

**LSU HEALTH CARE SERVICES DIVISION
BATON ROUGE, LOUISIANA
MILITARY LEAVE**

POLICY NUMBER: 4549-24

CATEGORY: Human Resources

CONTENT: Military Leave Policy

APPLICABILITY: This policy shall be applicable to classified employees and regular unclassified employees at the Health Care Services Division Administration (HCSDA) and Lallie Kemp Medical Center (LKMC) as designated by policy provisions.

For purpose of this policy, “regular” unclassified employees are defined as monthly unclassified employees and bi-weekly unclassified employees serving in a regular, leave earning, benefits eligible appointment.

EFFECTIVE DATE:

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INQUIRIES TO: Human Resources Administration
Health Care Services Division
Post Office Box 91308
Baton Rouge, Louisiana 70821-1308

Note: Approval signatures/titles are on the last page.

**LSU HEALTH CARE SERVICES DIVISION
MILITARY LEAVE POLICY
CLASSIFIED AND UNCLASSIFIED EMPLOYEES**

I. STATEMENT OF POLICY

The provisions of this policy shall apply to members of a Reserve Component of the Armed Forces of the United States who are called to duty for military purposes, and to members of National Guard Units, which are called to active duty as a result of a non-local or non-state emergency. Civil Service rules shall apply, where applicable. Provisions of this policy extend to both classified and “regular” unclassified employees, unless otherwise noted. For purpose of this policy, “regular” unclassified employees are defined as monthly unclassified employees and bi-weekly unclassified employees serving in a regular, leave earning, benefits eligible appointment.

Note#1:

An employee who is a member of the National Guard and is called to active duty through Title 32 orders in response to a declared emergency by the Governor, is entitled to receive paid leave for up to 22 working days per calendar year in accordance with CS Rule 11.26(a)4.

An employee who is a member of the National Guard and is order to state active duty by the Governor in response to a declared emergency, is entitled to receive paid special leave in accordance with CS Rule 11.23(i). This leave is unlimited and does not count against the employee’s military leave balances.

An employee who is called to federal active duty under Title 10 orders or for the purpose of military training, is entitled to receive paid leave up to 15 working days per calendar year in accordance with CS Rule 11.26(a)3.

Note#2:

Any reference herein to Health Care Services Division (HCSD) also applies and pertains to Lallie Kemp Medical Center (LKMC).

II. IMPLEMENTATION

This policy and any subsequent revisions to this policy shall become effective upon approval and signature of the HCSD Chief Executive Officer (CEO) or Designee.

III. POLICY PROVISIONS

A. Military Leave With Pay

1. Classified employees serving on job appointment, probationary or permanent status and regular unclassified employees shall be entitled to military leave with pay provided they give advance notice.
2. The employee is obligated to give as much notice as practical. However, failure to give such notice cannot be deemed a forfeiture of the rights discussed throughout this policy.
3. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.
4. Maximum military leave with pay for military purposes is 15 working days per calendar year.

B. Use of Annual and/or Compensatory Leave for Military Purposes

1. Classified employees serving on job appointment, probationary or permanent status, and regular unclassified employees who give advance notice of military obligations and apply for annual or compensatory leave for military purposes, shall be granted such leave.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.

C. Leave Without Pay for Military Purposes

1. Classified employees serving on job appointment, probationary or permanent status and regular unclassified employees that have either exhausted annual leave or compensatory leave or choose not to use their paid annual and/or compensatory leave for military purposes, shall be placed on leave without pay status after using the maximum military leave with pay of 15 working days per calendar year.
2. This period of leave without pay for military purposes shall not exceed six (6) years. After six (6) years, he/she shall be separated from employment.
3. This does not extend the term of temporary appointments which were made for less than six (6) years. If the original term of the appointment was less than six (6) years, the agency may end the appointment as originally scheduled and the employee may be separated.

