Leave with pay shall be granted to members of reserve components of the U. S. Armed Forces for certain periods of active duty training and for state military duty. Reserve components of the U. S. Forces are the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve and the Coast Guard Reserve. The Civil Air Patrol is not a reserve component; it is an Air Force Auxiliary and its members are not subject to obligatory service. The National Guard is unique among the reserve components in that it has a dual role, serving both as a Federal Reserve component and as the State Militia. In its role as the State Militia, the North Carolina Army National Guard and the North Carolina Air National Guard respond to the Governor who is their Commander-in-Chief and serve as the military arm of the state government. Therefore, the National Guard is subject to active state duty upon order of the Governor.

1. Periods of Entitlement for All Reserve Components: Military leave with pay shall be granted to full-time or permanent part-time (prorated for part-time employees), employees for 96 working hours annually for any type of active military duty of a member not on Extended Active Duty as defined below. On rare occasions, due to annual training (summer camp) being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For instance, the employee may be required to attend annual training for federal fiscal year 00 in November and for federal fiscal year 01 in November. For this purpose only, an employee shall be granted an additional 96 hours military leave during the same calendar year as required.

2. Additional periods of Entitlement for National Guard Members:
   a) Infrequent, special activities in the interest of the state, usually not exceeding one day, when so ordered by the Governor or his authorized representative;
   b) Active state duty (domestic disturbances, disasters, search and rescue, etc.) for periods not exceeding 30 consecutive calendar days; for periods in excess of 30 days, employees shall be entitled to military leave with differential pay between military pay and regular state pay if military pay is the lesser. Military leave for active state duty is to be considered separate from and in addition to military leave that may be granted for other purposes.

3. Periods of Entitlement for Civil Air Patrol: When performing missions or encampments authorized and requested by the U. S. Air Force or emergency missions for the state at the request of the Governor or the Secretary of Crime Control & Public Safety, a member of the Civil Air Patrol is entitled to military leave not to exceed a combined total of 96 hours
(pro-rated for part-time employees) in any calendar year unless otherwise authorized by the Governor. The Secretary of Crime Control & Public Safety upon request of the employing agency may verify such service.

4. Unacceptable Periods:
Employees shall not be entitled to military leave for the following periods:

a) Regularly scheduled unit assemblies usually occurring on weekends and referred to as “drills.” Although these periods are unacceptable for Military Leave With Pay, the employing agency is required by federal law to excuse an employee for regularly scheduled military duty. If necessary the employee’s work schedule shall be appropriately rearranged to enable the employee to attend these assemblies. The employing agency may require an employee to provide a unit training schedule which lists training dates for a month or more in advance. Employing agencies are not required to excuse an employee for military service performed under the circumstances defined in b), c) and d) of this item.

b) Duties resulting from disciplinary actions imposed by military authorities;

c) For unscheduled or incidental military activities such as volunteer work at military facilities, unofficial military activities, etc.;

d) For inactive duty training such (drills) performed for the convenience of the member, such as equivalent training split unit assemblies, make-up drills, etc.

5. Employee Responsibilities: It is the responsibility of the employee to submit an Application for Leave form and submit a copy of his orders or other appropriate documentation evidencing performance of required military duty.

6. Retention and Continuation of Benefits: During the period of military leave with pay, no employee shall incur any loss of state service or suffer any adverse service rating. The employee shall continue to earn and accumulate sick and annual leave, aggregate service credit, and receive any promotion or salary increases for which otherwise eligible.

7. Leave for Physical Examination for Military Service: An employee shall be granted time off when required to undergo a physical examination relating to military service.

8. Military Leave with Differential Pay: Military leave with differential pay between military pay and regular state pay, if military pay is the lesser, shall be granted for active state duty for periods in excess of 30 consecutive days.
9. Military Leave Without Pay: Military leave without pay shall be granted for certain periods of active duty or for attendance at service schools. Except for extended active duty, use of all or any portion of an employee’s 96 hours annual military leave (prorated for part-time employees) with pay or regular annual (vacation) leave may be used in lieu of or in conjunction with military leave without pay.

10. Additional Information: If additional information is required, reference should be made to the North Carolina Office of State Personnel Manual.

HISTORY NOTE Effective February 24, 1976; Revised August 17, 1981; October 12, 1988
LEGAL REFERENCE: G.S.115A-5; 11 D-5; 127A-116; NCAC 2D.010