

MAINE COMMUNITY COLLEGE SYSTEM

PERSONNEL AND EMPLOYEE RELATIONS

Section 409

SUBJECT: MILITARY SERVICE

PURPOSE: To establish a policy for employees of the Maine Community College System called into military service

A. Application

This policy applies to MCCS employees who perform military service as members of the National Guard or any of the Reserve components of the United States Armed Forces. Such service includes active state duty ordered by a governor and weekend drills if weekend drill activities occur on an employee's scheduled workday.

B. Notice to MCCS

An employee subject to this policy must:

1. Give prior notice, as reasonable under the military circumstances, to the MCCS of the anticipated absence for military duty; and
2. If the MCCS so requests, obtain a confirmation from the adjutant general or applicable reserve component headquarters of the anticipated military duty and satisfactory completion of the member's military duties.

C. Leave with Pay

Employees are allowed up to 17 work days in each calendar year without loss of pay or benefits when engaged in any form of military duty.

D. Leave without Pay

When military service exceeds the 17 work days authorized for military leave with pay, the employee must be placed on unpaid military leave. Employees may use, but are not required to use, accrued vacation, compensatory, or personal leave when entering unpaid military service.

E. Status of Benefits during and after Leave

An employee's benefits will be treated as follows:

1. Vacation

Vacation time will not be accrued while on unpaid military leave. Unpaid military leave time will, however, be counted as part of an employee's total service in determining the rate at which the employee accrues vacation time.

2. Sick Time

Sick leave will not be accrued while on unpaid military leave.

3. Seniority and Longevity Bonus

The time period of the unpaid military leave will be counted for the purpose of seniority. This time will also be counted for the purpose of seniority as well as the longevity bonus.

4. Anniversary Date of Evaluation

Placement on unpaid military leave will not affect an employee's established anniversary date for annual performance evaluation.

5. Health, Dental and Life Insurance

An employee who is placed on unpaid military leave has the choice to continue current health and dental insurance or to suspend coverage for the duration of the leave. If the coverage is continued, the employee will be responsible for making premium payments. An employee who suspends coverage must sign up for renewed coverage upon return to System employment.

An employee currently enrolled under the life insurance plan may continue coverage while on unpaid military leave. The employee must notify the Maine State Retirement System of the employee's intention to maintain coverage within 31 days of being granted military leave and must pay the required premiums on a monthly basis. Life insurance coverage for any employee on unpaid military leave will immediately cease in time of declared or undeclared war. Applications to renew lapsed coverage upon return to work may require that the employee and dependents file evidence of insurability.

6. Retirement

Individuals on unpaid military leave will be entitled to retirement service credits from the initial date of call for active duty to separation date or a maximum of four years, whichever is less. Purchase of service credits will be the responsibility of the employee.

7. Merit Pay

Except as noted under the probation section, the employee will return to the salary step that would have been in place had the employee not been on military leave.

8. Probation Periods

When an initial or promotional probationary employee returns from military leave, the employee should be placed at the salary step that was in place at the time the military leave started, and continue probation. Upon successful completion of the probationary period, the service member must be made whole. The service member must be placed at the step s/he would have been at had s/he not been on military leave and receive a retroactive salary adjustment to the date s/he returned from military leave. The end of probation date should be adjusted to reflect the date the employee would have ended probation had the employee not been on military leave.

F. Return to Work

1. Time to Return

An employee shall report back to work at the MCCS pursuant to the time periods prescribed by law.

2. Status upon Return

An employee still qualified to perform the duties of such position on unpaid military leave will be re-employed in the position held immediately prior to the leave with the same seniority, status and pay realized had the individual remained in the employ of the System. Should the employee granted military leave fail to exercise his or her re-employment rights, the vacancy may be filled in accordance with the appropriate collective bargaining agreement.

G. Use of Positions Vacated During Leave

Unless otherwise prescribed by law, the appointing authority may fill a position vacated as a result of a military leave shorter than 90 days with a temporary or acting capacity appointment. The appointing authority may also fill a position vacated as a result of a longer term military leave on a permanent basis with the understanding that upon the completion of a period of military service, an employee must be promptly re-employed in the position that he or she left, or in a position of like seniority, status, and pay which he or she is qualified to perform. An acting capacity appointment may also be considered to fill a position vacated by such a long-term military leave. Although acting capacity appointments generally do not exceed one-year, an exception to the one-year provision will be considered, on a case-by-case basis, based on the circumstances associated with the re-employment rights of a service member.

H. Other

No portion of this Policy is intended to expand or diminish any right or obligation imposed by law or applicable collective bargaining agreement.

REFERENCES: 26 M.R.S.A. §811; 37-B M.R.S.A. §342(5) and (6); 5 U.S.C. §6323; and 20-A M.R.S.A. §12706 (1) and (11)

DATE ADOPTED: June 24, 2009

DATE (S) AMENDED: