Military Leave Donation Policy

Section: Human Resources
Title: Military Leave Donation Policy
Number: 57.100

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POLICY

.100 POLICY STATEMENT
In support of employees called to active military duty, the Oregon University System (OUS) provides a donated leave program to supplement military wages up to the amount an employee earned in base wages as an OUS employee. This policy serves as the Oregon University System and institution policy.

.105 APPLICABILITY

This policy applies to all faculty, and unclassified and classified employees of the Oregon University System.

.110 POLICY RATIONALE

OUS seeks to ensure that the policies and procedures related to military leave donations are documented, communicated, clearly understood, and consistently applied.

.120 AUTHORITY

The basis for this policy is provided in the following:

- ORS 351.070 - Board general powers as to higher education and institutions; personnel system; public improvement contracts; rules; fees; student records
- ORS 399.230 - Employment rights of members of organized militia when called into active state service
- ORS 408.240 - Status and rights of public officer and employee during and after military duty

.130 APPROVAL AND EFFECTIVE DATE OF POLICY


.140 KNOWLEDGE OF THIS POLICY

All Chancellor's Office and institutional personnel with fiscal or human resources responsibilities should be knowledgeable of this policy. Upon implementation of the policy, the institution is responsible to communicate the policy to eligible employees.

.150 DEFINITIONS

**Supplemental military pay:** A single or series of payments provided to an employee on military leave without pay for 31 calendar days or more with the U.S. Armed Forces or on an indefinite assignment with the Oregon National Guard.

.160 MILITARY LEAVE DONATION PROGRAM
The military leave donation program provides a means for OUS employees to assist other OUS employees on active duty military leave by donating accrued vacation for conversion to supplemental military pay. OUS institutions that employ individuals called up to active military duty are required to implement this military leave donation program.

.170 LEAVE DONATIONS

Notwithstanding OAR 580-021-0030(10) and collectively bargained agreements restricting the donation of vacation leave, and solely for purposes of this military leave donation program, hours of accrued vacation leave may be donated for conversion to supplemental military pay. OUS employees at participating institutions may donate accrued vacation leave in accordance with the following provisions:

- The donor must have completed the initial 6-month waiting period required prior to use of accrued vacation leave.
- Donations must be made in increments of whole hours.
- Donations must be directed to the employing institution’s military leave donation program pool. Inter-institutional transfers are not permitted.
- Leave donation is contingent on fund source of the donor’s pay, and may be subject to restrictions or may not be available from certain potential donors.
- The donor must complete and sign a Donor Authorization form.

.180 USE OF DONATED LEAVE

Donated vacation leave provides supplemental military pay to make up the difference between a recipient’s gross military pay and gross OUS base pay. A recipient may not receive more pay under this program than would have been received in gross base pay had the recipient not been on active military duty.

- This policy does not guarantee payment or the amount of payment to any program participant.
- Program payments may vary from month to month based on the donation amounts available for distribution.
- Supplemental military pay does not compensate the employee between the time of release from active military duty until the time of reporting back to work or termination of employment.

.190 RECIPIENT ELIGIBILITY

All employees on military leave without pay as of the effective date of this policy, or enrolled in the program at any time after beginning military leave without pay, are eligible to receive supplemental military pay upon confirmation of eligibility and the applicable gross pay rates. To receive supplemental military pay, recipients must:

- Be on military leave without pay for 31 calendar days or more to perform active military duty, whether voluntarily or involuntarily ordered. Employees who are on routine
training or other similar activities of the National Guard or the military reserves are not eligible to participate in this program.

- Receive less total gross military pay on active military duty than the gross OUS base pay received prior to military leave. Total gross military pay consists of compensation received for performing military duty and shown on the military Leave and Earnings Statement (LES).
- Complete a Request for Supplemental Military Pay and send it to the employing institution’s Human Resources office. Participation in the Military Leave Donation program begins the month following receipt of the completed request form.
- Provide official, written verification of any military compensation received including gross base pay, allowances, or special pay. A copy of the most recent military Leave and Earnings Statement (LES) is required for payments to be processed.
- Hold a current OUS appointment or military leave reinstatement rights under federal or state law throughout the period of military leave without pay. Supplemental military pay ceases upon termination of employment.
- A participant unable to provide a Leave and Earnings Statement prior to or during deployment shall provide wage verification on release from active duty. Supplemental military pay available through this program will be held for each eligible recipient by the institution until the employee has been out of active duty status for 90 days, after which donated leave is returned to the pool for redistribution to other eligible recipients.

