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Revised Military Leave Policy

by
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In November, 2001, the Office of Human Resources revisited the College's Military Leave policy. The purpose was two-fold: first, it was important to meet and exceed the measures of the law in providing support to Dartmouth employees in the event that they are called for active duty. Second, in light of recent events, we wanted a clear policy that was understandable and reasonable. Approved on November 19, our revised policy is retroactive for anyone who was called up since September 11.

Background

The Uniformed Services Employment and Reemployment Act (USERRA) was signed into law by President Clinton on October 13, 1994. It applies to persons who perform duty, either voluntarily or involuntarily, in the "uniformed services", including the Air Force, Army, Coast Guard, Marine Corps, National Guard, Navy, and Public Health Service commissioned corps, as well as the reserve components of each. Designed for individuals returning from service, the Act has certain eligibility criteria regarding a regular employee providing notice, receiving an honorable discharge, and requesting reinstatement to a previous position. Similarly, restoration rights and time limits for returning to work are based upon the duration of military service. Employers are required to allow employees who serve up to 90 days to return to the same job and employees who serve more than that to return to the same or an "equivalent" position. In addition, employers must provide availability of up to 18 months of health insurance. Generally, employees retain seniority rights and are treated as if they had never left for the military leave of absence. This is done for the purpose of job reinstatement, leave entitlement, and retirement accrual and vesting. (*Source: The United States Department of Labor.*)

Changes in Our Policy

Dartmouth's Military Leave policy, which includes provisions for pay differential and 18 months of health benefits at the employee rate, goes beyond the USERRA requirements as it relates to employees activated for the current period of National Defense. The law does not mandate pay differential, for example, and, as a matter of comparison, only half the Ivies cover individuals at the employee rate for more than 90 days. As David Wheel, Human Resources Generalist, explains, "Covering the differential in pay and providing health benefits at the employee rate is more than philosophical—it's a tangible commitment."

Procedures

Employees or departments affected must follow certain procedures related to providing notice, granting and requesting the military leave of absence, establishing appropriate pay rate, selection of benefits and return/re-instatement to a position. General questions and requests for copies of the policy may be directed to Dave Wheel at 646-3708, david.j.wheel@dartmouth.edu; benefits-related questions may be directed to Terri Peyton, 646-3589, terri.peyton@dartmouth.edu. In this period of uncertainty and anxiety, employees need to know that if they are activated into military service, they shouldn't worry about losing their jobs. The College will exceed the legal requirements and will do everything possible to help their families.