

Questions about leave for military training, veterans reexamination, examinations for military service and National Guard state service are answered in <http://usfweb2.usf.edu/human-resources/pdfs/attendance-leave/administrative-leave.pdf>

Overview - Faculty, Administration, and Staff employees who are ordered to active military service (not active duty training) are granted a leave of absence beginning with the date of induction. Upon learning that an employee is being recalled to active duty, it is critical that the Division of Human Resources is immediately notified. A military leave impacts terms and conditions of employment and staff and the Division of Human Resources are available to assist departments and family members.

To be granted a military leave of absence, the university must be provided a copy of the military orders. A copy of these orders should be attached to the completed Appointment Status Form (ASF) and forwarded to the Employment Center in the Division of Human Resources. Temporary employees may be placed on a leave of absence only through the end date of their active appointment.

For Faculty, Administration, and Staff employees, the first 30 calendar days of a military leave for active duty are with full pay and do not affect the employee's annual and/or sick leave balance(s). The remainder of the leave of absence is without pay, unless the employee elects to use accrued annual, sick, and/or compensatory leave to cover financial obligations. Temporary employees are not eligible for paid leave.

For information regarding how the leave of absence may affect tenure status, the Dean's Office or the Provost's Office should be contacted.

Employees may contact the Benefits department in the Division of Human Resources for information regarding the continuation or cancellation of benefits plans.

The Payroll office in the University's Controller's Office should be contacted for information regarding continuation of pay and premium deductions.

Approval of Leave - The Uniformed Services Employment and Reemployment Rights Act provides protection and rights of reinstatement to employees who participate in the National Guard and Reserve. Faculty, Administration, and Staff must be approved a military leave of absence for up to 5 years of cumulative service for active military service. Temporary employees may be placed on a leave of absence through the end date of the active appointment.

Power of Attorney - When an employee is ordered to active military duty, (s)he should notify his/her supervisor of the name, address, and phone number of his/her power of attorney. A power of attorney has the authority to assist with employment matters and benefit options.

Appointment and Pay - Upon being notified that an employee is being or has been recalled to active military duty, the employing department should submit an Appointment Status Form (ASF) to the Division of Human Resources (HR) reflecting the begin date for the military leave of absence. A copy of the military order should be attached. The first 30 calendar days are with full pay and do not affect the employee's annual and/or sick leave balance(s). The remainder of the leave of absence is without pay, unless the employee elects to use accrued annual, sick, and/or compensatory leave intermittently to cover financial obligations. In the remarks section of the ASF, add a statement describing the transaction. This statement can sometimes help clarify the department's intent when submitting status forms. Any questions regarding the completion of the ASF should be directed to the Employment Center in HR.

Each pay period, certify the number of hours the employee is to be paid. Any questions regarding the certification process or the payment of premiums and deductions should be directed to the Payroll Office in the University's Controller's Office.

Attach a copy of the official military orders to the employee's department leave file.

The employee or designee, who has power of attorney, should immediately contact the Benefits department for guidance and information regarding the continuation or cancellation of benefit plans. Benefits may also need a copy of the military orders if health, life and pretax reimbursement plans are canceled

Employee Responsibilities Summary

- Advise supervisor immediately upon receiving notice of being ordered up to active military duty and provide him/her with a copy of the written orders
- Advise supervisor of the name, address and phone number of the power of attorney
- Contact the Benefits department to determine the benefit plans that will be continued or cancelled
- Advise department if accrued annual, sick, or compensatory leave is to be certified for payment each pay period
- Request that the family designee or power of attorney keep in contact with the employing department to keep it apprised of return to work plans
- Upon return from military leave, provide a copy of the discharge papers to the supervisor and the Benefits Office.
- Upon return, contact the Benefits department to discuss continuation of benefits

Departmental Responsibilities Summary

- Notify HR upon notification of the military orders
- Notify Payroll upon notification of the military orders for calculation of military pay supplements and leave accruals
- Confirm and verify leave balances in the Automated Leave Tracking System (ALT) and maintain a copy of the military orders in the employee's leave file
- Determine the number of hours that will be paid to the employee each pay period
- Budget for the retirement contributions which may be due upon the employee's return to work
- Each pay period, certify pay and post use of leave hours in ALT if accrued annual, sick, or compensatory leave are to be used
- Submit an ASF to HR any time a change occurs (i.e. initial leave, changes in pay, extension of the leave, leave due to injury/illness/disability, return to work, termination, and/or death)

Notification to Sponsored Research - When the employee who is ordered to active military duty is paid from Contracts and Grants (C&G) in direct support of a grant, the employee's department should advise Sponsored Research by providing that office with a copy of the military orders, the formal written leave request to his/her supervisor, how many hours of accrued and earned leave the employee will use after the first 30 calendar days of military leave. This is necessary to determine the financial impact on the grant. Insofar as possible, employees paid from C&G will receive the same military leave benefits as those employees paid from other sources.

