

## **Military Leave**

ESD 123 shall grant military leave as provided by law to each staff member who is a member of a United States Military Reserve Unit or a member of the Washington National Guard for a period not to exceed twenty-one (21) days during each year beginning October 1st and ending the following September 30th, provided such reservist has been called to active duty or active-duty training. Such military leave of absence shall be in addition to or volunteered for, any vacation or sick leave to which the staff member may be entitled and shall not result in any loss of rating, privileges, or pay. During the period of military leave, the staff member shall receive his/her normal pay from ESD 123.

Employees whose employment with ESD 123 is interrupted by up to five (5) years of service in a uniformed service are entitled to re-employment by ESD 123 following their discharge. The Superintendent shall adopt procedures to implement these re-employment rights consistent with state and federal law.

### **Military Leave – Spouse**

ESD 123 shall allow an employee who is the spouse of a military member of the U.S. Armed Forces, National Guard, or Reserves to take up to fifteen (15) days of unpaid leave during a period of military conflict when: 1) the military spouse is on leave from a deployment, or 2) prior to deployment once the military spouse receives official notification of an impending call or order to active duty. The employee must work an average of twenty (20) hours or more each week for ESD 123 in order to be eligible for this leave.

The employee is entitled to fifteen (15) days of unpaid leave for each deployment. The employee must provide ESD 123 notice of intent to take leave within five (5) business days of the call to active duty or notice of leave from deployment.

First Reading: 11/16/2021

Second Reading: 12/16/2021

Adoption: 12/16/2021

### **Reference:**

[RCW 28A.310.220 ESD board—Delegation of powers and duties to superintendent.](#)

[RCW 38.40.060 Military leave for public employees.](#)

[RCW 49.77 Military family leave act](#)

[AGO 61-62 No. 81 Public employment -- State and municipal employees -- Military leave -- Reserve meetings](#)

[38 USC 4301-4335 Employment and reemployment rights of members of the uniformed services](#)

### **Cross Reference:**

[Policy 5404 - Family, Medical, and Maternity Leave](#)