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UNIVERSITY OF HAWAII

EVAN S. DOBELLE  
PRESIDENT

EXECUTIVE MEMORANDUM NO. 01-8

October 10, 2001

TO: Senior Vice Presidents  
Chancellors  
Vice Presidents  
Deans and Directors  
Provosts

FROM: Evan S. Dobelle   
President, University of Hawaii

SUBJECT: NEW EXECUTIVE POLICY - MILITARY LEAVE

Due to recent events, University employees serving in the uniformed services, including the National Guard or other reserve component may be subject to a call to active duty. In anticipation that University employees, may be called to active duty, I am hereby officially promulgating a new Executive Policy #9.212, "Military Leave." Please be apprised of employees' entitlement to military leave with and without pay while on active military duty as provided for under this executive policy, as well as under the various collective bargaining agreements and federal law.

Please insure that appropriate offices are notified.

Attachment

Prepared by the Office of the Vice President for  
Administration and Chief Financial Officer.  
This is a NEW Policy.

UNIVERSITY OF HAWAI'I

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EXECUTIVE POLICY - ADMINISTRATION

October 2001

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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.

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 members of the Hawai'i national guard, air national guard, naval militia, organized reserves, including the officers' reserve corps and the enlisted reserve 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, nonrecurrent periods of appointments with reasonable expectation that the appointment will not continue indefinitely or for a significant period of time (generally one year or less in duration), such as emergency 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.
  3. Upon conclusion of the military leave without pay, eligible employees shall be entitled to reemployment rights in accordance with the USERRA.
- C. All employees must furnish the employer with a copy of their official military orders in order to receive military leave with or without pay.