

HUMAN RESOURCES ADMINISTRATIVE MANUAL  
TIME AWAY FROM WORK: MILITARY LEAVE



UNIVERSITY SYSTEM  
OF GEORGIA

# Military Leave

## CITATION REFERENCE

<b>OFFICIAL TITLE</b>	POLICY ON MILITARY LEAVE
<b>VOLUME</b>	HUMAN RESOURCES
<b>RESPONSIBLE OFFICE</b>	USG HUMAN RESOURCES OFFICE
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## Policy Statement

The University System of Georgia has established a policy to allow for military leave. An employee who receives orders for active military duty shall be entitled to absent themselves from their duties and shall be deemed to have a leave of absence with pay for the period of such ordered military duty, and while going to and returning from such duty, not to exceed a total of eighteen (18) workdays in any one (1) federal fiscal year (October 1 - September 30) (as authorized by Georgia Law O.C.G.A. § 38-2-279[e]). After an employee has exhausted their paid military leave, an institution may pay the employee for their accumulated annual leave. At the expiration of the maximum paid leave time, continued absence by the employee shall be considered as military leave without pay. The employee shall be required to submit a copy of their orders to active military duty (BR Minutes 1990-91, pp. 173-174). Notwithstanding the foregoing leave limitation of eighteen (18) days, in the event the Governor declares an emergency and orders an employee to State active duty as a member of the National Guard, such employee while performing such duty shall be paid their salary or other compensation as an employee for a period not exceeding thirty (30) days in any one (1) federal fiscal year.

## Military Differential Pay

Institutions of the University System of Georgia may pay an employee Military Differential for absence while engaged in the performance of ordered military duty and while going to and returning from such duty, after expiration of the payment period provided for in the paragraphs above. Military differential pay is equal to the amount by which an employee's projected state base pay for a covered pay period exceeds the employee's actual military pay and allowances as applicable to that pay period. Military pay differential programs must be applied consistently to all eligible employees within the institution, not to exceed a total of twelve months. At the expiration of the maximum Military Differential, continued absence by the employee shall be

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considered as military leave without pay unless annual leave is allowed. Funding for Military Differential Pay is based on existing institution budgets.

The University System recognizes the requirements to allow employees time for military responsibilities. This policy ensures general consistency among institutions of the University System. This policy ensures compliance with applicable state and federal laws.

### Applicability

All units of the University System of Georgia are covered by this policy.

### Who Should Read This Policy

All Human Resources personnel within the University System of Georgia should be aware of this policy.

### Definitions

**Ordered Military Duty.** For the purpose of this policy, ordered military duty shall mean any military duty performed in the service of the State or the United States, including, but not limited to, service schools conducted by the armed forces of the United States. Such duty shall be deemed “ordered military duty” regardless of whether the orders are issued with the consent of the employee (BR Minutes, 1990-91, p. 173).

### Process and Procedures

An employee who receives orders for active military duty shall be entitled to absent themselves from their duties and shall be deemed to have a leave of absence with pay for the period of such ordered military duty, and while going to and returning from such duty, not to exceed a total of eighteen (18) workdays in any one (1) federal fiscal year (October 1 - September 30). Military pay may be extended as provided for in the case of a Governor’s Declared Emergency or award of Military Pay Differentials (as authorized by Georgia Law O.C.G.A. § 38-2-279[e]).

### Notification

Upon receiving military activation orders, an employee must advise their employer. Unless precluded by military necessity, advance notice must be provided. Employees are encouraged to provide documentation of military duty prior to activation.

Upon re-employment, an employee will be required to present the institution with a copy of their completion of military assignment orders that specify the dates/duration of ordered military service.

### Compensation While on Military Leave

The employee must be paid for up to eighteen (18) days of compensation in any one (1) federal fiscal year. If the employee’s active military duty transcends portions of two (2) different federal fiscal years, the employee will be paid eighteen (18) days military leave for each fiscal

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year in which the military leave occurred. After an employee has exhausted their paid military leave, an institution may pay the employee for their accumulated annual leave.

**Military Differential Pay**

Institutions of the University System of Georgia may establish a program to pay eligible employees a military differential for an absence while engaged in the performance of ordered military duty and while going to and returning from such duty, after expiration of the payment period provided for in the paragraph above. Military pay differentials must be applied consistently to all eligible employees within the institution, not to exceed a total of twelve months in any one federal fiscal year (October 1 - September 30). Funding for Military Pay Differential programs is based on existing institution budgets.

Differential pay is determined by comparing University System salary for a covered pay period with active duty military pay and allowances as applicable to that pay period. Military pay includes base military pay and other military pay such as enlistment and reenlistment bonuses, hazardous duty pay, and separation pay (excluding housing and subsistence allowances).

It is the responsibility of the employer to establish internal policies and procedures; notify employees going on Leave Without Pay for military duty or required training that they may be eligible for differential pay; determine whether military pay is less than the employees base pay, and pay any difference.

It is the responsibility of the employee to request differential pay for periods of leave without pay for military service or required training and provide military leave and earnings statements, pay vouchers or similar documents covering the period for which differential pay is being requested.

