

North Dakota State University

Policy Manual

SECTION 146 MILITARY LEAVE

SOURCE: NDUS Human Resource Policy Manual, Section 20.3
SBHE Policy Manual, Section 510

1. **Military Leave** - An employee who is in the National Guard or Armed Forces Reserves *and is ordered to active duty** shall be granted military leave annually in accordance with Section 37-01-25 and 37-01-25.1 of the North Dakota Century Code which provides:
 - 1.1 Military Leave with pay shall be granted to all state employees up to a maximum of 20 work days each calendar year for those employees who have been employed continuously for a period of 90 calendar days or more immediately preceding the leave.
 - 1.2 In addition, any military leave of absence necessitated by a full or partial mobilization of the reserve or national guard forces of the United States of America, or emergency state active duty, shall be without loss of pay for the first 30 calendar days less other military leave of absence which may have been granted during the calendar year.
 - 1.3 If leave is required for weekend, daily, or hourly periods of drill for military training on a day on which the employee is scheduled to work, the employee must be given the option of time off with a concurrent loss of pay for the period missed, or must be given an opportunity to reschedule the work period so the reserve or national guard weekend, daily, or hourly drill or period of training occurs during time off from work without loss of status or efficiency rating.
 - 1.4 *Employees who are activated into the armed forces under Title 10 or who serve in reserve status under Title 32 of the United States Code are entitled to leave without pay pursuant to federal and state law, and subject to subsection 1.2.*
 - 1.5 Employees are also covered under the federal Uniformed Services Employment and Reemployment Rights Act, 38 USC Sec. 4301 et. seq., which provides that members of the uniformed services are entitled to leave without pay and to reemployment rights upon return to civilian employment. The time requirements for reporting back to work after completion of service vary depending upon the length of the leave, and can be found at 38 USC Sec. 4312.
 - 1.6 Military leave may only be used in place of regularly scheduled work hours and shall not cause overtime.
2. **Military Leave - Students**
 - 2.1 A student not on active military service at the beginning of an academic term who is called or ordered to active military service for fourteen consecutive days or longer during the term shall have the rights, at the student option:

- 2.1.1 To withdraw from any or all classes in which the student is enrolled, even if after the established deadline for withdrawal, and be entitled, subject to applicable laws or regulations governing federal or state financial aid programs and allocations or refund as required under those programs, to a full refund of tuition and mandatory fees. The student shall not receive credit or a grade for classes from which the student withdraws. A student in good standing at the time of exercising this right shall have the right to be readmitted and reenroll, without penalty or redetermination of admission eligibility, within one year following release from active military service;
 - 2.1.2 To request an incomplete under the institution's incomplete policy; or
 - 2.1.3 Except for science labs, internships and other classes for which attendance or in-person participation is an essential part may continue and complete the course for full credit if, in the opinion of the faculty member teaching the class, the student has completed sufficient work and has demonstrated sufficient progress toward meeting course requirements to justify the award of credit and grade. Upon a student's request and at the discretion of the faculty member, this option may be made available for a science lab or internships.
- 2.2 A student called or ordered to active military service during a term shall have the right to a refund of fees other than mandatory fees for that term as follows:
- 2.2.1 A refund on a pro rata basis for a housing contract and a traditional term board contract, and a full refund of any unused balance for a "declining balance" board contract, or a board contract by which a student purchased a specified number or dollar value of meals;
 - 2.2.2 A refund on a pro rata basis of parking fees and other optional fees;
 - 2.2.3 No refund is due for course challenges or similar fees for classes for which the student is awarded full credit;
 - 2.2.4 No refund is due for flight training or similar fees for specialized training;
 - 2.2.5 The chancellor may adopt procedures implementing this policy.

***Note:** Active duty includes summer camp for National Guard and the Reserves but does not include regular drills.

HISTORY:	
New	July 1990
Amended	August 1997
Amended	April 2003
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