Benefits and Privileges: APM - 751 - Leaves of Absence/Military Leave

751-0 Policy

With certain restrictions, all academic appointees shall be eligible for military leave of absence without pay. (Section 751-16 describes these restrictions.) In addition, an academic appointee shall be entitled to receive salary or compensation for the first 30 calendar days while engaged in the performance of military duty provided the appointee has been continuously in the service of the University a full year (12 months) immediately prior to the commencement of military leave.

751-8 Types

The following types of military leave may be granted to academic appointees:

a. Reserve Training Duty

Military leave of absence for the length of time of duty shall be granted to eligible academic appointees who are ordered to training duty as members of the reserve corps of the Armed Forces of the United States or of the National Guard of the Naval Militia.

b. War or National Emergency

Military leave of absence shall be granted to eligible academic appointees who are ordered or volunteer to serve in any of the military forces of the United States. This rule shall be applicable for the duration of any war or comparable period of national emergency when military reservists are called to active duty or there is mobilization under Selective Service or similar laws. Such leave shall not extend beyond one year after the termination of hostilities or other national emergency.

— National Conscription

Military leave of absence shall be granted to eligible academic appointees who are ordered or volunteer for active military duty in order to fulfill a military obligation under National Selective Service or similar law during a period of national conscription. Such leave shall not extend beyond six months following termination of the military service.

c. Service Related to National Defense

(1) Military leave of absence shall be granted to eligible academic appointees during a period of national emergency provided:
(2) The appointee is called or volunteers to serve in scientific research and development related to national defense under the auspices of the federal government.

(3) The academic appointee is instructed by Selective Service authorities to enter defense work or the military forces and chooses defense work.

The service related to national defense will be advantageous to the University.

a. Reserve training leave for inactive duty, such as weekly or monthly meetings or weekend drills.

b. Temporary military leave, when ordered to active duty, for training for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.

c. Extended military leave, when an academic appointee enlists or is ordered into active-duty service of any length or active-duty training in excess of 180 days, or is ordered into active federal military duty as a member of the National Guard or Naval Militia. Such leave will be granted for a period not to exceed five (5) years, unless otherwise required by law. In addition, leave will be granted for a period up to six (6) months from the date of release from duty.

d. Emergency National Guard leave, when an academic appointee who as a member of the National Guard is called to active duty by proclamation of the Governor during a state of emergency. An academic appointee who as a member of the National Guard is called to active federal military duty at the request of the President of the United States is not eligible for emergency National Guard leave, but will be granted extended military leave.

e. Civil Air Patrol leave, when an academic appointee who as a volunteer member of the Civil Air Patrol is directed and authorized to respond to an emergency operational mission of the California Wing of the Civil Air Patrol. Such leave will be granted for a period not to exceed ten (10) days per calendar year, provided that an academic appointee has been employed by the University for the ninety (90) days immediately preceding the commencement of leave.

f. Physical examination leave, when an academic appointee is required to take a pre-induction or pre-enlistment physical examination to fulfill a commitment under a Selective Service or comparable law, or during a period of war or comparable national emergency.

751-16 Restrictions

For academic appointees holding an appointment with a specified ending date, a military leave shall not be approved beyond the ending date of the appointment. In the event the
appointment is renewed or extended or a subsequent appointment is made, further leave may be granted.

The military leave policy of the University is subject to the following restrictions:

Military leaves of absence as provided in 751-8 b. and 751-8 c. and 751-8 d. may not be granted to an academic appointee:

(0) Who would not normally be employed at the termination of the period of employment current at the time of the appointee’s entry into the military service.

(2) Who has first been employed in connection with a war project or activity under contract with the United States Government or temporarily established by the University as a result of war emergency.

(3) Whose employment is occasioned by granting a leave of absence to another employee of the University.

No more than the pay for a period of 30 calendar days during one fiscal year shall be allowed to an academic appointee under the provisions of 751-0.

**751-17XX Notification Requirements**

a. An academic appointee must provide advance verbal or written notice of the need for military leave unless notice is impossible, unreasonable, or precluded by military necessity.

b. An academic appointee is expected to provide as much advance notice as possible of their anticipated date of release from duty and return to work.

**751-19XX Pay During Military Leave**

a. Academic appointees who are granted military leave are entitled to their regular University pay for the first thirty (30) calendar days in a fiscal year, provided that:

(1) The appointee has completed twelve (12) months of continuous University service (with all full-time military service included when calculating this University service requirement) immediately prior to the granting of the leave, and,

(2) The aggregate of payments for all types of military leave, except emergency national guard duty, do not exceed thirty (30) calendar days in any fiscal year.

b. An academic appointee serving on active duty in a military campaign in support of an ongoing overseas military mobilization campaign may be eligible for supplements to their military pay under the Presidential Policy on Supplement to Military Pay so long as policy is still in effect. Benefits under this policy are subject to a two-year lifetime limit.

c. Accrued vacation leave may, at the appointee’s option, be used during a military leave that would otherwise be unpaid.
751-21XX Benefits During Military Leave

a. An academic appointee granted military leave with pay will receive all benefits related to employment that are granted when an academic appointee is on pay status.

b. An academic appointee granted military leave without pay will receive:
   
   (1) retirement benefits and service credit in accord with the provisions of the applicable retirement system;
   
   (2) health plan coverage at the employee’s request and expense for a limited period of time as described in the University Group Insurance Regulations;
   
   (3) other length-of-service credits related to employment that would have been granted had the employee not been absent, provided that the employee returns at the conclusion of the leave in accordance with applicable federal and state law; and
   
   (4) vacation and sick leave accruals and holiday pay only in accordance with policy (APM 730-Vacation, APM 710-Sick Leave/Medical Leave, and APM 720-Holidays).

751-23 Reappointment Reinstatement

The following criteria shall apply to the reappointment reinstatement of academic appointees following release from the armed military service or defense work.

a. Reappointment reinstatement shall be effective on a date to be determined by agreement between the person on leave and the appropriate University appointing authority. The reappointment reinstatement should be made as soon as possible after the appointee’s services become available to the University.

   The academic appointee will be reinstated in accordance with applicable federal and/or state law after an indefinite military leave shall be subject to the availability of funds. Persons returning from leave shall be given consideration equal to that given to persons currently serving the University.

751-21 Substitute Appointments

Whenever possible a person replacing an appointee who has been granted a military leave of absence for military service or defense work shall be appointed on a temporary basis to facilitate reappointment of the person on leave.

751-24 Authority

Chancellors approve military leave of absence as provided in APM 751-8. may be approved by the Chancellor.
**Revision History**

Month XX, 2020:
- Substantive revisions in response to recommendations made by workgroup.

For details on prior revisions, please visit the Academic Personnel and Programs website.