



The Commonwealth of Massachusetts
MASSACHUSETTS COMMUNITY COLLEGES

OFFICE OF THE GENERAL COUNSEL

MASSACHUSETTS COMMUNITY COLLEGES
c/o MIDDLESEX COMMUNITY COLLEGE
SPRINGS ROAD, BUILDING 2
BEDFORD, MASSACHUSETTS, 01730

TELEPHONE: (781) 275-9400
FAX: (781) 275-2735

MEMORANDUM

TO: All Community College Presidents
All Human Resource Directors

FROM: Haidee Morris, Labor Counsel

DATE: September 22, 2005

RE: **Military Reservists, National Guard and Other Leave**

In light of the activation of some military reservists and National Guard units as a result of Hurricane Katrina, as well as the participation of volunteer organizations, such as the Red Cross, in relief efforts, the Counsel's Office has prepared the following advisory to up-date the Community Colleges on their obligations to provide leave and other benefits to affected employees.

A. Massachusetts National Guard

In those circumstances where the Governor calls National Guard units to service, affected employees shall remain on the College's payroll for the entire period of service, with all salary and benefits intact.

B. U.S. Military Reserve

In those circumstances where an employee who serves as a military reservist is called to active duty, the employee shall be placed on an UNPAID leave of absence. During his/her leave, the employee may maintain his/her health insurance at the same contribution rate as when the employee was working. Vacation and sick time will accrue depending upon each individual employer's policy. As for student reservists, pursuant to Chapter 110 of the Acts of 1991, they have the right to make up credits upon returning from service, to withdraw without penalty, to receive a full tuition refund and receive a pro rata refund of fees.

C. Red Cross Personnel

Pursuant to Massachusetts General Laws, Chapter 30, Section 9I, state employees who are "certified disaster service volunteers" for the Red Cross are eligible for up to 15 calendar days of paid leave annually to provide disaster relief. To be eligible for this leave, the employee must be

called to service by the Red Cross. Granting this leave is at the sole discretion of the employee's supervisor. The employer may consider the needs of the Red Cross for expertise in a particular certified area as well as the work needs of the College. The Red Cross must provide written proof of the employee's certification within 30 days of request.

D. Other Forms of Leave

a. Vacation or Personal Time

- An employee may elect to use accrued vacation or personal time to provide disaster relief services.

b. MCCC – Unpaid Leave of Absence

Article 9.02 A. Professional Leave

- 1.d. Service as an officer or staff member of any recognized professional organization;
- 1.e. Service in a public office to which the unit member has been elected or appointed and for such other purposes as may be allowed under the laws of the Commonwealth.

See Article 9.02 (1) – 9.02 (5) for requirements to request such leave. Timelines would have to be waived.

c. AFSCME – Unpaid Leave of Absence

Article 11, Section 12. Unpaid Personal Leave

- Unpaid personal leave, other than herein before specified, may be granted by the CEO, upon the written request of the employee, at least thirty (30) days in advance. Approval may not be unreasonably denied. Retirement, seniority, sick leave, vacation credit and time accrual for step increases shall not accrue during the term of such leave.

d. Non Unit Professionals – NUP Personnel Policies Handbook

Chapter 7 Leave - 7.12 Unpaid personal leave

- Unpaid personal leave, other than herein before specified, may be granted to an employee upon written request at least thirty (30) days in advance. Approval shall be granted at the discretion of the President. Retirement, sick leave and vacation credit shall not accrue during the term of such leave.

cc: Janice C. Motta, Executive Director