

# Rock Valley College

## Military Leave

### RVC Administrative Procedure (3:30.100)

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#### A. Purpose

Rock Valley College (RVC) is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the College's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States. Specifically, no person will be denied employment, reemployment, promotion or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Human Resources (HR) department.

Military leave will be administered pursuant to applicable State and Federal law, including the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), the Illinois Service Member Employment and Reemployment Rights Act ("ISERRA"), and the Illinois Public Community College Act ("IPCCA") and applicable Collective Bargaining Agreements (CBA). The College will process and administer compensation and benefits during military leave in accordance with applicable law, guidelines and College policy. To the extent the language in this Policy conflicts with USERRA, ISERRA, and/or the IPCCA, the College will apply the requirements of USERRA, ISERRA, and/or the IPCCA.

#### B. Department and Primary Point of Contact Involved

Department: Human Resources (HR) / Payroll

Point of Contact: Benefits Coordinator  
Executive Director of Finance

#### C. Definitions

**USERRA:** [Uniformed Services Employment and Reemployment Rights Act](#)

**ISERRA:** [Illinois Service Member Employment and Reemployment Rights Act](#)

**IPCCA:** [Illinois Public Community College Act](#)

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**Uniformed services:** consists of the following:

- Army, Navy, Marine Corps, Air Force and Coast Guard
- Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve and Coast Guard Reserve
- Army National Guard and Air National Guard
- Commissioned Corps of the Public Health Service
- Any other category of persons designated by the President in time of war or emergency

**Service in the uniformed services:** the performance of duty on a voluntary or involuntary basis in a uniformed service, including:

- Active duty and active duty for training
- Initial active duty for training
- Inactive duty training
- Full-time National Guard duty
- Absence from work for an examination to determine a person's fitness for any of the above types of duty
- Funeral honors duty performed by National Guard or Reserve members
- Duty performed by intermittent employees of the National Disaster Medical System (NDMS), which is part of the Department of Health and Human Services, when activated for a public health emergency, and approved training to prepare for such service.

**Active Service:** means all forms of active and inactive duty regardless of voluntariness including, but not limited to, annual training, active duty for training, initial active-duty training, overseas training duty, full-time National Guard duty, active duty other than training, State active duty, mobilizations, and muster duty.

**Inactive Duty:** Inactive duty training, including drills, consisting of regularly scheduled unit training assemblies, additional training assemblies, periods of appropriate duty or equivalent training, and any special additional duties authorized for reserve component personnel by appropriate military authority.

**Concurrent Compensation:** Means that an employee will receive their normal compensation, as if they were working, without offset.

**Differential Compensation:** A payment that makes up any difference between military compensation (that is, military base salary, not including allowances for quarters, rations, variable housing allowances, or other special pay) and civilian salary (that is, RVC salary based on regular rate of pay).

**Work Days:** For the purpose of differential calculation, "work days" are the actual number of days the employee would have worked during the period of military leave if not called to military service. "Work days" are tabulated up to 24 continuous hours in a shift, regardless if that shift extends into the next calendar day. A shift that extends beyond 24 continuous hours will be calculated as an additional work day.

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**Public Employee:** Any full-time employee of a public institution of higher education.

## D. Procedures

### Eligibility

RVC Employees with membership in or obligation to perform service for any of the uniformed services of the United States, taking part in a variety of uniformed services are covered under this policy. Such uniformed services include leaves of absence taken by members of the uniformed services for training, periods of active military service, funeral honors duty, and time being examined to determine fitness to perform such service. All employees of the College should review their respective CBA to ascertain the specific rights and provisions applicable to their employment.

### Notice of Service

Employee **should** forward a copy of official military orders through their supervisor, for HR, within thirty (30) calendar days of the start of the leave, **if possible**.

### Requesting Military Leave

1. Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide RVC with notice of the need for leave as far in advance as is reasonable under the circumstances.

To request a military leave of absence, the employee should generally submit a request for leave through their supervisor for HR. A written request for leave of absence will be required from the employee.

2. HR will review the request for leave of absence, collect any applicable insurance premiums from the employee, generate other applicable documents and process the leave of absence accordingly.

Employees on temporary or extended military leave may, **at their option**, use any or all accrued paid vacation or personal leave during their absence.

