

## 3.674 RCUH Military Leave

### I. Policy

It is the RCUH's policy to comply with the applicable sections of Chapter 121, Hawai'i Revised Statutes and 38 U.S.C., Chapter 43 and to provide authorized paid military leave and up to ten (10) working days (or eighty (80) hours based on the employee's Full-Time Equivalency (FTE)) of military leave with pay for periods of active duty or active duty training in the Armed Forces.

### II. Responsibilities

#### A. RCUH Employee

1. Comply with attendance procedures set forth by the Principal Investigator/designee.
2. Give prior notice to the Principal Investigator/designee as soon as practicable.
3. Notate military leave period on the Employee Time/Leave Certification Form and attach the military activation notice, which would constitute an authorization for military leave. The military activation notice may be verbal, written, military orders or other reasonable form of notice provided to the employee by his/her military unit.
4. If desired, request military leave with pay in writing to the Principal Investigator/designee.
5. Return to work upon expiration of military leave period.

#### B. Principal Investigator

1. Ensure that attendance procedures (i.e., call-in requirements, leave requests, changes in work schedule) are clearly communicated to each employee. Enforce and monitor attendance procedures.
2. Review time report and ensure that military leave with pay or vacation/LWP is recorded on the RCUH online timesheet and supporting documentation is properly submitted to RCUH Payroll by the applicable deadlines.
3. If the military activation notice exceed the paid period, submit an ePAF to the RCUH Human Resources Office placing the employee on authorized "Military Leave Without Pay" status. See procedures for more information.

### III. Applications

The policy applies to all regular-status employees regardless of FTE. Temporary employees and student assistants are not eligible for military leave; however, they may request to take leave of absence without pay according to Policy 3.650 RCUH Leave of Absence Without Pay.

#### **IV. Details of Policy**

##### **A. Definitions Relating to Military Leave**

1. Active Duty is defined as full-time duty in the active military service of the United States. This includes members of the Reserve Components serving on active duty or full-time training duty but does not include full-time National Guard duty.
2. Active Duty Training is a tour of active duty which is used for training members of the Reserve Components to provide trained units and qualified persons to fill the needs of the Armed Forces in time of war or national emergency and such other times as the national security requires.
3. Year (for purposes of paid military leave) shall be defined as October 1–September 30 to coincide with the federal fiscal year.

##### **B. Administration of Military Leave**

1. Authorized leave will be granted to an employee who is called to active duty or active duty training for the Armed Forces per military activation notice. Special provisions ordered by the president or governor shall be followed.
2. Reservists who are called to active duty under presidential order are not required to submit military activation notice prior to taking the leave.
3. Should an employee fail to return to work upon the completion of the military leave, it may be deemed that he/she has resigned from his/her position and may be terminated. However, any legal requirements under the Veterans Re-Employment Rights Act shall be followed.

##### **C. Administration of Military Leave With Pay**

1. At the employee's request, military leave with pay will be granted up to ten (10) working days (or eighty (80) hours based on the employee's Full-Time Equivalency (FTE)) per year.
2. Holidays which fall within the ten (10) working days (or eighty (80) hours based on the employee's Full-Time Equivalency (FTE)) of military leave with pay period shall be paid as holiday leave and shall not count towards the ten (10) working day (or eighty (80) hours based on the employee's Full-Time Equivalency (FTE)) military leave entitlement.
3. Military leave time in excess of the paid ten (10) working days (or eighty (80) hours based on the employee's Full-Time Equivalency (FTE)) per year shall be charged to Leave of Absence without Pay unless vacation leave is requested by the employee.

#### **V. Procedures**

##### **A. Procedures for an Employee Called to Duty**

1. Employee Must Notify Principal Investigator/Designee: An employee called to active duty/active duty training shall give prior notice to his/her Principal Investigator or authorized designee as soon as practicable so daily work schedules can be accommodated. Employee will need to provide reasonable

