These procedures shall be followed to implement the University of California Policy on Supplement to Military Pay.

I. ELIGIBILITY
A. All employees who, as members of the National Guard, the Armed Forces, the commissioned corps of the Public Health Service, or any other category designated by the President, have enlisted or have been called to active military duty during Operation Enduring Freedom and Operation Noble Eagle or any other active military duty which is meant to support the President's call for a war on terrorism in the aftermath of the terrorist attacks on New York City and Washington, D.C. on September 11, 2001 are eligible for supplements to their military salaries.

B. As used here, "employee" is meant to include individuals who hold academic, career, limited, floater, casual-restricted, contract, or per diem appointments, regardless of the percent time worked.

II. DEFINITIONS
A. UNIVERSITY PAY
1. Health Sciences Compensation Plan: The University pay of employees compensated under the Health Sciences Compensation Plan shall be defined as both the base salary and the negotiated compensation (exclusive of incentive payments) in effect and paid through the University payroll when military leave commences, plus housing allowances, if applicable.

2. Staff Physicians and Dentists Compensation Plan: The University pay of employees compensated under the Staff Physicians and Dentists Compensation Plan shall be defined as both the base salary and non-base salary (exclusive of incentive payments) in effect and paid through the University payroll when military leave commences.

3. All Other Employees:
   a) Eligible Earnings: The University pay of all other employees shall be defined as the employee's regular base pay rate plus any of the following eligible earnings:
      i. Shift differentials;
      ii. Clinical nurse differentials;
      iii. Non-base building pay for nurses;
      iv. Police specialty pay;
      v. Stipends (department chair, etc.); and
      vi. Academic housing allowances.
   b) Ineligible Earnings: Ineligible earnings shall include the following:
      i. Overtime;
      ii. Uniform allowances;
      iii. UNEX BYA;
      iv. Summer session salaries;
      v. On-call pay;
      vi. Honoraria;
      vii. Incentive and performance awards;
      viii. Additional academic compensation, including summer and UNEX compensation; and
      ix. Terminal vacation pay.
c) Range Adjustments, Merit Increases, and Promotions: The base pay rate shall be adjusted for any range adjustments, merit increases, and promotions that would have been granted had the employee not been ordered to active military duty.

d) Variable-Time Appointments: The base pay rate of an employee with a variable-time appointment shall be calculated by averaging the hours on pay status during the three months prior to commencement of military leave, exclusive of hours attributed to overtime.

e) Irregular-Shift Assignments: The shift differential component of the gross University pay of employees who are not assigned to the same shift on a regular basis shall be calculated by averaging the shift differentials paid over the three months prior to commencement of military leave.

B. MILITARY PAY

Military pay shall be defined as all compensation, including allowances, received by an employee eligible for supplements to his or her military salary pursuant to I.A. above.

III. COMMENCEMENT

Compensation for the difference between an employee's University pay and military pay shall begin on the first day of unpaid military leave.

IV. DURATION

A. The supplement to military pay shall extend for a period not to exceed 365 calendar days, or until the predetermined separation date of an employee's University appointment, whichever comes first.

B. University appointees with termination dates based on budgetary restrictions may be reappointed according to University procedures and practices. If such reappointments occur during the 365-day period of supplemental pay, supplements to military pay shall continue into the subsequent appointment until the end of the 365-day period.

V. EFFECT ON BENEFITS

A. Employees receiving supplements to their military pay shall be considered on pay status.

B. Medical, dental, vision, and life insurance coverage, and University contributions for these coverages, may continue through the sixth calendar month of military leave. Thereafter, the employee (and eligible family members, if any) may continue medical, dental, and vision coverage through the COBRA/continuation provisions. In addition, participation in legal insurance, Supplemental Life, and auto/homeowner's insurance may continue through the sixth calendar month of military leave.

C. DepCare contributions stop when supplemental payments end and the employee is no longer on pay status. Subject to plan deadlines, eligible expenses incurred through the end of the calendar year may be reimbursed unless participation in DepCare is cancelled.

