

Volume E1: Employment/ Hiring	E1.10.1 Military Leave: Employees	Responsible Office: Office of Human Resources
Chapter 10: Employee Leaves	Effective Date: 04/11/2012 Last Revision: 08/27/2013	Responsible Officer: Director

POLICY STATEMENT

Northeastern Illinois University (NEIU) provides military leave for eligible employees consistent with the requirements of state and federal law including, but not limited to, the Uniformed Services Employment and Re-Employment Rights Act (USERRA) 38 U.S.C. Section 4301 *et. seq.* and the Illinois Military Leave of Absence Act (IMLAA), 5 ILCS 325/1 *et. seq.* Such leave will be granted whether or not within the state and whether or not voluntary.

PURPOSE OF THE POLICY

This policy provides rules and regulations concerning NEIU employees leave for service in the Armed Forces of the United States.

WHO IS AFFECTED BY THIS POLICY

This policy applies to all University faculty and staff employed by NEIU who are also members of the armed forces.

REGULATIONS

1. ELIGIBILITY

All regular, full-time and part-time employees are eligible for military leave. Temporary employees are not eligible for military leave, except as may be authorized by the Director of Human Resources. Military leave will be granted for voluntary or involuntary service in the Army, Air Force, Navy, Marines, the Illinois National Guard, and any other category of service designated by the President of the United States in time of war or national emergency.

2. COMPENSATION DURING LEAVES FOR TRAINING

Compensation for employees during leaves for annual training, special or advanced training and basic training shall be in accordance with the Illinois Military Leave of Absence Act (5 ILCS 325/1), and applies to full-time and part-time employees. If the leave of absence is with pay, compensation will be at an employee's regular hourly rate for non-overtime scheduled hours. An employee taking military leave is required to furnish a change in status form, copies of military orders and proof of military compensation prior to processing of payment by the University.

- a. Annual Training: During leaves for annual training, the employee shall continue to receive regular compensation as a University employee.
- b. Special or Advanced Training: During leaves for up to 60 days during a University appointment year for special or advanced training, if such employee's compensation for military activities is less than his or her University compensation, the employee shall receive regular University compensation minus the amount of base pay for military activities for normally scheduled work days. The 60 days do not have to be consecutive.



- c. **Basic Training:** During leaves for basic training, if such employee's compensation for military activities is less than his or her University compensation, the employee shall receive regular University compensation minus the amount of base pay for military activities.

3. BENEFITS DURING LEAVES

Benefits for employees on military leave shall be continued by the University as mandated by state and federal legislation. Employees should contact the Office of Human Resources for complete information about continuation of insurance coverage and any premium payments.

4. NON-DISCRIMINATION

The University prohibits discrimination against any individual who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service.

PROCEDURES

Such leave will be granted whether or not within the state and whether or not voluntary. Compensation while on active duty will be as provided by the IMLAA. Leave for Service in the Armed Forces of the United States without pay shall be granted to an eligible employee who enlists, volunteers for, or is inducted into such service. Reemployment following discharge will be in compliance with the Service Men's Employment Tenure Act (SMETA), 330 ILCS 60/1 and USERRA.

1. CALL-UP FOR ACTIVE DUTY

In the event an employee is called up for active duty, the employee shall receive leave with pay for normally scheduled work days for up to thirty (30) calendar days. In the event emergency call up for active duty is extended beyond thirty (30) calendar days, the employee will be granted leave without pay for such additional days or will be granted leave and compensated as mandated by federal or State of Illinois legislation. Compensation during the thirty (30) calendar day period will be at the employee's pro-rated annual salary or regular hourly rate for non-overtime scheduled hours.

2. RETURN FROM LEAVE FOR MILITARY SERVICE

In accordance with provisions of the SMETA and USERRA, an employee returning from leave for military service will be restored to the position of employment which the employee left, with the same increases in status, seniority, and wages that were earned during the term of military service by employees in like positions, or to a position of like seniority, status, and pay, unless the University's circumstances have so changed as to make it impossible or unreasonable to do so, or if the employee's position was temporary.

- a. Reemployment of employees in provisional appointments will also be subject to Section 250.70(b) of the State Universities Civil Service Statute and Rules concerning conditions for provisional appointments.
- b. The employee returning from leave must have received a certificate or other evidence of honorable discharge or satisfactory completion of military service, and must make application for reemployment within ninety (90) days after being relieved from military service, or from hospitalization continuing after discharge for a period of not more than one year.
- c. In addition, the employee must still be qualified to perform the duties of the position of employment from which leave was taken. If, as a result of military service, the employee is not physically or mentally qualified to perform the duties of the former position, the employee will be restored to a position for which he or she is qualified and able to perform the duties and which will provide the similar seniority, status, and pay, or the nearest approximation thereof, consistent with the circumstances of the case. Restoral to such a position is not required if it would cause undue hardship to the University.



AUTHOR REFERENCE

Board of Trustees Bylaws, Governing Policies & Regulations, Sec. II.A.9.b., pp. 9-10.

HISTORY

08/27/2013 – Revised; revised policy code number
N/A

RELATED POLICIES, DOCUMENTS, AND LINKS

- Uniformed Services Employment and Re-Employment Rights Act (USERRA), 38 U.S.C. Section 4301 *et. seq.*
- Illinois Military Leave of Absence Act (IMLAA), 5 ILCS 325/1 *et. seq.*
- Service Men's Employment Tenure Act (SMETA), 330 ILCS 60/1

CONTACT INFORMATION

Please direct questions or concerns about this policy to:

Contact	Phone	E-Mail
Office of Human Resources	773-442-5200	M-Maso@neu.edu

DISCLAIMER

The University reserves the right to modify or amend sections of this policy at any time at its sole discretion. This policy remains in effect until such time as the Responsible Officer calls for review. Requests for exception to any portion of this policy, but not to the policy statement, must be presented in writing to the Responsible Officer.