

Prepared by the Office of the Executive Vice President for
Academic Affairs/Provost.

This replaces Executive Policy E9.212 dated October 2001.

UNIVERSITY OF HAWAI'I

October 2013

EXECUTIVE POLICY - ADMINISTRATION

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E9.212 Military Leave

I. Introduction

The University recognizes the importance of employee participation in the uniformed services and their reserve components, including the National Guard. This policy allows eligible employees a military leave of absence when called to active duty or during periods of camps of instruction or field maneuvers, under the call of the President of the United States or the Governor of the State, as prescribed by applicable collective bargaining agreements and law, namely the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, Title 38 of the United States Code, and the Hawai'i Revised Statutes, Chapters 78-16.5 and 78-16.6.

II. Policy

A. Military Leave With Pay

1. An employee whose appointment is for six (6) months or more shall, while on active duty or during periods of camps of instruction or field maneuvers as a member of the Hawai'i national guard, air national guard, naval militia, organized reserves, including the officers' reserve corps, the enlisted reserve corps or the public health service commission corps, under call of the President of the United States or the Governor of the State, be placed on leave with pay status for a period not exceeding fifteen (15) working days in any calendar year, except as provided in subparagraph A.2.

2. If an employee is called to active duty or is required to report for camp training or field maneuvers by official military orders a second time within a calendar year, the employee may elect to use up to fifteen (15) working days of the succeeding calendar year; provided that the employee's entitlement to the working days advanced shall be canceled from the succeeding calendar year, and the employee shall so agree in writing. The employee who is advanced leave shall be required to reimburse the University an amount equivalent to the days advanced in the event the employee leaves government employment prior to the completion of a year's service in the succeeding year from which leave was advanced, except in the case of death of the employee.

B. Military Leave Without Pay

1. When requested, permanent and probationary employees who are eligible for reemployment rights pursuant to USERRA and whose appointments are expected to continue indefinitely or for a significant period of time are entitled to military leave without pay when called to perform active military service.

Employees with brief, non-recurrent appointments or appointments which are unlikely to continue indefinitely or for a significant period of time (generally one year or less in duration), such as 89-day hires, casual hires, etc. and graduate assistants, are not eligible.

2. The duration of the military leave without pay shall be for not more than five (5) years; provided the leave does not exceed the ending date of the employee's appointment period, and subject to the exceptions provided by the USERRA.
3. Upon conclusion of the military leave without pay, eligible employees shall be entitled to reemployment rights in accordance with the USERRA.

- C. The employee shall be responsible for providing advance written or verbal notice to their supervisor for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. The employee should provide notice as far in advance as is reasonable under the circumstances. All employees must furnish the employer with a copy of their official military orders, once available, to receive military leave with or without pay.

- D. An employee who engages in the performance of ordered military duty shall maintain the rights and benefits identified in Chapter 78-16.6, Hawai'i Revised Statutes (e.g. vacation leave, holiday privileges) and shall not be prejudiced in matters involving promotion or continuance in office, employment, reappointment or reemployment.