

ADMINISTRATIVE MEMORANDUM

SUBJECT		NUMBER	293
	Paid-Military-Leave-Benefits for EPA Non-Faculty Employees, Faculty and Senior Administrative Officers	DATE	9/20/90

"Employment Policies for University Employees Exempt From the State Personnel Act" were adopted by the Board of Governors on February 13, 1981, and amended on September 14, 1984. Each Board of Trustees in turn adopted a set of policies for the campus. With respect to military leave, the regulations explicitly provide that EPA employees shall have the same entitlements as employees who are subject to the State Personnel Act; thus as the SPA provisions may change, so automatically the entitlements of covered EPA employees shall change. By memorandum dated August 28, 1990, Governor Martin directed all state agencies to interpret the applicable paid-military-leave provisions in a manner that will allow maximum accommodation to the needs of eligible state employees subject to the State Personnel Act.

It is the purpose of this Administrative Memorandum to announce action by the Board of Governors on September 13, 1990, adopting a policy with respect to the eligibility of other university employees to receive paid-military-leave benefits. By virtue of

this board action, all other EPA employees (e.g., faculty members, physicians and dentists, and senior administrative officers) are to be accorded comparable paid-military-leave benefits. Attached to this Administrative Memorandum is a copy of the new policy of the Board of Governors, in the form of an approved report from its Committee on Personnel and Tenure, which provides guidance to each institution for implementation of the policy.

Please see that this policy is implemented at your institution. Questions concerning this matter may be addressed to Mr. Richard Robinson at this office.



C. D. Spangler, Jr.

Attachment

Report and Recommendations of Committee on Personnel and Tenure

With respect to any University employee who may be called to active duty from Reserve or National Guard status in response to the current crisis, federal law requires that the employee be accorded leave without pay and the right to be reinstated, at the conclusion of active duty, to the same position or a comparable position of employment.

Questions have been raised about whether, and under what circumstances, a University employee may be entitled to leave with pay during any portion of such active duty. Existing state policy provides only one type of paid-military-leave benefit, applicable only to employees who are subject to the State Personnel Act: A reservist or guardsman called to active duty for "training" (e.g., the conventional annual training obligation) is eligible to be placed on military leave with pay for up to 96 hours. By University policy this benefit applies to EPA-nonfaculty employees, who are to enjoy the same military leave benefits as SPA employees. However, such benefits are not available to other University employees exempt from the State Personnel Act, such as faculty members and senior administrative officers.

By memorandum dated August 28, 1990, Governor Martin directed all state agencies to interpret the paid-military-leave provisions cited above in a manner that will allow maximum

accommodation of the needs of eligible state employees. Specifically, an eligible employee called to active duty in response to the current crisis is entitled to use any unused portion of the 96-hour paid leave provision for this fiscal year (normally reserved for use during "training" duty) to cover that portion of the absence for extended active duty; further, during the current state fiscal year, the affected employee may use the additional 96 hours of paid leave available for the federal fiscal year beginning October 1, 1990; finally, an affected employee may use annual vacation-leave entitlements to cover portions of the period of active duty.

By virtue of University policy previously cited, the entitlements prescribed by the Governor shall be available to eligible EPA non-faculty employees. The remaining question is whether, as a matter of University policy, comparable paid-leave benefits should be made available to all other EPA employees (e.g., faculty members and senior administrative officers).

We recommend (1) with respect to senior administrative officers, that the personnel policies of the Board of Governors be amended to accord such employees the same military-leave benefits as are available to SPA employees; (2) with respect to faculty members, that in lieu of the paid-military-leave benefits currently available to eligible SPA and EPA employees under the Governor's directive, University faculty members be entitled, on a one-time basis, to paid military leave of a maximum of (1) either 18 work days, if the employee has an academic-year contract or (2) 24 work days, if the employee has a 12-month

contract, effective as of the date of departure from University employment to begin active duty. When on such date of departure from University employment the affected academic-year employee has less than 18 work days remaining under his or her current contract of employment for the academic year, (1) if the employment year in question is a terminal year, the amount of paid leave shall be reduced accordingly; (2) if the employment year in question is not the final year of a probationary appointment, the balance of the 18-day leave entitlement shall be attributed to and paid at the beginning of the next succeeding academic year, if the affected faculty member in fact has not been released from active duty and has not returned to University employment before full utilization of the 18-day paid-leave entitlement.

Received and approved
by the Board of Governors
September 14, 1990

Examples of applying the provisions concerning paid military leave for faculty:

1. If a faculty member (regardless of tenure status or duration of contractual commitment) were called to active duty on March 1, 1991, he or she would receive the full applicable benefit, either 18 days or 24 days.

2. If a tenured member of the faculty with an academic-year contract were called to active duty on May 15, 1991, and the academic year of employment ends May 31, the employee would be eligible for military-leave pay covering the 12 days remaining in the academic year; if the employee remained on active duty at the beginning of the fall 1991 semester, he or she would be eligible at that time for an additional paid leave of 6 work days.

3. If a nontenured member of the faculty with an academic-year contract, in his or her second year of a three-year term contract, were called to active duty on May 15, 1991, and the academic year of employment ends May 31, the employee would be eligible for military-leave pay covering the 12 days remaining in the academic year; if the employee remained on active duty at the beginning of the fall 1991 semester, he or she would be eligible at that time for an additional paid leave of 6 work days.

4. If a nontenured member of the faculty with an academic-year contract, in his or her terminal year of employment, were called to active duty on May 15, 1991, and the academic year of employment ends May 31, the employee would be eligible for military-leave pay covering the 12 days remaining in the academic year, and nothing more.

5. If a faculty member (regardless of tenure status) with a continuing academic-year contract for the next succeeding academic year were called to active duty on July 1, 1991, he or she would receive the benefit at the beginning of the 1991 fall semester, if in fact he or she were not released from active duty prior to the beginning of that semester.