

Procedure Title: Military Leave

Impact: Employees

Responsibility: Human Resources

Effective Date: 06/23/1993

Revised Date: 12/17/2015

Reviewed Date:

Relates to Policy(s): 3.04.05

Legal Citation(s): Idaho Code 46.216 and 46.224 Uniformed Services Employment and Reemployment Rights Act (“USERRA”)

I. Military Leave

Employees who are members of the armed forces called to active duty will receive compensation up to 15 work days as per the Military Leave Policy approved by the board of trustees. Compensation from the college will cease after that date. However, accrued annual leave (vacation pay) will be paid upon the request of the employee.

Unless notice of service is precluded by military necessity or providing notice is otherwise impossible or unreasonable, employees must provide advance written or verbal notice of each service to their immediate supervisor. Employees called to active duty will not accrue either annual leave (vacation) or sick leave while on active duty after the 15 work days of paid duty time allowed by the Military Leave policy, unless they are using previously accrued annual leave.

Military leave will only apply to an employee’s contractual days of obligation. Military leave benefits will be prorated based upon an employee’s percentage of full-time employment if less than 100%. While on military leave, employees may elect to continue health insurance benefits, at their own expense, for the lesser of (1) a period of twenty-four (24) months beginning on the date on which the employee’s absence begins, or (2) until the day after the date on which the employee fails to apply for or return to his/her position of employment pursuant to the requirements of USERRA.

An employee who enlists or is inducted into the Armed Forces and leaves a full-time position shall, upon his/her completion of military service, be returned to his/her former or like position provided that:

1. The employee was honorably discharged from service, or satisfactorily completed his/her military training or required duty.
2. The employee makes application for reemployment in accordance with the requirements of the USERRA. Employees should consult with Human Resources for more specific information relating to the notice requirements of this Military Leave Policy.
3. The employee is still qualified to perform the duties of his/her position.
4. NIC’s circumstances have not changed so that it would make it impossible or impractical to rehire the employee, or cause an undue hardship on the college should it rehire the employee.
5. The service time did not exceed five (5) years.

These employees will be entitled to return to their positions or like positions, at the conclusion of active duty and will be entitled to any additional benefits or seniority which may have been earned had they remained in the employ of the college.

Should the employee fail to return to work, or make application for reemployment as outlined within this procedure, the employee will be considered in abandonment of position and their employment will be terminated.

Definition: A "work day" as used in this policy is a full 24-hour calendar day where the employee would normally have worked. The number of scheduled hours of work in the "work day" is inconsequential in counting the number of days affected.