	THE JOHNS HOPKINS HEALTH SYSTEM CORPORATION AND THE JOHNS HOPKINS HOSPITAL HUMAN RESOURCES POLICY and PROCEDURE MANUAL	Policy Number	HR330
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## **POLICY**

Johns Hopkins Health System Corporation (JHHSC) and The Johns Hopkins Hospital (JHH) will grant time off for employees who leave active employment for the purpose of serving in the Armed Forces of the United States or with a Reserve or National Guard component, or the commissioned corps of the Public Health Service or other category designated by the President of the United States in time of war or other national emergency, in accordance with applicable law.

JHHSC/JHH will comply with the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable Maryland laws pertaining to military leave. This policy supersedes the statement on military leave published in the Employee Handbook and any other policy/practice Of JHHSC/JHH related to military leave rights and benefits.

As the laws change, or as interpretations of the laws change, military leave benefits for JHHSC/JHH employees may change accordingly. No attempt is made in this policy to cover all possible situations and circumstances that may arise when an employee is ordered to active duty. Therefore, as military leave situations arise, employees should consult with their supervisor and/or Human Resources for current and complete details regarding their military leave rights as a JHHSC/JHH employee and should make sure the HR Service/Benefits Department is contacted regarding any continuation of benefits issues.

## **ELIGIBILITY**

All regular, full time and part time employees serving in the uniformed services are eligible for Military Leave.

## **PROVISIONS OF MILITARY LEAVE**


Leave will be granted for employees who serve as an intermittent disaster-response appointee upon activation of the National Disaster Medical System or as a participant in an authorized training program in support of the Federal mission.

Leave will be granted for employees who serve in summer military training in the Armed Forces of the United States.

Leave will be granted for employees who are required to be absent from scheduled job duties for the purpose of taking a pre-induction physical examination.

## **SHORT TERM MILITARY LEAVE**

- a. Leave will be granted for a period not to exceed two continuous weeks (80 hours) per calendar year.
- b. Employee must notify his/her supervisor promptly of his/her upcoming leave, either verbally or in writing with the approximate date the employee will return from service and, if possible, the place of the service. In addition, the employee's supervisor may request copies of an employee's military orders or request to speak with commanding officers. When advance notice is not practical, notice from a family

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member or a commanding officer will suffice. The employer is permitted to bring its concerns over the timing, frequency or duration of the employee's service to the attention of the appropriate military authority. The military authorities are required to consider requests from employers of National Guard and Reserve members to adjust scheduled absences from civilian employment to perform service.

- c. Employee benefits continue for the employee while on short-term military leave. In addition, PTO accruals continue during the military leave.
- d. Employees on short term military leave may receive the difference between his/her gross military pay and his/her regular Hopkins salary for said training for a period. Employee must supply a copy of official military orders and leave and earning statement to determine the difference in pay.


### LONG TERM MILITARY LEAVE

- a. Leave in excess of two weeks shall be considered long term military leave. A Leave of Absence without pay can be issued, up to a maximum of five years, in accordance with applicable law.
- b. The employee is only required to give the employer notice of pending service.
- c. Employee benefits while on long term military leave will cease at the end of the month in which the leave commences. However, the employee is entitled to continuing coverage for himself and dependents under the medical and dental coverage provided. An employee may continue coverage up to 24 months as provided under the Consolidated Omnibus Reconciliation Act (COBRA) and has certain conversion rights under the life and long-term disability plans.
- d. If employment is interrupted by a period of service, the employee must be permitted upon request to use any accrued PTO/vacation with pay during the period of service, in order to continue his or her civilian pay. The employer may not require the employee to use accrued PTO/vacation during a period of service in the uniformed services.

### RE-EMPLOYMENT RIGHTS

- a. When an employee performs uniform service for a period of **less than 91 days**, the employee **must** be re-employed in the position he/she would have held if the person had remained continuously employed, unless the individual is not qualified for that position. "Reasonable efforts" should be made to qualify the individual for the position. If the individual remains unqualified, even after reasonable efforts have been made to retain the individual, the employee must be re-employed in the position he/she held as of the date the person commenced the military leave.

For employees who serve **longer than 90 days**, but not more than 5 years, the employee **must** be re-employed in the position he/she would have held if the person had remained continuously employed, **or** a position of like seniority, status, and pay, unless reasonable efforts to qualify the individual for the position fail. If reasonable efforts to qualify the person fail, the employee **must** be re-employed in the same

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position in which the employee was employed as of the commencement of uniformed service, **or** a position of like seniority, status and pay. If the employee's cumulative absences from employment with Hopkins by reason of uniformed service exceed 5 years, there is no re-employment requirement.

