



NO. 2211 MILITARY LEAVE

- 1.0 POLICY STATEMENT AND SUMMARY. Oklahoma City Community College ("OCCC") is committed to protecting the job rights of employees absent on military leave as required by law. No employee or prospective employee will be subjected to discrimination or retaliation on the basis of that person's membership in or obligation to perform service for any of the uniformed services.

In accordance with Oklahoma law, OCCC grants certain employees paid military leave of absence without loss of seniority or status for up to thirty (30) working days (not to exceed 240 hours) during the federal fiscal year (October 1 to September 30). Employees may also be entitled to a pay differential beyond the thirty (30) working day period during the federal fiscal year.

In accordance with federal law, OCCC also provides job-protected leave for up to five (5) years of military service and reemployment rights for certain employees returning from service in the uniformed services.

References:

44 O.S. § 209

72 O.S. § 48

38 USC § 4301, et seq.

- 2.0 BENEFITS. If an employee is absent from work due to covered military service, benefits will continue as follows:

2.1 Health Insurance:

2.1.1 An employee with military orders for fewer than 31 days from the date the military leave of absence begins may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions as if an active employee for a period. The employee must pay, per pay period, any premium normally paid by the employee.

2.1.2 An employee with military orders for 31 days or more may elect to continue group health insurance coverage for the employee and covered dependents for up to 24 months. Coverage ends after 24 months or, if earlier, on the date the employee fails to return or apply to return to OCCC as required by federal law. The employee must pay 102% of the overall (both employer and employee) premium rate. Beginning after the first 31 days of military leave, group health insurance coverage for an employee and/or an employee's covered dependents will run concurrently with applicable health insurance coverage under COBRA.

- 2.1.3 403(b) Plan: Upon re-employment after a military leave under this policy, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within the time period required by federal law. OCCC will make all associated OCCC matching contributions. For employees on paid military leave, receiving pay differential or substituting paid accumulated leave for unpaid military leave, the employee may make contributions during the period of military service, and OCCC will make the matching contributions associated with those employee contributions.
- 2.1.4 Oklahoma Teachers Retirement System: Upon re-employment after a military leave under this policy, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Upon re-employment, OCCC will make all contributions that it would have made for the employee had the employee not been absent due to military service. For employees on paid military leave, receiving pay differential or substituting paid accumulated leave for unpaid military leave, OCCC will make contributions on OCCC paid compensation during the period of military service.
- 2.1.5 Other benefits: Employees do not accrue vacation, personal leave or sick leave while on military leave of absence status of more than 30 regularly scheduled OCCC work days. However, upon reemployment after military service leave of absence under this policy, the military leave of absence shall count towards years of service for purposes of vacation accrual.
- 2.1.6 General Benefits on Reemployment: Employees reemployed following military leave of absence under this policy will receive seniority and other benefits determined by seniority that the employee had at the beginning of military leave, plus any additional seniority and benefits that the employee would have attained had the employee remained continuously employed with no military leave of absence. In addition, an employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their jobs at OCCC.

3.0 RE-EMPLOYMENT: Upon an employee's prompt application for re-employment, an employee will be reinstated to employment in the following manner depending upon the employee's period of military service.

3.1 For a period of military service of 1 to 90 days –

- 3.1.1 in the position that the employee would have attained if employment had not been interrupted by military service; or

- 3.1.2 if found not qualified for such position after reasonable efforts by OCCC, in the position in which the employee had been employed prior to military service.
- 3.2 For 91 or more days –
 - 3.2.1 In the position of employment which the employee would have attained if employment had not been interrupted by military service or a position of the seniority, status, and pay, the duties of which the employee is qualified to perform; or
 - 3.2.2 if proved not qualified after reasonable efforts by OCCC, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
- 3.3 Employee with a service-connected disability
 - 3.3.1 If after reasonable accommodation efforts by OCCC, an employee with a service-related disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (1) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by OCCC; or (2) if no such position exists, in a position which is the nearest approximation in terms of seniority, status, and pay consistent with the circumstances of the employee's situation.

4.0 HOW TO APPLY FOR MILITARY LEAVE AND RE-EMPLOYMENT

- 4.1 Applying for Military Leave:
 - 4.1.1 The employee must provide the supervisor with either verbal or written notice that the employee will be engaged in active or inactive duty military service. Employees are requested to provide notice as soon as they have knowledge of upcoming military service. Unless prevented from doing so by military necessity, the employee should submit an Application for Leave form to the supervisor to be forwarded to Human Resources.
 - 4.1.2 Employees receiving a pay differential must provide Human Resources with a copy of the Leave and Earnings Statement ("LES") from the applicable service component.
 - 4.1.3 Human Resources will review and process the Application for Leave form, collect any applicable insurance premiums from the employee and notify Payroll of any change in pay status.

4.1.4 When the employee intends to return to work, he or she must contact Human Resources within the application for re-employment period set forth below.

4.2 Application for Re-employment:

4.2.1 An employee who has engaged in military service must, in order to be entitled to the Re-employment rights set forth above, submit an application for Re-employment according to the following schedule:

4.2.1.1 If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) –the employee must report for Re-employment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence or as soon as possible after the expiration of the eight-hour period, if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

4.2.1.2 If service is for 31 days or more but less than 180 days, the employee must submit an application for Re-employment with Human Resources no later than 14 days following the completion of service or if submitting such application within such period is impossible or unreasonable through no fault of the person, the next first full calendar day when submission of such application becomes possible.

4.2.1.3 If service is over 180 days, the employee must submit an application for Re-employment with Human Resources no later than 90 days following the completion of service.

4.2.1.4 If the employee is hospitalized or convalescing from a service-connected injury, the employee must submit an application for Re-employment with Human Resources at the end of the period necessary for recovering from the illness or injury. This period may not exceed two years from the date of the completion of service, except as otherwise required by law.

4.2.1.5 An individual who fails to return or apply to return during the time periods described above is not entitled to automatic re-employment at OCCC.

4.2.2 Upon the employee's application for re-employment, Human Resources shall request documentation of military service to establish the employee's timeliness of application and length and character of military service.

4.2.3 Exceptions to Re-employment: In addition to the employee's failure to apply for Re-employment in a timely manner, an employee is not entitled to Re-employment as described above if any of the following conditions exist:

4.2.3.1 OCCC's circumstances have so changed as to make Re-employment impossible or unreasonable.

4.2.3.2 The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.

4.2.3.3 The employee receives a dishonorable or bad conduct discharge from military service, the employee is separated under other than honorable conditions, or any other disqualifying circumstance as defined by federal law or the regulations of the uniformed service.

5.0 STATE AND FEDERAL LAW. OCCC shall follow all applicable state and federal laws regarding military leave, even if such provisions are not explicitly stated in this policy.

Adopted as Board of Regents Internal Operating Policy 204: December 18, 1989

Adopted as Administrative Procedure 2005: September 1, 1999

Revised and Renumbered Effective: July 1, 2007

Revised: July 27, 2021