

MEMORANDUM

State of Alaska

Department of Administration
Division of Personnel
Labor Relations Section

To: All Human Resources
Managers

Date: October 10, 2001

From: Sharon Barton
Director

Sharon Barton for

File: Military Leave

Subject: Personnel Memorandum 02-03A:
Reemployment Rights for
Members of the Uniformed
Services
Addendum re: Voluntary Service

This memorandum is an addendum to Personnel Memorandum 02 – 03, issued September 28, 2001, which concerned State employees ordered to active service in the uniformed services. This memorandum provides guidance in those instances where a State employee volunteers for service in the uniformed services.

Generally, an employee who volunteers and is accepted for service in the uniformed services is entitled to the same rights and privileges under USERRA as one who is ordered into service. USERRA rights are not invoked by the mere act of volunteering; the employee must be accepted into the uniformed service and placed under orders. A volunteering employee's rights are invoked when he or she receives orders to report for travel, training, or duty.

Specifically with regard to State employees who volunteer for fulltime National Guard duty for airport security, a somewhat different scheme applies. Alaska Guard Members who volunteer for airport security duty receive orders to annual training. Consequently, State employees who volunteer for fulltime National Guard duty in this circumstance are entitled to use military leave until their annual entitlement is exhausted. When military leave is exhausted, the employee is given the same options to use paid leave or go on leave of absence as is an employee ordered to service. A copy of the employee's orders must be acquired and placed in the employee's personnel file. Some employees who volunteer will not qualify and will be returned under the training orders. These employees remain entitled to military leave and use of paid leave or an unpaid leave of absence until their return to work.

Voluntary Service Addendum

The Alaska National Guard contact person is Don Nelson at (907) 428 – 6590. Mr. Nelson can assist you in getting copies of orders and verifying service dates as well as providing other necessary information regarding these employees.

There may be instances in which an employee volunteers for training and receives discretionary orders, i. e.; it is up to him or her whether the order is accepted. These instances are to be dealt with on a case-by-case basis and should be brought to my attention as soon as possible.

If you have any questions or if I may provide further information, please do not hesitate to contact me or a member of the labor relations staff.