

ELIZABETH CITY STATE UNIVERSITY Faculty Military Leave Policy

Preamble

The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 and North Carolina General Statute 127A-116 specify the employment and reinstatement rights of employees called to involuntary active duty in the Uniformed Services. This policy implements those statutes for faculty at Elizabeth City State University (ECSU), pursuant to the requirement of UNC Policy 300.2.8. To the extent that any provision of this policy conflicts with the UNC policy on Faculty Military Leave, the UNC policy statement shall control.

1. Definition of Faculty

As used in this policy, "faculty" means faculty members who are appointed for nine months or more and work half-time (50% FTE) or more and who are not covered under the "Senior Academic and Administrative Officer" policy or the policy on "Employees Exempt from the State Human Resources Act."

2. Salary

In accordance with federal and state laws, and the directive of the UNC Board of Governors for each period of involuntary service, a faculty member who is involuntarily called to State or Federal active military duty shall receive up to 30 calendar days of pay. For periods in excess of 30 days, the faculty member shall be entitled to receive differential pay for any period of involuntary service. Differential pay is the difference between military basic pay and the faculty member's regular ECSU earnings for that period of time, if military pay is the lesser. If a faculty member is subject to a term contract, the pay or differential will be limited to the term of the contract.

Upon return to ECSU, the faculty member's salary shall be reinstated and shall include cost-of-living adjustments (if any) that were awarded while the faculty member was on military leave. Merit pay shall also be awarded upon reinstatement if the faculty member received a performance evaluation for at least one semester during the academic year and would have otherwise been eligible to receive a merit increase.

3. Benefits

During the period of active military duty, whether receiving full pay, differential pay or no pay from ECSU, a faculty member shall not incur any loss of benefits accorded to other faculty who are on a leave of absence. A faculty member covered under campus annual and sick leave policies shall continue to accumulate annual and sick leave during the period of active duty for use upon return to ECSU.

Review History: Reviewed by the Policy Review Committee 11/05/19.

4. Reappointment, Tenure and Promotion

In advance of leaving work to perform military duty, a faculty member may initiate a request, consistent with the ECSU Faculty Military Leave policy, for an extension of the time during which a decision must be made regarding reappointment, tenure or promotion.

5. Other Types of Military leave

Under this policy, faculty shall receive the same entitlements as given under the military leave policy for employees subject to the State Human Resources Act (SHRA) as follows:

1. up to a maximum of 120 hours of military leave with pay each Federal fiscal year (October - September) for members of the uniformed services for active duty training and inactive duty training;
2. up to a maximum of 120 hours of military leave with pay during any calendar year, for members of the Civil Air Patrol while performing missions or encampments for the U.S. Air Force or emergency missions for the State at the request of the Governor or the Secretary, Department of Crime Control and Public Safety;
3. up to 120 hours of military leave with pay during any calendar year for members of the State Defense Militia when called up by the Governor for infrequent special activities in the interest of the State, usually not exceeding one day, and State duty for missions related to disasters, search and rescue, etc.;
4. military leave with pay for a required physical examination relating to membership in the uniformed services; and
5. military leave without pay for all uniformed service duty that is not covered by military leave with pay.

6. Notice

Faculty members shall receive information about their rights under this policy and USERAA at regular faculty institute sessions.