

Military Leave for Active Duty and Military Leave Benefits

In response to questions which are being raised regarding military leave, the following is a brief summary of the laws which apply to non-represented and represented faculty, staff, and administrators as well as procedural information for obtaining military leave benefits provided by law.

- I. To Initiate Procedures:** Because certain documents must be completed and signed before military leave benefits can be implemented, we ask that any faculty, staff or administrator who may be called for active duty go to the Payroll Services Office at this time, with a copy of their last military wage statement, to start preliminary processing of the paperwork necessary to continue CSU pay and benefits while on active duty. The documents will be held until such time that actual military orders are received. At that time, a copy of the military active duty orders must be provided.

- II. Eligibility for Military Leave:**
 - A. 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.

 - B. 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 exercises 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.

 - C. Indefinite Leave: Indefinite military leave may be granted whenever the United States is 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 United States for the duration of the war or until the emergency no longer exists, in addition to 90 days thereafter.

- III. CSU Pay and Eligibility:** Employees ordered to the following types of military leave are eligible for CSU pay.
 - A. 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.

- B. Temporary Leave: If an employee ordered for active military training, inactive duty training, encampment, naval exercises, special exercise, or the like, has at least one year of state service immediately prior to the date on which the leave begins, he/she is entitled to receive normal salary for up to 30 calendar days. Pay for temporary military leave may not exceed a total of 30 calendar days in any one fiscal year.
- C. 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, he/she is 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 in any one fiscal year.

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.

If an academic year employee is employed for the academic year and is scheduled to return in the Fall, he/she is to receive the 30-calendar days CSU pay even if separated from the campus during the nonwork summer months. Leaves for temporary employees may not extend beyond the originally scheduled duration of appointment.

- IV. CSU Difference in Pay**: In addition to the 30 days of CSU pay described above, eligible represented and non-represented faculty, staff and administrators are now eligible for supplemental “difference in pay” as described below.

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” between their military pay and their CSU pay for up to a maximum of 360 calendar days, or until September 13, 2003*, whichever comes first. CSU pay includes the employee’s base salary rate plus shift differential and/or monthly stipend for which the employee was eligible immediately prior to military leave. For Unit 8 employees, the Special Assignment Stipends are excluded for the purpose of determining the CSU pay rate for difference in pay calculations.

**The Chancellor’s Office is monitoring the current military situation to determine the need for an extension beyond September 13, 2003, of the salary supplement under the “difference in pay” policy. We will notify you of any changes.*

- V. Benefits**

- A. Health, Dental and Vision Benefits: Employees enrolled in health,

dental, and vision benefits continue to receive these benefits as long as they are in CSU pay status, such as CSU 30 calendar day pay entitlement or military “difference in pay” leave. Employees on active 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, up to September 13, 2003. If an employee is required to pay a health benefit premium but is not receiving a State-issued paycheck, the CSU will authorize the continued payment of these premiums via an accounts receivable process.

B. Other Benefit Programs:

- Long-Term Disability (LTD) Insurance: Employees remain covered while on the CSU payroll or while the employee pays premiums directly to Standard Insurance. However, the war exclusion provision is in effect. An employee can only maintain LTD coverage for up to one year while on military leave through a combination of CSU pay and/or direct pay. LTD has a one-year leave of absence limit.
- Term Life and Accidental Death and Dismemberment (AD&D) Insurance: Employees remain covered while on the CSU payroll or while the employee pays premiums directly to Standard Insurance. The war exclusion provision only applies to the AD&D coverage.
- Voluntary Life Insurance: Employees remain covered while on the CSU payroll or while the employee pays premiums directly to Standard Insurance. There is no war exclusion provision for this insurance program.
- The war exclusion provision as it applies to CSU employees will be reviewed by Standard Insurance on a case-by-case basis.
- Vacation and Sick Leave Credits: Employees receiving CSU pay through the “Difference in pay” salary supplement continue to earn sick leave and vacation credits at the rate they earned prior to being placed on military leave.
- Retirement Contributions: Employees on active duty military leave are eligible to earn service credit towards retirement but are not required to make retirement contributions. Once an employee returns from active military leave, the employee will be required to submit the appropriate paperwork to document his/her absence for military leave. Upon receipt and review of the documents, CalPERS will credit the employee’s retirement account with the appropriate service credit at no cost to the employee.
- Employees on active military leave with no difference in pay salary component are also eligible to earn CalPERS service credit under the process outlined above.

