



## **406 POLICY - Leave of Absence**

### **406.1 Statement of Policy**

An unpaid leave of absence may be granted to a full-time employee of Redlands Community College under extenuating circumstances when no other leave is available to the employee. The College President can approve an employee's request for such leave. Any request for a leave of absence must be submitted in compliance with the procedure published in the Procedures section of the Policies and Procedures Manual.

### **406.2 Sabbatical Leave of Absence**

Redlands Community College does not provide sabbatical leave of absence to its employees.

### **406.3 Military Leave**

Redlands Community College follows the guidelines established by the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 regarding military leave.

The USERRA is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, and the National Guard or other "uniformed services:"

- A. Are not disadvantaged in their civilian careers because of their service.
- B. Are promptly reemployed in their civilian jobs upon their return from duty; and
- C. Are not discriminated against in employment based on past, present or future military service.

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 Redlands Community College employment because of service in the uniformed services must request a leave of absence.

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Revised September 2018  
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## 406 PROCEDURE - Leave of Absence

### **406.1:1 Requesting Leave of Absence**

A full-time employee of Redlands Community College may request an unpaid leave of absence when extenuating circumstances exist and no other leave is available to the employee. The request must be submitted in writing to the employee's immediate supervisor and must specify the reason for the request and the dates of the requested leave. If approved by the immediate supervisor, the request is submitted to the next higher level of administrative authority, and, if approved at each level, continues up through the chain of authority to the College President.

### **406.1:2 Terms of Leave of Absence**

An employee's request for a leave of absence must specify all terms of the requested leave, including proposed arrangements for continuation of employee benefits, if any. If the request is granted by the President, the approved terms and conditions of the leave of absence will be specified in written notice to the employee.

Maximum days allowed for a leave of absence will be 60 business days.

### **406.1:3 Benefits during a Leave of Absence**

If an employee is taking a Leave of Absence, benefits will continue as follows:

- A. Health, Dental, Vision, Life and AD&D, and Long-Term Disability Insurance
  - 1. An employee will be responsible for 100% of the employee and employer costs of insurance for themselves, as well as their dependents. The employee must pay, per pay period, any premium normally paid by the employer and employee. The payment is due by the first of each month.
- B. 403(b) Plans
  - 1. An employee may choose to post-pone payments to their 403(b) plans while out on a Leave of Absence. This election is required to be completed on a 403(b) Salary Reduction Authorization Form.
  - 2. The employee may want to continue contributions while being on a leave of absence, in which, they will be required to submit payment by the first of each month. Such contributions must be made within the time period required by federal law, as well as contribution limits.
- C. Oklahoma Teachers Retirement System
  - 1. Oklahoma Teachers Retirement System payments are based on income. Since there will not be any income for the individual out on a leave of



absence, there will not be any contributions made, either employee or employer paid, until employee returns back to work. Please note, that the time you are on a leave of absence may affect the time you are vested with the Oklahoma Teachers Retirement System. Upon re-employment, Redlands Community College is obligated to fund the employer contributions in the same manner and to the same extent as provided to other employees of the same status during the service period.

D. Other Benefits

1. Employees do not accrue vacation, personal leave or sick leave while on a leave of absence status.

E. General Benefits on Reemployment

1. Employees reemployed are guaranteed employment. However, the position re-employed in may not be the exact position prior to going on a leave of absence due to the need to continue operations.

**406.3:1 Requesting Military Leave**

When an employee is called to military service, USERRA requires the employee in the uniformed services to give advance written or verbal notice of the service to their employer, unless such notice is precluded by military necessity.

The employee should request a Leave of Absence in writing to the employee's immediate supervisor when notified of an impending call to service as soon as possible and provide documentation. The supervisor should submit this request to the next higher level of administrative authority, and continue up the chain of authority to the College President.

**406.3:3 Paid Military Leave**

Employees engaging in military service as set forth in this Policy shall be entitled to leave with pay during such period of service for the first thirty (30) regularly scheduled workdays of such service during each federal fiscal year. The federal fiscal year begins on October 1. This 30-day timeframe may be intermittent (for example: a weekend a month) or continuous.