### .200 PAYMENT OF SUPPLEMENTAL MILITARY PAY

Each institution provides supplemental military pay funded by a donated leave pool established solely for the military leave donation program. Supplemental military pay amounts may vary. The pool provides supplemental military pay to all recipients in each month, limited by the availability of donated leave and contingent on fund source restrictions. Unused funds in excess of each month’s payments to current recipients are used for the next month’s supplemental pay for all recipients then participating in the pool. If donated leave is insufficient to provide a minimum payment of $25.00 to all eligible recipients, no payments will be made until additional leave donations fund the program. In the event an eligible recipient is unable to receive or cash a program check, payment may be made to the recipient’s authorized representative or beneficiary.

### .210 UNDELIVERABLE OR DELAYED BENEFIT

Participants who are unable to receive their program checks and who have not designated an authorized representative shall have money held for them by the institution in a suspense account until they are relieved of active military duty. No interest will accrue on funds held by the institution under this program. Direct deposit of supplemental military pay must be authorized on the Request for Supplemental Military Pay form. Unless direct deposit is requested, supplemental military pay program checks are mailed to the recipient or authorized representative. Anyone other than the employee seeking to receive a program check must present written authorization from the employee to receive a program check. Verbal authorization will not be accepted.

### .220 PAYMENTS AND TAXATION
The dollar value of donated leave hours is the donor’s base hourly pay rate multiplied by the number of donated hours. As donated hours are available, a recipient receives a monthly payment up to the difference between his/her gross military pay and his/her gross base pay as an OUS employee, less applicable withholdings. Payments made through Military Leave Donation program are reported to the appropriate taxing authorities. Any overpayment shall be resolved by the recipient and the employing institution. The employee shall reimburse the institution for any overage that may exist. The institution shall pay the employee money due as a result of an underpayment of available donations.

.230 DOCUMENTATION OF ACTIVITY

Documentation of activity under this policy is required. Institutions’ documentation shall include copies of all completed and signed forms required by this policy, the recipient’s military Leave and Earnings Statements (LES), records showing donated hours by donor, the amount of pay distributed to each institution’s recipients participating in the program, and undistributed amounts in the leave donation pool. Payment amounts from the donated leave pool are accounted for each recipient.

.240 INTIMIDATION OR COERCION IS PROHIBITED

An employee may not directly or indirectly intimidate, threaten, or coerce any other employee for the purpose of interfering with any right an employee may have with respect to donating or receiving donations under this program. Such action by an employee may be grounds for disciplinary action up to and including termination.

.300 AMENDMENT AND REVOCABILITY

The Oregon University System retains the right to modify, change, or discontinue this program at its discretion.

.690 CONTACT INFORMATION

Direct questions about this policy to the following offices:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>General questions from institutional personnel</td>
<td>Institution Office of Human Resources</td>
</tr>
<tr>
<td>Questions from institutional administrators</td>
<td>Chancellor's Office Human Resources</td>
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.695 HISTORY

09/01/04 - Proposed for drafting
09/23/04 – Systemwide policy development group appointed
10/14/04 – Draft policy review by Budget Officers and Directors of Business Affairs

11/30/04 – Final Department of Justice review for policy and tax treatment

01/12/04 - Final development group review

01/17/05 – Notice of intent to adopt policy to unions

02/10/05 - Reviewed and Approved by Administrative Council

03/16/05 - Forms development

01/27/06 – Policy reviewed by Vice Chancellor for Finance and Administration

08/25/06 - Approved

*Policy Last Updated: 08/25/06*

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**APPENDIX**

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**.700 FORMS**

  - [Donor Authorization Form](#)
  - [Request for Supplemental Military Pay](#)

**.995 HISTORY**

08/25/06 - Approved

*Appendix Last Updated: 08/25/06*