

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

05-18

EXECUTIVE ORDER

FOR: MAINTENANCE OF SALARY AND HEALTH COVERAGE FOR ACTIVE DUTY MILITARY PERSONNEL EMPLOYED BY STATE GOVERNMENT

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, since September 11, 2001, the U.S. armed forces have waged an essential war on terror and have relied on state National Guard and other military reserve forces to ensure victory;

WHEREAS, many Hoosiers are members of the National Guard and other military reserve units, many of which have been ordered into active military service since September 11, 2001, some more than once, with more units to be activated in the years ahead; and

WHEREAS, it is imperative that we be ever thankful for the sacrifice made by these citizen-soldiers and, as part of our gratitude, ensure that no state employee who is mobilized to active duty status loses compensation or benefits as a result of abiding by his or her solemn oath to protect our nation;

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The State shall pay to each eligible member of the Indiana National Guard, or other Indiana reserve component of the armed forces of the United States, an amount equal to the difference between the soldier's basic active duty military salary and the salary the soldier would be paid as an active state employee, including any adjustments the soldier would have received had he or she not been on leave of absence from state employment. This "Differential Payment" shall (a) be made only to employees of the State on active military service and whose basic active duty military salary is less than the salary the state employee would be paid as an active state employee; (b) be made at the intervals at which the soldier received pay as a state employee; and (c) terminate when the soldier is no longer on active duty.
2. The State shall also continue the employee's enrollment in healthcare coverage and the State's contribution toward that coverage, if any, until the soldier is covered by health coverage provided by the armed forces. If the employee had elected dependent coverage as of the time that the employee reported for active military service, the State shall offer the employee the option to continue the dependent coverage at the employee's own expense. The State shall also permit the employee to continue participating in any pretax account in which the employee participated at the time the employee reported for active military service.
3. "Basic active duty military salary" shall not be construed to include any allowances, stipends, and other benefits a soldier might receive during active military service (e.g., travel, food, housing, separation, and other allowances, such as hostile fire pay and combat pay).
4. The term "active military service" means either state active service, federally funded state active service, or federal active service, but excludes service performed exclusively for training, including basic combat training, advanced individual training, annual training, inactive duty training, and special training periodically made available to reserve members.
5. This Executive Order does not create any right or benefit, substantive or procedural, enforceable at law or equity by any person against the State, its agencies or instrumentalities, its officers or employees, or any other person.
6. This Executive Order shall apply prospectively to any basic active duty military salary or benefits, as described herein, of a state employee currently in active military service or ordered into active military service on or after the date hereof.



IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 12th day of January, 2005.

M. Daniels, Jr.

Mitchell E. Daniels, Jr.
Governor of Indiana

ATTEST: Todd Rokita
Secretary of State