Some policies (e.g., Accidental Death & Dismemberment), however, have exclusions that apply to individuals on active military duty.

D. Short-term disability and supplemental disability coverage shall terminate on the last day an employee is actively-at-work.

E. Employee retirement contributions to the Defined Contribution Plan and Tax-Deferred 403(b) Plan will continue while a paycheck is received and will cease with the employee's last paycheck. When the employee returns to University employment, s/he may be eligible to make up contributions to the Defined Contribution Plan and/or Tax-Deferred 403(b) Plan that were missed due to the period of military leave, in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and UCRS provisions. An employee on
military leave may suspend 403(b) Plan loan repayments for the period of military leave as provided under USERRA and 403(b) Plan provisions.

F. Retirement service credit shall be earned in accordance with UCRP provisions, for the period of military service and for a period following military service, provided that the employee returns to University employment following the leave or notifies the University in writing of his or her intent to return to work in accordance with any applicable reemployment rights and UCRS provisions. See the Benefits Checklist at http://www.ucop.edu/bencom/life/military_leave.pdf for details.

VI. FUNDING SUPPLEMENTAL MILITARY PAY
Each campus shall determine the source of funds for supplemental military pay. University general funds, unrestricted gift funds, health sciences compensation plan funds, and other funds identified by the campus may be used. Extramural contract and grant funds may be used to the extent such funds were used to pay the employee immediately prior to his or her call to active military duty.

VII. SPECIAL SITUATIONS
A. LEAVES WITH AND WITHOUT PAY
Employees who received orders to report for active duty while on an approved leave with or without pay (e.g., sabbatical, personal, or research leave) shall, for the purpose of calculating supplemental pay, be returned to their regular status.

B. TEMPORARY REDUCTIONS IN TIME
Employees who received orders to report for active duty while on a temporary reduction in time shall, for the purpose of calculating supplemental payments, be returned to their regular status at the expiration date of such temporary reduction in time. The employee's department shall be responsible for adjusting supplemental payments at such expiration date.

C. TEMPORARY LAYOFFS
Employees who received orders to report to active duty while on a temporary layoff shall, for the purpose of calculating supplemental payments, be returned to their regular status at the expiration date of the temporary layoff. The employee's department shall be responsible for submitting the documentation required to initiate supplemental payments at such expiration date. NOTE: The 365-day period begins at the expiration date of the temporary layoff.

D. INDEFINITE LAYOFFS
Employees who received orders to report to active duty while on an indefinite layoff are not eligible for supplemental payments.

E. PARTIAL YEAR CAREER POSITIONS
The military pay of employees who hold partial year career appointments shall not be supplemented during the months such employees are on University furlough unless such employees have elected to spread their paychecks over 12 months. Periods of time spent on unpaid furlough shall not be included in the calculation of the 365-day period. The employee's department shall be responsible for terminating supplemental payments when such employee would normally go on unpaid furlough and for reinstating supplemental payments when such employee would normally return to pay status.

VIII. PROCEDURES
A. DOCUMENTATION REQUIRED TO INITIATE SUPPLEMENTAL PAYMENTS

1. Supplement to Military Pay Worksheet: Both the employee's department and the employee, or the person who holds the power of attorney on behalf of the employee, are responsible for completing the "Supplement to Military Pay Worksheet" (see Attachment A). The purpose of the worksheet is to calculate the gross supplemental pay and to obtain acknowledgement from the employee that any overpayments will be returned to the University.
2. **Personnel Action Form or Equivalent Document & Sabbatical Leave/Special Leave of Absence:** The employee's department is responsible for completing a Personnel Action Form (UPAY 560) or equivalent document and a Sabbatical Leave/Special Leave of Absence Form (UPAY 573) to place the employee on military leave. The department should establish as the end date on the current Pay Distribution(s) the last date that the employee will receive University pay. The department should establish a new Distribution for the period of the military leave, using the calculated gross supplemental pay (line 13, 14, or 15) determined on the Supplement to Military Pay Worksheet. The department should associate the Gross Supplemental Pay amount with the Description of Service Code "SMP." The department should establish a new Distribution with a Begin Date as of the last day of the employee's Military Leave Date and with the same End Date on the original Distribution. (If the employee remains on military duty, the department should complete a Leave of Absence action.)

