

EUREKA COUNTY SCHOOL DISTRICT

MILITARY LEAVE OF ABSENCE - CLASSIFIED

I. DEFINITION

A military leave of absence is a leave granted to employees who are members of any reserve unit of the Armed Forces of the United States or the National Guard who are ordered to active duty, or who are drafted, or who enlist as an alternative to being drafted. Military leaves of absence shall be without pay, except under short term mobilization conditions granted paragraph III, and leave granted to members of the Nevada National Guard provided for in NRS 412.078.

II. ELIGIBILITY

Employees who are members of the uniformed services are entitled to military leave to serve under orders including, without limitation, orders for training or deployment; and to re-employment rights as provided in 38 USC, Sections 2021-2024, and 4301 et. seq, and NRS 281.145. The uniformed services covered include the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service Commissioner Corps, the reserve components of these services, and any other category dispatched by the President in time of war or national emergency. The Army National Guard and Air National Guard are also covered.

Employees who voluntarily request active duty or re-enlist are not eligible for a military leave of absence. Employees must have reported and must have begun service with the District in fulfillment of their contract to be eligible for a military leave of absence.

III. SHORT TERM MOBILIZATION

Employees who are members of reserve units of the Armed Forces or National Guard who are mobilized to serve under orders for a period of fifteen (15) days or less shall receive their regular rate of pay for this period of time. The employee will be required to surrender payment received for military service while on active duty, exclusive of pay received for meals, transportation, and lodging. This provision does not apply to active duty assignments for summer encampments, schools, or classes normally required of members of the National Guard or reserve

military units. The employee's accrued vacation time may not be deducted during the leave, but if the employee requests additional leave beyond 15 working days, he or she may choose to use any accrued annual leave before going on leave without pay. The employer will treat the employee the same as any other employee on leave without pay.

IV. REQUEST PROCEDURE

A request for military leave of absence should be submitted on the Request for Leave of Absence form and must be accompanied by a copy of the orders to report for active duty or notice of induction, unless providing such written orders is impossible or unreasonable.

V. SALARY AND BENEFITS

The District will treat the employee on military leave the same as any other employee on leave without pay. The employee may choose to use annual leave and compensatory time, if any, before going on leave without pay.

There shall be no impact to the employee's insurance coverage, including life insurance that is included in the health insurance package, if the service is for less than 30 days. During the 30 day time period, the District and employee premium payments or obligations, if any, shall remain unchanged. If the service is for more than 30 days, and the employee is in a leave-without-pay status, the employee may continue coverage similar to that required by the Consolidated Omnibus Budget Reconciliation Act (COBRA) for either 24 months or through the day after the date on which the employee fails to apply for re-employment in a timely manner; whichever is less (see **Re-employment** below). The District must reinstate coverage upon the employee's prompt re-employment without the imposition of exclusions or waiting periods.

An employee is entitled to the seniority (and rights and benefits governed by seniority) s/he had accrued at the commencement of military leave **plus** any additional seniority rights and benefits that s/he would have attained if s/he had remained continuously employed. (However, a returning probationary employee must complete the remaining period of probation upon reemployment.) Additionally, the District must count time on military leave as work time for purposes of determining the employee's placement on the District's salary schedule.

The District is not required to accumulate annual or sick leave for an employee during his/her absence.

Time served will be counted as work time for purposes of retirement. The District shall make contribution payments to the retirement plan as if

the employee had not left, provided the employee returns to work. The District contribution will be based on the rate of pay the employee would have been paid had s/he not been called to military service.

If an employee does not return to work due to death or disability, the survivor or disability benefit is treated as if the employee had been working until the date of the death or disability. The District must make the retirement contribution up to the date of the death or disability.

The District shall count time served in the military when calculating the employee's Family Medical Leave Act eligibility.

VI. RE-EMPLOYMENT

Eligible returning service members must be promptly re-employed, which in most cases means within two weeks of reporting. The employee's report-to-work obligations are:

Service of one to 30 days: The beginning of the next regularly-scheduled work period on the first full day following completion of service, and expiration of an eight-hour rest period following safe transportation home.

Service of 31 to 180 days: Application for reinstatement must be submitted not later than 14 days after completion of military duty.

Service of 181 or more days: Application for reinstatement must be submitted not later than 90 days after completion of military duty.

The deadline for reinstatement may be extended for up to two years for persons who are convalescing due to a disability incurred or aggravated during military service, and the District must make reasonable accommodations for the impairment.

Reemployment rights apply to veterans whose cumulative period of uniformed service does not exceed five years while employed by the same District. Time spent in National Guard and reservist training does not count towards the five-year period.

If time served is greater than 30 days but less than 181 days, an employee may not be discharged within 180 days of re-employment, except for just cause. If time served is greater than 180 days, an employee may not be discharged for one year, except for just cause.

VII. ARRANGING TRAINING SESSIONS

Employees who are members of reserve units or the National Guard should attempt, where possible, to arrange active duty assignments or training sessions at times when school is not in session in order not to disrupt classes, in the best interest of the children of the District.