Continuation or Cancellation of Benefit Plans - The employee or power of attorney must elect the benefit plans that should continue during the leave. The Benefits department should be consulted at the beginning of the military leave to discuss the continuation or cancellation of benefit plans. The employee's designee should maintain contact with the Benefit's department during the military leave in the event circumstances change and updates to coverage must be made.

The Payroll Office may be consulted for assistance with certifying pay each pay period if the employee elects to use accrued annual, sick, or compensatory leave, to ensure premiums are deducted from pay and/or for paying monthly premiums via the USF payroll website.

During the first 30 calendar days of the military leave, the employee remains in full pay status and premiums and other deductions continue to be deducted from the employee's pay checks, allowing insurances and other benefits to continue to be in force.

Following the first 30 calendar days, the employee may remain in a pay status by using accrued annual, sick, or compensatory leave intermittently each pay period to cover financial obligations, or be placed on a leave without pay. The employee or the employee's designee should consider the employee's leave balances prior to requesting the number of leave hours to be paid each pay period and the benefit plans being continued during the military leave. If the employee or designee elects to continue one or several benefits plans, the premiums may either be deducted from the employee's biweekly pay through the use of accrued leave or compensatory leave, or may be paid by submitting payment to the USF website.

Group Health and Life Insurance - If the employee remains in a pay status each pay period, the employee continues to be eligible for the employer contributions for the state group health and/or life insurance, and continues to pay the reduced premium amount. If the employee is placed on a leave of absence without pay beginning the 31st calendar day, the employee may continue the state group health and/or life insurance coverage, however, the total monthly premium (state portion as well as the employee portion) must be paid directly through the Payroll website. Upon being returned to a pay status or active reemployment, the reduced premium is reinstated.

Optional Life Insurance - The employee must elect to continue or cancel the coverage. The premiums due may be paid through payroll deduction if employee continues to receive pay or by submitting payment to the Payroll website.

State Life and Optional Life Insurance Benefits - The basic life insurance and optional life insurance both provide additional coverage for accidental death and dismemberment, at no cost. Regardless of the reason for the death, the basic and optional life insurance will pay the beneficiary. However, the additional coverage for accidental death and dismemberment is paid in the event of an accident and will not be paid if death occurs due to war or any act of war, declared or undeclared. Since it is provided at no cost, it is not possible to cancel the accidental death and dismemberment coverage and retain the basic life coverage.

An employee who cancels an insurance coverage due to being called to active duty may reenroll in that same coverage if the employee returns to work no later than ninety (90) calendar days after separation from military service, by submitting an application to the employee's agency personnel office within thirty-one (31) calendar days after returning to work. For such employees, any pre-existing condition provisions of any coverage will not apply to those persons who were insured under the employee's coverage in effect at the time the employee was called to active duty.

Flexible Spending Accounts (Reimbursement Accounts) - When the military leave of absence is longer than 30 calendar days and the employee has a medical or dependent day care flexible spending account (reimbursement account), the employee may continue participation through payroll deduction if in pay status, or paying the amounts due through the USF Payroll website. To cancel participation, the employee must contact the Benefits department. Upon reemployment, the employee may re-enroll within 31 days of the reemployment date.

Retirement - During the first 30 calendar days, retirement contributions are made to the employee's retirement account. The employer's retirement contribution continues to be paid based on the gross salary received by the employee each pay period and will cease when the employee goes into non-pay status. ORP participants should contact the Benefits department or their ORP representative if they wish to make a change to the employee's contribution rate.

No contributions are made to the employee's retirement account while the employee is in a non-pay status. Upon reemployment, the Benefits department will require a copy of the discharge papers and request that the Division of Retirement audit the employee's retirement account for contributions and interest due. The maximum cumulative time the university is required to contribute during a military leave is five years provided the employee received an honorable discharge and was reemployed by the university.

Tax Sheltered Annuity [403(b) Plan] - If the employee remains in a full or partial pay status, the employee/designee must decide whether to continue or cancel the reduction. The employee or designee should contact the TSA company representative to discuss fund allocations.

State Deferred Compensation Plan - If the employee remains in a full or partial pay status, the employee/designee must decide whether to continue or cancel the reduction. To make a change to the contributions going to a state deferred compensation plan account, the employee or designee should contact the company representative or the State Deferred Compensation office at 1-877-299-8002.

