

Benefits and Leaves: Military Leave

Subject:	Human Resources
Policy:	Military Leave
Effective Date:	January 2021
Review Date:	Three (3) years from Effective Date above
Responsible Party:	Human Resources
Applicability:	This policy applies to employees eligible for military leave under state and federal law

1. INTRODUCTION AND PURPOSE

This policy governs eligibility, use, and accrual of paid Military Leave. The Board of Regents has adopted the Department of Administration Military Leave policy for nonfaculty employees in [BOR Policy 708.1.1](#). Therefore, the university adopts A Manager's Guide to the Paid Military Leave Requirement prepared by the State Human Resources Division as official guidance for the university.

2. ELIGIBILITY

An employee who performs federally funded military duty or state military duty as defined in [Section 10-1-1003, MCA](#), and who has been an employee of the state of Montana for a period of at least six (6) months, must be given leave of absence with pay accruing at a rate of 120 hours in a calendar year, or academic year if applicable, for performing this military service. Part-time employees earn paid military leave on a pro-rated basis.

3. USE OF LEAVE

- a. Paid military leave is meant to compensate qualified employees for loss of income because of time spent performing military service. Agencies should grant paid military leave only for the hours the employee was scheduled to work and receive pay.
- b. Eligible employees may request, and employers may grant, paid military leave in as few as one-hour increments.
- c. Employees may also use paid military leave intermittently with leave-without-pay while performing military service.

d. Employees may use paid military leave retroactively. Agencies may deny paid military leave if it results in overtime.

e. Employers may not automatically deduct paid military, sick, or vacation leave from an employee who is absent from work to perform military service. The employee must designate the leave they wish to take and may choose to perform military service without using paid leave.

f. Employees may request and use paid military leave simultaneously with state active duty military pay from the Montana Department of Military Affairs. In this case, the employee does not violate the State of Montana's ethic laws because the employee is using accrued leave.

4. MILITARY LEAVE ACCRUAL

Eligible full-time employees earn up to 120 hours of paid military leave each calendar year. Part-time employees earn paid military leave on a prorated basis.

Employees can carry unused paid military leave into the next calendar year but cannot accrue more than 240 hours. Once employees reach the maximum, they do not accrue additional paid military leave until their balance drops below 240 hours.

State of Montana employees do not accrue paid military leave during leaves of absence without pay unless the leave is for military duty.

5. UNUSED MILITARY LEAVE

Unused military leave cannot be cashed out on termination of employment. Agencies may remove the unused military leave balance from an employee's account when the employee's sick leave and annual leave is cashed out or removed following the employee's termination. If a state employee transfers to another state agency without a break in service, the employee's accrued paid military leave should be transferred along with the employee's accrued sick and annual leave.