In accordance with federal and state law, the University allows a leave of absence to any continuous employee for the period required to serve in the uniformed services of the United States. This document is designed to serve as a guideline for such leaves of absence. However, it does not include all relevant portions of federal and state law provisions. It is recommended that any questions be directed to Human Resources (online at http://hr.ou.edu/) Employee Relations on each campus.

Any person, whether a member of a Reserve Component, any branch of the armed forces of the United States, or the National Guard, who is absent from University employment because of service in the uniformed services must request a leave of absence:

- **Leave of Absence.** The uniformed services member must provide the University written or verbal notification of an obligation or intention to perform service in the uniformed services. No notice is required if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable.

Entitlements include:

1. **Reemployment.** Subject to certain exceptions not delineated herein, the person is entitled to reemployment in the job the person would have attained, but for the absence, and with the same seniority, status and pay, as well as other rights and benefits determined by seniority, if:
   a. The University received advance written or verbal notice of the service.
   b. The cumulative length of the absence and all previous service absences with the University does not exceed five years, except in certain circumstances.
   c. The person reports to or applies for reemployment to the University within the required time limits. (See Frequently Asked Questions)

2. **Paid leave.** Upon request by the person, he/she may use any accrued paid leave during the absence after the 30 days of paid military leave is used. The University may not require the employee to use accumulated paid leave.

3. **Health-plan coverage.** The employee may elect to continue the University health-plan coverage through COBRA during the absence for service under the following conditions:
   a. The maximum period of continued coverage is the lesser of (1) the 18-month period of COBRA coverage beginning with the absence, or (2) the day after the date the person fails to return to or apply for University reemployment as provided.
   b. The University may require the person electing continued coverage to pay no more than 102 percent of the plan premium.
   c. If the absence is for less than 31 days, the person may not be required to pay more than the employee share of the plan premium.

If the employee does not elect to continue the University health-plan coverage during the absence, the employee is eligible for University provided health-plan coverage immediately upon return to civilian duty (employment).

4. **Retirement Plans.** Upon reemployment, the person shall not be treated as having incurred a break in service for the purposes of any retirement benefit plan by reason of such break. At the time of reemployment, the University is obligated to fund the employer contributions for any plans in the same manner and to the same extent as provided to other employees during the service period. Contributions, upon return, will be calculated based on either: (a) the rate the employee would have received but for the period of service, or (b) in the case that the determination of such rate is not reasonably certain, on the
basis of the employee’s average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

5. **Pay and Pay Differential.** The following guidelines are applicable for military leaves on or after September 11, 2001 and during the period that “Operation Enduring Freedom” is in effect:

   a. During the first 30 regularly scheduled working days, employees will be placed on Military Leave with Pay status and receive their full regular pay.

   b. For leaves that extend beyond 30 regularly scheduled workdays, the University will pay the difference between the employee’s full regular pay and their military pay, if any, but the employee shall be classified as on Leave without Pay.

   Oklahoma state law allows members of the National Guard or any branch of the United States military ordered to active or inactive service 30 regular scheduled work days of military leave during any federal fiscal year (October 1 thru September 30).

6. **All other military leaves.**

   a. During the first 30 regularly scheduled working days, employees will be placed on Leave with Pay status and receive their full regular pay. After the first 30 regularly scheduled working days, the employee will be placed on Leave without Pay status, unless they choose to use their paid leave. Employees may not defer use of their military pay. Once paid leave is exhausted, the employee will be placed on Personal Leave without Pay status. Upon release from military service, the employee must notify the University of his/her intent to return to work.

   b. Oklahoma state law allows all members of the National Guard or any branch of the United States military ordered to active or inactive service 30 regular scheduled work days of military leave during any federal fiscal year (October 1 thru September 30).

**Other procedural questions may be asked. Below is a summary of the most frequently asked questions and appropriate responses:**

1. **How should time off for active duty be reported?**
   A Personnel Action form is needed for absences beyond ten working days. The first 30 regularly scheduled work days of each federal fiscal year (October 1 through September 30) should be reported as leave with pay. Any additional time necessary would be leave without pay unless the employee chooses to use paid leave. The employee’s status would need to be changed on a Personnel Action form.

