



Brandeis University

Military Leave

Policy Statement

Brandeis University is committed to protecting the employment rights of employees absent on military leave. In accordance with federal and state law, no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy.

Applicability

This policy applies to employees taking part in a variety of military duties. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service.

Guidelines:

There are three types of Military leave. These include Weekly and/or Weekend Drills, Reserve Leave of Absence of short duration for training purposes, and Military Leave of Absence. All employees are eligible for military leave.

Description of Leave

1. *Weekly and/or Weekend Drills*

An employee who is a member of a reserve component of the Armed Forces of the United States or the Commonwealth of Massachusetts may be released from work in order to attend assigned weekly and/or weekend drills that require absence from his/her work schedule. The employee will be paid the difference between the military pay received and his/her regular pay for any time lost from work due to the assignment.

2. *Reserve Leave of Absence – Short Duration for Training/Purposes*

The University will grant a Reserve Leave of Absence to employees required to serve an annual tour of duty as a member of a reserve component of the Armed Forces of the United States.

Under these circumstances the following applies:

- a. The University will pay any difference between the employee's military pay and his/her regular pay up to a maximum of seventeen (17) days within the calendar year.
- b. An employee whose period of service is less than 31 days, will be reinstated to his/her position provided the employee reports for work no later than the beginning of the first full regularly scheduled work period on the first calendar day following the completion of service and the expiration of 8 hours after such service to permit transportation from service to home.

An employee whose period of service is more than 30 days, but less than 181 days, will be reinstated to his/her position provided the employee submits an application for reemployment within 14 days after completion of service.

3. *Military Leave of Absence – Long Duration*

An employee, who wishes to serve in the Armed Forces of the United States or is required to serve in the military for longer than 180 days, will be considered on a Military Leave of Absence without pay up to one year. Under the circumstances the following applies:

- a. Within five (5) years of the employee's departure from the University for military service, the employee will have the right to be reinstated to his/her former position or a comparable position, provided he/she is not dishonorably or less than honorably discharged and provided the employee applies for reinstatement within 90 days of discharge.
- b. The period of military service will be considered credited service for the purpose of determining the rate at which Earned Time will be accrued and for determining employment status.

4. *Reservists Called to Active Duty during National Crisis Situations*

During periods of national crisis all employees other than temporary employees called to active duty or who volunteer for active duty are eligible for Military Leave of Absence. To aid reservists during these periods, the University may issue special pay and benefit provisions to correspond to the circumstances at the time.

Procedures:

1. *Assigned Weekly/Weekend Drills*

An employee must provide his/her manager with a copy of the weekly/weekend military assigned drill or duty as early as possible.

The manager must reschedule the employee's work week, when possible, to accommodate his/her weekly or weekend assigned military drills. In general Earned Time will not be paid during these assignments.

However, in some circumstances, the employee may elect to use Earned Time with prior approval of the Office of Human Resources.

2. *Military Leave of Short Duration (For Training Purposes)*

An employee must present his/her manager with a copy of the military orders as early as possible.

The military absence is recorded on the timesheet and, in general, no pay is processed until the employee returns to work. However, in some circumstances, the employee may elect to use Earned Time.

Upon return, the military pay voucher is submitted to the payroll office and any difference between the employee's military pay and regular pay is calculated. The employee is then paid in a lump-sum. In the event that military pay exceeds regular University pay, no additional payments will be paid by the University. In general, Earned Time will not be paid during these short-term absences without prior approval of the Office of Human Resources.

3. *Military Leave of Long Duration*

As soon as an employee receives written notification of acceptance into the Armed Forces of the United States, he/she must submit written notification along with the copy of the military

service notification to his/her immediate supervisor and the Office of Human Resources. In the event of an emergency (generally when a reservist is called to active duty), the request will be submitted by the immediate supervisor. The leave request is processed through the Office of Human Resources and the employee will be placed on inactive leave status. The employee may elect either to use Earned Time during this absence or to suspend the use of Earned Time until he/she returns to active status at the University.

The employee must reapply for reinstatement to his/her former position within ninety (90) days of discharge from active duty from military service.

If an employee does not return within the specified period, he/she will be treated as having voluntarily resigned.

Effect on Employee Status and Reinstatement

1. *Assigned Weekly/Weekend Drills*

There is no change or impact on employee status, provided the employee complies with the required notice and leave procedures.

2. *Military Leave of Short Duration (For Training Purposes)*

There is no change or impact on employee status. However, an employee, whose period of service is less than 31 days, must return to work no later than the beginning of the first full regularly scheduled work period on the first calendar day following the completion of service and the expiration of 8 hours after such service to permit transportation from service to home. If an employee does not return from leave within the specified period, he/she will be treated as having voluntarily resigned.

An employee whose period of service is more than 30 days, but less than 181 days, will be reinstated to his/her position provided the employee submits an application for reemployment within 14 days after completion of service.

3. *Military Leave of Long Duration*

If the leave is longer than 180 days, the employee is placed on leave and inactive status for up to one year. If an employee does not return in the specified period, he/she will be considered as having voluntarily resigned. However, if the employee reapplies for reinstatement to his/her former position within ninety (90) days of discharge from active duty from military service within 5 years of his departure, the employee will be reinstated in accordance with federal law.

Retaliation

If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Office of Human Resources.

This policy is for general guidance only. It does not create an employment contract or any right to continued employment at Brandeis University. Brandeis University reserves the right to modify, revoke, suspend, terminate and/or change any and all policies and procedures at any time, with or without notice.

Office of Human Resources
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