

**3356-7-12 Military (uniformed service) leave.**

- (A) Policy statement. Youngstown state university recognizes the need to have a policy that addresses the employment and reemployment rights of full and part-time employees who serve in the military uniformed services. It is the policy of the university to comply with the Uniformed Services Employment and Reemployment Act of 1994 (“USERRA”), as revised, and applicable state laws which protect job rights and benefits for veterans and members of the reserves.
- (B) Purpose. The purpose of this policy is to demonstrate the university’s support for its employees who are part of the uniformed services and to outline the rights and responsibilities of such employees.
- (C) Scope. This policy applies to ~~employees included in the paragraph (D) of this policy~~ permanent public employees who are performing service in the uniformed services as defined in section 5923.05 of the Revised Code.
- (D) Definition.—~~As,~~ as defined in section 5923.05 of the Revised Code;:
- (1) “Uniformed services means the armed forces; the Ohio organized militia, when engaged in active duty for training, inactive duty training, or full-time national guard duty; the commissioned corps of the public health service; and any other category of persons designated by the president of the United States in time of war or emergency.”
- (2) “Permanent public employee” means any person holding a position in public employment that requires working a regular schedule of twenty-six consecutive biweekly pay periods or any other regular schedule of comparable pay periods which is not limited to a specific season or duration. Permanent public employee does not include student help, intermittent, seasonal or external interim employees, or individual covered by personal services contracts.
- (E) Parameters.
- (1) Employees defined in this policy are eligible for uniformed services benefits and reemployment rights in accordance with state and federal law.

- (2) Leaves of absence for service in the uniformed services shall be granted in accordance with Chapters 5903. and 5923. of the Revised Code and Chapter 123:1-34 of the Administrative Code.
- (3) Reinstatement and reemployment of employees in the uniformed services shall be in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301, et seq.) and Chapter 123:1-34 of the Administrative Code.
- (4) Generally, permanent public employees, as defined in section 5923.05 of the Revised Code, who are members of uniformed services, as defined in paragraph ~~(A)~~(D) of this rule, are entitled to a leave with pay for such time as they are performing service in the uniformed services for up to one month days in any calendar year. Paid leave may not exceed one hundred seventy-six hours in any calendar year.
- (5) Any permanent public employee called to the uniformed services for a period in excess of one month (one hundred seventy-six hours) because of an executive order issued by the president of the United States or because of an act of congress or because of an order to perform duty issued by the governor, pursuant to section 5919.29 or 5923.21 of the Revised Code, may receive during this period the difference between the employee's gross monthly wage or salary from the university and his/her gross uniformed service pay and allowances received in a particular month.
- (6) Leave without pay will be granted in the event of voluntary or involuntary induction into uniformed service and in compliance with federal and state statutes.
- (7) Employees on uniformed service leave without pay beyond thirty days have the right to elect continuation of health care coverage for up to eighteen months, but will be responsible for the full premium for the coverage elected. Employees on uniformed service leave without pay for up to thirty days will be given the option of making direct payments of the employee's share of the health insurance premium.
- (8) Employees who accrue more than five years of cumulative uniformed service leaves of absence are excluded from university

reemployment and fringe benefit rights, except as provided in 38 U.S.C. 4312, as amended.

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CERTIFIED ELECTRONICALLY

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Certification

06/11/2020

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Date

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