BUFFALO STATE COLLEGE

DIRECTORY OF POLICY STATEMENTS

Policy Number: VI:13:00 Date: October 1970

Subject: **Military Leave**

ORIGINAL POLICY

1. **Eligibility:** Military Leaves of Absence are governed under sections 242 and 243 of the Military Law. All professional and Civil Service employees are eligible for Military Leave, providing that they are not a member of a Reserve Office Training Corps (one who has not received his**/her** commission). All other employees are entitled to leave with or without pay.

2. **Military Leave Without Pay:** Any college employee entering military service is entitled to a leave of absence, without pay, from his/her position, while engaged in, and while going to and from, military duty. This is not a matter within the discretion of the appointing authority, the employee is entitled to a leave of absence without pay as a matter of right under the Military Law. This applies to reservists, volunteers and draftees.

    Temporary, provisional and seasonal employees are entitled to this leave of absence, but not beyond the time that their services would have been normally terminated, for reasons other than their military duty. Their positions do not have to be held open for their return. An exempt class employee is entitled to a leave only until his position is filled by permanent appointment. He/She may, however, at the discretion of the appointing authority, be continued on leave and his/her position filled on a temporary basis pending his return.

3. **Military Leave With Pay**: (Required under Section 242 of the Military Law). Only employees who are members of the National Guard or any reserve force who are called to active duty (including attendance at service schools and the initial period of three to six months of active duty required by the Reserve Forces Act), by a competent authority (with or without the consent of the employee) are entitled to military leave with full pay.

    Military leave with full pay up to 30 calendar days (not work days), may be granted to such employees in any calendar year or in any one continuous period of absence. Not more than 30 calendar days may be granted for a single tour of duty.

    A reservist holding a part-time, per diem or hourly position who is eligible for military leave with pay should receive the pay during the first 30 days of such leave that he/she otherwise would receive, had he/she been present and worked his/her normal work hours during that 30 day period.

An employee is eligible for military leave with pay to attend weekly drills if these drills are held during the employee's regular working hours. Such leave is subject to the 30 calendar day limitation. The 30 day military leave will pay allowance which must be used in full day units. Therefore, if an employee is absent on military leave with pay for only a few hours to attend a weekly drill, he/she uses a full day of his 30 day entitlement. Whenever practicable the appointing authority should consider revising the employee's shift or schedule to avoid drills during working hours.

So-called "administrative nights" reserve member expected and encouraged to attend" are not deemed "ordered military duty" under Section 242 of the Military Law, and an employee who absents him/herself for this purpose is not entitled to military leave with pay. The appointing authority can distinguish a regular drill night absence from an "administrative night" absence by requiring the employee to submit a copy of his drill schedule.

After exhausting the pay, such employees are entitled to leaves without pay, as described in "Military Leave Without Pay" previously.

Source of Information: Manual for State Agencies, Section 21.12, p. 1-3

NOTE: This type of leave is not addressed in *Trustees Policies* nor *HR website* but is addressed briefly in the Faculty Handbook.

"Military Leave without pay is granted to any college employee while serving in the military. Employees who are members of the National Guard or any reserve force who are called to active duty are entitled to military leave at full pay. Additional information is contained in DOPS."