

C230: Military and Related Service Leave of Absence

Approved By: Faculty and Board of Regents

Effective Date: **Draft 3/8/21**

Responsible Faculty Committee: Policy Committee

Office Responsible for Administration: Office of the Provost

Legend: **Red highlights**—changes from current policy.

Revisions to the Policy Rationale, Policy Statement, and Applicability sections of this document must be approved by the full Faculty and Board of Regents

POLICY RATIONALE

The University of New Mexico (UNM) recognizes the need of some faculty to fulfill military and related service obligations.

POLICY STATEMENT

Any full-time or part-time member of the faculty on regular (i.e., not temporary) appointment, as defined in Section B policies, is eligible for a Military and Related Service Leave of Absence (military leave). To request military leave, the faculty member, or designated representative (such as an officer of the military), must provide the department chair with a notification that the faculty member will be completing duty covered by this Policy. ~~upon presentation of official military orders indicating that he/she~~ the faculty member is entering active military duty or related service. The faculty member will provide official documentation as soon as practical. When a military leave of Absence is granted for active military duty, service, and training or local emergency during the period of a regular contract (whether nine-, ten-, or twelve-month), UNM will continue to pay the faculty member's salary, uninterrupted, up to a maximum of fifteen (15) working days per calendar federal fiscal year. ~~(see 20-4-7 New Mexico Statutes Annotated, 1978 Compilation).~~ Once the fifteen (15) workday period is used, the employee may take annual leave or leave without pay for any remaining absence, unless the Governor of New Mexico grants an additional fifteen (15) workdays of paid leave.

Service in the uniformed services covers all categories of military training and service, including duty performed on a voluntary or involuntary basis, in time of peace or war. Active military duty, related service, and training with the following organizations qualify for fifteen (15) paid workdays of military leave per federal fiscal year:

- Armed Forces of the United States, defined to include the Army, Navy, Air Force, Marine Corps, Coast Guard, Space Force, Public Health Service, and their reserve components and National Guard;
- New Mexico National Guard;
- National Disaster Medical System (NDMS);

- Commissioned Corps of the Public Health Service;
- Civil Air Patrol;
- State Defense Force to attend officially authorized training or instruction courses;
- Volunteer emergency responders assisting in an emergency or disaster; or
- Any other category designated by the President of the United States, Governor of New Mexico, or federal or New Mexican state laws, statutes, or regulations.

Unless called to active duty for a "local emergency," faculty may not receive military leave of Absence with pay during the period of a summer session supplemental contract.

~~When a military leave of Absence is granted for active duty other than annual duty for training or local emergency, such leave is without pay.~~

An unpaid military leave of absence may be granted for the following reasons:

- Active duty, training, or service beyond the fifteen (15) paid workdays of military leave provided in of this policy;
- Voluntary active duty for a special training purpose;
- Required active duty as part of a reserve obligation;
- Voluntary enlistment for military service. Normally, a tour of three (3) years or more of active duty is required.

APPLICABILITY

All UNM academic faculty and administrators, including the Health Sciences Center and Branch Community Colleges.

DEFINITIONS

Related service. Refers to intermittent disaster response appointees of the National Disaster Medical System (NDMS), part of the Department of Homeland Security's Federal Emergency Management Agency, and to volunteer emergency responders assisting in national or local emergencies and disasters.

Working Days refer to UNM traditional workdays defined by UNM Human Resources as five (5) workdays Monday through Friday ending at 5:00 PM. Working days do not include official UNM holidays listed in UAP Policy **3405 "Holidays."**

<p>Revisions to the remaining sections of this document may be amended with the approval of the Faculty Senate Policy and Operations Committee in consultation with the responsible Faculty Senate Committee listed in Policy Heading.</p>
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WHO SHOULD READ THIS POLICY

- Faculty

- Department Chairs
- Academic deans and other academic administrators and executives

RELATED DOCUMENTS

UNM Regents' Policy Manual **Policy 5.3** "Leaves of Absence"

Faculty Handbook:

Section B Policy on Academic Freedom and Tenure, subsection B3
Policy **C280** "Leave Without Pay"

University Administrative **Policy 3425** "Military and Related Service Leave"

USERRA – Uniformed Services Employment and Reemployment Rights Act

New Mexico Military Service (USERRA) §20-4-7 NMSA 1978

CONTACTS

Direct any questions about this policy to the UNM Office of the Provost or Executive Vice President for Health Sciences HSC Chancellor.

PROCEDURES

Applicable procedures pertaining to federal and state laws and regulations for military and related service leave are discussed in University Administrative **Policy 3425** "Military and Related Service Leave," which include, but are not limited to:

- determination of eligibility for leave with pay,
- determination of eligibility for leave without pay,
- health insurance benefits while on extended military,
- reinstatement after military leave, and
- record keeping of military leave usage.

Tenure Clock

In accordance with Section B Policy on Academic Freedom and Tenure, subsection B3, "If a faculty member goes on leave of absence without pay for a semester or more during a year of probationary service, the probationary period will normally, upon timely request of the probationary faculty member, be suspended for the duration of the leave, and subsequent mid-probationary and tenure reviews will be one full year later."

Deans, department chairs, and program directors should help faculty members to make an informed decision about suspending the probationary period. If the length of the military leave is undetermined or results in a significantly shorter or longer duration than first anticipated, the faculty member may request to change their tenure clock decision by contacting the Provost or

Executive Vice President for Health Sciences (EVPHS) within two (2) months after returning from military leave. Any changes are subject to approval by the Provost or EVPHS.

DRAFT HISTORY

March 8, 2021 – Changes to address recent concerns raised.

January 14, 2021 – Change to address campus comment.

October 14, 2020 – Draft incorporated revisions to address recent changes to NM law.

September 14, 2020 – Draft incorporated recent recommendations.

February 12, 2019 – Draft incorporated December Policy Committee discussions.

November 27, 2018 – Preliminary draft for consideration by Policy Committee.

HISTORY

August 29, 1978—Approved by the Board of Regents

May 10, 1978—Approved by Faculty

May 18, 1975 May 18, 1975—Approved by Board of Regents

April 8, 1975—Approved by Faculty

February 1, 1975—Approved by the Board of Regents

March 14, 1974—Approved by the Board of Regents

March 12, 1974—Approved by Faculty