3. When the employee intends to return to work, they must return back to work within the appropriate period set forth in **Return Back to Work** below. If the employee does not intend to return to work, they should notify HR as soon as practicable.

### Benefits

If a benefits-eligible employee is absent from work due to military service, benefits will continue as follows:

- An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31 day period, the employee and covered dependents can continue group health insurance

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for up to 24 months at up to 102% of the overall (both employer and employee) premium rate. Employees must elect coverage and make the required payments to HR in a timely manner to continue coverage.

- Employees **do not** accrue vacation, personal leave or sick leave while on military leave of absence status. An employee's time spent on active military duty will be counted toward eligibility for FMLA leave.
- With respect to RVC's retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon return, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's return to work and that is not greater in duration than three times the length of the employee's military service. Employees will receive all associated company match for such contributions.

Benefits-participating-employees, are responsible for payment of insurance premiums as agreed upon with HR and in accordance with RVC Administrative Procedure 3:30.100, prior to the commencement of leave. Employees must continue to pay their portion of the benefits, which may be made by check or money order submitted to the HR department each pay period. If employee fails to pay their portion in a timely manner, a debt will be accrued for later payment upon their return to work from military leave.

## **Compensation**

RVC Full-time Employees, RVC Continuous Part-Time Employees, RVC Faculty Members and RVC Police Officers are entitled to compensation during military leave of absence, based on military authority codes for pay determination.

Unless an Adjunct, Part-Time or Temporary RVC employee had reasonable expectation that their employment would be continued indefinitely or for a significant period, had their employment not been interrupted by military service, then they would not be considered eligible for compensation.

**Pay Determination:** A particular duty is determined based on the authority code listed on the orders. If the authority code listed is not complete (for example 32 USC 502(f)(1)), the employer will refer to other language in the orders to help reach a determination. If an employee disagrees with a decision that orders are voluntary, they may provide written supplemental documentation from an appropriate military authority clarifying the authority code. Such supplemental documentation will be appropriately considered by the employer. Compensation will be provided for work days/work shifts and eligible holidays that fall within an employee's regular schedule, had the employee remained continuously employed if employment had not been interrupted by military service.

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**Concurrent Compensation.** Consistent with ISERRA (330 ILCS 61/5-10(a)) public employees on leave for annual training under the authority of 10 USC 10147, 10 USC 12301(b), or 32 USC 502(a), or orders in lieu of annual training, are entitled to concurrent pay for up to 30 days in each calendar year and may be performed nonsynchronous. In the unlikely event that an employee performs more than 30 days of annual training in a calendar year, the eligible employee shall be entitled to differential compensation, up to 60 days, after their 30 days of concurrent compensation is exhausted.

**Differential Compensation.** Eligible employees are entitled to differential compensation for periods of voluntary and involuntary active service (see codes below under **Military Leave Authorization Codes**).

For involuntary active service, an employee is entitled to differential pay for the duration of the orders.

For voluntary active service, an employee is entitled to up to 60 work days of differential compensation per calendar year. Consistent with ISERRA after differential compensation has been paid for 60 work days, employees will be placed in an unpaid leave status. After an employee is absent from their employment for a consecutive 3-year period while performing voluntary active service, the employee's entitlement to differential compensation shall be terminated.

Consistent with IPCCCA (110 ILCS 805/3-26.1), employees that are a member of an armed forces reserve unit, including the Illinois National Guard, who is mobilized to active military duty will be entitled to differential compensation for the duration of mobilization.

Employees are not entitled to differential pay for periods of unpaid active service including, but not limited to: travel to and from military orders, rest periods immediately before or after military orders, and military service in which the employee does not receive pay from the military.

An employee **may elect** to use accrued vacation, annual, or similar leave with pay in lieu of differential compensation or an unpaid leave of absence during any period of military leave.

An employee that elects differential compensation, must submit their Defense Finance and Accounting Service Military Leave and Earning Statement ("LES") to RVC Payroll as soon as practicable.

