

## **MILITARY LEAVE POLICY**

### **PURPOSE**

To outline the means by which West Virginia University provides entitlements and meets responsibilities relative to military leave as defined under federal law [the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) US Code, Title 38, Chapter 43, Sections 4301-4333, Public Law 103-353], West Virginia state law [WV Code §15-1F-1], PEIA Handbook; Governor Wise's Executive Order 19-01.

### **SCOPE**

This policy applies to all full-time and part-time University employees, including those on the regional campuses, who are members of the United States uniformed services (Armed Forces, National Guard, Reserves, Public Health Service, or other categories of persons designated by the President or other properly designated federal authority in time of war or emergency).

### **POLICY**

WVU is supportive of the national and local import of the uniformed services, and of its employees' contributions to these efforts. Therefore, eligible employees when engaged in voluntary or involuntary, active or inactive duty by order of a competent authority will be facilitated in accordance with this policy and applicable procedures in these efforts. Discrimination and/or retaliation on the basis of membership in the uniformed services is prohibited.

Unless militarily restricted, the employee is required to provide advanced verbal or written notice of the request for military leave, and a copy of the orders, to their dean or director with a copy to the Human Resources Department – Employee Relations unit. The employee is to provide as much notice as possible to facilitate operational coverage.

Employees on authorized military leave will be provided entitlements consistent with their existing employment status, as though continuous for: seniority credit, years of service credit, health plans, and wage maintenance. Eligible employees will receive wage maintenance for time spent under inactive and active duty orders for up to sixty (60) working days per single call to active duty.

Employees occupying a regular position at the time military leave began, are entitled to return to the same job, or one of similar seniority, status and pay for which they are qualified provided the employee is honorably discharged and complies with established procedures relative to reemployment.

**PROCEDURE**

Additional information regarding this policy or the proper procedure to follow can be obtained in the *Military Leave* procedure.

**RESPONSIBILITY FOR IMPLEMENTATION**

The supervisor is responsible for keeping accurate records regarding military leave status of employees. The employee is responsible for compliance with notice and documentation requirements of the policy. The Employee Relations Unit in the Department of Human Resources, at 293-5700 ext. 5 or P.O. Box 6640, is available to answer questions or provide additional information regarding this policy.

**RESPONSIBILITY FOR INTERPRETATION**

The responsibility for interpretation of this policy rests with the Assistant Vice President of Human Resources, West Virginia University.

Approved: Scott C. Kelley

Vice President

4/15/03

Date