

*LEAVES*

The District believes that the regular attendance of employees is vital to the success of the District's educational program. Accordingly, employees are expected to report to work every day. However, the District does recognize that certain absences may be unavoidable. Therefore, full-time, year-round employees are eligible for the following leave beyond those covered in collective bargaining agreements:

Military Leave under Federal Law

Employees who are members of the uniformed services are entitled to military leave and to re-employment rights as provided in 38 USC, Sections 2021-2024, and 4301 et. seq. 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 nations emergency. The Army National Guard and Air National Guard are also covered.

*Notice and Notification*

The employer must provide employees with notice of their rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). This requirement may be met by posting the notice where the District customarily places notices for employees. The District may require written (orders) or verbal notice of service obligation, but must waive the requirement if notice is impossible or unreasonable.

*Salary and Benefits*

- **Leave Without Pay**

The employer will treat the employee 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.

- **Health Insurance**

There is no impact to the employee's insurance coverage, including life insurance inclusive of the health insurance package. The District and employee premium payments or obligations, if any, remain unchanged for 30 days. Employee may then 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 reemployment in a timely manner; whichever is lesser (see Reemployment below). The District must reinstate coverage upon the employee's prompt reemployment without the imposition of exclusions or waiting periods. An employee who takes up to 90 days after leaving the military before commencing his/her reemployment may stay on the military health insurance however it is the employee's responsibility to verify the continuation, scope, and duration of coverage.

- Seniority

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 (the “escalator principle”). However, if an introductory period is a bona fide period of observation and evaluation, the returning employee must complete the remaining period of probation upon reemployment. The District must count time served for the purpose of determining annual and sick leave accrual rates, if the accrual amount is based on seniority. Additionally, the District must count time in the military when determining the employee’s rate of pay if the rate is based on seniority (e.g., a grade-and- step pay system). The District is not required to accumulate annual or sick leave for an employee during his/her absence. The “escalator principle” will be applied to a returning employee’s opportunities to take promotional examinations or skills tests, and to merit pay increases.

- Retirement

Time served will be counted as work time for purposes of retirement. The District must 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 (e.g., a grade-and-step pay system). An exception to this requirement is when the higher pay is based on additional knowledge, skill, or ability that can only be gained by work experience.

- Death or Disability

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.

- Other Leave

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

### *Reemployment*

An employee has certain report-to-work obligations following military service. Eligible returning service members must be promptly reemployed, which in most cases means within two weeks of reporting. The employee’s report-to-work obligations are:

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

*Discharge*

If time served is greater than 30 days but less than 181 days, an employee may not be discharged within 180 days of reemployment, 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.

**Military Leave under Nevada Statute**

a. Policy

- 1) Public officers and/or employees who are active members of the United States Army Reserve, United States Naval Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, or the Nevada National Guard are entitled to leave to serve under orders including, without limitation, orders for training or deployment, as provided in NRS 281.145.

b. Procedure

- 1) Upon employee's or public officer's request, District must relieve employee or public officer of duties with pay to serve under orders for training or deployment for a period of not more than the number of hours equivalent to 15 working days in a 12 month period.
- 2) The District is not required to pay the public officer's or employee's salary after 15-working days (or hours equivalent).
- 3) Public officer's or employee's accrued vacation time may not be deducted during the leave. If public officer or employee requests additional time beyond 15 working days, public officer or employee may choose to use annual leave and compensatory time, if any, before going on leave without pay. The employer will treat the public officer or employee the same as any other employee on leave without pay.
- 4) The 12-month period designated by District in number 1 above is July 1st through June 30th.

Disaster Area Declaration

"Disaster Area" is defined as a designated area affected by an event declared to be a disaster by a state or federal governmental agency duly authorized to make such designation. Employees who are unable to report to work due to a disaster may use accrued annual leave or compensatory leave time as compensation for scheduled time not worked.

Employees shall make every effort to report to work as soon as is reasonable under such conditions, provided the District's operation is open and functioning. An employee who has made such an effort, yet fails to report to work under such declared "disaster" conditions, shall not be subject to discipline. Employees shall make every effort to report their circumstances to

their immediate supervisor.

Blood Donor Leave

Employees may be granted reasonable time off during their normal work schedule for the purpose of donating blood when participating in a District-sponsored or supported blood donation drive. All such absences shall be scheduled with the employee's supervisor. In no event shall an employee be eligible for overtime as a result of donating blood.

Employee of the Year

When an employee is honored as "Employee of the Year" by the District, they will receive their birthday off as a special vacation day for the two (2) birthdays following receipt of the award. If their birthday falls on a weekend day, they will receive the Friday or Monday closest to their birthdate off. If their birthday occurs during a vacation period or other time when the employee is not working, the day off can be shifted by 6 months to fall within their work period. The day off can also be shifted to any more convenient day with the approval of the administrator or Human Resources Director.

Reference: 38 USC, Sections 2021-2024, 4312-4318, NRS 281.145

Policy #GBCA  
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