Board Policy 5470

POLICY TITLE: Leaves of Absence – Military Leave

All District employees, other than those who are employed on a temporary basis who are not qualifying temporary employees, are entitled to military leave of absence when:

1. Ordered to active duty for training as members of the Idaho National Guard or any component of the U.S. Armed Forces.; or
2. Ordered by the governor, adjutant general, or other lawful authority to active duty, training, or other duty as members of the National Guard/State-recognized militia of the State of Idaho or any other state.

Employees shall be entitled to reinstatement to their former positions or comparable positions if the right is exercised in a timely manner as noted below.

The District shall notify each employee entitled to rights and benefits under the Uniformed Services Employment and Reemployment Rights Act (USERRA)or under IC 33-527 of their rights, benefits, and obligations under USERRA and under IC 33-527 and those of the District.

Notice to District

All employees should provide either written or oral notice of upcoming military leave to the District as soon as reasonably practical. The employee or an appropriate officer of the branch of the military in which the employee will serve may provide the notice. Employees who are ordered for such duty shall provide one copy of their orders or other official documentation from the appropriate military authority to the Superintendent. Notice of leave for military training shall include date of departure and date of return for purposes of military service 90 days prior to the date of departure. The Superintendent shall authorize the employee's military leave when the employee submits a copy of this documentation. Such leave shall begin on the date of departure indicated on the documentation.

Military Leave for Training or Short Term Duty

Employees who are required to attend active duty, inactive-duty training, funeral honors duty, or field or coast defense training as a Reserve of the armed forces or member of the National Guard shall not suffer any loss of salary, seniority, or efficiency rating during the first 15 work days of such absence in any fiscal year. Leave will be without loss of benefits.

In the case of a part-time employee, military leave for training or short-term duty shall accrue at a rate of 15 days per year multiplied by a percentage determined by dividing by 40 the number of hours in the regularly scheduled workweek of that employee during that fiscal year. Unused leave shall accumulate until it totals 15 days.

Completion of Military Training

Upon completion of military training, the employee shall immediately give evidence of their

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satisfactory completion of such training. The employee shall be restored to their previous or similar position with the same status, pay, vacation leave, sick leave, bonus, advancement, and seniority. The employee shall continue to accrue seniority during such period of absence.

Benefits for Uniformed Service Personnel on Active Duty

Compensation

Any employee who is a member of the uniformed services, the reserve components, or the National Guard/State-recognized militia of this state or any other state, and who is ordered to active duty, training, or other performance of duty requiring absence from work shall be entitled to [SELECT ONE: ten OR MORE] days of paid military leave each school year.

Any employee with available annual or vacation leave may take this leave concurrently with any unpaid military leave.

Pension and Retirement Plans

Pension and retirement plans are considered a benefit to which reinstated employees are entitled. Any normal contributions will continue to be made for service members who are absent for 90 days or fewer. If the employee has been absent for military service for 91 days or more, the District may elect to delay making retroactive pension contributions until the employee submits satisfactory reemployment documentation.

Medical Insurance

Health benefits will be offered to the extent they are available to other employees on leave. An employee performing military service for 30 days or fewer is not required to pay more than the normal employee share of any health premium. If the employee's military service is for 31 days to 24 months, the health plan will offer continuous coverage. An employee on military leave may elect to continue health care coverage through the District for up to 24 months after the military leave begins or for the period of military service, whichever is shorter. The District's obligation to provide health benefits ends once an employee's military leave exceeds 24 months. When the employee is reinstated, a waiting period or exclusion cannot be imposed if health coverage would have been provided to the employee had they not been absent for military service.

Reporting to District Once Military Leave is Complete

The standard military service length and reporting times are:

1 to 30 Days of Military Service: The employee reports to the District by the beginning of the first scheduled work day that falls eight hours after the end of the last calendar day of military service.

31 to 180 Days of Military Service: The employee must submit an application for reemployment no later than 14 days after completion of service in the armed forces. If the 14th day falls on a day when the District's offices are not open or available to accept a reemployment application, the time extends to the next business day.

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181 Days or More of Military Service: The employee must submit an application for reemployment no later than 90 days after completion of military service. If the 90th day falls on a day when the employee's offices are not open or available to accept a reemployment application, the time extends to the next business day.

Cases of Disability: Employees who are hospitalized or recovering from a disability that was incurred or aggravated during the period of military service leave have up to two years to submit an application for reemployment.

There is an exception to these guidelines for those employees who, through no fault of their own, find themselves in a situation that makes it impossible or unreasonable to meet the required timetables. In those cases the employee must return to work as soon as possible.

Disqualification From Returning to Work

There are four conditions that disqualify an employee from exercising their right to reemployment after military service:

1. A dishonorable or bad conduct discharge;
2. Separation from the service under "other than honorable conditions";
3. A commissioned officer's dismissal via court martial or by order of the President; and
4. When a service member has been dropped from the rolls for being absent without authority or for civilian imprisonment.

Reinstatement to Positions After Extended Duty

Employees who volunteer, are drafted, or are called to active duty for extended periods will be placed on "Military Leave of Absence" upon written application and will be entitled to reinstatement to their former or similar positions upon their return and under the following conditions:

1. They must not have remained on active duty beyond their first opportunity for honorable or general release; and
2. They must report to claim reinstatement within the timelines specified under "Reporting to District Once Military Leave is Complete" above.

After an employee has been absent for 31 days or more of military service, the District may ask the employee or the employee's military unit for documentation showing that:

1. The employee submitted a timely application for reemployment;
2. The employee's length of military service has not exceeded the five year limitation; and
3. The employee's separation from the military service meets the requirement for reemployment.

As a general rule, employees returning from military service must be reemployed in the job that they previously held, or would have attained had they not been absent for military service. If the employee was disabled while on military duty, or a disability is aggravated by military service, the District will make reasonable efforts to accommodate the disability.

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