

FREQUENTLY ASKED QUESTIONS REGARDING MILITARY LEAVE

1. What change did Senate Bill 164 (signed by the governor on 11/20/01) provide?

It removed the \$500 pay differential for employees called to active duty by a Presidential or Congressional order. If an employee's total military pay (including allowances) is less than his/her OSU pay, the University must pay the difference.

Health care coverage for the individual and his/her dependents may continue at the same premium share as if the person were still employed at OSU.

2. Does an employee accrue vacation/sick leave while on military leave?

Individuals accrue leave only when they are on a paid status.

3. Can an employer refuse to allow an employee to take military leave?

No. Employees must be excused from work to attend training or active duty and the employer must treat them as if they had not been absent.

4. Is prior notice to the employer required?

Yes. Unless precluded by military necessity, advance notice must be provided either orally or in writing.

5. Is an employer required to pay an employee on military leave?

State law requires OSU to provide one month of paid military leave per calendar year, not to exceed 176 hours or 22 workdays. As stated in #1, on a Presidential or Congressional order, OSU must pay the total monthly pay differential for absences beyond one month.

6. What job positions is an employee returned to after military a leave of absence?

Except with respect to person whose disability occurred in or was aggravated by military service, the position into which an employee is reinstated is determined by priority based on the length of military service. Service of 1 of 90 days: (a) in the job the person would have held had her or she remained continuously employed (possibly a promoted position), so long as the person is qualified for the job or can become qualified after reasonable efforts by the employer, or (b) if the person cannot become qualified, in the position the person was employed on the date of the commencement of the military service. Service of 91 or more days: (a) same as for the service of 1 to 90 days, or a position of like seniority, status and pay, so long as he or she is qualified, or (b) if the person cannot become qualified, in the position the person was employed on the date of the commencement of the military service or which nearly approximates that position.