

MILITARY LEAVE

Paid Leave

An employee who is a member of the Ohio organized militia or a member of other reserve components of the armed forces of the United States, including the Ohio National Guard, is entitled to a paid leave of absence while performing service in the uniformed services for a period up to one month per calendar year, not to exceed 22 8-hour work days or 176 hours.

An employee who is entitled to paid leave must submit to the District the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing the service, prior to being credited with the leave.

Call to Duty for More than One Month

An employee who is called or ordered to the uniformed services for more than one month because of an Executive Order issued by the President of the United States, an Act of Congress, or an order to perform duty issued by the governor, is entitled to the lesser of \$500.00 or the difference between the employee's military pay and his or her salary for each month of service.

An employee will not receive these payments if the sum of the employee's military pay (gross and allowance) in a pay period exceeds the employee's gross salary.

Voluntary Service

An employee who leaves employment for the purpose of entering the uniformed services of the United States will be placed on an unpaid leave of absence.

Reinstatement

An employee will be reinstated to employment under the same type of contract he or she last held before the military leave if:

- 1) the employee has given advance written or verbal notice of qualifying military service to the District; and
- 2) the cumulative length of absence for military service does not exceed 5 years, unless the service was required to go beyond 5 years by special orders or circumstances provided by law; and

- 3) the employee submits an application for reinstatement within 90 days upon release from military service if the length of service was greater than 180 days

or

the employee submits an application for reinstatement within 14 days upon release from military service if the length of service was between 31 and 180 days; and
- 4) the employee was discharged under honorable or satisfactory conditions; and
- 5) the employee provides documentation to establish that the application was timely, the service does not exceed 5 years, and the type of discharge.

If the employee applies for reinstatement 30 days prior to the beginning of the next school semester, the District may re-employ the employee beginning that next semester. Otherwise, the employee may be re-employed beginning the following semester, unless the Board waives the 30-day requirement.

The employee is entitled to be reinstated under the same type of contract he or she last held. An employee shall receive the same seniority and benefits he or she had, or would have had, if the employee had not been on military leave.

Non-Discrimination

The Uniformed Services Employment and Re-employment Rights Act of 1994 prohibits discrimination and retaliation for an employee's membership (voluntary or involuntary) in the uniformed services concerning any aspect of employment.

The Board may suspend the contract of an employee whose services become unnecessary by reason of the return of another employee from service in the uniformed services who is reinstated pursuant to this policy and applicable laws.

An employee who is reinstated after service of 180 days or more may not be discharged without cause for one year after reinstatement. Employees whose service was between 31 and 180 days, may not be discharged without just cause for six months.

Health Coverage

An employee on paid military leave for 31 days or less may continue his or her current District health care coverage at the normal employee rate for such coverage. The District and employee shall continue to pay the same costs for coverage as if the employee were not on leave. The employee's dependents are likewise entitled to continued medical, dental and vision insurance.

An employee on military leave in excess of 31 days is eligible for coverage under COBRA, and will be responsible for 100 percent of the full premium for the coverage elected.

An employee whose health coverage was terminated by reason of military service will not be subject to an exclusion or waiting period upon re-employment if an exclusion or waiting period would not have been imposed if the coverage had not been terminated as a result of military service.

Service Credit

An employee may purchase up to five years of military service credit which shall be considered the equivalent of Ohio service credit for purposes of state retirement benefits. (See member handbook for further information).

[Adoption date: May 2, 2002]

Legal References

Uniformed Services Employment and Re-Employment Rights Act, 38 U.S.C. 4301 et. seq.

ORC 3307.02.1; 3309.02.1; 3319.08.5; 3319.14; 5923.05

Cross References

GCBD/GDBD Professional Staff/Administrators - Support Staff/NonUnion Leaves and Absences