



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JOHN D. CHERRY, JR.
LT. GOVERNOR

EXECUTIVE DIRECTIVE
No. 2006 - 5

**RIGHTS OF STATE EMPLOYEES ABSENT DUE TO
SERVICE IN THE UNIFORMED SERVICES**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963 each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, under Section 12 of Article V of the Michigan Constitution of 1963, the Governor is the commander-in-chief of the military forces of this state;

WHEREAS, members of the uniformed services voluntarily forego comfort and wealth to face hardships and deployments away from family and loved ones while defending our nation's security;

WHEREAS, because the selfless service of state employees who also serve as members of the uniformed services is greatly appreciated, the State of Michigan is committed to ensuring that its employees serving in the military and their families are not burdened with additional sacrifices;

WHEREAS, in May of 2003, upon request of the Governor, the Civil Service Commission approved an extension until September 30, 2004 of special supplemental pay and benefits for members of the classified state civil service entering emergency active duty in the uniformed services after September 11, 2001;

WHEREAS, in July of 2004, acting on behalf of the Governor, the Office of the State Employer requested and the Civil Service Commission approved an extension until September 30, 2005 of special supplemental pay and benefits for members of the classified state civil service entering emergency active duty in the uniformed services after September 11, 2001;

WHEREAS, in May of 2005, acting on behalf of the Governor, the Office of the State Employer requested and the Civil Service Commission approved an extension until September 30, 2006 of special supplemental pay and benefits for members of the classified state civil service entering emergency active duty in the uniformed services after September 11, 2001;

WHEREAS, in May of 2005, acting on behalf of the Governor, the Office of the State Employer supported revisions, subsequently adopted by the Civil Service Commission, to modernize rules governing the rights and benefits of employees absent from the state classified civil service due to military service and indicated that provisions of the outdated rules unintentionally punished volunteerism;

WHEREAS, when called to active military duty, Michigan state employees respond without question, and in turn the least the State of Michigan can do is supplement their military pay and group insurance benefits;

WHEREAS, it is appropriate to extend indefinitely special pay and group insurance benefits to all state employees called to active military duty after September 11, 2001;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, direct the following:

I. DEFINITIONS

As used in this Directive:

A. "Civil Service Commission" means the commission provided for under Section 5 of Article XI of the Michigan Constitution of 1963.

B. "Emergency active duty" means one or more of the following:

1. Active duty in a uniformed service in support of emergency operations during a national emergency declared by the President of the United States, state emergency declared by the Governor of the State of Michigan, or war declared by the United States Congress.

2. Active duty in a uniformed service in support of a national response authorized by the United States Congress against those nations, organizations, or persons that the President of the United States determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any further acts of international terrorism against the United States by such nations, organizations, or persons.

3. Active duty in the uniformed services in support of the use of the Armed Forces of the United States authorized under Public Law 107-243.

C. "Group insurance benefits" means eligibility, enrollments, premiums, coverages, exclusions, costs, reimbursements, payments, copayments, deductibles,

coordination of benefits, or other benefits authorized under the group insurance plans.

D. "Office of the State Employer" means the autonomous office created within the Department of Management and Budget by Executive Order 1979-5, whose duties include, but are not limited to, those assigned by Executive Orders 1979-5, 1981-3, 1988-6, 2002-18, and 2004-31.

E. "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty, a period for which an employee is absent from employment for the purpose of an examination to determine the fitness of the employee to perform any such duty, and a period for which an employee is absent from employment for the purpose of performing funeral honors duty as authorized under applicable federal law.

F. "Uniformed services" means all of the following:

1. The armed forces of the United States, including the Army, Navy, Marine Corps, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve.

2. The Army National Guard and the Air National Guard when engaged in federal or state active duty for training, inactive duty training, or full-time National Guard duty.

3. The commissioned corps of the Public Health Service.

4. Any other category of persons designated by the President of the United States in time of war or national emergency.

II. EMPLOYMENT AND RETURN-TO-WORK BENEFITS

A. State departments and agencies shall authorize a military leave of absence for an employee absent from a state employment position due to service in the uniformed services in accordance with this Directive and applicable rules and regulations issued by the Civil Service Commission.

B. State departments and agencies shall adopt policies and procedures necessary to ensure that a state employee who is a member of a National Guard unit and is ordered to emergency active duty by the Governor, or volunteers for such duty, is entitled to employment and return-to-work rights and benefits in accordance with this Directive and applicable rules and regulations issued by the Civil Service Commission.

C. Rights and benefits recognized under this Directive shall be made available to a state employee even if the employee is not entitled to similar rights or benefits under federal law. This Directive shall not be applied or interpreted to limit, reduce, or eliminate any right or benefit under applicable state or federal law.

