Military Leave

Arkansas State University has provisions for leave time for service members who are called to active duty, participate in specialized training, or incur service-connected disabilities.

Active Duty for Military Service:

A benefits eligible full-time employee who works forty (40) hours per week, who is drafted or called to active duty in the Armed Forces of the United States or who volunteers for military service, shall be placed on extended military leave without pay; all unused sick leave at the time of military leave will be reinstated at the time the employee returns. All accrued, unused annual leave at the time of military leave will be reinstated at the time the employee returns to state employment unless the employee requested and received a lump- sum payment for the accrued, unused annual leave when placed on the extended military leave.

Active Duty for the Purpose of Specialized Training:

In cases where an employee volunteers or is ordered to active duty for the purpose of special training, the employee will be placed on leave without pay for the period of training unless the employee elects to use the employee’s accrued annual leave. This leave without pay is given in addition to the paid leave for annual military training. The employee retains eligibility rights including accumulated annual leave (unless the above option has been exercised) and any sick leave not used at the time the employee begins the training. The employee does not accumulate annual or sick leave during the leave without pay period, and the annual leave accrual rate will be calculated as though there had been no period of absence.

When the employee is released from active duty, the employee shall be reinstated to the position vacated or an equivalent position for which the employee is qualified in the same agency or its successor in interest.

Employees performing active military service for fewer than thirty-one (31) days must report for reemployment on the first regularly scheduled workday within eight (8) hours after discharge from military service. Those serving more than thirty (30) but less than one hundred and eighty-one (181) days must report within fourteen (14) days after discharge. Those serving more than one hundred and eighty (180) days must report for reemployment within ninety (90) days after discharge from military service.

The reinstated employee will not lose any seniority rights with respect to leave accrual rates, salary increases, reduction in force policies, or other benefits and privileges of employment. The period of military service shall, for purposes of computations to determine whether such persons may be entitled to retirement benefits, be deemed continuous service and the employee shall not be required to make any contributions to any state supported retirement fund. To receive service credit for retirement purposes, a copy of the employee's DD214 must be submitted to the

appropriate retirement system. The retirement system will notify the university to remit the employer's contributions to update the employee's account.

Former employees returning to the university after military service, but who extended their enlistment or reenlisted for additional military service beyond the initial period for more than a period of four (4) years (or five (5), when re-enlistment was at the request of the military) will lose all re-instatement rights and will be considered a rehire. Military service time may be extended beyond the five (5) year period for reasons stated under federal law.

Benefits eligible full-time employees who work forty hours per week, who are called to active duty in emergency situations as declared by the Governor or President shall be granted leave with pay. The period of leave with pay for emergency active duty will not exceed 30 working days per calendar year. Periods beyond the 30-day limit may be charged to annual leave at the employee's option and if necessary, to leave without pay. If an employee's active duty in emergency situations begins in one calendar year and ends in the next calendar year and the employee is subsequently redeployed due to an emergency situation, the employee is eligible for 30 days paid leave in the new calendar year. To be eligible for emergency active military duty paid leave, the employee must be actively employed by the university and submit a copy of military orders for each emergency deployment.

Military leave for emergency active-duty situations is granted in addition to annual military leave for training purposes and annual leave.

Military Leave for Service-Connected Disabilities:

All employees of ASU System who have been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a military service-connected disability and have been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability shall be entitled to a leave of absence with pay for a period not to exceed six (6) days for that purpose during any one (1) calendar year.

If an employee receives a leave of absence under this section, the employee shall be entitled to his or her regular salary during the time the employee is away from his or her duties during the leave of absence. The leave of absence shall be in addition to the regular annual leave and sick leave allowed to the employee. During a leave of absence, the employee shall be entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, and life and disability insurance benefits and any other rights, privileges, and benefits to which he or she has become entitled.

For purposes of computations to determine whether the employee may be entitled to retirement benefits, the period of the leave of absence shall be deemed continuous service.

ASU System shall continue to contribute its portion of any life or disability insurance premiums during the leave of absence on behalf of the employee, if requested, so that continuous coverage may be maintained.

Proportionate Pay for Military Members:

During the period that an employee of the ASU System is called into active duty, as a member of the National Guard or any of the reserve components of the armed forces by order of the President or the Governor, of an emergency nature for contingency for more than thirty (30) consecutive days, the employee shall be eligible for continued proportionate salary payments, which when combined with the employee's active duty pay, incentives, and allowances, except for uniform and clothing allowances, equal the amount that the employee would have otherwise received but for the employee's required active duty under the order of the President or the Governor.

Differential payments will be calculated and payable to the current active State employees only.

Terminated employees are not eligible for payments. However, if an employee's service terminated as a result of a disability incurred while on active duty, the employee is entitled to the payment.

If an employee becomes deceased while on active duty, the employee's beneficiary is entitled to the payment.

Payments dating back to September 11, 2001, to the present are to be paid as a onetime lump sum payment. Thereafter, if the employee is still on active duty, payments will be made on a bi-weekly basis.

Employees must provide a Leave and Earning Statement showing the employees' military pay or Form DD214 which indicates the date the employee was called to active duty and the date released from active duty.

Leave and Earning Statements for those currently on active duty, after the initial submission to payroll, need only be submitted thereafter when a pay change occurs. The payments will be subject to state and federal taxes.

Payments authorized will not be retirement eligible earnings at the time of payment and will not be reported to APERS, thus there will be no matching paid to APERS. When the employee returns to state service as an active state employee, the retirement service will be purchased for them by the employee's institution and the retirement matching will be paid at the time. If the employee is a member of the APERS contributory plan, the employee will pay the employee's contributions to APERS by personal payment. These contributions will not be tax deferred.

Benefit eligible, full-time employees who work forty (40) hours per week, who are members of the National Guard or any of the reserve branches of the US Armed Forces will be granted leave at the rate of fifteen (15) working days per calendar year, plus necessary travel time for annual training purposes. Up to fifteen (15) unused military leave days may be carried over to the succeeding year for a maximum of thirty (30) military leave days for military training purposes for that calendar year.

Military leave for annual training will be granted without loss of pay and shall be in addition to annual leave. Any employee volunteering for training in addition to annual training shall take annual leave for that elective training.

The employee must attach a copy of the employee’s military orders to each request for military leave.

More questions about the provisions for military members? View the Staff Handbook or contact Human Resources!

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