D. Military Pay Differential (Military Base Pay vs. State Gross Pay)

1. When military leave with pay has been exhausted and the employee is on leave without pay by choice or because all annual and/or compensatory leave has been exhausted, payment to the employee shall be determined as follows:
 - a. Military base pay is less than state gross pay
 - 1) Employee shall be paid the difference between his military base pay and his state base pay in his regular position.
 - 2) Such payment shall be made on the same frequency and manner as the employee's regular state pay.
 - 3) Employees receiving the pay differential shall provide to agency officials any documentation appropriate to ensure the payment amount is calculated correctly.
 - b. Employees who choose to use their annual and/or compensatory leave during their period of military absence shall not be eligible for pay differential.
 - c. If Military Pay is more than state pay, employee is not entitled to any pay differential.
2. Service members involved in routine military training or who are attending military schools are not entitled to this differential pay.
3. Pay differential shall not apply to employees on weekend drills.

E. Accrual of Annual and Sick Leave

1. Employees shall continue to accrue sick and annual leave for the entire period of military service, beginning the date of the service. Leave shall be accrued on the same basis as though the employee had not been activated.
2. If the employee is on leave without pay, leave earned shall be credited to the employee upon his return from active duty.
3. The period of military absence is considered "state service" for purposes of the employees' leave accrual rate, even if the employee is on leave without pay.

F. Paid Holidays While on LWOP

Employees on LWOP for military purposes shall NOT be charged with LWOP on HCSD official holidays. The holiday shall be treated as a paid work day.

G. Yearly Military Leave of 15 work days

1. Employees who are on paid annual leave, compensatory leave, or

leave without pay shall receive the full 15 work days of Military Leave, if applicable, with pay each calendar year.

2. The pay differential, if applicable to employees on leave without pay, shall be suspended until the 15 work days of Military Leave with Pay are exhausted and the employee returns to Leave Without Pay status.

H. Health/Life Coverage

1. If the employee is on paid military, annual, or compensatory leave, applicable health insurance deductions will remain the same.
2. If the employee is on LWOP for military purposes:
 - a. If employee elects to continue current health/life insurance coverage - The agency shall continue to pay the employer share of the health/life insurance premium for as long as the employee continues to timely furnish the agency the employee's share.
 - b. If employee elects not to maintain current health/life insurance coverage - Employer contributions are not submitted.
 - c. Upon return to duty, coverage shall be restored for prospective coverage as if the employee had never left employment (no pre-existing condition clause or evidence of insurability will be applied) if the employee reapplies for coverage within 30 days of the date of reemployment.

I. Retirement Plan Contributions

1. If the employee is on paid military, annual, or compensatory leave, retirement plan contribution deductions will remain the same.
2. If the employee is on LWOP for military purposes:
 - a. If employee elects to continue retirement plan contributions:

The agency shall continue to pay the employer share of the contributions for as long as the employee continues to timely furnish the agency the employee's share.

- b. If employee elects not to maintain retirement plan contributions:

Employer contributions are not submitted.

Within four (4) years of reemployment after military service, the employee may pay his "missed" contributions and the employer at the same time must pay the employer's portion. Interest may not be charged an employee on such

contributions, but the employer may be assessed interest on both the employee and employer's portions of the contributions.

J. Miscellaneous Benefits/Deductions

While on leave without pay for military purposes, the employee is responsible for payment of any miscellaneous health premiums or other miscellaneous deductions that were being withheld from their paycheck.

K. Resignation for Military Active Duty

A probationary or permanent classified employee and/or regular unclassified employee, who was called to active duty for military purposes and who resigned from state service, may, at his request, and within ninety (90) days of his release from active duty, have his resignation rescinded and become eligible for the benefits outlined in this policy.