3. **Leave and Earnings Statement:** The employee, or the person who holds the power of attorney on behalf of the employee, shall be responsible for documenting/estimating the military pay. If available, a Leave and Earnings Statement (LES) shall be used to verify the gross monthly military pay. If a LES is not available, the gross military pay may be estimated.

4. **Power of Attorney:** If an employee has designated a power of attorney, documentation of such power of attorney shall be submitted along with the completed worksheet.

5. **Supplemental Disability:** Because employees are not eligible for disability benefits if the disability was incurred while on military leave, Supplemental Disability must be cancelled by the employee or by the employee's representative by completing a Form UPAY 850, Enrollment, Change, Cancellation, or Opt-Out Form. Failure to do so will result in automatic deductions for disability insurance from supplemental pay even though coverage does not continue.

6. **Payroll Earnings Distribution Authorization:** A Pay Disposition Authorization Form shall be given to the employee. This form must be completed and returned to the department if the employee wishes to change his or her disposition of pay.

**B. INITIATING SUPPLEMENTAL PAY**

1. **If the Employee Has Reported To Active Military Duty and Not Returned:** The department shall attempt to contact and inform all employees on military leave (or the persons who hold powers of attorney on behalf of such employees) of the supplement to military pay and the procedures required to initiate the supplemental payments. Supplemental payments shall not be issued without the signature of the employee, or the person who holds a power of attorney on behalf of the employee, on the Supplement to Military Pay Worksheet. If a department is unable to obtain a completed worksheet and LES from an employee or from the person who holds the power of attorney on behalf of the employee, the supplemental payment shall be calculated and issued upon the employee's return to work.

2. **If the Employee Has Returned From Active Military Duty:** The employee shall submit copies of all Leave and Earning Statements covering the period of time during which the employee was eligible for supplemental payments. The employee's department shall be responsible for calculating the total gross supplemental payment and submitting the required paperwork in accordance with established campus procedures.
C. ISSUING PAYMENTS

1. **Retroactive Payments:** The employee’s department shall be responsible for submitting all retroactive paperwork, including the PAF or equivalent document, Sabbatical Leave/Special Leave of Absence Form supporting documents, and late pay transactions. If an employee is eligible for future supplemental payments, the department shall complete a PAF or equivalent document based upon the most recent worksheet and LES obtained from the employee, or the person who holds the power of attorney on behalf of the employee.

2. **Prorated Payments:** The employee’s department shall be responsible for prorating supplemental payments that do not cover a full pay period for employees covered by positive time reporting.

3. **Extensions and Multiple Military Leaves:** The employee’s department shall be responsible for ensuring that supplemental payments for employees with extensions of their original orders or with multiple military leaves are not in excess of the 365 calendar days allowed.

4. **Deductions:**
   a) **Mandatory Deductions:** Supplemental payments shall be subject to Federal income tax, State income tax, OASDI, and Medicare. Garnishments/Earnings Withholding Orders for Support, if applicable, shall be withheld.
   
   b) **Voluntary Deductions:** Voluntary deductions shall continue to be withheld unless cancelled by submittal of the appropriate cancellation forms.
   
   c) **Employer Contributions:** Departments are responsible for University contributions.

5. **Issuance:** Except for retroactive payments, supplemental payments shall be issued as part of the normal payroll cycle for each affected employee. The supplemental pay will be distributed according to the disposition selected by the employee.

6. **Terminating Supplemental Payments:** The employee’s department shall be responsible for ensuring that upon expiration of the 365 days of supplemental payments, the employee’s status is correctly reflected on the PAF or equivalent document.

