

## MILITARY LEAVE SUMMARY OF REVISIONS

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- 7-1-50 Regulations governing military leave approved.
- 10-1-59 Military leave with and without pay adopted.
- 12-15-69 An employee may be granted necessary time off as administrative leave, when required for examination, to determine physical fitness to enter military service.
- 1-1-73 Added the words “or members of the Civil Air Patrol performing emergency assignments for the State” under Emergency or Special Duty Assignments.
- 1-7-76 Changes maximum leave with pay time allowed for annual active duty from 15 to 16 calendar days each year; provides leave with pay for unannounced practice alerts, provides differential pay for full-time training duty in support of the N. C. Military Academy when ordered to duty, grants leave with pay for infrequent special activities, places limit of 30 days on leave with pay for active State duty and grants up to one month of military leave without pay for attendance at service schools.
- 9-1-76 Differential pay between military pay and State pay for full-time training duty when in addition to annual active duty for training.
- An employee may elect to use 96 hours or less of military leave with pay for service school attendance which time shall count as military leave with pay in lieu of attendance at annual active duty for training.
- 5-1-77 Added permanent part-time employees to policy.
- Added to Unacceptable Periods “regularly scheduled unit assemblies usually occurring on weekends and referred to as drills.”
- Adds the word “required” when granting leave without pay for attendance at a service school.
- Allows that annual leave be exhausted or paid in a lump sum for Initial Active Duty Training in the Reserve and for Extended Active Duty. Further it allows that annual leave may be exhausted or may be retained for future use for Attendance at Service Schools and for Extended Annual Active Duty.

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## SUMMARY OF REVISIONS, Continued

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- 3-1-78 Authorized military leave from any of the governmental units for which service credit is granted, provided the employee is reinstated within the time limits outlined in the state military leave policies.
- Includes options for using annual leave or retaining.
- 8-1-79 Members of Armed Forces reserve components entitled to leave with pay up to 15 calendar days. Members of Army or Air National Guard entitled to leave with pay when ordered for emergency or special duty.
- 12-1-80 Leave for military training and State Duty as designated by Governor, Military leave with differential pay and without pay.
- Clarified that military leave without pay is available for one voluntary enlistment at any time (not just in lieu of being drafted) as required by Federal Law.
- 6-1-81 Military leave with pay should be prorated for part-time employees and employees working a seven day operation shall have their schedules rearranged when necessary to permit the person to be off on the weekends for drill
- 11-1-90 Added State Defense Militia as National Guard component in accordance with law.
- 10-1-92 The amount of military leave with pay for active military duty training has been changed from 96-120 hours.
- Although "drills usually occur on weekends, there are times when employees must leave on Friday to take convoys to training sites, provision has been added that will allow some of the 120 hours to be used for this purpose if it is available.
- The provisions for duty with Civil Air Patrol and for members of the State Defense Militia have been moved to the end of the policy so that it will not be confused with the provisions for reserve components of the U. S. Armed Forces.
- The provisions for the Civil Air Patrol have not changed, except to increase the maximum amount to 120 hours.

10-1-92  
cont'd Military leave with pay, up to 120 hours, for the State Defense Militia will be allowed only when ordered by the Governor or his authorized representative for special activities or for missions related to disasters, search and rescue, etc. This can be verified with the Office of the Adjutant General.

8-1-95 Changes the terminology to “permanent, probationary, trainee appointment” rather than “permanent, probationary, trainee employment.” In addition, “time-limited” appt has been spelled out in the appropriate policies, whereas, in the past, this type of appt was considered to be a type of “permanent” appt.

10-1-98 Revisions mainly to implement the provisions of The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

**Changes required by law:**

Includes terminology used in the USERRA and defines what is included in the Uniformed Services and what is considered as service in the Uniformed Services.

Notification of service is required at the earliest opportunity and may be a written or verbal notice by the employee or an appropriate officer of the uniformed service.

Employee has option of requesting a change in work schedule if drill is not scheduled on the employee’s off-day; the agency cannot require employee to change schedule.

Time limit for reporting back to work depends upon the length of uniform service.

May elect to continue employer-sponsored health care for a period of up to 18 months.

Expands to 5 years the cumulative length of time that an individual may be absent and retain reemployment rights.

Service members convalescing from injuries received during service or training may have up to two years to return to their job.

**Changes not required by law:**

Leave with pay is not allowed on initial active duty for training.

Employee may use all or part of the 120 hours of leave with pay when ordered to Federal active duty (mobilization).

9-1-01

- Revised to conform to House Bill 231, Sections 23.(a) and 23.(b) that rewrote GS. 127A-116 to provide for leaves of absence without loss of pay, time or efficiency rating for federal military duty. Provided for 30 days full pay and differential pay if military pay is less than state pay.
- Also rescinded provision for using the 120 hours for active duty. It can only be used for training.

## SUMMARY OF REVISIONS, Continued

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| 9-1-02  | Revised to clarify that 120 hours leave with pay is granted each Federal fiscal year (Oct-Sept).   |
| 9-30-02 | Added provisions for bonus leave.  |
| 3-1-03  | <ol style="list-style-type: none"> <li>1. Policy format rearranged for clarification.</li> <li>2. Health insurance coverage clarified</li> <li>3. Correction under Reinstatement Position from “180 days” to “90 days”</li> </ol>  |
| 6-1-03  | Note added to clarify that although temporary and intermittent employees are not eligible for pay and leave benefits, they are entitled to reinstatement rights.   |
| 8-1-04  | Deleted Advisory Note under Compensation since the temporary rule has become permanent.  |
| 10-1-04 | Added provisions for the National Disaster Medical System rule providing for differential pay has become a permanent rule.   |
| 3-1-05  | Add Advisory Note regarding the requirement for employers to provide notification to employees about their rights under the USERRA.  |
| 1-1-08  | <p>Advisory Note added for agencies using BEACON HR/Payroll System</p> <p>—</p> <ol style="list-style-type: none"> <li>(1) If an employee has holiday compensatory time, overtime compensatory time or on-call compensatory time, it shall be taken before sick leave.</li> <li>(2) Hours worked in excess of the employee’s established work schedule will be used to offset leave reported in the same overtime period. Leave will be restored to the employee’s balance for later use.</li> </ol> |
| 7-1-09  | Revises Advisory Note to add gap hours compensatory time and travel compensatory time to leave hierarchy used in the BEACON HR/Payroll System.   |
| 7-1-09  | Changes made to conform to the retirement legislation which authorizes differential pay to be considered as compensation for retirement purposes.  |

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- 1-1-11      Advisory Note about Leave Offsetting deleted and placed in General Leave Policies.
- 1-1-12      To ensure compliance with G.S. 135-45.12(a)(5) and G.S. 135.44-12(d)(2) the health insurance provisions of the policy was changed to remove the statement that an employee may choose to continue health insurance coverage in the State Health Plan by paying the full premium. Also, portions of the policy previously identified as “notes” or “advisory notes” are no longer referenced as “notes” but are now written as policy.