



College of The Albemarle Policy

Policy Number: 3.2.15

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Title: Military Leave

Related Policy and Procedures: Policy 3.2.4 Leave

Division of Responsibility: Human Resources

Pursuant to federal and state law, military leave shall be granted to college employees for certain periods of service in the uniformed services.

- A. Military Leave with pay shall be granted to members of the uniformed services of the U.S. Armed Forces for certain periods of active-duty training and for State military duty. Such leave shall be granted to full-time, part-time, regular, provisional, trainee, and probationary employees for up to one hundred twenty (120) working hours per federal fiscal year (Oct. 1 - Sept. 30) for any type of active duty not considered to be "Extended Active Duty" as defined by federal and state law.
- B. Leave with Pay for Reserve Active Duty. Members of the uniformed services reserve components who are called to "Involuntary Active Duty" shall receive up to thirty (30) calendar days of leave with pay. After the thirty (30) day period, members shall receive differential pay for any period of involuntary service. This pay shall be the difference between military basic pay and the employee's annual college salary, if military pay is the lesser.
- C. Retention and Continuation of Benefits During Leave with and without Pay. Retention and/or continuation of benefits are dependent upon the type and duration of leave granted and is determined on an individual basis.
- D. Additional Leave Requirements. Members of the uniformed services are granted leave with pay for infrequent special activities in the interest of the State when so ordered by the Governor or his/her authorized representative. Members shall be granted leave with pay for active State duty for periods not exceeding thirty (30) consecutive calendar days; for periods in excess of thirty (30) calendar days, employees shall be entitled to military leave with differential pay.
- E. Military Leave without pay shall be granted for the following periods:
 - 1. Regularly scheduled unit assemblies usually occurring on weekends and referred to as "drills";
 - 2. Duties resulting from disciplinary actions imposed by military authorities;
 - 3. Unscheduled or incidental military activities such as volunteer work at military facilities, unofficial military activities, etc.;
 - 4. Inactive duty training, "drills" performed for the convenience of the member, such as equivalent training, split unit assemblies, make-up drills, etc.;



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5. Extended active duty for a period not to exceed five (5) years;
 6. Full time National Guard duty (usually a three (3) year contract);
 7. Initial active duty for training (initial enlistment); and/or
 8. Certain periods of incapacity in a medical facility resulting from injuries sustained while on active or inactive duty.
- F. Reinstatement/Reemployment from Military Duty. Members of the uniformed services shall have reinstatement/reemployment rights as defined by prevailing law and/or guidelines established by Federal and State law except for periods of service that are exempt from the five-year limitation under USERRA (Uniformed Services Employment and Reemployment Rights Act).

No agent or employee of the College shall discriminate against any college employee or applicant for employment because of their membership, application for membership, performance of service, application for service, or obligation for service in the Uniformed Services. The president, or designee, is authorized to develop procedures consistent with this policy and applicable laws.

Legal Reference: Uniformed Services and Reemployment Act of 1994; N.C.G.S. 127A-116; and 25 NCAC 01E.0802-.0821; 1C SB

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Date of Last Review

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