D. RECONCILIATION

1. **Reinstatement:** When an employee returns to work from active military duty, the employee shall submit a Leave and Earnings Statement (LES) for each month for which supplemental military pay was earned or received. The employee’s department shall be responsible for reconciling actual supplemental military payments with all Leave and Earnings Statements. Any overpayments or underpayments shall be adjusted in accordance with established campus payroll procedures.

2. **Benefits:** Employees returning from military leave have a 31-day period of initial eligibility to re-enroll in coverages, which lapsed or were cancelled during the extended military leave. The period begins with the date or return to normal pay status.

3. **Retirement Service Credit:** Covered compensation and retirement service credit earned during an extended military leave shall be manually adjusted when the employee returns to pay status by submitting a copy of the PAF or equivalent document documenting the extended military leave and verification of the employee’s military orders to the Retirement membership unit.

4. **Employees Who Do Not Return to University Service:** Employees who elect to terminate their University appointment shall be responsible for contacting their former departments to initiate reconciliation between their estimated and actual military earnings. Employees who have been underpaid shall receive the balance due. Overpayments shall be repaid to the University. Overpayments shall be forgiven if an employee is killed or disabled to the extent that such employee cannot return to University employment.
INSTRUCTIONS FOR THE SUPPLEMENT TO MILITARY PAY WORKSHEET EMPLOYEE:

1. Complete all items that are not shaded. You may skip optional items if not needed.

2. Attach a copy of your most recent Leave and Earnings Statement, if available, so that your department can determine your supplemental pay. If you do not have a recent Leave and Earnings Statement, you can estimate your monthly military gross pay.

3. You may cancel any voluntary employee deductions, such as parking and credit union deductions. Your department should provide the appropriate cancellation forms to you. You must cancel your Supplemental Disability deductions. You can initiate the cancellation by using Bencom.

4. If you wish to change the disposition of your pay, please complete the Pay Disposition form.

5. Please read the Certification and sign and date the certification.

6. If you have authorized a power of attorney to handle your affairs in your absence, please attach a copy of the power of attorney.

DEPARTMENT:

1. Complete all shaded items.

2. Complete the personnel action by initiating a Personnel Action Form (UPAY 560) or equivalent document for on-line processing and Sabbatical Leave/Special Leave of Absence Form (UPAY 573) to place the employee on military leave. The department should establish as the end date on the current pay Distribution(s) the last date that the employee will receive University pay. The department should establish a new Distribution for the period of the Military Leave, using the calculated gross supplemental pay (line 13, 14, or 15) determined on the Supplement to Military Pay Worksheet. The department should associate the Gross Supplemental Pay amount with the Description of Service Code "SMP." The department should establish a new Distribution with a Begin Date as of the last day of the employee’s Military Leave Date and with the same End Date on the original Distribution. (If the employee remains on military duty, the department should complete a Leave of Absence action.)

3. Forward and process the cancellation/enrollment forms checked in item 16 to the employee.

4. Indicate department approval in item 18.
### SUPPLEMENT TO MILITARY PAY WORKSHEET

1. **Name (Last, First, Middle Initial):**  
   **Campus/Laboratory:**  
   **Employee No.:**  
   **Date:**  

2. **Campus/laboratory Department:**  
   **Social Security No.:**  
   **Appointment Type:**  

3. **Military Service Branch:**  
   **Military Rank:**  
   **Military Leave –**  
   **Begin Date:**  
   **End Date:**  
   **Supplemental Military Pay (Not to exceed 365 Days):**  
   **Begin Date:**  
   **End Date:**  

### MONTHLY MILITARY GROSS PAY: (Enter base pay and all allowances that apply. Attach Military Pay Voucher)

4. **BASE PAY**  
   **ALLOWANCES**  
   **BAQ**  
   **Foreign Language Proficiency:**  
   **Hazardous Duty**  
   **Flight Pay:**  
   **Diving Pay:**  
   **Clothing Allowance:**  
   **Other:**

5. **TOTAL MONTHLY GROSS MILITARY PAY:**

### GROSS SUPPLEMENTAL PAY: (To Be Completed By The Department)

6. **UC “REGULAR” GROSS PAY – Paid**

7. **Biweekly Computation:**  
   **Biweekly Regular Gross** $\text{__________} \times 26 = $\text{__________}/12 = $\text{__________}$