Differential compensation will be calculated on a daily rate basis in accordance with Section 1-15(b) of ISERRA. **Differential payments will not be made in "real time" since differential pay must be calculated using an employee's LES.**

*State Active Duty (SAD) orders are a unique authority status which does not produce a LES. However, service members should provide pay documentation for SAD orders in the same manner the LES is utilized.*

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## **Return Back to Work**

Upon returning from an active-duty military assignment lasting thirty (30) days or more, the employee must provide documentation to establish that the employee's reemployment application is timely, the employee has not exceeded the five-year limit on the duration of service (subject to certain exceptions), and the employee's separation or dismissal from service was not disqualifying. This documentation is needed to confirm military service in order to receive paid time authorized, and retirement accruals. If documentation is not produced within thirty (30) calendar days of the employee's return, then payments and benefit accruals will not be authorized until documentation is provided.

A service member must be available to return to work within certain time limits. These time limits for returning to work depend (with the exception of fitness-for-service examinations) on the duration of a person's military service.:

**Service of 1 to 30 Days** - The person must report back to work, by the beginning of the first regularly scheduled work period that begins on the next calendar day following completion of service, after allowance for safe travel home from the military duty location and an 8-hour rest period. For example, RVC cannot require a service member who returns home at 10:00 p.m. to report to work at 12:30 a.m. that night. But the employer can require the employee to report for the 6:00 a.m. shift the next morning.

If, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible after the expiration of the 8-hour period.

**Service of 31 to 180 Days** - An intent to return back to work must be submitted to Human Resources no later than 14 days after completion of a person's military service.

**Service of 181 or More Days** - An intent to return back to work must be submitted to Human Resources no later than 90 days after completion of a person's military service.

If the employee is hospitalized or convalescing from a service-connected injury - the employee must submit an intent to return back to work with HR no later than two years following completion of service.

Service members will be reinstated to a position that the employee would have attained or have held, had the person remained continuously employed if employment had not been interrupted by military service, so long as the person is qualified for the job or can become qualified after reasonable efforts by RVC.

If an employee is no longer qualified for their previous position and cannot be qualified after reasonable efforts by RVC, or if the employee sustains a service-connected disability and after reasonable accommodation efforts by the employer, an employee cannot become qualified for the position, the person must be

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reemployed in a position that is the nearest approximation to the position which the person is qualified to perform, with similar seniority, status and pay.

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had they remained continuously employed.

## **Exceptions to Reemployment**

In addition to the employee's failure to submit an intent to return back to work in a timely manner as required by USERRA, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

- RVC's circumstances have so changed as to make reemployment impossible or unreasonable.
- Reemployment would pose an undue hardship upon RVC.
- The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
- The employee did not receive an honorable discharge from military service.

## **Military Leave Authorization Codes (For Payroll Use)**

Authorization codes identify the legal authority to call the service member to active service. Once the code is obtained, it should be compared to the list below. (Found in ISERRA under the definition of "Active service.")

10 USC 10147, 10 USC 12301(b), or 32 USC 502(a), or orders in lieu of annual training

### **Voluntary Active Service Codes:**

- (A) Any Duty – under 32 U.S.C. 502(f)(1)(B);
- (B) Active Guard Reserve Duty, operational Support, or Additional Duty – under 10 U.S.C. 12301(d) or 32 U.S.C 502(f)(1)(B)
- (C) Funeral Honors – under 10 U.S.C 12503 or 32 U.S.C 115
- (D) Duty at the Nation Guard Bureau - under 10 U.S.C 12402
- (E) Unsatisfactory participation – under 10 U.S.C. 10148 or 10 U.S.C 112303
- (F) Discipline under 10 U.S.C. 802(d)
- (G) Extended Active Duty – under 10 U.S.C. 12311
- (H) Reserve Program Administrator under 10 U.S.C. 10211

### **Involuntary Active Service Codes:**

- (A) Annual Training or Drill Requirements under 10 U.S.C. 10147, 10 U.S.C. 12301(b) or 32 U.S.C. 502(a)\*\*
- (B) Additional Training Duty or Other Duty – under 32 U.S.C. 502(f)(1)(A)
- (C) Pre-Planned or Pre-Programmed Combatant Commander Support – under 10 U.S.C 12304b
- (D) Mobilization – under 10 U.S.C. 12301(a) or 10 U.S.C. 12302
- (E) Presidential Reverse Call-Up – under 10 U.S.C 12304
- (F) Emergencies and Natural Disasters – under 10 U.S.C. 12304(a) or 14 U.S.C. 712
- (G) Muster Duty – under 10 U.S.C. 12319
- (H) Retiree Recall – under 10 U.S.C. 688
- (I) Captive Status – under 10 U.S.C. 12301(g)