L. Restoration to Duty Allotted Timeframes Upon Return from Military Service

1. Any employee, who subsequent to June 24, 1948 has left or leaves a classified position in which he was or is serving on probationary or permanent status, or leaves a regular unclassified job for active duty in the Armed Forces of the United States for not more than six (6) years of voluntary service or an indefinite period of involuntary service and who upon separation from the Armed Forces of the United States by honorable discharge or under honorable conditions, makes application for reemployment within ninety (90) days of such discharge.
2. An additional two (2) years to report after completion of service is given to employees recovering from illness or injury incurred or aggravated during service. This recovery is described in the law as "hospitalized or convalescing because of an injury or illness incurred or aggravated during the performance of military service".
3. If service is less than 31 days, such as for weekend training then the employee is to report on the first full calendar day following completion of service, after allowing time for travel and an eight (8) hour rest period.
4. For military service that is more than 30 days, but less than 180 days, the period of time to apply for re-employment is 14 calendar days.
5. If military service is more than 180 days, the period of time is 90 days to apply for re-employment. There is no requirement that the employee report as soon as possible, and the employee may use all of the time allowed whether they are back home and fit to return to

work, or not. The employee may also work elsewhere while this period of time runs.

M. Return to Duty – Job Options

1. If the employee **is** still qualified to perform the duties
 - a. Employee shall be restored by their agency to position occupied before the military service,
 - b. Employee is given merit increases and or salary adjustments the employee may have missed, and given the benefit of actions such as reallocation, job corrections, etc., as if the employee never left.
2. If the employee **is not** qualified to perform the duties of such position by reason of disability sustained during such military service
 - a. Employee is to be placed in another position for which qualified and which is as close in duties and status as possible,
 - b. Employee is given merit increases and or salary adjustments the employee may have missed, and given the benefit of actions such as reallocation, job corrections, etc., as it the employee never left.
3. Accrual Rates for Leave
Accrual rates for annual and sick leave shall be restored to what the employee would have had if the employee had not been absent for military training or military active duty.
4. Company Seniority Date (Adjusted Service Date) for Classified Employees
The period of military absence is counted as “state service” for purposes of layoff and layoff avoidance personnel actions.
5. FMLA Qualifying Hours
The returning employee must be treated as if he/she were continuously employed. If the time spent on military leave combined with the time worked over the preceding 12 months equals 1250 hours, the employee is eligible and entitled to FMLA qualifying events.

N. Employee Does Not Make Application for Re-Employment within allotted time period following Military Duty

1. Employee remaining on the payroll while serving on active military duty:

If the employee dos not report within the allotted time period, in cases where such is neither impossible nor unreasonable, the employee does not lose the right to be reinstated, but is subject to

conduct rules, established policy and general practices of the HCSD pertaining to an absence from scheduled work such as grounds for disciplinary action up to and including dismissal.

2. Employee who resigned for active military purposes:

You are not required to re-hire an employee who does not make application for employment within the required time limits.

O. Classified Employees' Interruption of Probationary Period for Military Purposes

1. A classified employee absent for more than 30 consecutive calendar days shall be returned to work in the probationary status at the point he reached in the probationary period before leaving.
2. A classified employee absence for 30 consecutive calendar days or less shall be counted as part of the probationary period upon return to work.

P. Weekend Drills (also referred to as "inactive duty for training")

1. Military Leave with Pay can be used for weekend drills.
2. The pay differential option cannot be used for weekend drills.

IV. PROCEDURES FOR NOTIFICATION

When you are notified that the employee is being called to active duty, all options shall be explained to the employee in writing and a decision obtained in writing from the employee on how to handle leave, retirement contributions, insurance coverage, etc., if the employee goes on leave without pay.

(Refer to the attachments #1A and #1B as samples of letters/forms to use in order to clarify the employee's decision)

- A. Prepare letter that will explain impact to participation in retirement plan and/or benefits programs.
- B. Personalize the letter to fit the employee's leave balances/deduction amounts, etc.
- C. Employee shall complete, sign and date form declaring his decisions regarding benefits, retirement, etc., and return it to the Human Resources Department.
- D. A copy of the form shall be maintained in the employee's employment/payroll record for reference along with a copy of the employee's activation documents.

