member's Supervisor:** Approve the leave request in Workday and ensure the orders are attached or sent to the Benefits Office.

**Benefits Office:** Approve the leave and supplemental pay request if applicable and if proper documentation is provided. Follow up with service member, department, and benefits vendors as necessary to assure compliance.

**Human Resources:** Coordinate and advise department of job reinstatement requirements as necessary.

**Payroll Office:** In consultation with Benefits Office staff, ensure the service member is paid properly during the leave.

**Procedures**

The servicemember is required to provide orders to his or her supervisor. For service or training longer than two weeks, a copy of the orders should also be sent to University Human Resources – Attn: Leave Specialist, Box 1879. A Military Leave should also be requested in Workday if military service will exceed two weeks.

For service of two weeks or less, the servicemember is required to remit any compensation for performing military duty to the Brown Payroll Office. Departments should contact the Payroll Office to make appropriate arrangements in these situations. The Workday procedure is to request Military Time Off (similar to Vacation and Sick Time Off).

**Frequently Asked Questions**

**I am requesting time off work for military purposes. Must I also request a Leave of Absence in Workday?**

A Military Leave of Absence is only required if the request is for more than two weeks in duration. For requests that are two weeks or less in duration, employees are only required to request Military Time Off in Workday.

**Related Policies**

**Leaves of Absence**

Policy Owner Approved by Vice President for Human Resources

**Contact(s)**

Jeff Jakulevicius
Benefits Compliance Analyst
University Human Resources
Brown Office Building, 3rd Floor
Jeffrey_Jakulevicius@brown.edu
401-863-7594.

Revision Date: Tue, 2014-05-20 15:58

Source URL (retrieved on 2018-Jan 04):
https://www.brown.edu/about/administration/policies/node/250