

## PERSONNEL

**Military Leave: Training/Governor's Call and Call to Active Duty P 5-42**A. Training/Governor's Call

Military leave not to exceed fifteen (15) work days in any federal fiscal year (October 1-September 30) will be granted to employees. Such leave is for the purpose of fulfilling obligations to reserve components and in response to orders issued by the Governor under the Code of Virginia. There shall be no loss of pay for employees on these categories of military leave.

The employee shall submit his/her military orders or other support documents from a responsible military official to the central office Department of Personnel Services prior to reporting for duty.

B. Call to Active Duty1. Granting of Military Leave and Duration

- a. employees will be granted leave without pay for entrance into active duty with the Armed Forces.
- b. Leave shall only be granted for active military service for those dates stated on the employee's military orders or on other support documents submitted from a responsible military official.
- c. Employees are entitled to military leave and reinstatement provided that the length of service does not exceed four years unless there is an extension beyond the four years for one of the following reasons:
  - (1) Active military service requested by and for the convenience of the federal government. Written documentation supporting this stipulation must be provided to the central office Department of Personnel Services;
  - (2) Periods fixed by the Governor;
  - (3) An employee's hospitalization, associated with the active duty and continuing after discharge from military service, for a period of not more than one year.

2. Physical Examinations for the Military

An employee who is scheduled for a physical examination for military service during working hours, including but not limited to preinduction physicals, shall be given a leave of absence with full pay up to, but not exceeding, eight hours annually. The leave records should show "military leave with pay-physical" for

## PERSONNEL

Military Leave: Training/Governor's Call and Call to Active Duty (continued)

these hours.

3. Responsibilities of the Employee

- a. An employee must furnish the central office with a completed leave request form and acceptable documentation from a responsible military official indicating the dates of active duty. Whenever possible, employees should give at least two weeks notice prior to anticipated entrance into the service.
- b. In cases of emergency call-up, the employee should notify his or her supervisor of the call-up for duty as soon as possible.

4. Status of Benefits for Employees Placed on Leave Without Pay for Military Service

- a. Service Credit- An employee will accrue credit toward continuous division service for the duration of leave without pay for military service, and past division service credit will be retained.
- b. Annual (Vacation) Leave Balances- An employee has the option to retain leave balances.
  - (1) At the option of the employee, unused annual leave (vacation) balances - up to the allowable maximum may be retained by the employee or paid off at the time the employee is placed on military leave without pay.
  - (2) An employee will not accrue annual leave credits while on military leave without pay. However, upon return to division service, an employee's annual leave accrual rate will be calculated to include the period of military leave without pay.
  - (3) Unused and unpaid annual (vacation) leave balances retained when the employee was placed on leave without pay will be reestablished upon return to division service. If an employee desires payment for annual leave balances at separation, payment must be made for the total annual leave balance, up to the maximum allowable, and it will not be allowable to buy these balances back.
- c. Compensatory Leave- If not used to cover the period of absence due to military service, compensatory leave balances will be paid off at the time of placement on leave without pay.

## PERSONNEL

Military Leave: Training/Governor's Call and Call to Active Duty (continued)d. Sick Leave Balances

- (1) Sick leave balances will be frozen.
- (2) An employee will not accrue sick leave credits while on military leave without pay. Credits for years of continuous division service will be calculated when the employee returns to division service and will include the period of leave without pay for military service.
- (3) Unused sick leave balances will be reestablished upon return to division service.

e. Holiday Pay- An employee placed on leave without pay for military service will not be paid for holidays occurring during the military leave.f. Health Insurance- Health insurance will be discontinued during the period of military leave without pay.

