College Policy

Military Leave Policy, 2.27

Chapter 2: Personnel

Responsible Office: Office of Human Resources
Applies to: Staff and Faculty
BOT Approved: 10/20/2026

Policy:

Rhodes State College supports its faculty and staff who are members of uniformed services with transparent and equitable employment and leave practices, pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Guidelines:

I. **Definitions**
   a. **Employee**: All faculty and staff members who are employed on a regular, annual renewable appointment (including grant funded).

II. **Scope**
Employees who are members of the Ohio organized militia, or members of other reserve components of the Armed Forces of the United States, including the Ohio National Guard, shall be paid up to a maximum of one month in any calendar year for such time as they are in the uniformed service on training or active duty as follows.

III. **General Provisions:**
   a. One month means 176 hours. This leave is not required to be in one continuous period.
   b. This leave does not affect vacation or sick leave accrual.
   c. During this paid leave, the individual and/or any covered dependents are entitled to continue medical, dental, and vision insurance coverages. The College and the individual continue to pay the same costs for coverage as if the individual were not on leave.
   d. Military leave is granted for both voluntary and mandatory uniformed services.
   e. Pay and benefits vary depending on whether the service is a result of a regular call-up or a call-up due to Presidential or Congressional order or order of the Governor pursuant to Ohio Revised Code §5919.29.
   f. An employee who requests military leave must provide reasonable advance written notice of such active military leave to the College. Such advance notice is not required when military necessity prevents it or when providing notice is otherwise impossible or unreasonable.

IV. **Military Leave Due to Regular Call Up**
   a. Regular call-up for one month or less

i. For military call-ups of one month or less, individuals are entitled to receive leave with pay for up to 22 days or 176 hours for each calendar year in which the eligible individual is performing service in the Uniformed Services.
ii. Medical, dental, vision and retirement benefits are continued for the individual and covered dependents as if the individual was not on leave

b. Regular call-up exceeding one month
i. For military call-ups that exceed one month, individuals are entitled to receive leave without pay for up to a maximum of five years.
ii. Individuals on active duty may elect to use the military health care system or may continue existing College medical, dental and vision coverage for the duration of the call-up period. The cost of coverage will remain the same as if the individual were not on leave. Upon return from military leave, individuals are entitled to reenroll in college health benefits without any waiting period.
iii. Retirement contributions to state systems are not required during the period of military leave. Individuals may purchase military service time in accordance with the rules of their respective public retirement systems (OPERS, STRS). Purchasing military service time is not available for Alternative Retirement Plan (ARP) participants.

V. Military Leave due to Presidential or Congressional Order of the Governor Pursuant to Ohio Revised Code §5919.29.

a. For call-ups of one month or less, pay and benefit entitlements are the same as for a regular call-up. See Section IV.a.i
b. For call-ups that exceed one month
i. The College will provide the individual a monthly pay differential equal to the difference between the current gross monthly wage or salary and the sum of the gross military pay and allowances, or $500, whichever is less. However, the individual shall receive no payments if the sum of the individual's gross uniformed pay and allowances received in a pay period exceeds the individual's gross wage or salary as an employee for that period or if the individual is receiving pay under Section V.a
ii. Individuals on active duty may elect to use the military health care system or may continue existing College medical, dental and vision coverage for the duration of the call-up period. The cost of coverage will remain the same as if the individual were not on leave. Upon return from military leave, individuals are entitled to reenroll in college health benefits without any waiting period.
iii. Retirement contributions are the same as stated in Section IV.b.3

VI. Re-employment Rights

a. All returning employees may be eligible for reemployment upon return from an approved military leave. The individual must be in the same seniority, status, and pay that the employee would have achieved if they had not been called to active duty and had remained continuously employed with their employer.

b. To be eligible for reemployment rights, individuals must not have been issued a discharge under dishonorable conditions, or bad conduct, or as otherwise set forth in 10 U.S.C. § 1161.
c. Discrimination or retaliation for participation is prohibited, whether an individual volunteers or is ordered to active military service.
d. An individual's right to reemployment includes restoration of the benefits that were elected by the employee and his or her dependents at the time military service began, as well as to benefits that began during the leave for which the individual would reasonably have become eligible.
e. The College is not required to reemploy a person after military leave if:
    i. The College's circumstances have so changed as to make reemployment impossible or unreasonable;
    ii. Such reemployment would impose an undue hardship upon the College; or
    iii. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurring period.

VII. Return from Duty

The position a returning individual fills is based on the length of the intervening military leave.

a. If the intervening military leave was fewer than 91 days, the individual is to be promptly returned to the position that the employee left.
b. If the intervening military leave was for 91 or more days, the individual will have the same right to return to a College position as persons with a shorter term of military leave, except that the College will have the additional option of providing employment in a position of like seniority, pay, and status for which they are qualified.
    i. A person is "qualified" for a position if they have the ability to perform the essential tasks of the position as determined by the College.
    ii. The College will make reasonable efforts to update the skills of a returning individual who is not initially qualified for the position to which they are entitled, unless such efforts would create an undue hardship for the College.
c. The Uniformed Services Employment and Reemployment Rights Act does not create a system of seniority but simply recognizes any existing seniority systems that have been established by contract, custom or practice.
d. The employer is obligated to make reasonable efforts to update the skills of an employee who is not initially qualified for the position to which he or she is entitled, unless efforts would create an undue hardship. Congress intends for the employer to provide refresher training and any training the employee would have received if he or she had remained on the job, before deciding on an employee's qualifications.

VIII. Employee Application for Reemployment in a timely manner:

a. For service of less than one month, the employee must apply for reinstatement no later than the beginning of the first full regularly scheduled work period that starts at least 8 hours after return from military service.

b. For service of more than one month but fewer than six months, the employee must apply for reinstatement not later than 14 days after release from active service.
c. For service of more than six months, the employee must apply for reinstatement not later than 90 days after release from active service. Failure to provide notice does not mean that an individual forfeits his or her rights. Rather, it subjects the individual to the employer's conduct rules, established policies, and general practices.
d. The individual must provide documentation of a discharge, or release from duty, under honorable conditions.

Related Policies or Procedures: N/A

Compliance References:

Uniformed Services Employment and Reemployment Rights Act (USERRA)

Ohio Revised Code §5923.05

Ohio Revised Code §5919.29

History:

	Date:	Reason:
Issued:	06/18/1996	Original policy approved by BOT
Revised:	01/15/2013	Revised
Revised:	10/20/2026	Minor revisions and updates to sentence structure

This policy and / or procedure provides operating principles for Human Resources issues at Rhodes State College. It supersedes any prior policy covering specific subject. This policy and/or procedure may be suspended, modified or cancelled as determined by the College. This policy and/or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.