

9-26-2016

UAP 3425: Military and Related Service Leave

University of New Mexico

Follow this and additional works at: https://digitalrepository.unm.edu/uap_3000

Recommended Citation

University of New Mexico. "UAP 3425: Military and Related Service Leave." (2016). https://digitalrepository.unm.edu/uap_3000/25

This Policy is brought to you for free and open access by the University Administrative Policies and Procedures at UNM Digital Repository. It has been accepted for inclusion in Section 3000: Personnel by an authorized administrator of UNM Digital Repository. For more information, please contact disc@unm.edu.



This version was in effect
for the period of 11-25-14 to _____.

Administrative Policies and Procedures Manual - Policy 3425: Military Leave

Date Originally Issued: 10-26-1994

Revised: 01-01-2008, 11-25-2014

Subject to Change Without Notice



Authorized by Regents' Policy 6.3 "Privileges and Benefits"

Process Owner: Vice President for Human Resources

1. General

The University grants a leave of absence for military or related service ("military leave") to regular staff employees. Related service refers to intermittent disaster response appointees of the National Disaster Medical System (NDMS), part of the Department of Homeland Security's Federal Emergency Management Agency, and to volunteer emergency responders assisting in national or local emergencies and disasters.

This policy fulfills the requirements of Title 38 U.S.C. 4301-4335, the Uniformed Service Employment and Reemployment Rights Act ("USERRA"). The intent of USERRA is to promptly return members of the uniformed services to their civilian employment upon completion of their service, with the seniority, status, and rate of pay they would have received had they remained continuously employed.

New Mexico state law and University policy extend the additional benefit of up to fifteen ("15") workdays of paid leave per federal fiscal year for certain types of military leave. The University extends this paid leave benefit to volunteer emergency responders, who are covered under § 12-10C-3, NMSA 1978.

2. Eligibility and Definitions

Regular full-time and part-time staff employees are covered under this policy. Part-time employees are provided pro-rated military leave according to their FTE.

For the purpose of this policy, "fifteen (15) workdays" of paid leave are defined as up to 120 paid hours for nonexempt employees.

3. Military Leave With Pay

Active military duty, service, and training with the following organizations qualify for fifteen (15) paid workdays of military leave per federal fiscal year:

- Armed Forces of the United States, defined to include the Army, Navy, Air Force, Marine Corps, Coast Guard, and their reserve components and National Guard;

- New Mexico National Guard;
- NDMS;
- Commissioned Corps of the Public Health Service;
- Civil Air Patrol performing search and rescue missions;
- State Defense Force to attend officially authorized training or instruction courses;
- Volunteer emergency responders assisting in an emergency or disaster; or
- Any other category designated by the President of the United States, Governor of New Mexico, or federal or New Mexican law.

Such military leave is paid at the employee's straight-time rate of pay. Once the fifteen (15) workday period is used, the employee may take annual leave or leave without pay for any remaining absence, unless the Governor of New Mexico grants an additional fifteen (15) workdays of paid leave.

4. Military Leave Without Pay

An unpaid military leave of absence may be granted for the following reasons:

- Active duty, training, or service beyond the fifteen (15) paid workdays of military leave provided in Section 3 of this policy;
- Voluntary active duty for a special training purpose;
- Required active duty as part of a reserve obligation;
- Voluntary enlistment for military service. Normally, a tour of three (3) years or more of active duty is required.

5. Notification of Military Leave

Employees or their designated representatives (such as an officer of the military) shall give their supervisor notice of military duty in order to record a military leave of absence. When applicable, employees should provide their supervisor with a copy of official military orders or other evidence showing that the employee is entering active military duty, service, or training.

6. Benefits While on Extended Military Leave Without Pay

Although activated employees and dependents will be eligible for health care through the military, those who choose to continue the health insurance through the University may do so, and the University will continue its contribution toward the premiums. Upon reinstatement after the tour of duty, employees and dependents who chose to temporarily disenroll from a University health insurance program while the employee was on military duty are permitted to reenroll.

7. Reinstatement

An employee returning from a military leave of absence is reinstated into his or her original position, or to a position with the same status and pay rate, with no loss of seniority, as provided by USERRA. The employee who is re-employed under USERRA shall be treated as not having incurred a break in service and all raises that would have been granted the employee during the leave of absence shall apply.

If the duration of the tour of active duty is uncertain or is of an extended period, such as in a national emergency, the department may choose to fill the temporary vacancy with a regular employee. However, reinstatement of the returning veteran to the same or similar job may require the relocation or layoff of the new employee. In such cases, the department must inform the new employee in writing, at the point of hiring, of the potential consequence.

8. Record Keeping

Each department must maintain supporting documentation for the military leave and record both paid and unpaid military leave granted to its employees.

9. References

38 U.S.C. § 4301-4335 ("Uniformed Service Employment and Reemployment Rights Act of 1994") (USERRA)

N.M. STAT. ANN. § 12-10C-3 (1978) ("Termination of employment of volunteer responder prohibited; limitation; notice; certification; withholding pay")

N.M. STAT. ANN. § 20-4-7 (1978) ("Military leave for national guard and reserves")

N.M. STAT. ANN. § 20-5-14 (1978) ("Military leave")

N.M. STAT. ANN. § 20-7-5 (1978) ("Military leave")

N.M. Code R. § 1.7.7.16 ("Military Leave")

Faculty Handbook Policy C230 ("Military Leave of Absence")

© The University of New Mexico, Albuquerque, NM 87131, (505) 277-0111
New Mexico's Flagship University