- (1) Coverage will continue to the end of the month in which the leave without pay begins. If the employee returns from leave the following month, and works at least half of the work days in the month, coverage can be continuous.
- (2) When reinstated into division service coverage will be effective the first day of the month following reinstatement, or on the first day of the month if reinstated on that day.

g. Life Insurance- Coverage will continue for up to two months after the employee is placed on leave without pay for military service, with the school board making the full contribution. Life insurance coverage will begin again upon the employee's reinstatement to division service.h. Retirement Benefits- Contributions to retirement will be discontinued when an employee is placed on leave without pay. A reinstated employee will be given credit towards retirement for the period of military leave. Upon reinstatement to division service, the employee must provide VRS with appropriate documentation in order to receive this credit.5. Reinstatement from Military Servicea. Conditions- Upon satisfactory completion of military service, the employee is entitled to reinstatement to his or her former position or to a position of like seniority, status, pay, and location provided that:

## PERSONNEL

Military Leave: Training/Governor's Call and Call to Active Duty (continued)

- (1) The employee makes a request for reinstatement to the superintendent within the proper time frames established under the Federal Veterans Reemployment Rights statute. Normally, these time frames are as follows:
  - (a) Within 90 calendar days after release from active duty, or from hospitalization associated with the active duty which continues after discharge for a period of not more than one year.
  - (b) Within 31 calendar days after release from initial active duty for training, or from hospitalization associated with active duty which continues after discharge for a period of not more than one year.
- (2) The employee shall present the superintendent with a certificate attesting to the satisfactory completion of military service. The school board is not obligated to reinstate an employee who has not satisfactorily completed military service or training. In such instances, eligibility for reinstatement should be evaluated on an individual basis, taking into consideration the employee's military record and work history with the division.
- (3) The employee is still qualified to perform the duties of the former position:
  - (a) If an employee becomes disabled during military service and cannot perform the duties of the position to which otherwise entitled, efforts must be made to place the employee in the nearest comparable position for which qualified, based upon the physician(s) recommendation(s) as to ability to perform the job. If no placement is possible, the employee shall be considered affected by a reduction in force (RIF) and the provisions of the RIF policy/regulation shall apply.
  - (b) If an employee no longer meets the minimum qualifications of the former position because of a change in job duties, the employee must be offered a position for which the employee is qualified and which is of like seniority, status, pay, and location. Before placing the employee in another position, the employee should be offered any training that might increase his or her ability to perform the job, if the training would have been available had no military service occurred.
  - (c) If the position an employee formerly held has been abolished, the

## PERSONNEL

Military Leave: Training/Governor's Call and Call to Active Duty (continued)

employee shall be placed in a position comparable in status and pay to the one previously held.

- (d) If such a position is not available, the employee shall be considered affected by a reduction in force (RIF) and the provisions of the RIF policy/regulations shall apply.
- b. Effective Date- The employee will be reinstated within a reasonable period of time after making application for reinstatement. A "reasonable period of time" normally is considered to be within five to ten workdays. Longer periods may be necessary depending on the circumstances.
- c. Salary and Proficiency Increases- Normally, the salary will be determined as though the employee had not left the position.
  - (1) Normally an employee will return to the same classification, salary grade, and salary step held at the time of being placed on leave without pay. In addition, the employee will receive a salary increase of one pay step for each proficiency increase the employee would have received had division service continued uninterrupted. The employee's salary must also reflect any classification regrade which may have occurred to the employee's classification during the period of military leave.

Legal Reference:

Code of Va., § 44-93. Leaves of absence for employees of Commonwealth or political subdivisions.--" All officers and employees of the Commonwealth or of any political subdivision of the Commonwealth who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty, to include training duty, or when called forth by the Governor pursuant to the provisions of §44-75.1 or § 44-78.1. There shall be no loss of pay during such leaves of absence, except that paid leaves of absence for federally funded military duty, to include training duty, shall not exceed fifteen workdays per federal fiscal year, and except that no officers or employees shall receive paid leave for more than fifteen workdays per federally funded tour of active military duty. When relieved from such duty, they shall be restored to positions held by them when ordered to duty. For the purposes of this section, with respect to employees of the Commonwealth or its political subdivisions who do not normally work approximately equal workdays on five or more days of each calendar week, the term "workday" shall mean 1/260 of the total working hours such employee would be scheduled to work during an entire federal fiscal year, not taking into account

PERSONNEL

Military Leave: Training/Governor's Call and Call to Active Duty (continued)

any state holidays, annual leave, military leave, or other absences. (1997)

- Adopted by School Board: June 19, 1973
- Revised by School Board: January 6, 1981
- Revised by School Board: September 1, 1981
- Revised by School Board: August 2, 1982
- Revised by School Board: August 5, 1986
- Revised by School Board: December 4, 1990