

MILITARY LEAVE AND BENEFITS

All employees of the Alexandria City School Board, who are members of the state or federal military reserves, are 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.

Pay/Paid Leave

Any employee who is a member of the National Guard or an organized Military Reserve of the United States is allowed leave with pay, not to exceed fifteen days, in order to attend training camps. Either calendar or fiscal year may be used in applying this section, depending upon the current policy of the Federal Government.

In addition, full-time employees of the school division whose active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component requires the employee's absence from employment may receive a supplement for the difference between the employee's ACPS salary and the employee's military base pay for a period not to exceed fifteen days, if the employee's military compensation is less than the regular salary paid to the employee by the school division. Before employees receive the supplement, they must provide Human Resources with copies of their military pay statements. Employees who receive such supplements must have direct deposit with the school division.

Employees may use their accrued annual, personal or sick leave in lieu of receiving the supplement. Employees are not eligible to use their leave and receive the supplement at the same time.

Except as outlined above, military leave is unpaid.

Health Benefits

If the employee so desires, the employee and the employee's dependents may continue to participate in the Division's group health plan for up to 24 months while the employee is on military leave. The employee must notify the Human Resources Department if he or she wants to continue participation in the Division's group health plan.

Employees absent for 30 days or less will be responsible for the employee portion of the premiums during their absence. Employees absent for 31 days or more will be responsible for paying the full premiums during their absence. If the employee is receiving the supplemental pay the premiums will be deducted from the supplemental check. If the employee is on unpaid leave, the employee will be required to pay the premium by personal check.

The employee's contributions to the Virginia Retirement System (VRS) will be deducted from the supplemental pay based on the amount of the supplement. The School Board will make its contribution to VRS based on the amount of the supplemental pay.

When employees return from military service, the time spent on military leave will be creditable for seniority, pay purposes, vesting and benefit accrual.

Retirement Benefit

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 its contribution until the employee is reemployed.

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 attributions 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 cumulative 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; or
- 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 within (1) 14 days of release from duty or from hospitalization following release if the employee's absence by reason of service in the uniformed services does not exceed 180 days, or (2) 90 days of release from duty or hospitalization following release, if 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 or she 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 Members 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: June 15, 2006

Amended: June 23, 2016

Legal Refs.: 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

Cross Refs.: GCBD Staff Leaves and Absences
GCBD-R Staff Leaves and Absences Regulations
GCBE Family and Medical Leave