

Pratt

Military Leave Policy

When an employee participates in a call-up of reservists, Pratt must extend certain benefits protections and re-employment rights. Reservists called to active duty, as well as those who volunteer for it, are protected from discrimination or reprisal for participation in military service under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Specifically, USERRA confirms that discrimination in any aspect of employment, re-employment or any benefits of employment on the basis of an individual's participation in the uniformed services is prohibited.

USERRA protects employees who leave for and return from any type of uniformed service in the United States armed forces, including the Coast Guard, the reserves of any of the armed forces, the National Guard or the Public Health Service. The law applies whether the service is voluntary or involuntary, or occurs during peacetime or war. It also applies to active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty and absence from employment for an examination to determine fitness for such duty.

Therefore, Pratt Institute has established the following procedures, guidelines and policies, all of which meet, and in some areas exceed the law's mandates.

Eligibility

All employees who have held a civilian job for as little as one day have re-employment rights under USERRA as follows:

1. The employee's active-duty service must be in the United States armed forces, reserves, Coast Guard, National Guard or Public Health Service.
2. The employee or an officer of the employee's branch of the uniformed services **must give the employer written or verbal notice of absence** except for rare instances when such advance notice is not possible or is prohibited because of military necessity.
3. The employee must not be absent for more than a total of 5 years of active-duty service, except as defined in section 4312(c) of USERRA.
4. The employee must not receive a dishonorable or bad-conduct discharge or a separation under other than honorable conditions.

5. After completion of active duty the employee must report back for work within the following time frame:

Length of Military Service	Re-employment Deadline
Less than 31 days	1 day after discharge (allow 8 hours for travel)
31 to 180 days	14 days after discharge
Over 180 days	90 days after discharge
If hospitalized or otherwise incapacitated by a service-related injury or illness, re-employment may be extended up to two (2) years.	

An employee who fails to return within the time limits indicated and as outlined in USERRA section 4312(e) will be considered absent without leave (AWOL) and subject to disciplinary action up to, and including, dismissal.

Benefits

Health Care

Continuation of Benefits

During the period of any coverage, the plan offered to an employee on military leave will reflect the coverage available for other active employees in the same category (i.e., administrator, faculty, maintenance, etc.). The Institute will provide continuation of the employee's coverage at the time of activation for at least 60 days but no longer than the last day of the month in which the 60th day occurs. The employee is required to prepay the premium if the period of activation is known, or must make arrangements to pay the premium by the fifth (5th) of each month. If active duty continues beyond the above outlined period, the employee and his/her eligible dependent(s) are entitled to coverage under COBRA.

Before s/he reports for duty, a meeting must be scheduled with the Benefits Administrator so that all forms and information are provided. In an emergency the forms and information will be mailed to the employee's last address of record.

Coordination of Benefits

For employees on active duty, coverage through military health services is the individual's primary coverage. However, if the individual seeks care not covered by the military health plan, the coverage under the applicable Pratt plan is primary. For the covered spouse and dependent(s), military health service coverage is secondary to the applicable Pratt plan or COBRA coverage.

Other Benefits

Vacation

1. An employee may elect to use vacation and discretionary accruals during his/her military leave. In that event, the medical insurance premiums will continue to be deducted and the implementation of COBRA will be delayed until the paid leave is exhausted, or the 60 days as outlined in Continuation of Benefits, paragraph 1, above, has lapsed, whichever is later.
2. An employee may not be forced to use vacation and discretionary accruals during his/her military leave.
3. Time spent on active duty will count toward vacation seniority in instances where seniority determines vacation picks.
4. Time spent on active duty will count toward accrual eligibility where length of service determines accrual rates.
5. If an employee does not elect to use his/her vacation and/or discretionary accruals during his/her military leave, and subsequently decides not return to Pratt, s/he will be paid for the accrued time, but no more than the maximum allowable payout under Pratt's regular policy, based on the earnings rate in effect on his/her last day worked.

Pension

If a returning employee meets the criteria outlined in the section labeled, **Eligibility**:

- a. all time spent in qualified service shall count as 'time-served' for vesting purposes;
- b. Pratt will contribute to the appropriate pension plan as if the employee had not left;
- c. the missed investment earnings prior to the employee's return will not be contributed by the Institute;
- d. if the employee is required to provide a matching contribution, s/he shall be given up to three (3) times the length of the military leave up to a maximum of five (5) years;
- e. the employee may also make up any voluntary or elective contributions subject to the limitation of the year to which the contributions relates, not the year in which the contribution is made. Employees who wish to make these additional contributions, should consult with their accountant or tax attorney for advice.

Pension Loans

A Pratt employee who has a loan against his/her pension, should consult the pension plan, if needed, to determine if s/he qualifies for a suspension of loan payments while s/he is on active duty. Pension loans are not administered by the Institute.

Reinstatement

Health Benefits

An **eligible**, returning Pratt employee is entitled to immediate reinstatement of his/her health insurance coverage. No new waiting period or exclusions for pre-existing conditions will be imposed, except that coverage for military service-related medical conditions may be excluded by the carrier.

If Pratt changes coverage while the **eligible** employee is absent for military service, s/he is eligible for the coverage s/he would have received had s/he not left employment to enter military service, including the intervening changes.

Disability and Life Insurance Coverage

Life Insurance will be reinstated as if s/he had never left.

Long term disability will be activated in accordance with the service eligibility guidelines. Time spent in active duty will count toward eligibility for long term disability.

Salary

The salary rate will be set as if the employee had never left and will include all applicable negotiated or Board of Trustees approved increases, as well as any applicable across-the-board salary adjustments.

The employee will not be entitled to any pay that was not earned during his/her time on active duty.

Vacation/Sick Leave

Unused vacation and sick leave balances will be restored.

NOTE: The *Military Leave* policy is subject to change based on revisions to USERRA and/or permissible changes to the affected health, pension and benefits plans; and, where applicable, the appropriate collective bargaining agreement.