A leave of absence without pay shall be granted for the remainder of military service in excess of the thirty (30) scheduled workdays, as applicable, each federal fiscal year.

Employees on military leave, on request, may choose to use up any accrued, unused vacation leave that is available to them and continue to receive pay, but may not be required to do so. Once paid leave is exhausted, the employee will be placed on leave without pay.

In all cases, appropriate leave forms must be filed. All military documentation must be given to the Human Resources Office to maintain accurate records of military leave.

### **406.3:3 Benefits during Military Leave**

If an employee is absent from work due to covered military service, benefits will continue as follows:

#### **F. Health, Dental and Vision Insurance**

1. An employee with military order for fewer than 31 days from the date the military leave of absence begins may elect to continue group health, dental, and/or vision insurance coverage for the employee and covered dependents under the same terms and conditions as if an active employee for a period. The employee must pay, per pay period, any premium normally paid by the employee. If the employee does not return from leave by 31 days, the college insurance benefits are terminated effective the 1<sup>st</sup> of the month following the completion of the 31 days.
2. An employee with military orders for 31 days or more that has had their insurance terminated may elect to continue group health, dental, and/or vision insurance coverage for the employee and covered dependents for up to 24 months through COBRA. The employee must pay the COBRA premium rates. Coverage ends after 24 months or, if earlier, on the date the employee fails to return or apply to return to Redlands Community College as required by federal law.

#### **G. 403(b) Plans**

1. Upon re-employment after a military leave under this policy, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within the time period required by federal law, as well as contribution limits.



#### H. Oklahoma Teachers Retirement System

1. Upon re-employment after a military leave under this policy, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Upon re-employment, Redlands Community College is obligated to fund the employer contributions in the same manner and to the same extent as provided to other employees of the same status during the service period.
2. Contributions, upon return, will be calculated (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.

#### I. Other Benefits

1. Employees do not accrue vacation, personal leave or sick leave while on military leave of absence status of more than 30 regularly scheduled Redlands Community College work days. However, upon reemployment after military service leave of absence under this policy, the military leave of absence shall count towards years of service for purposes of vacation accrual.

#### J. General Benefits on Reemployment

1. Employees reemployed following military leave of absence under this policy will receive the same seniority, status of pay, as well as other benefits determined by seniority that the employee had at the beginning of military leave. In addition, an employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their jobs at Redlands Community College.

### **406.3:4 Re-Employment after Military Leave**

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. Upon an employee's prompt notice for re-employment, an employee will be reinstated to employment in the following manner depending upon the employee's period of military service. The employee must provide military discharge documentation to his/her supervisor that shows the person's application for reemployment is timely, the person has not exceeded the five-year service limitation, and the person's separation from service was due to a dishonorable or bad conduct discharge per 38 U.S. Code § 4304.

- A. For a service period of 1 to 30 days, the employee 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.
- B. For a service period of more than 30 days but less than 181 days, the employee 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.
  - C. For a service period of more than 180 days, the employee must submit a written application for reemployment with the College not later than 90 days after the completion of the period of service.
  - D. In cases where the employee is hospitalized for or convalescing from an illness or injury incurred in or aggravated during the period of military service, the employee is not required to return to work until the end of the period that is necessary for the employee to recover from that illness or injury, such period ordinarily not to exceed two (2) years.

A reasonable effort will be made to ensure the employee returns to the job they would have been in as though they were never deployed but were at work the whole time. This also includes giving the returning service member the seniority they would have accrued, and the status, promotions, pension benefits, and pay raises they would have attained with reasonable certainty but for their period of military service. If additional training or accommodations to a disability is needed, the College will make every effort to qualify the returning service member to the reemployment position unless it will cause the College undue hardship.

#### **406.3:5 State and Federal Law Regarding Military Leave**

Redlands Community College shall follow all applicable state and federal laws regarding military leave, even is such provisions are not explicitly stated in this policy.

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