III. ELIGIBILITY FOR SUPPLEMENTAL PAY AND GROUP INSURANCE BENEFITS

A. State departments and agencies shall adopt policies and procedures necessary to ensure that a state employee holding a position in the classified state civil service who is a member of a reserve or National Guard unit of the uniformed services and who is granted a military leave of absence under the applicable rules or regulations of the Civil Service Commission is eligible for supplemental pay and group insurance benefits, as authorized under the rules and regulations of the Civil Service Commission.

B. The Civil Service Commission is requested to extend indefinitely the special pay provisions under Civil Service Rule 2-14.2(b)(3) authorizing supplemental pay and group insurance benefits for employees entering emergency active duty after September 11, 2001 for any period of active duty in the uniformed services after September 11, 2001.

C. State departments and agencies shall adopt policies and procedures to ensure that a state employee who is not a member of the classified state civil service and is granted a military leave of absence due to service in the uniformed services is eligible for supplemental pay and group insurance benefits as follows:

1. An unclassified state employee who is a member of a reserve or National Guard unit of the uniformed services and is ordered to active or inactive duty for training or emergency active duty is entitled to supplemental pay and group insurance benefits for each day of absence from scheduled employment as provided under this Directive, except during any of the following periods:

a. Any period of unpaid service in a uniformed service.

b. Any period following discharge from a uniformed service and before returning to work as a state employee.

c. Any period of initial training in a uniformed service.

2. An unclassified state employee who is a member of a reserve or National Guard unit of the uniformed services and is ordered to active duty for training is entitled to supplemental pay and group insurance benefits for each day of absence from scheduled state employment for up to the equivalent of 15 scheduled workdays in any fiscal year.

3. An unclassified state employee who entered emergency active duty after September 11, 2001, is eligible for supplemental pay and group insurance benefits for any period of emergency active duty in the uniformed services beginning after September 11, 2001 and ending after the effective date of this Directive. If an unclassified state employee has a limited-term appointment, the supplemental pay and group insurance benefits shall expire on the earliest of: (1) the employee's release from active duty in the uniformed services; (2) the expiration of the employee's right to return to work; or (3) the expiration of the employee's limited-term appointment. If an unclassified state employee has an indefinite appointment or serves at the pleasure of an appointing authority, the supplemental pay and group insurance benefits shall expire on the earlier of the following: (1) the employee's release from active duty in the uniformed services; or (2) the expiration of the employee's right to return to work.

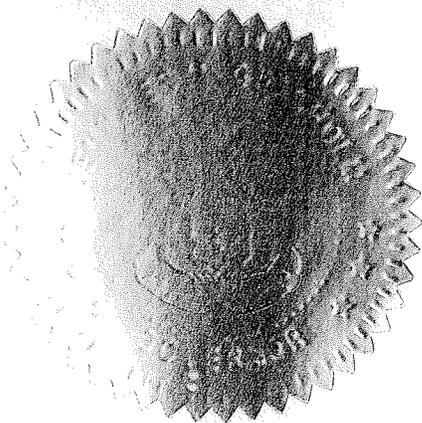
4. State departments and agencies shall adopt policies and procedures to implement this Directive for unclassified state employees consistent with the provisions of Civil Service Rule 2-14.3 relating to types of supplemental pay for members of the classified state civil service, Civil Service Rule 2-14.4 relating to payment of supplemental pay for members of the classified state civil service, and Civil Service Rule 2-14.5 relating to supplemental continuation of group health, dental, and vision insurance for members of the state classified civil service.

D. The Office of the State Employer shall negotiate with exclusive representatives of members of the state classified civil service as necessary to provide supplemental pay and benefits for exclusively-represented state employees who are members of the uniformed services consistent with the requirements of this Directive and the rules and regulations of the Civil Service Commission.

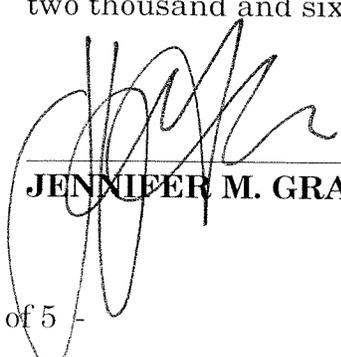
E. The Office of the State Employer shall assist state departments and agencies in implementing the requirements of this Directive that apply to unclassified state employees.

F. Copies of this Directive shall be transmitted to the Office of the State Employer, the State Personnel Director, and the Civil Service Commission.

This Directive is effective upon filing.



Given under my hand this 26th day of September, in the year of our Lord, two thousand and six.



JENNIFER M. GRANHOLM