2. **Will the employee continue accruing vacation and/or sick leave while away?**
   No accrual would occur while on leave without pay status. If the employee chooses to use paid leave, additional paid leave would accrue per the Staff Handbook. Additionally, the time away for military leave counts towards years of service necessary to achieve a higher accrual rate benefit when a return to pay status continues.

3. **Will OU insurance coverage continue?**
   Employees in continuous, benefits eligible positions could continue all applicable benefits as follows:

   - Benefits offered through the university continue for the first 31 working days of military leave.
   - If the employee does not return from leave by 31 working days, university insurance benefits are terminated effective the 1st of the month following the completion of the 31 days.
   - Following the termination of active benefits, the employee can choose to continue, through COBRA, health, dental and vision coverage at the employee’s expense for up to 18 months.
4. If I am called to active duty for a period of more than 30 days, how do I receive my differential pay?
Employees may choose to receive military differential pay at the time of his/her return from active duty or once a month while on active duty. In order to receive differential pay, the employee must provide a copy of his/her orders for active duty along with a copy of military earnings statement(s) to the campus Payroll Office.

5. What do I need to do when I return from military leave to retain my previous position?
Employees must contact their department, let the department head know you have returned from duty, and together decide on a date/time to report to work. The longer the employee is deployed, the more time he or she has to report to work, however, notice to the department should be as soon as possible. The service duration and periods for returning or applying for reemployment are as follows:

- Less than 31 days, must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an 8 hour rest period.
- More than 30 days but less than 181 days, must submit a written or verbal application for reemployment with the agency not later than 14 days after the completion of the period of service.
- More than 180 days, by submitting an application with the agency not later than 90 days after the completion of the period of service.

For further information see 38 USC § 4312 (b) or call your campus Human Resources Employee Relations office.

6. What do I need to do to continue OU insurance?
If the employee is on military leave more than 31 working days, the employee’s benefits will terminate the 1st of the month following the completion of the 31 days. The employee can choose to continue health, dental and vision insurance through COBRA. Once the employee returns from military leave and appropriately notifies his/her department of the intent to return to his/her position, the employee must re-enroll in benefits by completing an insurance enrollment form. The completed form should be submitted to Payroll and Employee Services Office. Benefits will be effective the 1st day that civilian duty resumes.

7. What do I need to do if I stopped taking OU insurance, return, and now want to be reinstated:
   a. For myself?
      Once the employee returns from military leave, the employee must re-enroll in benefits by completing an insurance enrollment form. The completed form should be submitted to Payroll and Employee Services Office. Benefits will be effective the 1st day that civilian duty resumes.
   b. For my family?
      Once the employee returns from military leave, the employee may enroll previously non-covered family members and/or must re-enroll their dependents in benefits by completing an insurance enrollment form. The completed form should be submitted to Payroll and Employee Services Office. Benefits will be effective the 1st day that the employee’s civilian duty resumes.

8. Can I defer my military pay and take it at a later date?
Employees must take the first 30 regularly scheduled working days as military leave with pay. That time may be intermittent (for example: a weekend a month) or continuous. This time may not be deferred or stored up to use at a later date.

9. Is there a limit to the amount of military leave an employee has a right to take?
Yes. There is no differentiation between voluntary and involuntary military duty, there is a 5-year cumulative service limit on the amount of military leave an employee may use and still retain reemployment rights.

10. Does OU have longevity pay?
No. The University does not have longevity pay.

11. Do I have to provide written military orders?
Although the University may not refuse the employee military leave for failure to show written orders, the University has the right to require documentation at the time the employee returns to civilian duty to determine eligibility for reemployment.
References:
Refer to 38 USC §§ 4303 (b)
38 USC § 4312 (b)
38 USC § 4312 (e)
38 USC §§ 4312; 4313
38 USC § 4316
44 O.S. §209
72 O.S. §48 (amended May 23, 2006)