At Charles R. Drew University shall be granted military leave as specified below, provided that the employee gives advance verbal or written notice of the leave except when such notice is precluded by military necessity, impossibility, or unreasonableness. In the granting of such leave, the University may require verification of an employee's military orders.

A. UNPAID MILITARY SERVICE LEAVE
(38 USC 4301 et seq.; California Military Veterans Code §395.10)

All employee who serve in the military whether as active, reserve or National Guard service members or who enlist in a branch of military service are permitted unpaid time off to fulfill their commitment as ordered.

The leave is granted according to the orders received by the employee up to a maximum of five (5) years. Employees who require time off from work to fulfill military duties will be treated in accordance with applicable requirements of state and federal laws.

Employees may be permitted to return to the position held prior to the start of their military service leave. Employees on a military leave of up to 30 days must return to work on the first regularly scheduled workday after the military leave ends plus one rest day. Employees on a military leave of more than 30 days must apply for reinstatement upon their return from the military leave in accordance with Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state laws.

Continuation of health insurance benefits is available, as required by USERRA, based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans. Employees on military leave are afforded benefits under an “escalator” type plan so that any...
benefits that have accrued to a similarly situated active employee will also accrue to an employee who is absent for military service.

B. UNPAID LEAVE FOR MILITARY SERVICE SPOUSES/DOMESTIC PARTNERS

(California Military Veterans Code §395.10)

An Employee whose spouse or domestic partner is deployed for active military service in a combat zone is permitted unpaid time off to spend with the spouse or domestic partner when they are on furlough from such deployment. All employees who are regularly scheduled to work at least 20 hours per week are eligible.

Employees may take up to ten (10) days off during the spouse’s or domestic partner’s furlough. Employees must request leave in writing within two (2) business days of receiving notice of their spouse’s or domestic partner’s furlough and produce documentation acceptable to the University of the dates of the military spouse’s or domestic partner’s furlough. Employees will be permitted to return to their same job. Leave taken in short increments as is anticipated will not impact University benefits or benefit accruals.

Escalator Principle:
The position the veteran would have held had employment not been interrupted by the period of military service will be the same as the position held when the period of service began. When there would have been a change, however, the “escalator principle” requires that the veteran receive any change in position or benefits to which he would have been entitled had he remained continuously employed.

PROCEDURE I.E.00700 Military Leave

9. Employees are expected to notify the Department of Human Resources of upcoming military duty by providing a copy of the employee’s orders as soon as possible.

2. An employee who is not eligible for military leave with pay may have such absence charged to accrued vacation or compensatory time off, or the military leave may be without pay.

Applicability: All Staff and Faculty Members