

**POLICY:**

Chatham Area Transit will comply with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable state laws pertaining to military leave. Chatham Area Transit is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the Company'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 this policy.

POLICY SPECIFICS:**Eligibility for Military Leave of Absence**

In accordance with USERRA, Chatham Area Transit employees who perform service in the uniformed services (as defined by USERRA) are entitled to a military leave of absence from their positions, subject to the limitations and restrictions set forth in federal and state law. Upon receiving an assignment for military service, employees should promptly provide notice to their supervisors prior to going on military duty, unless precluded by military necessity.

Compensation for Military Leave

Employees who perform service in the uniformed services (as those terms are defined by USERRA) will be placed on unpaid military leave status for all days that they are engaged in such military service. Affected employees are not required to use annual leave in lieu of paid or unpaid military leave; however, they may elect to use accrued annual leave or earned time at their discretion.

Benefits

Health Insurance - Chatham Area Transit at a minimum will maintain health benefits and other benefits for the first 30 days of military leave as if the employee was actively employed. After the initial 30 day period, the employee and covered dependents can continue group health insurance up to 24 months under COBRA.

Life Insurance – Any group term life/AD&D insurance provided by the Company will terminate the day the employee becomes active military. Any voluntary supplemental life/AD&D will terminate the day the employee becomes active military. Converting to an individual policy may continue voluntary dependent life insurance coverage.

Disability – Any long term disability insurance provided by the Company will terminate the day the employee becomes active military.

Retirement Plans – Upon reemployment, employees returning from a military leave of absence will be treated as having no break-in-service and will be credited with service for vesting and benefit accrual purposes for the period of absence. Immediately upon reemployment, the employee may, at his/her 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 reemployment and that is not greater in duration than three times the length of the employee's military service.

Vacation – Unless precluded or noted in a Collective Bargaining Agreement, employees will not accrue vacation, personal leave or sick leave while on military leave of absence status. Service members must, at their request, be permitted to use any vacation that had accrued before the beginning of their military service. Service members cannot be forced to use vacation time for military service.

General – 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 the



individual remained continuously employed. In addition, an employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job.

Re-employment

Employees on active or inactive duty with an armed forces unit, regular or reserve will be returned to their former position or to one of like status and pay, to the extent required by law. Employees who qualify for re-employment will be re-employed as follows:

- Employees absent for less than 91 days will be re-employed in the position that they would have held if their continuous employment had not been interrupted by military service. Employees unable to qualify for this position despite reasonable attempts to train will be re-employed in the position held immediately prior to their military leave of absence.
- Employees absent for more than 90 days will be re-employed in the position that they would have held if their continuous employment had not been interrupted by military service or a position of like seniority, status and pay. Employees unable to qualify for such a position despite reasonable attempts to train will be re-employed in the position held immediately prior to their military leave of absence or a position of like seniority, status and pay.
- Employees who become disabled or aggravate a disability during such military service and are unqualified to be re-employed in the above manner despite reasonable efforts at accommodation, will be re-employed in a position for which they are equivalent in seniority, status and pay and qualified or can become qualified, with reasonable efforts. Employees unable to qualify for such a position will be re-employed in a position that is the nearest approximation to such position consistent with the circumstances of the individual's case.
- Employees who are not qualified to be re-employed as set forth above will be re-employed, with full seniority, in a position of lesser status and pay which they are qualified to perform.
- If two or more employees are eligible for re-employment in the same position, the employee who first left the Company will have priority. All other similarly situated employees will be re-employed, with full seniority, in another position that provides similar status and pay or, if disabled, to a position of similar status and pay consistent with the individual's case.

Subject to their ability to become qualified for the position, employees are entitled to any promotions, advancements or changes in status that would have occurred automatically had they not been absent for military service. Employees are entitled to promotions based on discretion, and not automatically based on seniority; only to the extent they would have been awarded the promotion had they not been absent. Requests for re-employment may be denied if the Company's circumstances have changed to make such re-employment impossible or unreasonable or if reemployment of an unqualified, disabled employee would impose an undue hardship on the Company.

Employees may be terminated after re-employment if documentation becomes available that establishes their non-eligibility for reemployment.

Request for Re-employment

An employee is eligible for re-employment upon honorable release or discharge from military service if:

1. Employees performing military service for less than 31 days or employees absent for the purpose of examination regardless of length must report no later than the first full regularly scheduled work day following completion of such military service/examination and the expiration of



eight hours following a reasonable amount of travel time. If reporting for work within this period is impossible or unreasonable through no fault of the employee, employees must then report as soon as practicable after the expiration of the above-referenced period.

2. Employees performing military service for more than 30 days but less than 181 days must submit a written application for reemployment within 14 calendar days after the completion of such military service. If submitting such application is impossible or unreasonable through no fault of their own, employees must submit the application on the next full calendar day when submission of such application becomes possible.

3. Employees performing military service for more than 180 days must submit a written application for re-employment within 90 calendar days after the completion of such military service.

4. Employees, who become ill, injured or aggravate an existing illness or injury during military service must request re-employment at the end of a reasonable period of time following their release or discharge. This period of time, however, cannot exceed two years.

The cumulative military service of an employee does not include any service beyond five years during which they were:

- Required to complete an initial period of obligated service
- Unable to obtain a timely release through no fault of their own
- Required to fulfill an additional and certified training requirement
- Ordered to active duty

Employees who fail to make a timely request for re-employment will be treated as other employees who fail to return from a leave of absence. Employees applying for re-employment should provide upon request necessary documentation to establish eligibility for re-employment.

Exceptions to Re-employment

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement if any of the following conditions exist:

1. The Company's circumstances have changed so as to make reemployment impossible or unreasonable.
2. 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.
3. The employee did not receive an honorable discharge from military service.

APPLIES TO:

All employees of Chatham Area Transit Authority.