2. The Uniform Services Employment and Reemployment Rights Act (USERRA) requires that an employee or responsible military official provide advance notice to the employer of the employee's military service. The notice may be verbal or written. Notice is not required if the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. This policy will refer to this notice as "military activation notice".
  3. Employee May Request Military Leave With Pay (optional): If the employee would like to request military leave **with pay**, he/she must request this in writing from his/her Principal Investigator or designee.
  4. For Military Leave Periods Longer Than Ten (10) Working Days (or Eighty (80) Hours, Based on the Employee's Full-Time Equivalency (FTE)): If the military activation notice exceed the ten (10) working day (or eighty (80) hours based on the employee's Full-Time Equivalency (FTE)) paid period, and the employee would like to use available vacation to cover the excess of the military leave period, the employee must request this in writing to his/her Principal Investigator or designee.
  5. Employee Must Notate the Military Leave With Pay Period on Time Report: The Military Leave period must be noted with the earnings code "LML" on the "Paid Leave" column of the Employee Time/Leave Certification Form. If the Military Leave with pay is not requested, vacation hours or leave without pay (earnings code "LWP" on the "Unpaid Leave" column) must be indicated on the Employee Time/Leave Certification Form.
  6. Continuation of Health Plans during Military Leave: Under the USERRA, an employee may request to maintain his/her health insurance while on active duty for up to eighteen (18) months provided he/she pays for the employee's 40% share of the cost of healthcare insurance premiums. This is contingent on the duration of the project's status and funding.
  7. Military Leave impacts on TIAA GRA and TIAA SRA: An employee's 12 month vesting period will not be interrupted by Military Leave. All time spent on Military Leave will count towards the RCUH's "Year of Service" (computation period) 12-month and 1,000 work hours vesting requirements. Once vested and while on Military Leave the employee's Group Retirement Annuity (GRA) and Supplemental Retirement Annuity (SRA) contributions will continue only if on paid Military Leave of this policy, but will cease if the employee is on unpaid Military Leave.
  8. Return to Work: The employee must return to work upon conclusion of the Military Leave period or communicate any changes to the Military Leave period to the Principal Investigator/Designee. Employee will be reinstated consistent with the provisions of Chapter 121, Hawai'i Revised Statutes and 38 U.S.C., Chapter 43.
- B. Procedures for the Principal Investigator/ Designee who has an Employee on Military Leave**
1. The Military Leave and/or Military Leave With Pay Must Be Noted on the Time Report: The Employee Time/Leave Certification Form and military activation notice must be faxed to the RCUH Payroll Office by the applicable Payroll Deadline. For military leave periods which overlap into two (2) pay periods, a copy of the military

activation notice should be attached to both time reports and faxed to the Payroll Office.

2. The Military Leave With Pay Period Must Be Reported on the RCUH Online Timesheet: The Principal Investigator must report the employee's military leave with pay on the "Other Earnings" tab of the online timesheet with the earnings code "LML." The Employee Time/Leave Certification Form and military activation notice must also be submitted to the RCUH Payroll Office by the applicable payroll deadline.
3. Submit an online Personnel Action Form (or ePAF) If Leave Period Exceeds the 10-day Paid Military Leave Period: If the military activation notice exceed the **paid** period (including the two-week military pay period, holiday pay (if applicable), and vacation), a Personnel Action Form (PAF) or ePAF must be submitted to the RCUH Human Resources Office placing the employee on authorized "Military Leave Without Pay" status effective the date that all paid leave is used.
4. Requests for Military Pay Due to New Fiscal Year: If an employee is on a "Military Leave Without Pay" status and requests for his/her new entitlement of military pay due to the turn of a new Federal fiscal year (i.e., October 1 – September 30), a Personnel Action Form with a copy of the employee's notice of military activation must be submitted to our office requesting the payment of the Military Pay.

#### **VI. Contact**

RCUH Benefits: (808) 956-6979  
[rcuh\\_benefits@rcuh.com](mailto:rcuh_benefits@rcuh.com)

#### **VII. Relevant Documents**

[Employee Time/Leave Certification Form](#)  
[Payroll Processing Schedule](#)  
[Personnel Action Form \(PAF\)](#)  
[RCUH ePAF](#)  
[Policy 3.620 RCUH Vacation Leave](#)  
[Policy 3.650 RCUH Leave of Absence without Pay](#)  
[Veterans Re-Employment Rights Act](#)

**Date Revised:** 10/16/2001, 03/01/2014, 08/07/2014, 07/07/2016, 08/02/2016, 04/12/2017, 08/08/2017, 10/28/2017, 09/19/2018, 12/10/18