



# KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

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**POLICY TITLE:**

**Military Leave Policy**

**VOLUME, SECTION & NUMBER:**

**ENTITIES AFFECTED:**

**Faculty  
Staff**

**ADMINISTRATIVE AUTHORITY:**

**Office of Human Resources**

**APPROVED BY:**

**Office of the President**

**EFFECTIVE DATE:**

**July 8, 2024**

**REVISED FROM:**

**2013 Human Resources Policy Manual**

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**POLICY STATEMENT:**

In accordance with applicable state and federal laws, including but not limited to, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and KRS 61.394, military leave shall be granted to all eligible employees.

All full-time and part-time employees who are ordered into service in the uniformed services are entitled to military leave under this policy.

Discrimination against an employee or prospective employee based on his or her service in, or application for service in, any uniformed service is strictly prohibited by this policy and federal and state laws. Retaliation against an employee who takes action to enforce a protection provided under USERRA, or to enforce a right under USERRA, is strictly prohibited.

## **DEFINITIONS:**

### **Full-Time Employees**

Full-time employees are employees who are continuously assigned to work a minimum of 37.5 hours per week (40 hours where entire units or offices remain open, such as Physical Plant, Public Safety, Information Services and Resources, and others), and who have an employment period of at least nine (9) months per year. Full-time employees are eligible to participate in all KSU-provided benefits.

### **Part-Time Employees**

Part-time employees are employees hired to regularly work between 20 and 24 hours per week for a period of at least nine (9) months per year. Part-time employees are ineligible to participate in KSU-provided benefits.

### **Service**

Service under this policy means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, State active duty for a period of 14 days or more, State active duty in response to a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.), State active duty in response to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) (the "Stafford Act"), a period of absence for the purpose of an examination to determine the fitness of the person to perform any such duty, a period for which a System member of the National Urban Search and Rescue Response System is absent due to an appointment into Federal service under section 327 of the Stafford Act, and a period of absence for the purpose of performing funeral honors duty as authorized by 10 U.S.C. 12503 or 32 U.S.C. 115.

### **Uniformed Services**

Uniformed services under this policy means Armed Forces (Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard), the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under section 327 of the Stafford Act, and any other category of persons designated by the President in time of war or national emergency.

## **PROCESS:**

- An employee shall provide advance written notice of his or her intent to take leave to the Office of Human Resources (HR) and his or her supervisor.
- An employee is entitled to receive paid military leave for up to 21 calendar days in any single federal fiscal year (i.e., October 1 through September 30). That is the equivalent of 15 business days based on Kentucky State University's five-day work week. All other military leave is unpaid.
- Once the allotted amount of paid leave has been exhausted, an employee may request to use accrued vacation leave to extend his or her paid leave. However, an employee is not required to use any accrued vacation leave.

- An employee will continue to accrue vacation leave while he or she is receiving paid military leave, but he or she will not accrue vacation leave once paid leave has ended.
- Reemployment of employees who wish to return to work after military leave will be handled in accordance with all applicable laws.
- Kentucky State University reserves the right to deny a request for military leave if the service is voluntary and an employee's cumulative voluntary military service exceeds five (5) years.

## **RELATED POLICIES:**

FMLA Policy

## **STATUTORY AND REGULATORY REFERENCES:**

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

KRS 61.394

National Emergencies Act

Robert T. Stafford Disaster Relief and Emergency Assistance Act

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