VI. Eligibility for Reinstatement Rights:

- A. Emergency Military Leave: Following this type of leave, the employee has the right to return to the position held at the time the leave began.
- B. Temporary Military 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 he/she would have had if he/she occupied the position when it ceased to exist.
- C. Indefinite Military Leave: Following this type of leave, the employee has the right to return to his/her position within six months of termination (under conditions other than dishonorable) of active service with the armed forces. 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 he/she could terminate his or her active military service. If drafted, however, the employee may voluntarily complete the period of duty without penalty. The employee may also return during terminal leave from the armed forces and prior to discharge separation, or release therefrom. 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.
- D. Resignation: Following resignation to serve in the armed forces employees have the right to return to employment prior to the date their CSU employment would have ended had they not resigned. They must notify the Dean of Faculty and Staff Affairs in writing of their intention to return within six months of the termination of active service, and they must return within 12 months after the first date they could have terminated their active service.

VII. Attachments:

Attachments A and B explain the supplemental CSU pay for military leave procedures in detail and contain a work sheet to assist Faculty and Staff Affairs, Payroll Services and affected employees with this process.

The above information is based on information received from the Chancellor's Office and reflects current information. The current military leave policies are on the systemwide Human Resource's policies web site under Military Leave at <http://www.calstate.edu/HRAdm/policies.shtml>. As additional information is received, we will notify you. Again, we encourage any faculty, staff or administrator who may be called to active

duty to begin preliminary processing of the necessary paperwork as soon as possible. It is hoped that this early preparation will reduce time and stress at the time the faculty, staff, or administrator must leave. As with other leaves, departments are expected to submit PTF's (Personnel Transaction Forms) with a copy of the military orders for employees who are called to active duty. If you have any questions, please call the Faculty Affairs area at ext. 86169 (Faculty and Administrators), the Staff Affairs area at extension 86326 (Staff), the Benefits Office at ext. 86213 (CSU benefits), or the Payroll Services Office at ext. 86211 (CSU pay).

Military Leave CSU Difference in Pay Procedures

Under current procedures, employees ordered to active duty must notify their employer by providing a copy of their military active duty orders. Current statute provides 30 calendar days of CSU pay for active military duty. Upon the 31st calendar day, represented employees become eligible for the “difference in pay” provided by the Chancellor’s Office policy. At the beginning of the military leave, in addition to a copy of their orders, the affected employees must provide the Payroll Services office with an estimate (if an exact amount is not known) of their military base pay and allowances in order to estimate their adjusted gross CSU pay. The Payroll Services office will compute the adjusted gross CSU pay, minus all mandatory deductions (taxes, Social Security and Medicare). Retirement contributions are NOT deducted for the CSU pay. Based upon the adjusted net pay, each affected employee will then determine what, if any, action to take regarding his/her discretionary deductions. The employee must also indicate where to forward the adjusted pay warrant. In order to issue the adjusted pay, the Military Leave Worksheet (Attachment B) must be signed by the employee. If the employee is unavailable and someone else has power of attorney, that signature is acceptable.

This process is designed to be as flexible as possible, realizing that each employee’s situation will be different. In those instances where the employee is unable to document his/her military earnings, an estimate of the military pay and allowances will suffice. Upon return from active duty, the employee must provide a copy of actual military pay records to determine if money is owed the individual or the CSU. For those employees who have already reported for active duty, employees can opt to continue with their current arrangements or follow the outlined procedures.

Once the Military Leave Worksheet has been completed, the employee receives a copy, the campus retains a copy and the third copy is forwarded to the State Controller’s Office (SCO). An adjusted warrant is issued monthly to the employee’s campus, which is then responsible for dispersing the warrant pursuant to the employee’s request. Each campus is responsible for monitoring the amount of time the employee receives adjusted CSU pay.

