

## **Military Leave**

Applies to: All employees who are or may become members of the U.S. uniformed services

### **Policy Statement:**

All current or potential employees are protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and will be afforded rights at least equal to or greater than the protections provided under federal and applicable state law.

### **Definitions and Regulations:**

#### **Uniformed U.S. Services**

Uniformed U.S. services include: the active and reserve components of the military, the commissioned corps of the U.S. Public Health Service, and any other category designated by the President of the United States in time of service or emergency. Non-discriminatory and non-retaliation clauses also apply to temporary employees as well as to applicants for employment at Dartmouth College.

#### **Service in the Uniformed Services**

Service is defined as: the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active training duty, National Guard inactive training duty, and time for an examination to determine fitness to perform any such duty.

#### **Governing Regulation**

USERRA of 1994 as updated January 2006.

#### **Procedure:**

Employees are expected to notify their managers of military service requirements as soon as possible. Such notification should include their anticipated dates of duty.

Employees/supervisors/managers should contact the human resources consultant in the Office of Human Resources at (603) 646-3411 for specific instructions.

#### **Compensation**

For the first 10 days of military service performed in the fiscal year, the employee will receive full Dartmouth pay. (Employees covered by a collective bargaining agreement may have more detailed compensation guidelines stipulated in their contracts.) If an employee is on extended active duty, the College pays the difference between an employee's military and Dartmouth pay, if his or her Dartmouth pay is higher.

At the end of active military service, employees are entitled to return to their same or an equivalent position, depending upon the length of military duty absence. Based on what is referred to as the “escalator” principle, a returning employee should be put in the same position in terms of seniority and rate of pay as if he or she did not take any military leave.

## **Benefits During Leave**

### ***Health and Welfare Benefits***

An employee may continue health insurance coverage for him- or herself and his or her dependents up to a maximum of 24 months while he or she is on military leave. Employee contributions for health coverages, including the flexible spending account, can continue to be taken from the employee’s paycheck on a pre-tax basis while the employee is on the Dartmouth College payroll. If the employee discontinues coverage while he or she is on military leave, the coverage will be reinstated upon his or her return to employment. If the employee was injured or has an illness aggravated by the period of military service, the obligation to cover that employee falls under the government health plan, not the College-provided plan. Life insurance coverage is not available during military leave.

### ***Retirement Benefits***

Employees who return to their jobs will not be considered to have had a break in service for the purposes of retirement plan participation, vesting, and accrual of benefits. This applies to the defined benefit and 401(a) defined contribution retirement plans. Dartmouth will not make contributions to the retirement plan while the employee is deployed on military service, but the College will make up any contributions attributable to the employee’s period of service unless it is impossible or unreasonable to do so, and then the College will make the contributions as soon as practicable. The vesting of employment rights occurs on re-employment. Thus, if the employee does not seek to be re-employed by Dartmouth, then the College is not responsible for those obligations.

## **Documentation:**

Employees who are activated must provide at least verbal notice of their call to duty to their supervisors. They are not required to provide written proof prior to taking leave. Notice of their intent to return to work is also required.