I. BACKGROUND AND POLICY

Eastern Virginia Medical School (EVMS) complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”), which revised and restated the Federal law protecting veterans’ reemployment rights. Under USERRA, an employee who leaves a civilian job for qualified military service generally is entitled to be re-employed by the civilian employer if the individual returns to employment within 5 years and within a specified time period after military service ends. In addition to reemployment rights, a re-employed veteran who was a participant in the EVMS health, dental, and/or cafeteria plans on the date he or she began service in the uniformed services, is also entitled to those benefits as if their employment had not been interrupted. There should be no lapse in coverage, no waiting period, and no exclusion for pre-existing conditions for either employees or their dependents.

A re-employed veteran is also entitled to certain retirement benefits that would have accrued, but for the veteran’s absence due to the qualified military service. The employer’s contribution (called a make-up contribution) is normally made after the veteran timely returns to the employer’s employment (but not earlier than it normally would have been made if the veteran had remained an employee). The employer’s make-up contribution is not required to include lost earnings on the contributions. The veteran’s compensation to be used for purposes of determining make-up contributions is the pay (based on rate of pay) the veteran would have received but for the military service. If the pay is not readily determinable, the veteran’s compensation will be deemed to be his or her average compensation for the 12-month period (or actual shorter period of employment) immediately preceding the military service.

The re-employed veteran may make make-up salary reduction contributions missed during the period of military service. Such make-up contributions may be made over the period beginning with re-employment and ending at the end of 5 years of reemployment or 3 times the length of military service, whichever is longer.

USERRA and the EVMS Retirement Plan generally provide that for a re-employed veteran, service in the uniformed services is considered service with EVMS for plan vesting and benefit accrual purposes. The employee will continue to accrue annual vacation and sick leave while on military leave. It is the policy of EVMS to grant military leave in accordance with the following categories:

A. Reserve Duty – Ongoing. Temporary military leave of absence with pay, as may be required by National Guard or Reserve Units, will be granted to a regular full-time employee by his or her immediate supervisor and department head for not more than twenty-two (22) calendar days
in any twelve (12) month period. The employee on temporary military leave will be paid the
difference between his/her regular base pay including supplement if applicable, and his/her total
military pay, if the latter is less than the regular pay. The election to use available vacation leave is
up to the employee. If elected, vacation pay would not be reduced by military pay. Supervisors are
responsible for monitoring leave.

B. Reserve Duty – Call Up. A full time employee called to active duty will be granted a leave
of absence without pay for the period of call-up. For the first six months of active duty, however,
the employee will be paid the difference between his/her regular base pay, including supplement if
applicable and his/her total military pay, if the latter is less than the regular pay. The employee may
elect to use accrued vacation. If elected, vacation pay will not be reduced by military pay. Upon
release from active duty the employee will be reinstated to the same position or a position of similar
status, pay, and responsibilities, provided the employee submits the request for reinstatement within
31 days following termination of active duty or within 90 days following termination of active duty
if the employee served for over 180 days. In such cases, there will be no loss of seniority or pay
raises that may have been issued during the employee's absence. EVMS will provide continuity of
benefits as permitted by law and ensure that the employee has the option of continuing health and
dental insurance. If the employee elects to continue coverage through EVMS, the employee will
still be required to pay his or her portion of the insurance premium. Military Duty leave is granted
to employees who are required to report for National Guard or any of the reserve components of the
Armed Forces upon application and authorization for such leave.

II. PROCEDURE

An employee should notify his/her immediate supervisor as soon as the dates of the annual
military training are known, so that suitable interim arrangements may be made. Following
military duty, a copy of the employee's military orders shall be submitted to the supervisor as
proof of authorization. Supervisors should enter time into Time and Attendance system noting
whether time is to be charged as vacation or leave without pay—as indicated by the employee.