For those employees who have already been called to active duty and are unavailable complete the worksheet, CSUS will be responsible for informing them or the power of attorney of the provisions for differences in pay and obtaining completed documents. Without the necessary signature or authorization, the adjusted CSU pay cannot be issued and will have to be adjusted upon the employee’s return. However, CSUS will still take the necessary action to ensure the employee’s CSU-provided benefits will be continued at their current levels, even if they are unable to obtain a signature on the worksheet.

CSU "Difference in Pay" Military Worksheet

This worksheet must be completed by the employee and the FSA Benefits Office, and the Payroll office prior to reporting for active duty. The employee completes numbers 1 through 6, 13 and 14; the campus completes numbers 7 through 10. Numbers 11 and 12 require completion by both parties. The employee should be apprised of and complete any additional documentation as a result of necessary discretionary deduction changes.

1) NAME _____ 2) SO. SEC. # _____

3) CSU CAMPUS _____ ACADEMIC YEAR EMPLOYEE? (Y/N) _____

4) MILITARY RANK _____

5) DATE MILITARY LEAVE BEGINS _____ ENDS _____

6) MILITARY GROSS PAY:

BASE PAY: _____

ALLOWANCES:

BAQ: _____

Hazardous Duty: _____

Flight Pay: _____

Foreign Duty: _____

Diving Pay: _____

Clothing Allowance: _____

Foreign Language Proficiency: _____

Medical/Dental Officers: _____

Active Duty Reserve Medical Officers: _____

Other: _____

Other: _____

Other: _____

TOTAL GROSS MILITARY PAY: _____

7) CURRENT CSU GROSS SALARY: _____

8) ADJUSTED CSU GROSS SALARY: _____

(CSU gross salary minus military
gross pay)

9) ESTIMATED MANDATORY DEDUCTIONS:

Estimated Federal Taxes (27.5%): _____

Estimated State Taxes (6%): _____

Estimated Social Security (6.2%): _____

Estimated Medicare (1.45%): _____

TOTAL MANDATORY DEDUCTIONS: _____

10) ADJUSTED NET CSU SALARY: _____

11) MAINTAINED PAYROLL CSU DEDUCTIONS:
(These deductions will be maintained automatically.)

Employee:

Check those deduction(s) you wish maintained.

Benefits Office:

Complete all deduction organization codes and deduction amounts.

<u>DEDUCTION</u>	<u>DEDUCTION ORGANIZATION CODE</u>	<u>CSU CONTRIBUTION AMOUNT</u>	<u>EMPLOYEE DEDUCTION</u>
_____ Health Benefits	_____	_____	_____
_____ Dental	_____	_____	n/a
_____ Vision	_____	_____	n/a
_____ Life Insurance	_____	_____	n/a
_____ Long Term Disability	_____	_____	n/a

12) DISCRETIONARY CSU DEDUCTIONS:

Employee:

Check those deductions you wish maintained, providing there are sufficient funds. If there are insufficient funds, it is your responsibility to make the appropriate arrangements.

Benefits Office:

Complete all deduction organization codes and employee deduction amounts.

<u>DEDUCTION</u>	<u>DEDUCTION ORGANIZATION CODE</u>	<u>DEDUCTION AMOUNT</u>
_____ Deferred Compensation	_____	_____
_____ United Way Supplemental	_____	_____
_____ Sanders & Assoc. Insurance	_____	_____
_____ Standard Voluntary Life	_____	_____
_____ A+ Auto Insurance	_____	_____
_____ Parking	_____	_____
_____ Union Dues	_____	_____
_____ Union-Offered Insurance	_____	_____
_____ Credit Union Deductions	_____	_____
_____ Spousal/Child Support	_____	_____
_____ Other – (List)	_____	_____

NOTE: The employee is responsible for contacting the appropriate source for any changes to discretionary deductions.

- 13) IF YOU HAVE DIRECT DEPOSIT, DO YOU WISH TO CONTINUE? _____ YES _____ NO
(If no, submit Form 699 to cancel.)
- 14) FORWARD MY WARRANT TO:

I understand the provisions afforded me under the CSU Difference in Pay policy. I further understand that it is my responsibility to document/estimate my military pay allowance for purposes of determining my adjusted state pay, and that I am responsible for returning to the California State University any overpayments made to me.

SIGNATURE

DATE