8. **Semi-Monthly Computation:**  
   **Semi-Monthly Regular Gross** $\text{__________} \times 24 = $\text{__________}/12 = $\text{__________}$

9. **Monthly Regular Gross:** $\text{__________}$

10. **UC Monthly “Regular” Gross Pay (From Line 7, 8 or 9)**

11. **Total Monthly Gross Military Pay (From Line 5)**


### PERSONNEL ACTION: (To Be Completed By The Department)

13. **If the employee is paid Monthly – establish a new Distribution and enter amount from Line 12 as the Pay Rate.**

14. **If the employee is paid Biweekly – establish a new Distribution, recalculate the amount (below) from line 12, and enter the result as the Pay Rate. $\text{__________} \times 12 = $\text{__________}/26 = $\text{__________}$**

15. **If the employee is paid Semi-Monthly – establish a new Distribution, recalculate the amount (below) from Line 12, and enter the result as the Pay Rate. $\text{__________} \times 12 = $\text{__________}/24 = $\text{__________}$**
### Optional

16. **Voluntary Employee Deductions:**

Voluntary employee deductions will continue to be withheld unless you cancel the deduction. Please log onto Bencom or indicate below which cancellations forms you need. Your department can provide the appropriate forms.

- Medical, Dental, Vision, Legal, Short-Term and Supplemental Disability, AD&D, and Life (UPAY 850)
- Parking
- Union Dues
- Credit Union
- Other: ________________________

Please note that your supplement to Military Pay is subject to Federal and State Withholding Taxes, OASDI/Medicare as applicable, and wage orders.

### Optional

17. If you wish to change the disposition of your pay, please complete a new Pay Disposition Form.

### Optional

18. **Certification:** I understand that it is my responsibility to estimate and document my military pay and allowances for the purpose of determining the amount of supplemental military pay from the University; that I must submit my actual military earnings statements for all months for which I receive supplemental military pay in order to accurately calculate the amount of supplemental military pay due to me; and that I am responsible for returning to the University of California any overpayments made to me.

<table>
<thead>
<tr>
<th>Employee's Signature:</th>
<th>Date:</th>
<th>Department Approval</th>
<th>Date:</th>
</tr>
</thead>
</table>

Person Holding Power of Attorney on Behalf of the Employee: __________________________________________________________________________

(Attach documentation.)

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**Effective 9/11/01**
EXTENDED MILITARY LEAVE
Questions and Answers

General

1. **Who is covered by extended military leave (1)?**
   All members of the Armed Forces, the Army National Guard and the Air National Guard, including reservists, when engaged in active-duty service of any length or active-duty training in excess of 180 days. This includes full-time National Guard members when serving in active Federal military duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

2. **Does the University's extended military leave policy apply to employees who voluntarily enlist?**
   Yes, extended military leave applies to employees who voluntarily enlist. The courts do not distinguish between voluntary or involuntary military service. All military service is deemed "ordered" service.

3. **Is there a limit to the amount of extended military leave the University must grant?**
   Generally, there is a 5-year limit on the amount of military leave an employee can use and still retain reemployment rights.

Notice

4. **Is prior notice required for extended military leave?**
   Yes, an employee must provide advance notice to the department head or his or her designee unless notice is impossible, unreasonable, or precluded by military necessity. Advance notice may be provided either orally or in writing.

5. **Under what circumstances would the giving of notice be considered to be "precluded by military necessity"?**
   A classified recall would be an example of a situation in which giving prior notice would be precluded by military necessity. If an employee's military commander directs him or her to report for active duty and not to disclose the fact that the employee is being recalled, then prior notice would not be required under those circumstances. The Secretary of Defense is authorized to make a determination of military necessity.

6. **When may the University require an employee to provide documentation of military service?**
   The University has the right to request that an employee provide documentation of military service for an absence of more than 30 days.

7. **What are valid military orders?**
   All written or verbal orders are considered valid orders.

