

## **Military Leave**

The University of Detroit Mercy grants leaves of absence and extends reemployment rights to certain persons engaged in military service in accordance with applicable law. All members of the armed forces (Army, Navy, Air Force, Marines and Coast Guard) including the Reserves, the Army and Air National Guards and the commissioned corps of the Public Health Service, and any other person designed by the President are given protection by USERRA (Uniformed Services Employment and Reemployment Rights Act).

Such a person cannot be discriminated against by an employer for seeking to serve or serving in the uniformed services. As such, an employer must treat the service member as on leave and must not treat the uniformed service member any worse than any other person on leave of absence to avoid impermissible discrimination.

Currently, Detroit Mercy's leave of absence practice allows employees to remain on their benefit plans. Detroit Mercy assumes the employee wishes to continue in all of his/her current plans unless Detroit Mercy is informed otherwise. An employee on an unpaid leave will be automatically billed for premiums due. A military leave is considered a change in family status permitting changes in benefit plan elections.

Shortly after the start of the leave, the employee will receive a letter asking if he or she wishes to cancel any coverage during the leave. Once the request to cancel coverage is received in writing, the employee's participation will be stopped. If the employee returns within 30 days of the start of the leave, all benefits will be reinstated without a break in coverage.

An individual entering uniformed service simply becomes an inactive participant in his/her pension plans. When the individual returns to employment, the period of military service counts for all purposes under the plan - vesting, participation and benefit accrual. The employee may also make up missed elective contributions and is entitled to a make up of employer contributions under a defined contribution plan.

Because an employer must extend the same coverage to all employees on leave - in addition to health and dental insurance - life insurance, disability, some FSA and other cafeteria plan programs are included. Life insurance, disability and health policies, however, do not cover service-related injuries. Yet, an employee returning from leave is entitled to all benefits he or she would have had if he or she had never left. As a result, life insurance, disability coverage and cafeteria plan eligibility must all be reinstated if the employee chooses.

For additional information regarding military leave, contact the Human Resources department.