

## University of Louisiana System

**Title: UNCLASSIFIED EMPLOYEES  
CALLED TO ACTIVE DUTY IN  
THE MILITARY**

**Effective Date: July 1, 2004**

**Cancellation: None**

**Chapter: Faculty and Staff**

### **Policy and Procedures Memorandum**

The president of the university is authorized to assist employees who are members of a reserve component of the armed forces of the United States or the National Guard and who are called to active duty for national emergencies for conflicts related to the declared War on Terror resulting from the September 11, 2001 (hereafter “9-11 military service”) attack on the United States. The following conditions shall apply:

#### **Unclassified Administrative Staff:**

Contrary to Section IX. Military Leave, paragraph A. of the UL System PPM FS. III.XXX.-1, the president of each university shall comply with the provisions of Executive Order MJF 02-22 in regards to military leave that may apply to unclassified officers or employees serving in positions that earn annual or sick leave. Faculty members on 12-month appointments and who earn annual leave shall be affected by this order. If the military service extends beyond one calendar year, the university president may submit to the Board a request for an extension of this benefit. A copy of Executive Order MJF 02-22 is attached below.

#### **Faculty Members (not earning annual leave):**

1. *Military Leave with Pay.* A faculty member who is a member of a reserve component of the armed forces of the United States and called to duty for military purposes, or who is a member of a National Guard unit called to active duty as a result of a non-local or non-state emergency, shall be granted a leave of absence from his/her position without loss of pay or

- deduction of leave for a period not to exceed fifteen (15) working days per calendar year (hereafter "military leave with pay").
2. *Extended Leave for Military Duty.* For a faculty member called to active duty for 9-11 related military service and whose military base pay is less than his/her university base pay, the university shall pay the difference between the military base pay and the state base pay (hereafter "pay differential"). Payment of the pay differential should be at the same frequency and in the same manner as the faculty member's regular pay.
  3. The faculty member on 9-11 military service shall provide the appointing authority all documentation necessary and appropriate for correct calculation of the pay differential.
  4. While in this military service, the faculty member shall accrue sick leave as though he/she were present at the institution in uninterrupted service. During this period of military absence, the employee may also choose to continue contributions to the retirement system, health insurance, and other similar benefits, and the university shall pay the employer's portion.
  5. The payment of the pay differential shall be provided by the university for up to one calendar year. If the military service extends beyond one calendar year, the university president may submit to the Board a request for an extension of this benefit.
  6. If 9-11 military service is extended beyond one (1) calendar year, the faculty member shall be entitled to receive military leave with pay for fifteen (15) days per calendar year for each year of 9-11 military service. The pay differential shall be suspended while he/she is on military leave with pay and until he/she returns to leave without pay.
  7. Upon return from military service, the faculty member shall be restored to the position he/she held prior to leaving the institution with accrued time in grade counting toward tenure and promotion consideration as is appropriate to his/her institutional and departmental requirements.

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*Policy References:*

Executive Order MJF 02-22

*Review Process:*

University Presidents  
Vice Presidents for Academic Affairs  
Chief Finance Officers  
Board Members

*Distribution:*

University Presidents

**ATTACHMENT:**

**EXECUTIVE ORDER MJF 02-22**  
**Rules and Policies on Leave for Unclassified**  
**Service Military Leave**

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WHEREAS, Executive Order No. MJF 98-23, issued on May 21, 1998, as amended by Executive Order No. MJF 2001-58, issued on November 29, 2001, provides for rules and policies on annual, compensatory, sick, special, military, and other leave for certain unclassified state officers and employees (hereafter "Rules and Policies on Leave for Unclassified Service"); and

WHEREAS, due to the events of September 11, 2002, it is necessary to update certain provisions of the Rules and Policies on Leave for Unclassified Service related to military leave;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Subsection 2(G) of Executive Order No. MJF 98-23, issued on May 21, 1998, as amended by Executive Order No. MJF 2001-58, issued on November 29, 2001, is amended as follows:

G. "Leave without pay" and/or "leave of absence without pay" means a period of leave or time off from work granted by the appointing authority, or the appointing authority's designee, for which the officer or employee receives no pay, but may be eligible to receive a pay differential pursuant to Section 17 of this Order.

