

3359-11-05 Court and military leave for all employees except bargaining unit faculty.

This rule shall apply to all 12 month faculty who are not bargaining unit faculty, and it shall apply to contract professionals, and to unclassified exempt staff.

(A) Court leave.

- (1) Except as otherwise provided by law or collective bargaining agreement, employees will be granted leave with pay if
  - (a) Summoned for jury duty by a court of competent jurisdiction,
  - (b) Subpoenaed to appear before any court, commission, board or other legally constituted body authorized by the law to compel the attendance of witnesses, where the employee is not a party to the action, or
  - (c) Participating in any action, as an appellant or subpoenaed witness, before the state personnel board of review and is in active pay status at the time of scheduled hearing before the board.
  - (d) When utilizing court leave, a copy of the summons or subpoena must be forwarded to human resources for retention in the employee's personnel file. The "notes" area of the time record should indicate "lwp-court leave".
- (2) An employee who is appearing before a court or other legally constituted body in a matter in which the employee is a party, such as but not limited to a plaintiff or defendant, may be granted vacation time or leave of absence without pay. Such instances would include, but not be limited to, criminal or civil cases, traffic court, divorce or custody proceedings, or appearing as directed as a parent or guardian of a juvenile.
- (3) Proof of appearance will be required.

- (4) Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena, when such duty is performed during an employee's normal working hours, shall be remitted by the university employee to the payroll office.

(B) Military leave.

- (1) Qualifying employees of the university who are members of the Ohio national guard or a reserve component of the armed forces are eligible for leave with pay for the time they are performing service in the uniformed services. Such qualifying employees may be eligible for leave with pay for periods of up to one month, for each calendar year in which they are performing service in the uniformed services. A copy of the employee's military orders or other authorizing document for such duty must be submitted to human resources in all cases to qualify for leave with pay. For purposes of this provision, a calendar year begins on the first day of January and ends on the last day of December. As used in this provision, a month means twenty-two eight-hour work days or one hundred seventy-six hours within one calendar year.
- (2) When utilizing military leave, a "PAF" is required to indicate the date military leave commences.
- (3) Qualifying employees entitled to leave provided under paragraph (B)(1) of this rule and who are called or ordered to federal service in the uniformed services for more than a month by an executive order issued by the President of the United States or by an act of Congress, are eligible for a leave of absence with pay during the period designated in the order or act. Any such employee will be paid each month an amount that equals the difference between the employee's gross monthly wage or salary as a university employee and the sum of the employee's gross uniformed pay and allowances received for that period. A copy of the employee's military orders or other authorizing document for such duty, including but not limited to a military leave and earnings statement, must be submitted to the employee's supervisor and the appointing authority to qualify for leave with pay.
- (4) Qualifying employees entitled to leave provided under paragraph (B)(1) of this rule and who are called or ordered to state active

duty for more than a month by a proclamation of the Governor, are eligible for a leave of absence without pay for the duration of such service in accordance with the requirements stated in this rule.

- (5) Federal active duty health insurance coverage. A qualifying employee called to federal active duty in the uniformed services pursuant to section (B)(3) above or his or her spouse or dependents may elect to continue or to reactivate the group health plan coverage for the duration of the time the employee is on active duty as described in paragraph (B)(3) of this rule. An employee, spouse, or dependent who requests the continuation or reactivation of insurance must pay any employee contribution required during the time the employee is on federal active duty.
  
- (6) State active duty health insurance coverage. A qualifying employee called to state active duty in the uniformed services or his or her spouse or dependents may extend university health insurance coverage, as authorized by statute, after coverage would ordinarily terminate due to the call up (currently 18 months).
  - (a) An employee, spouse, or dependent who wishes to extend health insurance coverage must pay the employee's portion of the insurance premium (UA choice dollars) during the period of activation, not to exceed eighteen months as entitled by statute.
  
  - (b) Depending upon mitigating circumstances as set forth below, a qualifying employee called to active duty, or his or her spouse or dependent, who elects to extend health insurance coverage may further extend coverage as entitled by statute (currently thirty-six months). Some mitigating circumstances that would allow the employee to further extend health insurance coverage include, but are not limited to:
    - (i) Death of the employee;
  
    - (ii) Separation or divorce of the employee and his or her spouse; or

- (iii) Cessation of a dependant child's dependency pursuant to the terms of the insurance contract.
  - (c) If an employee, his or her spouse, or a dependant elect to extend health insurance coverage, the continuation of coverage ceases if any of the following events occur:
    - (i) The employee, his or her spouse, or a dependant becomes covered by another group insurance contract, not including the civilian health and medical program of the uniformed services;
    - (ii) The continuation period (eighteen or thirty-six months) expires;
    - (iii) The employee, his or her spouse or a dependant fails to make timely payments; or
    - (iv) The group contract is cancelled, unless the contract is replaced by similar coverage.
- (7) Any eligible employee, unless employed briefly with no reasonable expectation of continued employment, called or ordered to uniformed service will be reinstated to his or her former or similar position provided the employee makes timely application for reemployment. An employee is eligible for reemployment if:
  - (a) The employee gave notice that he or she was leaving to perform military service;
  - (b) The employee's cumulative military service is less than five years, not including inactive duty training (drills), annual training, involuntary recall or retention on active duty, voluntary or involuntary active duty in support of a war or national emergency, or additional training requirements determined and certified in writing by the service secretary;
  - (c) The employee was released from military service under honorable conditions as specified in the regulations of the

respective military branch in which the employee served;  
and

- (d) The employee reported back to work within the applicable time.
  - (i) For service less than thirty-one days, the employee must notify the university of his or her return not later than the beginning of the first full regularly scheduled work day on the first full calendar day following the completion of service and the expiration of eight hours after a period allowing for safe transportation from the place of service to the employee's residence. The employee must return to work at a mutually agreed upon date and time, after notifying the university of his or her return to the area.
  - (ii) For service more than thirty days, but less than one hundred eighty-one days, the employee must submit an application for reemployment not later than fourteen days following the completion of service.
  - (iii) For service more than one hundred eighty days, the employee must submit an application for reemployment not later than ninety days following the completion of service.
- (8) For any employee reemployed under this policy whose health insurance has otherwise terminated, the university will reinstate the employee's health insurance upon application.
- (9) For any employee reemployed under this policy, the university will credit the employee, for purposes of the Family and Medical Leave Act eligibility, with the months and hours of service that he or she would have been employed with the university but for his or her military service.
- (C) Any questions regarding this policy should be directed to human resources.

3359-11-05

Effective: June 25, 2007

Certification: \_\_\_\_\_  
Ted A. Mallo  
Secretary  
Board of Trustees

Prom. Under: 111.15

Statutory Authority: O.R.C. 3359.03; O.R.C. 1751.54; O.R.C. 5923.05; O.R.C.  
5923.051

Rule Amp.: 3359.01

Replaces: Part of 3359-26-04

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