****Approved by President's Council May 12, 2026**

Military Leave of Absence (Rev. 05/2026)

Purpose

Augustana University supports employees who serve in the uniformed services and complies fully with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and its amendments, and all applicable state laws. The university prohibits discrimination or retaliation in any form, whether employment-related or otherwise, against any employee or applicant based on past, present, or future military membership, service obligations, or the exercise of rights under this policy. Employees with concerns should contact Human Resources.

In addition to complying with USERRA and its amendments, the university complies with all applicable state and local military leave laws in the states where we operate. Where an applicable state or local law provides greater or additional rights or benefits than this policy (for example, regarding eligibility, paid leave, benefits continuation, reinstatement, or leave for state National Guard or state active-duty service), the university will follow the requirements of that law for eligible employees in that jurisdiction.

Eligibility

This policy applies to all employees (full-time, part-time, temporary, and probationary) who perform voluntary or involuntary service in the "Uniformed Services," which includes active duty, Reserve or National Guard service, training, annual drills, fitness-for-service examinations, funeral honors duty, qualifying FEMA and National Disaster Medical System (NDMS) deployments, or State Active Duty ordered by the Governor of South Dakota (or any other state) for emergencies or disasters, as protected by state law. Military leave is generally limited to five cumulative years, subject to USERRA exceptions.

Notice of Military Leave

Employees should provide advance notice of military leave whenever reasonable to their supervisor or to Human Resources, unless military necessity prevents such notice or giving notice is otherwise impossible or unreasonable through no fault of the employee. Advance notice may be given either verbally or in writing. However, to assist the university in processing payroll, benefits, and coverage, employees must submit a copy of their military orders and a written statement to Human Resources as soon as the dates are known. Human Resources will process the leave request, explain benefit options, and collect required insurance premiums. Employees may choose to use accrued vacation or personal leave during their military leave.

Regular full-time and part-time employees may receive up to two weeks (10 working days) of full pay leave annually for military training, drills, active duty, annual service requirements or any other uniformed service obligation.

Benefits During Military Leave

- **Health Insurance:** Coverage continues for up to 31 days at the employee's premium rate. After 31 days, employees may elect continuation coverage for up to 24 months at 102% of the full premium (COBRA).

- **Dental and Vision insurance:** Coverage continues for up to 31 days at the employee's premium rate. After 31 days, employees may elect continuation coverage for up to 24 months at 102% of the full premium (COBRA).
- **Life, AD&D, Disability, and Supplemental Benefits:** Employer-provided life/AD&D, long-term disability, and voluntary supplemental coverage end when active military service begins. Some voluntary benefits may be converted to individual policies within 31 days.
- **Leave Accrual:** Vacation, personal leave, sick leave and volunteer hours do not accrue during military leave.
- **Retirement Plan:** Upon reemployment, employees receive vesting credit for the period of qualified military service. Employees may make up retirement contributions they would have been allowed to make during military leave, reduced by any contributions made during that time. Make-up contributions must begin upon reemployment and be completed within a period equal to up to three times the length of the military leave, not to exceed five years. Eligible employer matching contributions will be provided in accordance with Plan provisions.

Reemployment

Employees are entitled to prompt reemployment upon return from service if they meet the following eligibility criteria: 1) They gave advance notice (unless excused); 2) The cumulative length of absence does not exceed five years (subject to statutory exceptions for wartime, emergencies, and mandatory training); 3) They were not separated from service with a disqualifying discharge (i.e., Dishonorable, Bad Conduct, or Other Than Honorable). Note: Separation with a "General" or "Under Honorable Conditions" discharge does not disqualify an employee; and 4) They report to work or submit an application for reemployment within the applicable timeframes. Employees returning from service and who meet such eligibility criteria will be reinstated as follows:

- **Service Less Than 91 Days:** Reinstatement to the position the employee would have held if continuously employed, or the prior position if not qualified after reasonable efforts.
- **Service of 91 Days to 5 Years:** Reinstatement to the position the employee would have held or a position of similar level, status, and pay.
- **Service-Connected Disability:** Reasonable accommodations will be provided. If the employee cannot perform the previous or higher-level position, the university will place the employee in the closest equivalent role for which they are qualified.

Application for Reemployment

Employees must apply for reemployment according to the following timelines:

- **Service less than 31 days:** Report at the start of the next scheduled shift after returning home plus eight hours of rest.
- **Service of 31 to 180 days:** Apply within 30 days of completing service.
- **Service of more than 180 days:** Apply within 90 days of completing service.

- **Hospitalization or recovery from a service-related injury:** Up to two years to apply.

Exceptions to reemployment may apply if university operations have changed, making reinstatement impossible or unreasonable; if reinstatement would cause undue hardship; if pre-service employment was brief and non-recurrent; or if the employee did not receive an honorable discharge.

General Benefits Upon Reemployment

Reemployed workers will receive all classification benefits (based on status) they would have earned with continuous employment. Time spent on military duty will count toward eligibility for Family and Medical Leave Act (FMLA) leave. Following reemployment, employees may not be discharged without cause for a specific period as follows:

- **Service of 31 to 180 days:** Protected for 180 days;
- **Service of 181 days or more:** Protected for one year.

Procedures

Employees must notify Human Resources as soon as possible when planning military leave or applying for reemployment. For leaves exceeding 30 days, Human Resources may request documentation, such as discharge papers, to verify the timing, duration, and character of military service and confirm eligibility for reemployment rights under USERRA. However, the university will not delay an employee's reemployment solely because the required documentation is not immediately available. If subsequent documentation shows the employee was ineligible (e.g., disqualifying discharge), the university may take appropriate action at that time.