

5.4.4 Military Leave

Last Revised: April 2023

Policy: Leave with pay will be granted to members of reserve components of the U. S. Armed Forces for certain periods of active-duty training, federal mobilization, and state military duty.

Purpose/Definitions:

Purpose

Communicate the method by which military leave is granted to college employees.

Definitions

Reserve components—branches of the U. S. Uniformed Services which include the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve and the Coast Guard Reserve.

Civil Air Patrol—an Air Force Auxiliary whose members are not subject to obligatory service. Civil Air Patrol is not a reserve component.

Approval Authority/Monitoring Authority: Piedmont Community College’s Board of Trustees has approval authority. The Vice President, Administrative Services/CFO has monitoring authority for this policy.

Procedure:

Section 1: Periods of Entitlement for All Reserve Components

- 1.1. Military leave with pay will be granted to full-time or permanent part-time (prorated for part-time employees), employees for 96 working hours annually for any type of active military duty of a member not on Extended Active Duty as defined below.
 - 1.1.1. On rare occasions, due to annual training (summer camp) being scheduled on a federal fiscal year basis (October – September), an employee may be required to attend two periods of training in one fiscal year.

- 1.1.1.1. For example, the employee may be required to attend annual training for federal fiscal year 2023 in August and for federal fiscal year 2024 in June.
- 1.1.1.2. For this purpose only, an employee will be granted an additional 96 hours military leave during the same fiscal year.

Section 2: Additional periods of Military Leave with Pay for National Guard Members

- 2.1. Infrequent, special activities in the interest of the state, usually not exceeding one day, when so ordered by the Governor or his authorized representative.
 - 2.1.1. Active state duty (domestic disturbances, disasters, search and rescue, etc.) for periods not exceeding 30 consecutive calendar days.
 - 2.1.1.1. For periods in excess of 30 days, employees will be entitled to military leave with differential pay between military pay and regular state pay if military pay is the lesser.
- 2.2. Military leave for active state duty is to be considered separate from and in addition to military leave that may be granted for other purposes.

Section 3: Periods of Military Leave with Pay for Civil Air Patrol

- 3.1. When performing missions or encampments authorized and requested by the U. S. Air Force or emergency missions for the state at the request of the Governor or the Secretary of Crime Control & Public Safety, a member of the Civil Air Patrol is entitled to military leave not to exceed a combined total of 96 hours (pro-rated for part-time employees) in any calendar year unless otherwise authorized by the Governor.
 - 3.1.1. The Secretary of Crime Control & Public Safety upon request of the employing agency may verify such service.

Section 4: Unacceptable Periods of Military Leave

- 4.1. Employees will not be entitled to military leave for the following periods:
 - 4.1.1. Regularly scheduled unit assemblies usually occurring on weekends and referred to as “drills.”
 - 4.1.1.1. Although these periods are unacceptable for Military Leave With Pay, the employing agency is required by federal law to excuse an employee for regularly scheduled military duty.

- 4.1.1.1.1. The employing agency may require an employee to provide a unit training schedule which lists training dates for a month or more in advance.
- 4.1.1.1.2. If necessary, the employee's work schedule will be appropriately rearranged to enable the employee to attend these assemblies.
- 4.1.2. Duties resulting from disciplinary actions imposed by military authorities.
- 4.1.3. For unscheduled or incidental military activities such as volunteer work at military facilities, unofficial military activities, etc.
- 4.1.4. For inactive duty training such (drills) performed for the convenience of the member, such as equivalent training split unit assemblies, make-up drills, etc.
- 4.2. Employing agencies are not required to excuse an employee for military service performed under the circumstances defined in 4.1.2, 4.1.3, and 4.1.4.

Section 5: Employee Responsibilities

- 5.1. It is the responsibility of the employee to request leave along with a copy of their orders or other appropriate documentation evidencing performance of required military duty.

Section 6: Retention and Continuation of Benefits

- 6.1. During the period of military leave with pay, no employee will incur any loss of state service or suffer any adverse service rating.
- 6.2. The employee will continue to earn and accumulate sick and annual leave, aggregate service credit, and receive any promotion or salary increases for which otherwise eligible.

Section 7: Leave for Physical Examination for Military Service

- 7.1. An employee will be granted time off when required to undergo a physical examination relating to military service.

Section 8: Military Leave with Differential Pay

- 8.1. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a college employee, the employee shall receive partial compensation equal to the difference.

- 8.1.1. The effect will be to maintain the employee's salary at the normal level during this period.

Section 9: Military Leave Without Pay

- 9.1. Military leave without pay will be granted for certain periods of active duty or for attendance at service schools.

- 9.1.1. Except for extended active duty, use of all or any portion of an employee's 96 hours annual military leave (prorated for part-time employees) with pay or regular annual (vacation) leave may be used in lieu of or in conjunction with military leave without pay.

Section 10: Additional Information

- 10.1. If additional information is required, reference should be made to the North Carolina Office of State Human Resources Manual.

Legal Citation: [N.C.G.S. 115D](#) [N.C.G.S. 115D-5](#); [N.C.G.S. 127A-116](#); [1C SBCCC 400.7](#), [25 NCAC 01E.0800](#)

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