



Administrative Rule 402: Participation - Military Leave

Benefits Plan References: Section 2 - Eligibility and Enrollment and Section 4 - Defined Benefit Pension Plan

Original Date: 01/2017

Revision Date: 01/2025

Overview

The Uniformed Services Employment and Reemployment Rights Act (USERRA) and Heroes Earnings Assistance and Relief Tax Act (HEART) ensure benefits protection for employees on military leave.

Eligibility

- Employees must notify their employer in advance of impending military or Federal Emergency Management Agency deployment.
- Employers must inform members of their USERRA and HEART rights and obligations.
- Employees who return to eligible service within five years are entitled to reinstatement of benefits in effect before deployment and to benefits the employer offers or provides to others in the same employment class.

Coverage options for military leave

Members and eligible family members may choose:

1. **TRICARE health coverage:** Provided by the military.
2. **TRICARE health coverage + Death and Disability Plan coverage** (if enrolled in the plan upon entering military service): Requires the employer to pay dues based on the last effective salary for up to five years of continuous military service.
3. **Medical continuation coverage:** Requires the member to pay dues based on the medical continuation dues amount established annually by the Board of Pensions for up to five years of continuous military service.
4. **Medical Plan + Death and Disability Plan coverage:**
 - Transitional Pastor's Participation and Congregational Pastors Package: Dues to be based on minimum dues amount established annually by the Board of Pensions.
 - Covenant Package: Dues to be based on minimum dues for package benefits. If employee has medical coverage, employee pays medical continuation rates.

Reemployment Options

Upon returning from active duty, employees can:

1. Resume Medical Plan coverage immediately (employer resumes dues or employer share of coverage-level costs).
2. Continue TRICARE under the Transitional Assistance Management Program (TAMP) for 180 days.
 - Documentation is required for TAMP eligibility to avoid coverage gaps.

The option selected will apply to all eligible family members.

Retirement benefits

Defined Benefit Pension Plan

- Employees can earn pension credits during military service for up to five years, based on the greater of:
 - the last effective salary
 - the median salary each year
- Dues may be paid by the employer, the employee, or deferred until reemployment.
- Survivors of employees who die on active duty are eligible for benefits per Plan provisions.

Retirement Savings Plan of the Presbyterian Church (U.S.A.) (RSP)

- Contributions can continue if enrolled prior to deployment and the employer provides compensation; otherwise, employees can contribute post-tax.
- Upon reemployment, employers must make up missed contributions.
- Employees can withdraw funds penalty-free for deployments over 180 days.
 - An RSP participant who serves on active duty for more than 30 days may elect to receive a distribution from their RSP account. If such an election is made, the participant may not make salary-deferral contributions to the RSP for six months following the distribution.
 - The employee should contact Fidelity for information regarding loan availability.

Other considerations

- Military pay differentials may count toward effective salary for pension credit accrual and/or RSP contributions.
- Employees should contact Fidelity for RSP loan and distribution options.