V. EXCEPTIONS

The HCSD CEO or designee may waive, suspend, change, or otherwise deviate from any provision of this policy they deem necessary to meet the needs of the agency as long as it does not violate the intent of this policy; state and/or federal laws; Civil Service Rules and Regulations; LSU Policies/Memoranda; or any other governing body regulations.

SAMPLE LETTER

Date

Employee
Address
City, State

Dear Employee:

In accordance with the Civil Service rules and HCSD policy, an employee on active duty for military purposes shall be entitled to 15 days of paid military leave per calendar year. Following the exhaustion of military leave with pay, an employee must choose to use accrued annual leave, compensatory leave, or leave without pay. Accrued sick leave may not be used while on active military duty. While on active military duty status, there are provisions for pay and other options regarding retirement, insurance, etc. that must be considered and declared by you as explained below:

1. Military Leave

Refer to HCSD Policy, #4549, Military Leave for applicable military leave types and explain accordingly.

2. Upon exhaustion of the paid military leave, you must choose one of the following options:

- Specified hours of your annual leave, and/or
- Specified hours of your comp leave, or
- All of your annual leave, and/or
- All of your comp leave
- Leave Without Pay (Leave Without Pay for military purposes shall not exceed six (6) years.)

Note: At the exhaustion of your 15 days of paid military leave, you will have _____ hours of annual. (and comp leave, if applicable)

3. Insurance

- While on paid military leave, annual leave and/or comp leave, all health/life insurance premiums/miscellaneous insurance premiums will be deducted from your pay check.
- On leave without pay, you are responsible for payment of the employee portion of the premium for all health/life insurance if you choose to keep your insurance. HCSD will continue to pay the employer's share of premiums as long as you continue to timely furnish the agency the

employee's share.

- On leave without pay, you are also responsible for payment of any premiums for any other miscellaneous benefits currently being withheld from your pay check.
- On leave without pay, you may also choose to discontinue health/life coverage while on active military service and you may re-apply for coverage within 30 days of your return to duty.

Our records indicate you have the following health/life/miscellaneous benefits being deducted from your pay check:

(List name and deduction amount)

4. Retirement Contributions

- While on paid military leave, annual leave and/or comp leave, retirement contributions will continue to be deducted.
- While on leave without pay, you may choose to pay the required employee portion of retirement contributions. HCSD will continue to contribute the employer share as long as you continue to timely furnish the agency the employee's share.
- While on leave without pay, you may choose to Not pay the employee portion of retirement contributions. You would have the option of purchasing this "missed" time within four (4) years of re-employment following military service.

Note: Your bi-weekly employee contribution to (retirement system name) is \$ _____.

5. Salary While on Leave Without Pay

- If you are on leave without pay for military purposes, and your state gross pay is higher than your military base pay, you are entitled to be paid the difference between your military base pay and your state base pay.

According to the information you have provided to us, your military base pay is \$ _____ (hourly, bi-weekly, monthly)

Your state gross pay is \$ _____ (hourly, bi-weekly, monthly. For comparison purposes, it will need to be calculated the same as the military base pay)

This is a difference of \$ _____ (hourly, bi-weekly, monthly). You will be due \$ _____ from HCSD on a bi-weekly or monthly pay period. OR

- Your military base pay is higher than your state base pay. Therefore, you are not entitled to any differential pay.

Note: HCSD shall be notified of any change to your military base pay to ensure accurate calculations.

6. Leave Accrual

You will continue to accrue annual and sick leave for the entire period of active military service (as if you were on duty), beginning with the date of the military service which is _____. Leave will be accrued on the same basis as though you had not been activated, but is not credited to you until your return to work from active duty.

