

Office of Personnel Management

Policy

Policy Title: Military Leave	Policy Number: 50.15
Citation: Arkansas Code Annotated § 21-4-212; § 21-4-302; § 21-5-1202	Forms: None

Purpose

Military leave may only be used by active members of the US Armed Forces which include: United States Marine Corp, United States Army, United States Navy, United States Air Force, Arkansas National Guard, and all reserve branches of the armed forces.

Specific Provisions

Active Duty for Military Service

A regular, full-time employee who is drafted or called to active duty in the Armed Forces of the United States or who volunteers for military service, shall be placed on extended military leave without pay; all unused sick leave at the time of military leave will be reinstated at the time the employee returns. All accrued, unused annual leave at the time of military leave will be reinstated at the time the employee returns to state employment unless the employee requested and received a lump-sum payment for the accrued, unused annual leave when placed on the extended military leave.

When the employee is released from active duty, and upon application within ninety (90) days after the effective day of his or her release, he or she shall be reinstated to the position vacated or an equivalent position for which he or she is qualified in the same agency or its successor in interest. The employee shall not lose any seniority rights or any of the other benefits and privileges of employment.

Employees performing active military service for fewer than thirty-one (31) days must report for reemployment on the first regularly scheduled workday within eight (8) hours after discharge from military service. Those serving more than thirty (30) days but less than one hundred and eighty-one (181) days must report within fourteen (14) days after discharge. Those serving more than one hundred and eighty (180) days must report for reemployment within ninety (90) days after discharge from military service.

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Former employees returning to State service after military service, but who extended their enlistment or re-enlisted for additional military service beyond the initial period for more than a period of four (4) years will lose all re-instatement rights and will be considered a rehire. Military service time may be extended beyond the five (5) year period for reasons stated in 38 US Code Section 4312(c).

Called to active duty in emergency situation

Regular, full-time state agency and institution employees who are called to active duty in emergency situations (and in situations covered by 10 United States Code §12304) as declared by the Governor or President shall be granted leave with pay not to exceed thirty (30) working days per calendar year. Periods beyond the thirty (30) day limit may be charged to annual leave at the employee's option and if necessary, to leave without pay.

Emergency situations means any case of invasion, disaster, insurrection, riot, breach of peace, or imminent danger; threats to the public health or security; or threats to the maintenance of law and order.

The reinstated employee will not lose any seniority rights with respect to leave accrual rates, salary increases, Reduction in Force policies, or other benefits and privileges of employment. The period of military service, for purposes of computations to determine whether such persons may be entitled to retirement benefits, should be deemed continuous service and the employee shall not be required to make any contributions to any state supported retirement fund. To receive service credit for retirement purposes, a copy of the employee's DD214 must be submitted to the appropriate retirement system. The retirement system will notify the appropriate agency to remit the employer's contributions to update the employee's account.

If an employee's active duty in emergency situations begins in one calendar year and ends in the next calendar year and the employee is subsequently redeployed due to an emergency situation, the employee is eligible for thirty (30) days paid leave in the new calendar year. To be eligible for emergency active military duty paid leave, the employee must be actively employed by the state and submit a copy of military orders for each emergency deployment.

Military leave for emergency active duty situations is granted in addition to annual military leave for training purposes and annual leave.

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Active Duty for the Purpose of Specialized Training

In cases where an employee volunteers or is ordered to active duty for the purpose of special training, the employee will be placed on leave without pay for the period of training unless the employee elects to use his accrued annual leave. This leave without pay is given in addition to the paid leave for annual military training.

The employee retains eligibility rights including accumulated annual leave (unless the above option has been exercised) and any sick leave not used at the time the employee begins the training.

The employee does not accumulate annual or sick leave during a leave without pay period, and the annual leave accrual rate will be calculated as though there had been no period of absence.

March 27, 2012