- b. Salary review dates that would have occurred while an employee is on military leave will be conducted upon the employee's reemployment, with effective dates as if the employee has been continuously employed during the period of military leave.
- c. The employee will be offered the current benefit plan coverage at the time of re-employment.

**1. Medical/Dental/Disability/Life Insurance**

Preexisting condition exclusions and waiting periods under any medical, dental, disability, or life insurance plans will be waived at the time of re-employment.

**2. Sick Bank**

Employees will be credited with any Sick Bank balance that they had prior to leaving.

**3. PTO Hours**

PTO hours begin accruing immediately upon return at the rate commensurate with the employee's seniority (including military service).


**4. Pension and Tax Sheltered Annuity Plans**

The employee's pension benefit calculation will be treated as if he/she did not incur a break in service. The opportunity to make up employee contributions will be provided in accordance with Internal Revenue Code Section 414(u).

- d. The employee must give notice to his/her former department or supervisor of his/her intention to return to work at JHHSC/JHH following discharge from military service as follows:
  - 1. When an employee performs uniformed service for a period of less than 181 days, the employee must give notice by submitting a written request for reinstatement not later than 14 days after completion of the period of service;
  - 2. When an employee performs uniformed service for a period of more than 180 days, the employee must give notice by submitting a written request for reinstatement no later than 90 days after completion of the period of military service.

**FMLA leave entitlements for military families**

The law provides for two types of military family leave for a Family and Medical Leave Act eligible employee, qualifying exigency leave and military caregiver leave. An employee may qualify for non-paid job protected leave to care for an eligible dependent. Please refer to

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the FML policy, HR328 for more information.

## **GUIDELINES**

Effective September 1, 2001, JHHSC/JHH will provide certain benefits and supplemental pay to employees who are called to active military duty during a national crisis and were already in the Reserves or National Guard. (This does not apply to the annual short term military leave such as summer training.) The following benefits and supplemental pay will be provided to those called to duty during a national crisis:

### Medical & Dental Coverage

Coverage may be continued up to a maximum of 90 days from the commencement of the military leave at the employee premium rate. Deductions for the coverage may be made from the employee's bi-weekly paycheck, provided there is sufficient income to cover the premium. If not, the HR Service Center/Benefits will bill the employee's designated representative (spouse, parent, etc.) Note: Group Life and Long Term Disability coverage terminate on the date the Leave is effective.

### Paid Time Off (PTO)/Vacation

An employee will have the option of having his/her PTO/vacation balance paid out at the time the leave commences at 50%, or, electing to have the balance held in his/her account until he/she returns from leave or terminates employment.

### Supplemental Pay

JHHSC/JHH will pay up to 50% of the difference between the employee's base salary and their military pay for 12 months while on active military leave. If an employee's military pay is equal to or more than the base pay amount at the time of the leave, supplemental pay will not be provided. Military pay will include all pay including housing allowances, etc. A military leave and earnings statement should be provided as documentation of military pay and will be used to calculate the supplemental pay.


## **PROCEDURES**

### **Employee**

1. Responsible for notifying Supervisor/Manager of leave and providing supervisor a copy of the confirmation orders.
2. Completes Leave of Absence Application, if the employee has been out for two weeks or more. (see Leave of Absence Policy, HR329).
3. Forwards copy of Leave Earnings Statement (LES) to department for supplemental pay if an employee was out for two weeks or more.

### **Supervisor/Manager**

1. Ensures military orders are complete.
2. Submits Leave of Absence Application to the HR Service Center/Benefits

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3. Records military leave in Kronos/Nightingale.

4. Receives Leave Earnings Statement (LES) from the employee to forward to the HR Service Center/Benefits if the employee has been out for two weeks or more.

**HR Service Center/  
Benefits**

1. Responds to employee and Supervisor/Manager questions and concerns as needed.

2. Forwards copy of Leave Earnings Statement (LES) to Payroll for supplemental pay if employee has been out for two weeks or more.

**Employee**

1. Begins Summer Military Leave/extended Military Leave of Absence.

**Supervisor/Manager**

1. Completes Leave of Absence Application indicating the return from LOA and submits to the HR Service Center/Benefits department

**HR Service Center/  
Benefits**

1. Reviews employee benefits with employee and assists in completion of applicable forms.

**REFERENCE**

Uniform Services Employment and Re-employment Rights Act of 1994 (USERRA), 38 U.S.C. Section 4301 et seq...

HR329 Leave of Absence

HR328 Family & Medical Leave (FML)

The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181

**SPONSOR**

Vice President, Human Resources.

**REVIEW CYCLE**

3 years


**APPROVAL**



07/01/2011

\_\_\_\_\_  
Vice President, Human Resources

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Date

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