



Ohio Administrative Code

Rule 3342-6-11.6 Administrative policy regarding military leave of absence.

Effective: March 1, 2015

(A) Purpose. It is a university priority that reasonable effort will be made to ensure that faculty and staff members called to serve in military duty will be treated fairly regarding arrangements for leaves of absence. It will be the policy of the university to ensure smooth transitions for employees called to assume activity military responsibilities. Units on all campuses should work diligently to respond with concern and care for the individual situation in accordance with federal and state statute, university policies, and collective bargaining agreements regarding leaves and employment.

(B) Criteria/scope.

(1) Each member of the university who is a member of the Ohio national guard, the Ohio defense corps, the Ohio naval militia, or a member of any other reserve component of the armed forces of the United States, shall be granted leave of absence from his or her respective duties without loss of pay for such time as he or she is in the military service on field training or active duty for periods not to exceed thirty-one days in any one calendar year. Per Ohio statute the following applies:

(a) The maximum number of hours for which payment can be made in any one calendar year is one hundred seventy-six hours.

(b) The service does not have to be for one continuous period of time.

(C) Implementation.

(1) Military leave, as described, must be requested in writing prior to the absence. The employee is required to submit to their director or manager and the appointing authority the written request for leave, along with an order or statement from the appropriate military commander as evidence of such duty.

(2) If members in the Ohio national guard are ordered by the governor to assist civil authorities in



such duties as flood and riot control or civil defense, and such duty exceeds military leave authorized for the year, they shall be granted emergency leave without pay. Members of any other reserve component of the armed forces of the U.S. shall also be granted emergency leave without pay if called to active duty and that term exceeds the annual authorized amount.

(3) Staff members who have worked for the university at least ninety calendar days will be granted a leave of absence without pay to be inducted or otherwise enter military service. They will not be paid for such leave unless they are members of reserve components as specified above.

(4) A staff member who reenlists while on active duty, or a commissioned officer who voluntarily enters on extended active duty beyond that required upon accepting a commission, is not eligible for immediate reinstatement.

(5) Members will be reinstated into university employment in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended. Employees must make a timely application for reemployment according to the requirements of USERRA.

(a) Reinstatement must be accomplished promptly within thirty days after application is received.

(b) A copy of the discharge or certificate of service must be submitted with all requests for reinstatement of reappointment.

(6) The following three-part reemployment process required under USERRA will apply for persons with a disability incurred during service:

(a) The employer must make a reasonable effort to accommodate the person's disability so that the person can perform the position that the person would have held if the person had remained continuously employed.

(b) If, despite reasonable accommodation efforts, the person is not qualified for the position in paragraph (C)(6)(a) of this rule due to his or her disability, the person must be reemployed in a position of equivalent seniority, status, and pay, so long as the employee is qualified to perform the duties of the position, or could become qualified to perform them with reasonable efforts by the



employer.

(c) If the person does not become qualified for the position in either paragraph (C)(6)(a) or (C)(6)(b) of this rule the person must be employed in a position that, consistent with the circumstances of that person's case, most nearly approximates the position in paragraph (C)(6)(b) of this rule in terms of seniority, status and pay.

(7) Staff members are entitled to all salary benefits or other advancement accruing to their position during their absence.