

DEPARTMENT OF ADMINISTRATION
Bureau of Human Resources
August 24, 1990

HUMAN RESOURCES MEMORANDUM 18-90

(12/10/90 ADDENDUM FOLLOWS)

TO: All Agency/Department Heads/Personnel Officers

SUBJECT: Employment Benefits for Employees in Maine State Service Who Enlist or Who are Inducted or Ordered Into the Armed Forces of the United States as a Result of the Current World Situation

The employment benefits for employees of Maine State Government who leave their positions to enter the Armed Forces are governed by Civil Service Law (Title 5, Section 7051, Sub-section 4), the Veterans Reemployment Rights Act (Chapter 43, Part III, Title 38, U.S. Code, Sections 2021-2026) and Maine State Retirement Law (Title 5, Sections 17655 and 17713). In accordance with these regulations, employees who are placed on leave from other than a temporary position or appointment because they enlist or are inducted or ordered into the Armed Forces of the United States in conjunction with the current world situation will be provided the following benefits:

NOTE: Employees who hold a temporary non-status (project, intermittent and acting) appointment must terminate employment if they enlist or are inducted or ordered into the Armed Forces, and the benefits that follow are not applicable to these temporary employees.

- **Type of Leave.** Leaves to enter active military service as a result of the current world situation must be granted. Employees will be placed on an unpaid military leave (Code 3 MFASIS) for the duration of their active military service. This leave may not be extended beyond the date of separation by more than 90 days. A greater extension period will be allowed for hospitalization that continues after discharge.
- **Reemployment Rights.** Employees (other than employees who hold a temporary position or appointment) who enlist or who may be inducted, called or ordered to active duty in the Armed Forces as a result of the current world situation have a legal right to reemployment in the position that they held immediately prior to the leave granted for entrance into the Armed Forces with the same seniority, status and pay that they would have realized had they remained in the employ of the State. The employee must, however, make an application for reemployment within 90 days of satisfactory completion of military service (a longer application period will be allowed for cases of hospitalization). If at time of separation the employee is not qualified to perform the duties of the position that was held at time leave was granted, the employee will be reemployed in the nearest comparable job that can be performed.

- **Vacation Leave.** Military leave to enter the Armed Forces as a result of the current world situation will not constitute a break in continuous service and, upon reemployment, this time will be counted as part of the employee's total service for the purpose of making an adjustment to the employee's rate of accruing vacation credits (e.g., adjustment from 1 day to 1 1/4 days per month upon completion of five years of service.) However, vacation time will not be accrued while on unpaid military leave and the employee's vacation credits will be frozen at the number of days credited to the employee immediately prior to the start of the unpaid military leave.
- **Sick Leave.** Sick Leave will not be accrued while on unpaid military leave and the employee's sick leave credits will be frozen at the number of days credited to the employee immediately prior to the start of the unpaid military leave.
- **Seniority.** The time period of the unpaid military leave will be counted for the purpose of seniority in the classification held immediately prior to the start of the unpaid military leave.
- **Longevity.** The time period of the unpaid military leave will not constitute a break in continuous service and this time will be counted for the purpose of Longevity Bonus.
- **Performance Evaluation.** Placement on unpaid military leave will not affect an employee's established anniversary date for annual performance evaluation. Evaluations for merit increases will be conducted using the anniversary date in effect immediately prior to the start of unpaid military leave. Employees who are placed on unpaid military leave while on probation do not have an established anniversary date and must complete the balance of their probationary period upon reemployment.
- **Health and Dental Insurance.** Employees who are placed on an unpaid military leave to enter the Armed Forces as the result of the current world situation have the choice to continue coverage under the State of Maine Plan or to suspend their coverage for the duration of their leave. If coverage is continued, the employee will be responsible for making premium payments. To suspend coverage, employees must notify the Employee

Health Insurance Program prior to the start of their leave. Employees who suspend health and dental insurance coverage while on unpaid military leave must sign up for renewed coverage when they return to State service. Employees should contact the Employee Health Insurance Program for more information concerning these choices.

- **Trainee Programs.** Employees who are placed on unpaid military leave prior to the completion of their training programs will be covered by the reemployment and other benefit provisions of this memorandum and will be required to complete the balance of their training program upon reemployment.
- **Retirement Service Credits and Life Insurance.** These benefits are governed by the Maine State Retirement System and a separate memorandum concerning these benefits will be released by the Maine State Retirement System in the near future.

In accordance with Civil Service Law, the reemployment rights and other benefits that are defined by this memorandum for employees who enter the Armed Forces as the result of the current world situation will not be allowed beyond the period of the first enlistment or induction, and in no event beyond four years from the original call to active duty unless special circumstances warrant an exception to this time limitation.



Donald A. Wills, Acting Director
BUREAU OF HUMAN RESOURCES

DEPARTMENT OF ADMINISTRATION

Bureau of Human Resources

December 10, 1990

ADDENDUM TO HUMAN RESOURCE MEMORANDUM 18-90

TO: All Agency/Department Heads/Personnel Officers

SUBJECT: Employment Benefits for Employees in Maine State
Service Who Receive Orders to Active Duty in Connection
with the Current World Situation in the Persian Gulf

1. Human Resources Memorandum 18-90 is amended to include the following benefit for State employees who hold other than a temporary position or appointment and who are eligible for paid military leave for annual duty training by contractual agreement or by Civil Service Rule:

State employees who qualify for paid military leave for annual duty training as above stated, and who have not completed their annual duty training obligation for the federal fiscal year starting October 1, 1990, and who receive orders to active duty as a result of the Persian Gulf situation with starting dates between October 1, 1990 and September 14, 1991, inclusive, shall have the first seventeen calendar days less the number of intermittent training days already completed, if any, of their active duty service treated as annual duty training for that federal fiscal year.

State employees who are eligible to have the first part of their active duty service treated as annual duty training shall receive compensation for the days that they would have normally been scheduled to work during the calendar day period allowed.

This benefit will apply only to active duty service that is required in connection with the Persian Gulf commitment and only for orders that are effective between October 1, 1990 and September 14, 1991, inclusive. A signed copy of the order to active duty must be provided to the employee's agency or department. The order must specify the beginning date of the order to active duty service and include a statement that the first seventeen calendar days of active duty service (or balance thereof) constitute the total annual training requirement for the fiscal year starting October 1, 1990.

Employees who are eligible to have the first seventeen calendar days of active duty service (or balance thereof) treated as annual training duty shall not be placed on unpaid military leave until the first work day following the end of this period. (NOTE: The start of unpaid military leave may be further advanced for employees who choose to use vacation credits prior to going on leave without pay status. See Section 2 of this Addendum. In such cases, agency records should show annual duty training for the work days at the start of military leave, followed immediately by authorized vacation time.)

2. Human Resources Memorandum 18-90 is further amended as follows:

State employees who hold other than a temporary position or appointment, and who enlist or are inducted or ordered into the Armed Forces of the United States as a result of the Persian Gulf situation may request to use accrued vacation credits prior to the start of unpaid military leave.


Nancy J. Kenniston, Director
BUREAU OF HUMAN RESOURCES