Leave Provisions - An employee, who is called to active duty, voluntarily or involuntarily, must immediately notify the supervisor. If the employee was orally called to active duty prior to receiving official written orders, he/she should make arrangements with family, friend, or power of attorney, to send a copy of the orders to the supervisor upon receipt. A copy of the order should be maintained in the employee's leave file.

The first 30 calendar days of the military leave of absence are with full pay with no reduction to accrued leave or compensatory leave. After the 30 calendar day period the employee may use accrued annual, sick, or compensatory leave to remain in a pay status and will continue to accrue annual and/or sick leave proportionate to the number of hours in pay status.

All unused leave is retained for the employee and credited to his/her account upon return to employment. For Staff employees called to active duty who has an annual leave balance in excess of 240 hours on December 31 of each year, the excess hours are converted to the employees' sick leave accounts. For Faculty and Administration employees called to active duty who have an annual leave balance in excess of 352 hours on December 31 of each year, the excess hours are converted to the employees' sick leave account.

Members of the Sick Leave Pool may not request to use hours from the pool while on military leave. While on military leave, though, an employee may make a contribution to the Sick Leave Pool to replenish hours when notified this is a condition of continued membership in the pool.

Return to Reemployment from Active Military Duty - Upon the employee's return from the military leave, the employing department completes and submits to HR an ASF reflecting the return date, and certifies the correct number of pay hours for the pay period during which the employee returns. A copy of the employee's discharge papers must be attached. The employee must immediately contact the Benefits department to discuss reenrollment opportunities into benefit plans and to ensure the period of leave is properly credited to the employee's retirement account. A copy of the discharge papers may be required.

Death - If the employee dies during the military leave, the designee should immediately contact the Benefits department for assistance and to discuss benefit options that may be available to the surviving spouse, dependents, or beneficiary.

Special Provisions for Operation Enduring Freedom – Normally, the Leave for Active Military Duty procedure should be referred to when an employee is recalled to active military service. However, the Governor and Cabinet have demonstrated a strong commitment to employees serving in our Armed Forces and have adopted a resolution directing all agencies under their jurisdiction and counties, municipalities, and political subdivisions of the state to likewise implement the provisions of the reservist compensation law for their employees during Operation Enduring Freedom. The resolution advises employers to make military pay supplements and provide benefits to employees (excluding Temporary employees) who are reservists called to active duty. This document outlines additional provisions for military leave due to Operation Enduring Freedom and supplements the procedure normally used.

Appointment and Military Pay Supplement - Upon being notified that an employee is being or has been recalled to active military duty due to Operation Enduring Freedom, the employing department should submit an Appointment Status Form (ASF) to Human Resources (HR) reflecting the begin date for the military leave of absence. A copy of the military order should be attached.

During Operation Enduring Freedom, the employee is eligible to receive military pay supplement. Military Pay Supplement is defined as the difference between the employee's university salary and their military base pay (exclusive of allowances for quarters, rations, variable housing allowances, or other special pay). When an employee's military base pay equals or exceeds the employee's university regular rate of pay, no military pay supplement will be awarded. To ensure the proper amount of military pay supplement is to be received from the State, verification of military base pay is required. The Payroll Office must be contacted for assistance to accurately calculate the employee's pay and provide assistance with the certification of the military pay supplement. The military pay supplement ceases upon being released from active military service. The employee or his/her power of attorney is responsible for notifying the agency of the last day of active duty.

If the employee is not eligible for military pay supplement because their military base pay is equal to or exceeds his/her regular rate of pay, or if the employee's military pay supplement is insufficient to continue all premiums for benefits, the employee may continue to use intermittent leave to cover his/her deductions for state insurance-related benefits. The employee may also elect to pay the employee's portion of any deductions in advance through the USF Payroll website. Employees may contact the Payroll department for assistance. The employee or designee, who has power of attorney, should immediately contact the Benefits department for guidance and information regarding the continuation or cancellation of benefit plans. Benefits may also need a copy of the military orders if health, life and pretax reimbursement plans are canceled.

State Health and Life Insurance - For health and basic life, USF will continue to pay the state share of the premiums for that coverage. The employee will continue to be responsible for any amount that the employee had been paying.

Leave Accruals and Holiday Pay - During the period of time employees are serving in active military service due to Operation Enduring Freedom, they will continue to earn full annual, sick leave, and holiday pay in accordance with the regulations applicable to their position. If the employee is using intermittent leave, such leave may not be necessary or may be reduced during a holiday work period since the employee is receiving holiday pay.