SECTION 2: Subsection 5(C) of Executive Order No. MJF 98-23, as amended by Executive Order No. MJF 2001-58, is amended as follows:

C. No unclassified officer or employee shall be credited with annual or sick leave:

1. For any overtime hour(s);
2. For any hour(s) of leave without pay, except as set forth in Section 17 of this Order;
3. For any hour(s) of on-call status outside the officer or employee's regular duty hour(s);
4. For any hour(s) of travel or other activity outside the officer or employee's regular duty hours; or
5. For any hour(s) of a holiday or other non-work day which occurs while on leave without pay, except as set forth in Section 17 of this Order.

SECTION 3: Section 17 of Executive Order No. MJF 98-23, as amended by Executive Order No. MJF 2001-58, is amended as follows:

#### Military Leave

A. An unclassified officer or employee serving in a position that earns annual and sick leave who is a member of a reserve component of the armed forces of the United States and called to duty for military purposes, or who is a member of a National Guard unit called to active duty as a result of a non-local or non-state emergency, shall be granted a leave of absence from a state position without loss of pay or deduction of leave for a period not to exceed fifteen (15) working days per calendar year (hereafter "military leave with pay"). In addition, an appointing authority may grant annual leave, compensatory leave, leave without pay or any combination thereof, for a period in excess of fifteen (15) working days per calendar year, in accordance with this Order and/or as required by state and/or federal law.

B.1. Retroactive to September 11, 2001, an unclassified officer or employee serving in a position that earns annual and sick leave ordered and/or called to active military duty on or after September 11, 2001, (hereafter "9-11 military service") who is on leave without pay after exhausting military leave with pay, and whose military base pay is less than the officer or employee's state base pay, shall be paid the difference between their military base pay and their state base pay (hereafter "pay differential"). Payment of the pay differential shall be made at the same frequency and in the same manner as the officer or employee's state pay.

2. The unclassified officer or employee on 9-11 military service shall provide their appointing authority all documentation necessary and appropriate for correct calculation of the pay differential.

3. While on leave without pay, an unclassified officer or employee on 9-11 military service shall accrue annual and sick leave in accordance with the general schedule set forth in Subsection 5(B) of this Order as if the officer or employee were in full time state service. Leave earned during 9-11 military service shall be promptly credited at the cessation of 9-11 military service.

4. If 9-11 military service extends beyond one (1) calendar year, the unclassified officer or employee shall be entitled to receive military leave with pay for fifteen (15) days per calendar year for each year of 9-11 military service. The pay differential shall be suspended while the officer or employee is on military leave with pay and until the officer or employee returns to leave without pay.

5. During 9-11 military service, an unclassified officer or employee on annual leave is not eligible to receive the pay differential. Nonetheless, if an unclassified officer or employee on 9-11 military service used annual leave during 9-11 military service between September 11, 2001, and the effective date of this Order, the unclassified officer or employee shall have the option to

receive leave without pay retroactive to the beginning of their 9-11 military service minus any days while on military leave with pay, have annual leave used during 9-11 military service re-credited, and receive the 9-11 military service pay differential retroactive to the beginning of their 9-11 military service minus any days while on military leave with pay.

6. The provisions of this Subsection shall not apply to unclassified officers or employees on inactive military duty for training, annual field training, and/or weekend drills.

C. An unclassified officer or employee who is a member of a reserve component of the armed forces of the United States or a National Guard unit, ordered and/or called to duty for military purposes, shall give prompt notice of the duty to their appointing authority, or the appointing authority's designee.

SECTION 4: All other sections, subsections, and paragraphs of Executive Order No. MJF 98-23, as amended by Executive Order No. MJF 2001-58, shall remain in full force and effect.

SECTION 5: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 5th day of September, 2002.

M.J. "Mike" Foster, Jr.  
Governor

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State