

MILITARY LEAVE

The Board of Education recognizes the extensive reemployment rights and protections that federal and state law provide for employees on a military leave of absence. The Board's aim is to guarantee that employees who leave the security of their jobs and family be restored to the status and position they would have enjoyed had they worked continuously in such employment. Pursuant to this goal, military leaves shall incorporate the following requirements:

1. all school district employees shall be granted leaves for obligatory military service, including fulfillment of annual National Guard training commitments;
2. an employee who is engaged in military service and who leaves a position, other than a temporary position, shall be entitled to be restored to such position or to a position of like seniority, status and pay when that individual returns from military service;
3. such employee shall be entitled to participate at his/her own expense in insurance or other benefits offered by the district for employees on a leave of absence that were in effect at the time the individual was called to military service;
4. an employee called to active duty for more than 90 days cannot be discharged without just cause for one year after reemployment;
5. all employees shall be paid their salary while absent due to an order of active duty of military service, for a maximum of 30 days or 22 working days, whichever is greater in any calendar year; and
6. time absent beyond the 22 or 30 day period shall not be counted or included in the public pension or retirement system unless such member contributes to the system the amount the person would have been required to contribute if he/she had been continuously employed during such period.

Reemployment rights attach to the returning employee provided the individual receives a certificate of satisfactory completion of military service and makes an application for reemployment within 90 days after being relieved from such service or at any time during the term of the leave.

If a teacher is called to active duty, the position vacated shall be continued in existence. The position will be deemed temporarily vacant and filled only when the public interest so requires. Any appointment to fill such a vacancy shall be as a substitute appointment. Such substitute employee shall acquire no right to permanent appointment or tenure by virtue of service as a substitute and such service may be terminated at any time in the discretion of the Board. The substitute appointment shall terminate upon the return of the former incumbent to the position, or upon the death or permanent total disability of the former incumbent, or upon failure of former incumbent to return to the position either by election, appointment or promotion.

If a teacher enters military duty before the expiration of a probationary period, the time absent on military duty shall be credited as satisfactory service during such probationary period. If the probation period ends while the teacher is on military duty, the period of such probationary service may be extended by the Board for a period not to exceed one year from the date of termination of such military duty, but in no event for a period beyond that required by the district at the time of the teacher's entry into military service.

References: Military Law, §§242, 243, 244
Veterans' Reemployment Rights Act, 38 USC §§2021-2024
Internal Revenue Code Notice, 9-058
Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) 42-
USCA §300bb-1 et. Seq.