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SECTION 29. MILITARY LEAVE.

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29.01 MILITARY LEAVE WITH PAY.

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29.01 a.

An Employee who is appointed for six (6) months or more shall, while on active duty or during periods of camps of instruction or field maneuvers as a member of the Hawaii national guard, air national guard, naval militia, organized reserves, including the officers' reserve corps and the enlisted reserve corps, under call of the President of the United States or the Governor of the State, be placed on leave with pay status for a period not exceeding fifteen (15) working days in any calendar year, except as provided in Section 29.01 b. No Employee shall be subjected by any person, directly or indirectly, by reason of absence to any loss or diminution of vacation or holiday privileges or be prejudiced by reason of the absence with reference to promotion or continuance of employment or re-employment.

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29.01 b.

An Employee who is called to active duty or required to report for camp training or field maneuvers by official military orders a second time within a calendar year may elect to use up to fifteen (15) working days of the succeeding calendar year; provided that the Employee's entitlement to the working days advanced shall be canceled from the succeeding calendar year.

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29.01 c.

The Employee who is advanced leave shall be required to reimburse the State an amount equivalent to the days advanced in the event the Employee ends employment prior to completion of a year's service in the succeeding year from which leave was advanced, except in the case of the death of the Employee.

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1 **29.02** **MILITARY LEAVE WITHOUT PAY.**

2 **29.02 a.** The following Employees shall be entitled to military leave without
3 pay for service in the United States Armed Forces:

4 **29.02 a.1.** An Employee serving an initial probational appointment.

5 **29.02 a.2.** A regular Employee serving a new probational appointment.

6 **29.02 a.3.** A regular Employee serving a temporary appointment and who has
7 not forfeited rights to the position in which the Employee last held a
8 permanent appointment.

9 **29.02 a.4.** An Employee serving other than a temporary appointment.

10 **29.02 b.** The duration of the military leave without pay shall be for not more
11 than five (5) years.

12 **29.02 c.** Upon conclusion of the military leave without pay, Employees shall
13 have reemployment rights in accordance with Chapter 43 of Title 38
14 of the United States Code.

15 **29.02 d.** Replacements for Employees on military leave without pay.

16 **29.02 d.1.** In filling a position which became vacant by military leave without
17 pay, the Employer may appoint a replacement Employee and shall
18 inform the replacement the status of the replacement's employment
19 and the provisions of this Agreement relating to military leaves
20 without pay.

21 **29.02 d.2.** A replacement employed in the position from which military leave
22 was granted shall be displaced so that the position may be filled
23 again by the Employee who has been on military leave without pay
24 returning to government employment. A replacement Employee
25 with regular status shall be returned to the former position or if the
26 position has been abolished, the Employee shall be returned to
27 other comparable positions deemed appropriate by the Employer.
28 In the event there are no comparable positions, the replacement
29 Employee shall be subject to Section 12.

1 **29.03 MILITARY LEAVE - VACATION**

2 **29.03 a. The Employee has the option to 1) substitute any available**
3 **paid vacation leave time for otherwise unpaid leave or 2) be**
4 **paid their available vacation leave time in a lump sum**
5 **payment. The lump sum payment for accumulated vacation**
6 **leave will not cause the Employee to forfeit accumulated sick**
7 **leave.**

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9 **29.0[3]4 LEAVE FOR PRE-INDUCTION EXAMINATION.**

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11 **29.0[3]4 a.** An Employee who is absent from work for the purpose of
12 undergoing physical examination prior to induction into the United
13 States Armed Forces shall be granted leave with pay for such
14 purpose, and the leave shall not be charged against the
15 Employee's vacation allowance.