



MILITARY LEAVE

Military leave is time off work for service in the military or to fulfill Reserve or National Guard duty. Employees may retain ties with Oklahoma State University for up to five years. This means certain benefits will continue unless cancelled. If you wish to cancel your benefits, contact Employee Services, 106 Whitehurst, Stillwater, or the Human Resources office at your branch campus location. A written request is needed to cancel coverage and benefits will terminate the end of the month that you provide written notice.

Human Resources Benefits and You

Power of Attorney: If you would like somebody to make benefits decisions (and other decisions) for you while you are on active duty, it would be wise to execute a Power of Attorney. OSU Human Resources will allow your Power of Attorney to make benefits changes on your behalf.

Military Benefits While on Active Duty: If you are on active duty for more than 30 days, you and your dependents should be covered under the military health plan. You also have life and disability coverage through the military. Benefits for injuries or illness are determined by the percentage of disability.

Health/Dental/Vision Coverage: BlueCross BlueShield coverage and/or OSEEGIB dental and vision coverage will continue for up to five years unless cancelled. There is no coverage for confinement in a military hospital, accidents caused by war, or sickness caused by war. Because of this, you may wish to discontinue coverage on yourself and keep coverage on your dependents through COBRA. If you choose to discontinue coverage on yourself and keep coverage on your dependents, contact Employee Services at (405) 744-5449, and ask for COBRA information. COBRA premiums are billed to your Bursar account.

Life Coverage: Coverage will continue for you (and your dependents, if applicable) for up to five years unless cancelled. You pay premiums during leave without pay. The life policy contains exclusions relating to accidental death and dismemberment and waiver of premium benefits for war and service in the armed forces. Because of this, you may wish to discontinue coverage on yourself. Life insurance premiums are billed to your Bursar account.

Long-Term Disability Insurance: Coverage will continue for up to five years unless cancelled. Premiums can be waived for the first six months of leave unless benefits are used during this first six months. In that case, the premium must be paid retroactively to the onset of leave. If leave is expected to exceed six months, the premium must be prepaid to continue the coverage during the leave of absence. The long-term disability policy contains a war exclusion clause—the policy does not cover any loss (accident or sickness), fatal or non-fatal, which results from an act of war, declared or undeclared. Other injuries or sickness incurred while on active duty may be covered. If you cancel long-term disability coverage during your leave of absence, you may re-enroll with no adverse repercussions upon returning to work if you reapply within 30 days.

Flexible Benefits: If you, or OSU, contribute to a flexible benefits reimbursement account and continue to receive OSU pay during your military leave, contributions will continue into these accounts. If you do not receive pay from OSU, there is no way to contribute to flexible benefits on a pre-tax basis while on leave without pay. If you are called up for active duty for at least 180 days, you may withdraw the funds in the flexible spending account. You may also resume contributions upon return to active pay status. You must file all claims within 90 days of the end of the plan year or within 90 days of termination if you terminate employment before the end of the plan year. The Heroes Earnings Assistance and Relief Tax (HEART) Act of 2008 allows a disbursement of all or a portion of the balance of your account in certain situations. For more details, please contact Employee Services, (405) 744-5449.

Voluntary Plans (Supplemental Life, Cancer, Long-Term Care): Please contact the vendor directly. Information is available at <http://hr.okstate.edu/benefits/benefits.htm>.

OSU Human Resources – 106 Whitehurst, Stillwater, Oklahoma 74078 – (405) 744-5449

OSU Retirement Plan: Contributions cease during military leave without pay and resume upon return to active employment with OSU. Upon your return, OSU will pay retirement contributions that would have been paid if you had remained an active employee during your military leave without pay status. Your salary prior to military leave plus any pay adjustments will be used for computation purposes.

OTRS provides an \$18,000 death benefit for you if you joined prior to July 1, 1992. The death benefit does not apply while on active military duty.

Premiums While on Military Leave: If you receive pay for a partial month's work, OSU continues to pay the premium for your health and life coverage for that month. Once you are on leave without pay for a full month, OSU ceases to pay your premiums. (Premiums cannot be prorated for a partial month.) You continue to pay the premium for all benefits normally paid by you. If your check is inadequate (or nonexistent) to cover the premiums, the Bursar will bill you. Failure to pay premiums will result in the termination of benefits. If your billing address changes during your Military Leave, notify Human Resources and the Bursar's Office.

