VII - 7.23 - POLICY ON MILITARY LEAVE WITH PAY FOR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

(Approved by the Board of Regents, February 28, 1992; Amended December 6, 2002; Amended January 1, 2003; Amended October 17, 2003; Amended September 10, 2004; Amended June 18, 2010; Amended October 9, 2015)

I. PURPOSE AND APPLICABILITY:

To establish a leave category called Military Leave for all Regular Status Nonexempt and Exempt Staff employees which permits an employee, under certain circumstances, to be absent from duty without loss of any pay or without charge to the employee's accrued leave.

II. GENERAL

A. Military Training leave

An employee who is a member of the organized militia, of the Army, Navy, Air Force, Marine or Coast Guard Reserve, shall be entitled to a leave of absence for military training for a period of not more than 15 work days (pro-rated for part-time personnel) in any calendar year without loss of pay or charge to any leave.

B. Active Military Duty

An employee who is called-up to active military duty during a national or international crisis or conflict shall follow USM policy VII-7.24 Call-Up To Active Military Duty During A National or International Crisis for USM Nonexempt and Exempt Staff. Commencing July 1, 2003, to the extent that there is any inconsistency between Section II of USM Policy VII.7.24 and Section II.C. of this Policy (VII-7.23), Policy VII-7.23 shall take precedence.

B. Military Administrative Leave

An employee who is on active military duty, or activated for military duty on or after July 1, 2003, shall provide military orders that contain the employee’s name, dates for activation, and purpose/type of activation and shall be entitled to receive Military Administrative Leave as follows:

1. Before starting an employee on Military Administrative Leave, the employee shall use the 15 days of Military Training Leave provided under section II.A., above.

2. An employee eligible to receive Military Administrative Leave under this section shall elect to use either Military Administrative Leave or paid accrued leave (Annual, Personal and/or Holiday Leave only).

3. The amount of compensation, while on Military Administrative Leave, shall be the amount, if any, by which the employee's USM base salary exceeds the employee's active duty base salary paid by the Federal Government**.** The employee shall continue to earn Annual, Personal, Holiday and Sick Leave on a prorated basis for only the hours paid by the State during this period of military duty.

4. The USM Administrative Leave-Active Military Duty worksheet shall be used to calculate the number of leave hours to be paid to the employee. The employee shall be notified in writing of the number of leave hours to be paid each pay period.

5. The employee shall submit an initial and a final copy of his/her military pay stub or other official military personnel record which includes a current date and his/her military base pay rate.

6. Payroll deductions shall be made in the following order:

   a. taxes

   b. liens and levies

   c. deferred compensation

   d. other deductions

   In the event that the new USM compensation is insufficient to cover all selected deductions, this ranked order shall be followed. The employee should make changes to his/her payroll deductions as appropriate for the new USM compensation amount.

7. State health benefits (Medical, Prescription and Dental) may be continued at no cost to the employee for the duration of his/her active military duty status. There shall be no deductions for State Retirement contributions. Employees shall be billed directly by the State for Life Insurance, Personal Accidental Death and Dismemberment, Long-Term Care Insurance, and Flexible Spending Accounts, in order to continue these benefits.

8. Military Administrative Leave will cease on the termination date of the employee's original (or subsequently submitted extended) military orders or upon deactivation, whichever is earlier.

9. It is the employee's responsibility to notify his/her supervisor of the termination date of the active military duty. If the employee fails to notify his/her supervisor of the deactivation, and or chooses not to return to University employment, the employee shall be responsible for reimbursement for the paid leave used while not on active duty status and may be subject to disciplinary action. The period an individual has to report back to work after military service is based on USERRA /US Department of Labor regulations.

IMPLEMENTATION PROCEDURES

Each President shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its institutional website.

REFERENCE:

Annotated code of Maryland, State Personnel and Pension Article, Section 9-1107; Section II.C. subject to abrogation on June 30, 2005 was made permanent by the General Assembly in their 2005 session.