8. **What if an employee cannot provide satisfactory documentation for military service in excess of 30 days?**
   Reemployment cannot be denied on the basis that documentation is not readily available or does not exist. The University may contact the military unit to attempt to obtain satisfactory documentation.

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(1) Extended military leave as defined and used in these questions and answers also applies to academic personnel.
Pay and Benefits

9. **Is an employee entitled to his or her regular University pay during an extended military leave of absence?**
   Employees who are granted extended military leave are entitled to their regular University pay for the first 30 calendar days in a fiscal year, provided that the employee has completed 12 months of continuous University service immediately prior to the granting of the leave and provided that the aggregate of payments for all types of military leave, except emergency national guard duty, do not exceed 30 calendar days in any fiscal year. All prior full-time military service must be included in the calculation of the University service requirement. In addition, all employees will be eligible for a supplement to their military pay equal to the difference between their University pay and military pay and allowances. The supplemental pay will begin on the first day of unpaid military leave and will continue for up to 365 calendar days or until the conclusion of the employee's University appointment, whichever comes first. This supplemental pay is only for active military service resulting from the September 11, 2001 attacks on our nation.

10. **How is the 30 days' pay calculated for part-time employees?**
    A part-time employee who is eligible for pay shall receive such pay in proportion to the average percent of full-time worked during the 3 months immediately preceding the leave.

11. **Can an employee use accrued vacation or compensatory time off during the unpaid portions of extended military leave?**
    Yes, an employee may use accrued vacation and/or compensatory time off during the unpaid portions of extended military leave.

12. **Does an employee who is granted an extended military leave of absence continue to earn UCRP service credit during his or her military service?**
    Yes, an employee continues to earn UCRP service credit for the time spent in uniformed service and for a period following such service, provided that the employee returns to work or notifies the University of his or her intent to do so in accordance with guidelines described in the University's Military Leave Checklist which can be downloaded from [http://atyourservice.ucop.edu/forms_pubs/alphabetical/mr.html](http://atyourservice.ucop.edu/forms_pubs/alphabetical/mr.html)

13. **What other UC-sponsored benefits is a reservist or enlistee entitled to during an extended military leave?**
    Medical, dental, vision, and life insurance coverage may continue for up to the first six months of extended military leave. For employees eligible for supplemental military pay due to active military duty related to the September 11, 2001 attacks, University contributions for these coverages may continue for up to the first six months of extended military leave.

14. **Can an employee have dual medical coverage under TRICARE and the University's health plan?**
    An employee may elect dual coverage under TRICARE and the University's medical plan. Should an employee elect dual coverage, the military coverage would be considered the primary coverage for the employee and the University coverage would be considered primary for the employee's dependents. University benefit coverage during a military leave is described in the University's Military Leave Checklist.

15. **What happens to an employee's sick leave balance when granted an extended military leave of absence?**
    The employee's sick leave balance is reinstated provided that the employee returns to work within 6 months after termination of active service.

16. **Is an employee eligible for terminal vacation pay when granted an extended military leave of absence?**
    Employees granted extended military leaves of absence are entitled to vacation pay for all unused vacation accrued through the last day on pay status. In addition, vacation credits may remain on the books at the request of an employee to the extent permitted by the applicable collective bargaining agreement or, in the case of non-represented employees, to the extent permitted by local procedures.
17. **Is extended military leave counted as qualifying service for the purpose of determining vacation accrual rates?**

   Periods of extended military leave are counted as qualifying service for the purpose of determining vacation accrual rates, provided that the employee returns to pay status at the conclusion of the extended military leave.

**Reinstatement**

18. **Are employees who have been granted an extended military leave guaranteed the same job that the employee held prior to the leave?**

   Basically, yes. Federal and State laws require employers to reemploy returning reservists and enlistees first to any promotional position the employee might have attained if not absent or second to the same position the employee left. Only if these positions are not available may the University consider a position of like seniority, status and pay. If the employee became disabled while in the service and can no longer perform the duties of the former position, the University must offer him or her a reasonable accommodation for the previous position or offer the employee the most similar position for which he or she is qualified. If for any reason it appears that a reservist or enlistee will not be reinstated as described above, Human Resource and Academic Personnel Offices should contact the Office of the General Counsel prior to a final decision and prior to notifying the employee.