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- (J) Insurrection – under 10 U.S.C. 331, 10 U.S.C. 332 or 10 U.S.C. 12406
- (K) Pending Line of Duty Determination for Response to Sexual Assault – under 10 U.S.C. 12323
- (L) Initial Active Duty for Training – under 10 U.S.C. 671

*\*\*Consistent with ISERRA (330 ILCS 61/5-10(a)) public employees on leave for annual training under the authority of 10 USC 10147, 10 USC 12301(b), or 32 USC 502(a), or orders in lieu of annual training, are entitled to concurrent pay*

## **Calculation of Differential Pay (ISERRA Section 1-15(b)) (For Payroll Use)**

### **Step 1**

*Define pay period in question (DD/MM/YEAR) \_\_\_\_\_ to \_\_\_\_\_*

Determine the pay period(s) being covered. Utilize the complete pay periods to perform calculation, even if the employee was not on military order for the totality of the period. The actual pay dates for that period should be used.

### **Step 2**

*Total number of Compensable Work Days in the Pay Period*

Determine how many “work days,” or shifts, the employee would have worked during the pay period if they did not perform any military duty.

### **Step 3**

*Calculate Daily Rate of Employee’s Regular Compensation*

Employee’s Hourly Rate Multiplied by number of hours they are scheduled to work on an RVC Work Day, equals Employee’s Daily Rate of Regular Compensation. If the employee is salary, divide the salary by 2080 hours to obtain their hourly rate. Their daily rate would be multiplied by an 8-hour standard work day.

*Example: (An employee makes \$21 an hour and they are regularly scheduled to work 5 hours Monday-Friday at RVC. Their daily rate would be \$21 multiplied by 5 hours which equals \$105 per day. If the employee was salary and made \$50,000 annual, their hourly rate would be \$50,000 divided by 2080 hours which equals \$24.03 per hour. Multiply \$24.03 by an 8-hour standard work day, their daily rate would \$192.30.)*

### **Step 4**

*Calculate Daily Rate of Compensation for Military Service*

Divide the military base pay by the number of calendar days the service member was on orders as determined in Step 3. (Base Pay of \$2,000.00 / 15 calendar days = \$133.33 per day)

Basic pay can be obtained from the Leave and Earnings Statement (LES) issued to the service member for the relevant period. NOTE: The only pay used during this step is military basic pay. Additional incentives, allowances, and bonuses are not included in this calculation.

### **Step 5**

*Differential Compensation Daily Rate*

Daily rate of compensation as an eligible RVC employee minus the daily rate of compensation for military service. This is the amount owed for each day the service

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member would have otherwise worked for RVC. If the amount is 0 (zero) or a negative number, then no differential is owed.

Example: (\$192.30 per day - \$133.33 per day = \$58.97 per day is the differential compensation daily rate)

## **Step 6**

*Total Differential Compensation Owed to Employee*

Multiply the number of compensable "work days" in the period from Step 2 by daily rate of differential compensation as determined by Step 5. (\$58.97 per day x 12 work days = \$707.64)

This is the gross pay owed to the service member for the pay period. Other amounts such as taxes, insurance premiums and retirement contributions may then be deducted from gross differential pay.

**Reference:** Board Report 6331, 7619, 8377

**Implemented:** March 24, 2009

**Revised:** March 3, 2026

**Military Leave Processing Form**

Military leave will be administered pursuant to applicable State and Federal law, including the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), the Illinois Service Member Employment and Reemployment Rights Act ("ISERRA"), the Illinois Public Community College Act ("IPCCA") and Collective Bargaining Agreements (CBA). The College will process and administer compensation and benefits during military leave in accordance with applicable law, guidelines and College policy/procedure 3:30.100. **Please note:**

