# MILITARY LEAVE INFORMATION SHEET

**Purpose / Description**
This information sheet is designed to provide consistent and appropriate guidance for employees applying for Military Leave requests. Emergency, temporary and indefinite Military Leaves are provided at San José State University in compliance with federal and state regulations and collective bargaining agreement provisions. Employees should consult with the Leave Program Manager to review their specific situation. To make an appointment please call 408-924-2250.

## I. Eligibility for Military Leave

CSU employees are entitled to a Military Leave pursuant to the provisions below:

- **Emergency Leave**
  A National Guard member ordered to active duty during a proclaimed state or national emergency is entitled to Military Leave for the duration of the emergency including going to and returning from such duty.

- **Temporary Leave**
  A reservist or National Guard member or member of the Naval Militia ordered to temporary active military training, inactive duty training, encampment, naval cruises, special exercised or like activity, is entitled to Military Leave for the duration of ordered duty up to 180 calendar days, including time involved in going to and returning from that duty.

- **Indefinite Leave**
  Indefinite Military Leave may be granted whenever the United States in engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the national defense. Leave is granted to any who enter the armed forces of the US for the duration of the war or until the emergency no longer exists, in addition to 90 days thereafter.

## II. Eligibility for CSU Pay

CSU employees ordered to the following types of Military Leave are eligible for CSU pay. For the purposes of meeting the one-year state service requirement for Temporary or Indefinite Military Leave, prior recognized military service is counted as state service.

- **Emergency Leave**
  An employee who is a member of the National Guard ordered to active duty during a proclaimed state or national emergency is entitled to receive normal salary for up to 30 calendar days for each proclamation of emergency that may be issued. There is no state service requirement in order to receive CSU pay while on emergency Military Leave, but the leave may not exceed the duration of the emergency. An employee is entitled to payment for each emergency regardless of the number of emergencies declared.

- **Temporary Leave**
  If an employee ordered for active military training, inactive duty training, encampment, naval cruises, special exercises or the like, has a least one year of state service immediately prior to the date on which the leave begins, they are entitled to receive normal salary for up to 30 calendar days.

- **Indefinite Leave**
  If an employee who is inducted, enlists, or is ordered into active military duty has at least one year of state service immediately prior to the date on which the leave begins, they are entitled to receive normal salary for up to 30 calendar days. Pay for indefinite Military Leave may not exceed a total of 30 calendar days.

## III. Health, Dental and Vision Benefits

- Employees enrolled in health, dental, and vision benefits continue these benefits as long as they are in pay status (e.g., CSU 30 day pay entitlement for Military Leave, vacation and/or CTO credits).
- Employees making direct payments pay both the employer and employee share of benefit premiums.
- There is no administrative fee for direct pay for health and dental premiums. An administrative fee is required to direct pay the vision premium.

## IV. "Difference in Pay" CSU Salary Supplement Program

Eligible CSU employees who are on active duty military leave on or after September 11, 2001, who exhaust the thirty (30) calendar days of CSU pay entitlement under statute, shall receive the "difference in pay" CSU salary supplement between their military pay and their CSU pay for up to 365 calendar days. If the CSU employee's military tour of duty is extended or the employee returns to regular CSU employment and is subsequently recalled to active military duty, the employee is entitled to up to an additional 365 calendar days. The maximum "difference in pay" CSU salary supplement an employee may receive under any configuration of active duty military leave is 725 days.

Please note that the "difference in pay" CSU salary supplement is in addition to the thirty (30) calendar days of CSU pay in a fiscal year for active duty military leave under existing statute. Employees on the "Difference in Pay" CSU Salary Supplement Program continue to receive their CSU health, dental, and vision benefits at the current level for the maximum 725 calendar day period described above. Employees on active duty military leave who are not on "difference in pay" because their military pay exceeds their CSU pay continue to receive CSU health, dental, and vision benefits at their option during this period. Employees receiving CSU pay through the "difference in pay" CSU salary supplement continue to earn sick leave and vacation credits at the rate they earned prior to being placed on military leave.

## V. Eligibility for Reinstatement Rights

CSU employees are entitled to a Military Leave pursuant to the provisions below:

- **Emergency Leave**
  Following this type of leave, the employee has the right to return to the position held at the time the leave began without loss or diminution of vacation or holiday privilege or promotion.
- **Temporary Leave**
  Following this type of leave, the employee has the right to return to the position held at the time the leave was granted. If the position no longer exists, the employee must be reinstated to a position of comparable seniority, status and pay. If such a position does not exist, the employee shall have the same rights and privileges that they would have had if they occupied the position when it ceased to exist.
- **Indefinite Leave**
  Following this type of leave, the employee has the right to return to their position within six months of termination of active service with the armed forces (under conditions other than dishonorable). The employee is not entitled to sick leave or vacation during the period of the leave. Termination of active service must not be later than six months following the end of the war or national emergency. Further, the right to return expires if the employee fails to return within 12 months after the first date upon which they could terminate their active military service. An employee whose position has ceased to exist during the leave must be reinstated in a comparable position if one exists, or in a comparable vacancy for which the employee is qualified.

## VI. Employee Responsibilities

Provide 30 days advance notice to your immediate supervisor. If 30 days notice is not practicable, notice shall be given as soon as the event necessitating the leave becomes known. Situations with extenuating circumstances will be handled on a case-by-case basis.

Submit the following required documentation to your immediate supervisor at the time leave is requested:

- Leave of Absence Request [DocuSign] (check the appropriate military leave box)
- Written documentation from the military certifying a call to active duty or notification of an impending call to active duty.

Notify your immediate supervisor as soon as you know your release from active duty date. Written documentation shall be provided to your supervisor no later than the day of returning to work.

## VII. Department Responsibilities

The appropriate administrator/supervisor will:

- Inform an employee of their rights under Military Leave and provide the employee with a Leave of Absence Request [DocuSign]. Forms are available in People and Culture or on the Resources webpage. Forms must be filled out completely and submitted to the Leave Program Manager.
- Contact the Leave Program Manager upon request from an employee for Military Leave or after becoming aware that an employee may need Military Leave to review and document the leave request process. This ensures proper protocol is followed and that documents are received and submitted properly.

## VIII. People and Culture Responsibilities

All requests will be reviewed and given final approval.