



## **EHC Military Leaves**

The federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provides eligible employees with re-employment protection and other benefits if they take leaves of absence to fulfill military service obligations. Emory Healthcare will grant military leave to employees upon notification by the employee of impending military services.

The USERRA provides job protection to any eligible employee who is absent from work due to an eligible military event for a cumulative period of five (5) years. Eligible employees include full- and part-time non-benefit and benefit-eligible employees.

### **Employee/Leader Responsibilities with Active Duty or Reserve Duty Military Leave**

Employee is responsible for:

- 1) Informing their department leader and the EHC Central Leave office of the need to take a military leave as soon as notification for active or reserve duty is received, or as far in advance as reasonable under the circumstances.
- 2) Providing a copy of written military orders for active or reserve military duty to the department leader and EHC Central Leave office.
- 3) For employees on active duty, completing the non-medical leave of absence request form by the employee or department manager. The request and orders should be forwarded to the EHC Central Leave office prior to the start of military leave, if possible.
- 4) Complying with USERRA requirements for employer notification of intent to return to work upon end of military services. Military leave ends with return to work, resignation or a maximum of five years of absence.

Leader is responsible for:

- 1) Assuring the military orders and leave requests are completed and provided to the EHC Central Leave office prior to active duty military leave initiation.
- 2) Advising the EHC Central Leave office when notified by the employee of any extensions for active duty and providing a copy of military orders.
- 3) Notifying the EHC Central Leave office of the effective date of the employee's leave of absence and payroll status as paid or unpaid status. Be sure to utilize the appropriate military leave time keeping comments in Kronos.

- 4) Notifying the EHC Central Leave office when the employee advises the department leader of his/her intent to return to work.
- 5) Allowing sufficient time off prior to start of military service to allow for travel to place where military duty is to be performed.
- 6) Referring the employee to Employee Health for work clearance when returning from military leave.
- 7) Consulting with EHC Compensation to determine the appropriate rate of pay for the employee returning from military leave.
- 8) Consulting with the EHC Payroll Manager to assure qualified employees who take an unpaid military leave for annual duty training of up to two weeks have been credited with accruals of PTO and extended illness leave.
- 9) Providing flexibility in work schedule to accommodate reserve duty service.

#### **Pay/Benefits During Military Leave**

- 1) USERRA does not require employers to continue paying employees; however, the employee may choose an unpaid payroll status or use of their accrued PTO leave benefit. The department manager must report any unpaid payroll status to the EHC Centralized Leave office for timely processing of the employee's status change.
- 2) Qualified employees who take an unpaid military leave will continue to accrue PTO and extended illness leave during the annual duty training (usually two weeks). No leave will be accrued if the unpaid military leave exceeds two weeks. To the extent that military leave is taken as paid leave, employees on military leave will continue to accrue PTO and sick leave during the paid portion of the leave.
- 3) An employee and his/her dependents are eligible to continue participation in the health, dental, medical flexible spending account, disability insurance, supplemental life, dependent life or personal accident insurance by paying the employee's monthly contributions.
- 4) Military leave time will be considered in determining his/her vested interest and accrued benefits in the retirement plan only to the extent required to do so under the law.
- 5) Emory Courtesy Scholarship for dependents may continue during an unpaid military leave.