



Ohio Administrative Code Rule 3349-7-95 Military leave.

Effective: October 28, 2010

(A) Purpose

To establish a uniform rule for military leave that complies with the federal and Ohio law as it pertains to permanent employees at the university.

(B) Scope

This rule applies to all permanent employees at the university.

(C) Definitions

(1) Consult rule 3349-7-01 of the Administrative Code.

(2) "Military" refers to any branch of the state or federal uniformed services.

(3) "Permanent Employee" refers to any person holding a position at the university that requires working a regular schedule of twenty-six consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "permanent employee" does not include student employees; intermittent, seasonal, or external interim employees, or individuals covered by personal services contracts.

(D) Rule statement

(1) Military leave with pay

(a) Employees who are members of the Ohio national guard, the Ohio defense corps, the Ohio naval militia, or members of other reserve components of the armed forces of the united states are entitled to a military leave of absence from their duties without loss of pay, for such time as they are in the



military service on field training or active duty for a period not to exceed thirty-one days in any one calendar year. The maximum number of hours for which payment can be made in any one calendar year is one hundred seventy-six hours.

(b) Employees shall receive compensation they would have received for up to one hundred seventy-six hours even though they served for more than thirty-one days of such year on field training or active duty. There is no requirement that the service be for one continuous period of time.

(c) Employees are required to submit to the director of human resources an order or statement from the appropriate military commander as evidence of military duty before military leave with pay will be granted.

(2) Military leave without pay

(a) Employees shall be granted a leave of absence to serve in the military upon giving notice to their immediate supervisor and the department of human resources. This leave shall be without pay and shall be considered as a leave of absence from the university with reinstatement rights. No single leave of absence or combination of military leaves of absence may exceed five years or a single, longer period required to complete an initial period of obligated service.

(b) If an employee is on military leave without pay the employee will be given the option of making direct payments of the employee's share of the health insurance premium for up to thirty-one days. Employees with longer periods of service will be given the option of continuing health care coverage and related benefits for up to eighteen months. Such continuation shall be at the employee's expense, and the employee may be required to pay up to one hundred two per cent of the entire health insurance and related benefits premium costs.

(c) An employee returning from military leave without pay must apply for reinstatement. The application must be submitted to the director of human resources.

(i) Leave of less than thirty-one days: immediately upon release from military leave, the university will allow for travel time and eight hours of rest;



(ii) Leave of thirty-two to one hundred eighty days: within fourteen days of completing military service requirement; or

(iii) Leave of more than one hundred eighty days: within ninety days of completing military service requirement.

(iv) If the military leave of absence was for more than ninety days, the director of human resources may require, with the application, evidence showing that the application is timely, the duration of all such leaves of absence does not exceed five years or the time to complete the initial period of obligated service, and the employee's entitlement to reemployment has not terminated according to the circumstances described in the Uniformed Services Employment and Reemployment Rights Act of 1994, 108 Stat. 3149 (1994), 38 U.S.C.A. 4301 and 4304, as amended.

(d) Upon return from a period of duty in the military lasting ninety calendar days or less, the employee shall be returned to the same or similar position within the employee's former classification. If the period of duty lasts more than ninety days, the employee may be placed in any position of equivalent status, seniority, and pay. Regardless of the duration of duty, if the director of human resources demonstrates that reinstatement is impossible or would impose undue hardship, the employee may be assigned to another position with like seniority, status, and pay or the nearest approximation thereof consistent with the circumstances of the case.

(e) If the employee is unable to perform the duties of their former position by reason of injury or illness incurred or aggravated during military service, the director of human resources shall make reasonable efforts to accommodate the employee's disability in accordance with the university's rule on disabilities and accommodations. These efforts shall include placing the employee in another position in which the employee is qualified and able to perform the essential duties that will provide similar status, seniority, and pay.

(f) If an employee who is entitled to reinstatement under this rule is unable to report for or perform the duties of their position at the date of their application for reinstatement because of an injury or illness incurred or aggravated during uniformed service, the employee shall have up to two years to recover from that illness or injury before being required to report or reapply.



(g) A reinstated employee shall receive all rights and benefits generally available to employees in a comparable leave of absence without pay, including the following:

(i) All sick leave, vacation leave, and personal leave which had been accumulated at the time of entering service;

(ii) All seniority which would have accrued had the employee been on the job;

(iii) Automatic salary adjustments associated with the position and due the employee had the employee been on the job;

(iv) Any change in classification or pay range which would be due the employee had the employee been on the job; and

(v) Reinstated health insurance and related insurance benefits with no waiting periods or pre-existing condition exclusions.

(h) Termination

(i) Employees reinstated after military leave without pay lasting from thirty-one to one hundred eighty days shall not be terminated from their position within one hundred eighty days of reinstatement without cause.

(ii) Employees reinstated after military leave lasting one hundred eighty-one days or more shall not be terminated from their positions within one year of reinstatement without cause.

(i) The provisions of this rule do not apply to an employee who accrues more than five years of cumulative, military service, except as provided in 38 U.S.C. 4312, as amended.