

All Personnel

BP 4161.5(a)

4261.5

MILITARY LEAVE

4361.5

Short Term Leave

Any employee of the district who is a member of the reserve corps of the armed forces of the United States or the National Guard or the naval Militia is entitled to a temporary military leave of absence while engaged on ordered military duty for purposes of active military training, etc., provided that the period of duty does not exceed 180 calendar days.

Such employee shall have the absolute right to be restored to his/her former office or position, or, if the office or position has been abolished, to a position of like seniority, status, and pay, or have the same rights he/she would have had if he/she occupied the position when it ceased to exist and had not taken temporary military leave of absence.

Such employee shall receive the same vacation, sick leave and holiday privileges, and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or reemployment that he/she would have had if not absent on military leave, provided the employee had been in the service of the district for at least one year prior to starting the military leave. All service on ordered military leave shall be counted toward seniority in service to the district.

Long Term Leave

Any employee of the district who is ordered into active duty with the armed forces for a period of more than 180 calendar days inclusive of travel time, or who resigns his/her position with the district for the purpose of joining, and does join, the armed forces of the United States during conditions of a declared national emergency, shall be placed on long-term leave of absence for military purposes.

Such employee shall retain all rights to which he/she is entitled under the Military and Veterans Code.

As soon as an employee is notified of pending military service, orders of such service are to be forwarded to the personnel office.

Legal Reference: (see next page)

MILITARY LEAVE (continued)

Legal Reference:

EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44018 Compensation for employees on active military duty

44800 Effect of active military service on status of employees

45059 Employee ordered to military/naval duty - computation of salary

GOVERNMENT CODE

18540 Definition of armed forces

18540.3 Recognized military service

20990-21013 Pension benefits, PERS members on military leave

MILITARY AND VETERANS CODE

146 Events justifying calling of militia into active service

389 Definitions; temporary military leave

394 Nondiscrimination based on military service

395-395.9 Military leave

UNITED STATES CODE, TITLE 38

4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994

CODE OF FEDERAL REGULATIONS, TITLE 20

1002.1-1002.314 Uniformed Services Employment and Reemployment Rights Act of 1994

COURT DECISIONS

Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503

Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65

ATTORNEY GENERAL OPINIONS

77 Ops.Cal.Atty.Gen. 209 (1994)

69 Ops.Cal.Atty.Gen. 185 (1986)

63 Ops.Cal.Atty.Gen. 924 (1978)

19 Ops.Cal.Atty.Gen. 132 (1952)

18 Ops.Cal.Atty.Gen. 178 (1951)