

I N T E R P R E T A T I O N

Article X, Section 2
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ELM

A8-W-0085
Butte, Montana

MILITARY
LEAVE

EMPLOYEES ARE ENTITLED TO MILITARY LEAVE WHEN CALLED
TO ACTIVE DUTY IN NATIONAL GUARD WHEN PRISON
GUARDS ARE ON STRIKE

Article X, Section 2:

"The leave regulations in Subchapter 510 of the Employee and Labor Relations Manual, insofar as such regulations establish wages, hours and working conditions of employees covered by this Agreement, shall remain in effect for the life of this Agreement."

The grievance alleged that Section 2 of Article X, and Section 517.53 of the Employee and Labor Relations Manual were violated when local management refused to grant supplemental military leave when grievant, who was a member of the National Guard, was ordered into active military duty to "provide emergency support to Montana State Institutions affected by employee strikes, for law enforcement personnel".

Local management contended grievant performed support-type and not law enforcement-type duty and would have to use his regular military leave, annual leave, or LWOP.

Remedy requested the grievant be paid supplemental leave for law enforcement duty.

Step 4 Settlement, August 8, 1979:

"During our discussion, we concluded that at issue in this case is whether employees who are members of the National Guard and who are called to active duty to replace striking prison guards are entitled to additional military leave under existing regulations.

"It is our position that, in the circumstances presented, the duties performed by the employee when called to active military duty constitutes "military aid to enforce the law", as provided in Section 517.53 of the Employee and Relations Manual. Accordingly, the employee is eligible to receive additional military leave in accordance with this section of the manual.

"By copy of this letter, the Postmaster is instructed to make the necessary pay and/or leave adjustments."