



Title: **Military Leave**

Code: GBCB

Section: Section G: Personnel Policies

Staff members who serve in the Armed Forces of the United States or in any component of the military forces organized or constituted under state or federal law shall be granted military leave with a right of reinstatement in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). A military leave of up to fifteen days in any calendar year, without loss of pay, seniority or other benefits, shall be granted to any staff member who is engaged in military training or active military service ordered and authorized by a proper authority. The staff member shall receive full salary and benefits during such leave up to a maximum of 15 calendar days annually. All remaining leave to fulfill the annual military obligation shall be unpaid leave.

Upon receiving a call to duty, a staff member shall notify his/her immediate supervisor promptly using the GBC-E-1 Leave Request Form and submit a copy of the military orders to a Director for Human Resources. When the staff member has any choice as to the time of services, he/she shall request a time that will be favorable to the needs of the district. However, notice is not required if it is prevented by military necessity.

Military leave of absence without pay shall be granted to any regular staff member who enlists for military duty with any branch of the United States Armed Forces or who is called into active military service in time of war or other emergency declared by the proper authority of the state or United States. The staff member shall be considered on a leave of absence during military service.

While on military leave for periods of up to 30 days of service, the district will continue to pay its share of health insurance premiums. For longer periods of service, if the staff member elects to continue health insurance, the staff member will pay the entire cost of the premium.

Upon completion of military service, the staff member shall be reinstated in the same or a similar position of like seniority, status, and pay if such is available at the same salary and benefits, which he/she would have received if he/she had not taken leave, subject to the following conditions:

1. The school district's circumstances have not changed to such a degree that reinstatement would cause an undue hardship on the district or make reinstatement impossible or unreasonable, including that position has been abolished.
2. The staff member is not physically or mentally disabled from performing the duties of the position except that the school district shall make reasonable accommodation required under federal and state law, including for any disability incurred or aggravated during military service.
3. The staff member submits an honorable discharge or other form of release indicating that military service was satisfactory.

4. The staff member notifies the district of intent to return to work and returns to work within the time period set out in law.

There are time limits for a staff member to return to work after military service depending on the staff member's length of time away. Time limits for returning to work depend on the duration of the orders.

The rules are:

1. Service of 1 to 30 days: 8 hours after the end of the military duty plus reasonable commuting time from the military duty station to home.
2. Service of 31 to 180 days: Not later than 14 days after completion of military duty.
3. Service of 181 or more days: not later than 90 days after completion of military duty.

The position into which a staff member is reinstated is based on the length of military service. The rules are:

1. Service of 1 to 90 days: The job the person would have held had he or she been continuously employed.
2. Service of 91 or more days: In the job the person would have held had he or she remained continuously employed or in a position of like seniority, status, and pay.

There is a 5-year cumulative service limit on the amount of voluntary military leave a staff member can use and still retain employment rights. The 5-year total does not include annual training or involuntary recall to active duty.

Adopted: February 21, 2002

Revised: December 13, 2006

January 30, 2008

June 30, 2009

March 31, 2010

July 1, 2016

July 1, 2018

July 1, 2024

Legal Refs:

38 U.S.C. §§ 4312, 4313, 4316 [Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)]

Cross Refs:

EL 2.0 Global Executive Constraint

EL 2.3 Treatment of Staff

EL 2.7 Employment, Compensation and Benefits

Adopted: **February 21, 2002**

Last Revised: **July 01, 2024**
