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## GENERAL CIRCULAR NUMBER 2021-028

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**DATE:** July 8, 2021

**TO:** Heads of State Agencies and Human Resources Directors

**SUBJECT:** Approved Amendments to Civil Service Rules 11.23 and 11.26

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At its General Business meeting held on July 7, 2021, the State Civil Service Commission amended Civil Service Rules 11.23 and 11.26, effective July 7, 2021.

In summary, the amendments clarify that Rule 11.23(i) applies only to National Guard members activated under state orders for local/state emergencies. Rule 11.26 applies to National Guard members called to duty under federal Title 10 and Title 32 orders. The amendments to Rules 11.26(a)3 and (a)4 ensure that all military members called under federal orders are made whole by allowing 15 working days of military leave for members called up under Title 10 orders and 22 working days of military leave for members called up under Title 32 orders. Other pay provisions and protections previously provided for under Rule 11.26 remain available. Finally, the amendment to Rule 11.23(k) removes the 15-day cap for special leave for Civil Air Patrol duty.

The amended rules read as follows:

### [CHAPTER 11: Hours of Work, Annual, Sick and Other Forms of Leave](#)

#### **11.23 Civil, Emergency, and Special Leave**

An employee serving with job appointment, probationary or permanent status shall be given time off without loss of pay, annual leave, or sick leave when:

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- (i) The employee is a member of the National Guard and is called to state active duty by the Governor in response to a declared emergency.

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- (k) The employee is a current member of a Civil Air Patrol and incident to such membership is ordered to perform duty or participate in field exercises or training, except that such leave shall not be used for unit meetings or training conducted during such meetings.

### **11.26 Military Leave**

The provisions of this rule shall apply to members of a Reserve Component of the Armed Forces of the United States, and to members of National Guard Units who are called to duty for military purposes.

(a) Military Leave with Pay.

1. Provided they give advance notice, employees serving on job appointment, probationary or permanent status, shall be entitled to military leave with pay.
2. No advance notice is required when such notice is either precluded by military necessity, or otherwise impossible or unreasonable.
3. Military leave with pay for military training or duty is limited to 15 working days per calendar year.
4. Military leave with pay for a member of the National Guard who is called to Title 32 active duty in response to a declared emergency by the Governor is limited to 22 working days per calendar year.

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- (g) The provisions of this section of the rule apply to employees serving on job appointment, probationary or permanent status, who are called to active duty, and who are on Leave Without Pay by choice or because all annual and/or compensatory leave has been exhausted. The provisions of this subsection (g) shall apply retroactively to September 11, 2001. The provisions of this subsection (g) shall NOT apply to employees on "inactive duty for training" (weekend drills).

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3. Employees who are on Leave Without Pay shall receive, each calendar year, the full amount of Military Leave with Pay provided in Rule 11.26(a)3 and (a)4. The pay differential allowed in 11.26(g)1 shall be suspended until the 15-day Military Leave with Pay period is exhausted and the employee returns to Leave Without Pay status.

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Should you have any questions about the amendments, please contact your agency's Human Resources Office or your Agency Relationship Manager.

Sincerely,

s/Byron P. Decoteau, Jr.  
State Civil Service Director