- If the dates of requested leave change, a new leave of absence request form must be submitted by the employee or by the supervisor if the employee is unavailable.
- Benefits-participating-employees, are responsible for payment of insurance premiums as agreed upon with HR and in accordance with RVC Administrative Procedure 3:30.100, prior to the commencement of leave. Employees must continue to pay their portion of the benefits, which may be made by check or money order submitted to the HR department each pay period. If employee fails to pay their portion in a timely manner, a debt will be accrued for later payment upon their return to work from military leave.
- Compensation during military leave may be eligible to employees that had reasonable expectation that their employment would be continued indefinitely or for a significant period, had their employment not been interrupted by military service. Pay determination would be based on the military authorization codes as listed on military orders. Please see RVC Administrative Procedure 3:30.100 for more details.
- Upon returning from military service, the employee must provide a copy of their military release form (Form DD-214), if applicable, and Leave and Earnings Statement (LES).

**To be completed by the employee:**

**Date of Request:** \_\_\_\_\_ **Employee Name:** \_\_\_\_\_

**Department:** \_\_\_\_\_ **Job Title:** \_\_\_\_\_

**Military Duty Dates** (mm/dd/yy): \_\_\_\_\_ to \_\_\_\_\_

**Employee's Estimated Intent To Return-To-Work Date:** \_\_\_\_\_

- Election:** ( ) Utilize Accrued Paid Leave for Military Duty Dates (submit in self-service)  
 ( ) Elect Unpaid Status for Military Duty Dates  
 ( ) Elect Differential Compensation, if eligible (Attach Unit Training Assemble Schedule)  
 ( ) This is Annual Training, Orders in Lieu of Annual Training or a Deployment (Attach Orders to verify Concurrent Compensation Eligibility)

*I have read and fully understand the information contained in RVC Military Leave Policy/Procedure 3:30.100.*

Employee signature	Date
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**To be completed by the employee's leadership team:**  
Military leave request has been received and acknowledged.

Supervisor signature	Date
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*\*After request has been received and acknowledged, Supervisor will forward request to RVC Benefits Coordinator and notify their Senior Leadership as appropriate.*

**To be completed by Benefits Coordinator:**

Insurance to be continued and the weekly/monthly cost to employee:

Medical ( ) Yes ( ) No ( ) N/A \_\_\_\_\_\$  
Dental ( ) Yes ( ) No ( ) N/A \_\_\_\_\_\$  
Other: \_\_\_\_\_ ( ) Yes ( ) No ( ) N/A \_\_\_\_\_\$

Total insurance premium due per pay period: \$\_\_\_\_\_ Amount due per month: \$\_\_\_\_\_

Compensation eligibility has been verified:

Concurrent: ( ) Not Eligible ( ) Eligible Dates: \_\_\_\_\_ to \_\_\_\_\_

Differential: ( ) Not Eligible ( ) Eligible ( ) Employee elected not to use  
Dates: \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_  
Benefits Coordinator signature

\_\_\_\_\_  
Date

**To be completed by Payroll:**

*Employees do not accrue vacation, personal leave or sick leave while on military leave of absence status.*

- Benefits accruals have been stopped as of last day worked: \_\_\_\_\_
- Benefit accruals have been reinstated as of return to work date: \_\_\_\_\_
- Employee has elected an unpaid status for the following dates: \_\_\_\_\_

\_\_\_\_\_  
Payroll signature

\_\_\_\_\_  
Date

**Once Service Member returns from Military Service:**

If eligible for concurrent compensation, Benefits Coordinator collects copy of Leave and Earning Statement (LES) from employee to verify dates compensated to employee

Dates: \_\_\_\_\_

If eligible for differential compensation, Benefits Coordinator collects copy of Leave and Earning Statement (LES) from employee to verify total compensation owed to employee

If compensation is owed to employee, Benefits Coordinator will advise the supervisor to complete a PPF for the appropriate amount to the employee.

If compensation is **NOT** owed to employee, Benefits Coordinator will share a letter with the employee to verify the calculations were completed against their LES and it was determined that they would not be owed additional compensation.

Benefits Coordinator verifies if any outstanding debt has been accrued from benefit insurance premiums.

If a debt had been accrued by the employee, Benefits Coordinator will advise the employee that the debt will be deducted from their compensation, by Payroll. Benefits Coordinator will ensure this is communicated to Payroll.

***File original in the employee's leave records and provide a copy to the employee and the employee's supervisor.***