Upon receipt of the military leave and earnings statement or similar document, the institution's Human Resources and Payroll will calculate any amount due. If the documentation is not provided until the employee returns to work, the differential pay due will be determined and paid at that time.

Military pay differentials may not exceed a total of twelve months in a federal fiscal year, per each military order. Continued absence by the employee shall be considered as military leave without pay unless annual leave is allowed.

**Benefits**

Generally, benefits will continue while an employee is on full time ordered military duty. However, such action constitutes a qualifying event and permits an employee to make a change in their healthcare plan coverage. While an employee is on a paid leave status, to include military leave pay, military differential pay and payment of accrued annual leave, employee and employer retirement plan contributions should continue to be paid.

Procedures related to specific benefits are detailed below:

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Annual Leave

Once an employee has been paid for their maximum number of paid military leave days and is not receiving a military differential pay, they may elect to use their accrued annual leave. Employees who elect not to use accrued leave or who exhaust accrued leave shall be deemed to have a leave of absence without pay.

Health and Dental Benefits

An employee may elect to continue coverage under a University System of Georgia health insurance and/or dental insurance plan while they are performing order military service.

The military will provide primary medical and/or dental coverage for an employee while they are on active duty. The University System of Georgia will provide primary medical and/or dental coverage for a covered spouse and dependents, unless the covered spouse/dependents have primary coverage through another group plan.

For an employee who is called to full-time, active military duty, such action constitutes a qualifying event and permits an employee to make a change in their health and/or dental plan coverage. An employee must make a change in health and/or dental plan coverage within thirty-one (31) days of their activation date. If the required military service of an employer coincides with a University System of Georgia open enrollment period, the member may make an open enrollment election within thirty-one (31) days of their return to employment within the System.

A member may enroll, change type of coverage (single, employee plus spouse, employee plus child, family) or discontinue coverage as a result of the employee's full-time activation into the military service. When an employee returns to employment with the University System of Georgia, the member may revert to their initial election of health and/or dental coverage.

A military activated employee who elects to continue with the University System of Georgia health and/or dental coverage while on unpaid active military duty will be responsible for remitting the employee portion of the monthly premium. Coverage will be cancelled if the employee fails to remit required premiums within institutionally defined deadlines.

Retirement Plans

While an employee is on paid-leave military status, employee and employer retirement contribution amounts should continue to be paid. When an employee enters a leave-without-pay military status, the employee and employer retirement plan contributions should cease.

Upon return from active military service, an employee is entitled to catch up' with the retirement plan contributions that they would have made had the individual remained as an active employee with the University System of Georgia. Upon re-employment, USERRA identifies the time period that an employee is allowed to catch up with the retirement plan contributions. An employee may have either three (3) times the length of their active military service, or five (5) years, whichever is shorter.

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A person's entitlement to the catch-up retirement plan contribution benefit will be terminated if they separate from the uniformed services under other than honorable conditions.

When an employee begins making military service retirement plan catch-up contributions, the institution must begin submitting its corresponding employer contribution. Upon payment of these contributions to TRSGA for active military service, such service shall be added as years of creditable military service.

#### Life Insurance

The employer should continue to provide \$25,000 of basic life insurance for an employee while they are on active military duty.

With regard to supplemental and dependent life insurance, a covered employee may elect to continue such coverage while they are on active military duty. To continue this type of coverage, the member would be required to remit premiums to the employer. If a covered employee elected to drop this type of coverage while on active military duty, they would have to demonstrate evidence of insurability' to be reinstated in the plan. There will be no accidental death and dismemberment benefit if the member dies from an "act of war or service in any military force of any country when the country is engaged in war."

#### Holidays

There will be no payment for any holidays occurring during the period of an employee's order military service.

#### Return to Work

The cumulative length of time that a returning service member may be absent from work for military service and retain their re-employment rights is five years. A returning service member is to be reemployed in the position that they held, or that they would have attained had they not been order to active military duty.

USERRA regulations specify return-to-work or re-employment timeframes that an employee must follow upon completion of active military service. They are:

- **Less than 31 days:** An employee should return to work the first day following the completion of their active military service.
- **30 – 180 days:** An employee must request reinstatement of employment within fourteen (14) days following the completion if their active military service.
- **Over 180 days:** An employee must request reinstatement of employment within ninety (90) days following the completion if their active military service.

A service member convalescing from injuries during military service or in training may have up to two (2) years to return to their position.

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Responsible Parties and Contact Information

<b>Party</b>	<b>Responsibility</b>	<b>Phone/Email/URL</b>
<b>Vice Chancellor for Human Resources, USG</b>	Ensure compliance with policy.	404-962-3235 <a href="mailto:usg-hr@usg.edu">usg-hr@usg.edu</a>
<b>Institution Chief Human Resources Officers</b>	Ensure compliance with policy.	See University System <a href="#">HR Officer Listing</a>

Appendices (Internal Documents, Forms and Web Links)

- [Board Policy Manual Section 8](#)

Related Documents and Resources (External)

- Georgia Law O.C.G.A. § 38-2-279[e]
- The Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA)

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