19. **Is the University obligated to reemploy a returning reservist or enlistee whose former position no longer exists, as for example, when contract funds have been expended or a position has been abolished?**

   Generally, yes. The University must appoint the returning reservist or enlistee to a similar position of equal pay and status, provided that such a position exists and that the reservist is qualified to fill it.

20. **Can reinstatement be denied to employees who held seasonal or part-time positions? To reservists or enlistees who held limited or floater appointments?**

   The University is not required to reemploy an individual if the University's circumstances have so changed as to make such reemployment impossible or unreasonable; if such reemployment would impose an undue hardship on the University; or if the employment which the individual leaves to serve in the uniformed services is for a brief, nonrecurring period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period. The University may deny reinstatement to a seasonal or part-time employee only if one of the above listed reasons applies. With regard to limited and floater appointments, if the employee's position is still open when the reservist applies for reinstatement, he or she must be reinstated. If the position has concluded, in most cases the returning reservist would not be entitled to reinstatement. It is possible, however, that there may be circumstances in which the reservist would be entitled to reemployment in either the same position or a position of like seniority, status, and pay. For example, this could occur if a supervisor had given the employee a reasonable expectation that such employment would continue indefinitely or for a significant period. If there is a question of any kind in relation to the reinstatement of reservists who held limited or floater appointments, Human Resource Offices should consult with the Office of the General Counsel prior to a final decision and prior to notifying the employee.

21. **If an employee was promoted just prior to the call-up, or promised a salary increase, is the reservist or enlistee entitled to the promotion and/or salary increase when he or she returns?**

   Yes, the reservist or enlistee would be entitled to a job in line with the promised promotion or raise. In fact, a reemployed reservist/enlistee is entitled to length of service credit for the period of military service and promotions and cost of living salary adjustments, which would have occurred during the employee's military absence, whether or not such changes were promised prior to the leave.

22. **How long must the University hold open a job for an employee who has been granted extended military leave?**

   Extended military leave must be granted for up to five years, but can be extended beyond that period for valid exceptions under the Federal statute (USERRA). If there is a question about an extension, Human Resource and Academic Personnel Offices should consult with the Office of the General Counsel.
23. **Is a rehired reservist or enlistee protected from termination without just cause?**
   In most instances, yes. In time of war or national emergency, all reinstated reservists and enlistees, other than those who have not yet completed their probationary periods, are protected from termination without just cause for a period of one year. For service of any type under competent authority, reinstated reservists or enlistees, including those who are still serving their probationary periods, are protected from termination without just cause for six months if they have been in service for 30 to 180 days or protected for one year if they have been in service for more than 180 days.

24. **If the crisis that generated the call-up ends and the reservist decides to continue in active duty, does the University have an obligation to rehire the reservist?**
   Yes, as long as the reservist returns within five years, or longer if exceptions under the Federal statute exist after the commencement of the active duty.

25. **Can the University require reservists/enlistees to return to work immediately after they are released from duty?**
   No. After a military conflict, reservists and enlistees may take as much as six months of unpaid leave from the date of release from service or hospitalization before returning to work.

26. **What if a returning employee is no longer qualified to perform his or her job because the employee’s job has changed during his or her absence (e.g., new equipment or methods are being used)?**
   The University is required by Federal statute to make reasonable efforts to qualify returning reservists for reemployment in a promotional job or the same job.

27. **Is University employment prior to an extended military leave included in the calculation of seniority pursuant to the applicable layoff personnel policy and collective bargaining provisions?**
   Yes. The Federal statute covering military service provides that a reemployed reservist or enlistee must be treated as not having incurred a break in service.

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(2) The right to reemployment following hospitalization applies if the individual is hospitalized for no more than one year after discharge from military service.