

PERSONNEL

File: GCBEB

MILITARY LEAVE

Leave

All employees of the School Board who are members of the state or federal military reserves shall be entitled to leaves of absence from their duties on all days during which they are engaged in federally funded military duty, including training duty or when called forth by the Governor.

Immediately upon receipt of official notice to report for duty, the employee will notify his or her supervisor of the need for military leave. A copy of the official orders must accompany the leave request.

Pay/Paid Leave

All employees on military leave will receive up to 15 days leave per federally funded tour of duty. When possible, military leave for employees on less than a 12-month contract will be arranged during non-duty hours.

An employee who is scheduled for a physical examination for military services during working hours, including but not limited to pre-induction physicals, will be given paid leave.

In addition, full-time employees of the Charlottesville City School division whose active duty service with the regular armed forces of the United States or the National Guard or other reserve component requires his or her absence from employment will receive supplemental pay in the amount of the difference between the military pay and pay as a Charlottesville City Schools employee if the employee's military compensation is less than the regular salary paid to the employee by the school division.

The employee will be permitted, upon request, to use any vacation, annual, or similar leave that had accrued at the time military leave began.

Except as outlined above, military leave is unpaid.

Benefits

Health Benefits

If the employee so desires, the employee and the employee's dependents may continue to participate in the division's health plan for up to 24 months while the employee is on military leave. The employee must notify the Director of Human Resources or designee if he or she wants to continue participation in the division's group health plan. Charlottesville City Schools will continue to provide health coverage for the employee and allow the employee to continue with coverage for dependents at the same rate during any deployment and/or military leave.

Retirement Benefits

An employee reemployed after military leave will be treated as not having incurred a break in service. The period of military leave will be considered service to the division for purposes of vesting and benefit accrual. The division is responsible for its pension plan funding obligation. The division is not required to make VRS premium payments until the employee is reemployed. The employee will be required to make up his/her premium payments that were due during the period of military service. The division and employee premiums will be calculated on the rate of pay the employee would have received but for the absence to serve military duty.

The employee will be allowed, but not required, to make up his or her contributions to a contributory plan. The employee may repay his or her employee contributions for a period of up to three times the period of military service, but not to exceed five years. If the employee's retirement plan is contributory and the employee does not make up his or her contributions, he or she will not receive the employer match or the accrued benefit attributable to his or her contribution because the employer is required to make contributions that are contingent on the employee's contributions.

The employer and employee contribution will be calculated on the rate of pay the employee would have received but for the absence to serve military duty.

Reemployment

An employee who is entitled to military leave by reason of service in the federal military reserves is entitled to be reemployed by the School Board as long as he or she

- has given advance notice of the need for military leave (unless notice is precluded by military necessity or is otherwise impossible or unreasonable);
- has not been absent from his or her job for more than five years; and
- returns to work as outlined below.

If the employee was absent from work for

- less than 31 days, he or she must report back to work by the beginning of the next regularly scheduled work period after a reasonable amount of time to arrive home, rest and report to work;
- more than 30 days but less than 181 days, the employee must submit an application for reemployment within 14 days after the completion of service;
- more than 180 days, the employee must submit an application for reemployment within 90 days after the completion of service.

Employees who are entitled to military leave due to service in the Virginia military reserves must make written application for reemployment with (A) 14 days of release from duty or from hospitalization following release if the length of the employee's absence by reason of

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service in the uniformed services does not exceed 180 days or (B) 90 days of his release from duty or from hospitalization following release if the length of the employee's absence by reason of service in the uniformed services exceeds 180 days.

Upon returning from duty, an employee will be restored to the same job he held before leaving or to a comparable job. The School Board is not obligated to reemploy persons returning from military leave in certain unusual situations specified by state and federal law.

Termination After Reemployment

A person who is reemployed after returning from more than 30 days of military duty will not be discharged except for cause

- within one year after the date of reemployment, if the person's period of military service before the reemployment was more than 180 days; or
- within 180 days after the date of reemployment, if the person's period of military service before the reemployment was more than 30 days but less than 181 days.

Discrimination Against Member of Military Reserves Prohibited

Members of the military reserves will not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of that membership.

Adopted: February 18, 1998
Revised: March 4, 2004
Revised: March 20, 2008
Revised: June 17, 2010
Revised: June 30, 2015

Legal References: 38 U.S.C. §§ 4312, 4313, 4316, 4317

20 C.F.R. §§ 1002.259, 1002.261, 1002.262, 1002.267

Code of Virginia, 1950, as amended, §§ 22.1-289.2, 44-93, 44-93.1, 44-93.3, 44-93.4, 44-102.1