Reinstatement of Benefits upon Return to Employment

If you re-enroll within the normal enrollment period (currently 30 days) of your return from active military service, all benefits can be reinstated. If your military coverage ends mid-month, OSU coverage can be reinstated effective the 1st of that month so that you do not have a gap in coverage, providing you enroll timely. When you return to work, notify Employee Services to ensure proper reinstatement of benefits. If you wish to add a dependent not covered at the time of departure, enrollment information will be required.

Pay and Re-Employment Issues

Full Pay During Military Leave: For the first 30 workdays in which you are called to active military duty each federal fiscal year (October through September), you will remain in full pay status with the University. This means that you will receive your regular OSU pay as if you were working. Under Oklahoma law if you are in the National Guard, you are entitled to full pay for 30 working days. You may also have re-employment rights. Call your unit administrator and/or Employee Services at (405) 744-5449 with questions.

Supplemental Pay During Military Leave: In certain situations, reservists may be entitled to pay from the employer as well as from the military. If the military pay is less than the regular employment pay, the employer may be required to supplement the military pay for the difference. To receive pay from OSU you will need to provide your supervisor with a copy of your orders stating the dates you will be on military leave and a copy of your *Defense Finance and Accounting Service Military Leave and Earnings Statement* (i.e. your Military Payroll Advice) each time you are paid. Fax transmittal is acceptable. You will be paid on the next regularly scheduled payroll period after your department receives your military documentation. Since it is unlikely that you will be able to pick up a check because you are in the field, you should arrange for direct deposit through Employee Services, 106 Whitehurst (or your branch campus Human Resources office). There is no OSU leave accrual while being paid Supplemental Pay while on active duty.

If you have questions regarding Military Leave, please call Employee Services, (405) 744-5449.

OSU Human Resources developed this information for the convenience of OSU employees. It is a brief interpretation of more detailed and complex materials. If further clarification is needed, the actual law, policy, and contract should be consulted as the authoritative source. OSU continually monitors benefits, policy, and procedures and reserves the right to change, modify, amend, or terminate benefit programs at any time.

**AMENDMENT TO THE OKLAHOMA STATE UNIVERSITY
SECTION 125 FLEXIBLE BENEFIT PLAN**

**HEROES EARNINGS ASSISTANCE AND RELIEF TAX
(HEART) ACT OF 2008**

Plan Sponsor: Oklahoma State University
Plan Name: Oklahoma State University Section 125 Flexible Benefit Plan - 502

WHEREAS H.R. 6081, an “act” known as “Heroes Earnings Assistance and Relief Tax Act of 2008” or HEART, amended the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes was signed into law on June 17, 2008, and outlines special disposition rules for unused benefits in health flexible spending arrangements of individuals called to active duty. The act allows plan sponsors to disperse all or a portion of the balance in the participant’s account if the participant meets certain criteria.

WHEREAS, the “act” identified June 17, 2008, as an effective date after which plan sponsors may begin the distribution of such balances.

NOW THEREFORE IT IS RESOLVED, the plan has determined it is in the best interest of the plan and its participants to adopt the provisions of the “act”. Effective **June 18, 2008**, the plan amends the Plan Document to include the HEART Act including the following:

In order to be eligible for a partial or total “qualified reservist distribution” to the individual under the HEART Act, the following is required:

- 1) The reservist must be an active participant in the employer-sponsored health care FSA.
- 2) The reservist must be called to duty for at least 180 days (or for an indefinite period).
- 3) The reservist must provide a copy of the said order to his/her employer and request the one-time FSA distribution.
- 4) The distribution must be made during the current FSA plan year (or before the end of the run out period) which coincides with the date of the call.
- 5) Distributions are available from health flexible spending accounts only.
- 6) The distribution amount will be calculated as follows: FSA contributions to date minus eligible reimbursements to date.
- 7) The HEART distribution is taxable as ordinary income; subject to any applicable Federal, State, Social Security, Medicare, Unemployment, and Local taxes.

In all other respects the Plan shall remain in effect as last adopted.

Oklahoma State University 502
(Name of Employer)

Witness: _____

Signature: _____

Title: _____

Title: _____

Date: _____

Date: _____