

Faculty Military Leave

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 of the University of North Carolina. Each constituent institution shall adopt policies and regulations in accordance with federal and state law and consistent with this policy.

A. Definition of Faculty: As used in this policy, “faculty” means faculty who are appointed for nine months or more and work halftime (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 Personnel Act.”

B. Salary: In accordance with federal and state laws, the University of North Carolina Board of Governors directs that for each period of involuntary service, a faculty member who is involuntary 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 university 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 the University, 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.

C. Benefits: During the period of active military duty, whether receiving full pay, differential pay or no pay from the university, 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 the University.

D. Reappointment, tenure and promotion: In advance of leaving work to perform military duty, a faculty member may initiate a request, consistent with campus policy, for an extension of the time during which an institutional decision must be made regarding reappointment, tenure or promotion.

E. Other types of military leave: For faculty, campus policies should be consistent with the military leave policy for employees subject to the State Personnel Act providing for:

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.
5. military leave without pay for all uniformed service duty that is not covered by military leave with pay.

F. Notice: Institutions must ensure that all faculty members receive information about their rights under this policy and USERRA.

Effective date: This policy shall take effect upon adoption by the Board of Governors and shall apply to any faculty member called into active military duty status beginning September 1, 2001.