7. Restoration to Duty from Military Service

You must make application for re-employment within the allotted time frames in accordance with the HCSD Policy #4549

You are required to complete the attached document. This document will designate to us your active military options regarding health/life/retirement benefits, etc. This document shall be returned to this office by _____.

Should you have any questions, please do not hesitate to call _____ at _____.

Sincerely,

SAMPLE LETTER

Date

TO: Employee Name

FROM: HR Director

RE: Active Military Duty Options

Employees on active military duty are entitled to ??? days of paid military leave per calendar year. After this leave is exhausted, employees may choose to use annual leave, compensatory leave, or leave without pay (lwop). The period of leave without pay for military purposes shall not exceed six (6) years.

In order to identify your wishes in regard to the following benefits, please initial the options elected:

LEAVE (Elect only one)

_____ Following exhaustion of applicable paid military leave, I authorize use of all annual and/or comp leave to my credit effective at the time of active military orders until such balances are depleted. At such time, I will be placed on LWOP. I understand upon my return to employment, I will be credited with any and all annual leave accrued by me during the period of time on active military duty.

_____ Following exhaustion of applicable paid military leave, I authorize _____ hours of annual and/or _____ hours of comp leave to be used, followed by LWOP, for the duration of active military service. The remaining balance of leave will be Preserved for my return to employment. I will also be credited with any an all annual leave accrued by me during the period of time on active military.

_____ Following exhaustion of applicable paid military leave, I authorize leave without pay (LWOP) during the period of my active military duty. My annual leave balances will be preserved for my return to duty. I will also be credited with any an all annual leave accrued by me during the period of time on active military.

INSURANCE (Elect only one)

_____ I authorize deduction of my health/life premiums from my check so long as my paid leave permits. Upon exhaustion of leave, I under I am responsible for payment of the employee portion of the premium in a timely manner. The check is to be made out to _____ for

the monthly premium of \$ _____, and submitted to _____ by the 5th of the month. I understand failure to pay the employee portion of the premium will result in cancellation of the insurance coverage. The HCSD will continue to pay the employer portion of your premium while you are on active military duty as long as the employee portion is submitted to us timely.

_____ I elect to discontinue health/life coverage upon my activation of military service. I understand I am eligible to reapply for coverage upon my return to duty. I must make application for re-instatement of coverage within 30 days of my return to duty from active military status. (If this option is elected, please contact Human Resources to completed applicable forms).

RETIREMENT (Elect one only)

_____ I elected use of annual and/or comp leave during my military absence and understand the retirement contributions will continue to be deducted so long as my paid leave permits. Upon exhaustion of leave, I elect to pay the required employee portion of retirement contributions. HCSD will continue to pay the employer portion of retirement contributions as long as the employee portion is received timely. (Please contact the Human Resources Department for payment instructions.)

_____ I elected use of annual and/or comp leave during my military absence and understand the retirement contributions will continue to be deducted so long as my paid leave permits. Upon exhaustion of leave, I do not elect to pay the required employee portion of retirement contributions during my period of military activation. I understand I will be eligible to purchase this “missed” time within four (4) years of return to duty after active military service.

_____ I elected LWOP during my military absence. I elect to pay the required employee portion of retirement contributions. HCSD will continue to pay the employer share for the duration of time I am on LWOP for military purposes as long as the employee portion is received timely. (Please contact the Human Resources Department for payment instructions.)

_____ I elected LWOP during my military absence. I do not elect to pay the employee portion of retirement contributions during the period of military activation. I will be eligible to purchase this “missed” time within four (4) years of return to duty after active military service.

PLEASE SIGN, DATE AND RETURN THIS MEMORANDUM BY

_____.

Printed Name

Signature

Date

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Approver(s): Wilbright, Wayne
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Currently Signed

Approver:
Townsend, Kathy
HCSO Human Resources Director



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Approver:
Wilbright, Wayne
Chief Medical Informatics Officer



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