

Cache County School District

Policy Series 5000: Personnel

Policy No. 5405 P1

Military Leave

Military Leave Documentation

Military leaves of absence or a military stipend shall be granted upon the filing of letters of appointment or official orders, or upon verbal notification by a verifiable military authority, with the Human Resources Department. All National Guard and Reserve members are required to provide a copy of orders, the annual drill schedule, or other type of documentation to the District as soon as available and, if possible, before the commencement of military leave or issuance of a military stipend.

Military Leave Guidelines

1. Military leave is absence or a military stipend which may be granted to:
 - A. Employees ordered into military service of the United States;
 - B. Employees who are currently serving as a member of a Reserve Component of the Armed Forces and are ordered to active duty, active duty for training, active duty for special work, weekend or weekday drill, fitness for duty or other examinations, or under orders for funeral honors or honor guard duty;
 - C. Employees who are members of the National Guard and are ordered to State Active Duty.
2. Military leaves of absence or military stipend shall be administered as follows for employees on military service orders:
 - A. Each benefit-eligible employee is granted a cumulative total of fifteen (15) workdays of paid military leave each fiscal year.
 - B. Each non-benefitted hourly employee is granted a military stipend each fiscal year for the equivalent of 15 workdays based on the employee's hourly rate of pay.
 - C. When military leave or a military stipend is granted for 30 days or less, the District shall pay the employee's full regular salary or wages or hourly rate for the first fifteen cumulative workdays of military leave or a military stipend in a fiscal year. For military leave or a military stipend that extends beyond the cumulative fifteen workdays within a single period of 0-30 days, the District shall pay the difference between employee's regular salary or wages, or military stipend, and the military pay, if the military pay is less than their regular earnings.
 1. The District will maintain their insurance coverage for an employee granted inactive duty training for 30 days or less.
 2. The District will cover the cost of a substitute, if needed.
 - D. If military leave is granted for 31-180 days, employees will be required to apply for a military leave of absence under the District's leave of absence procedure. This

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leave will be without pay and the District reserves the right to replace the employee on a temporary basis if it is in the best interest of the District. The employee will be offered COBRA insurance. Upon release, an employee returning from this type of military leave of absence must request reassignment to a position within the District within fourteen (14) days after discharge or separation from active duty or military service.

- E. If military leave is granted for longer than 180 days, employees will be required to apply for a military leave of absence, and the District may replace the employee. Upon release, an employee returning from a military leave of absence must request reassignment to a position within the District within ninety (90) days after discharge or separation from active duty or military service. Employees will be offered COBRA insurance for a total of 18 months.
- 3. Non-benefitted hourly employees whose employment is interrupted by military service and receive a military stipend are not eligible for retirement benefits.
- 4. Benefit eligible employees whose employment is interrupted by military leave will be given retirement benefits in accordance with Federal Law (Utah Retirement System Employers Guide).
 - A. Cache County School District will complete a Military Leave Notification and submit it to the Utah Retirement System with a copy of the employee's official call at the time the employee leaves for service.
 - B. If the employee is a member of the non-contributory plan, Cache County School District will pay the entire contribution as well as 401K contributions that would have been paid had the employee not left employment.
 - C. If the employee is a member of the contributory system, Cache County School District will pay the employer contribution. The employee must pay the employee portion of the contribution.
 - D. For purposes of computing the required contributions, an employee's compensation during the period of military service will be at the same rate had the employee not been called to military service.
 - E. If an employee does not return to Cache County School District following military service, the Utah Retirement System will refund the contribution made to the Defined Benefit Plan but not the 401K.
- 5. Employees returning from service under honorable conditions will be assigned to the same or comparable position for which the employee is qualified.
- 6. Employees granted military leaves of absence shall receive experience credit on the salary schedule up to a maximum of five years. They shall also be allowed to make individual contributions to any pension plan, and upon reinstatement, have all privileges and status restored as if they had not been absent.
- 7. Cache County School District shall not be required to reemploy any employee who is discharged from the Armed Forces of the United States under conditions other than honorable.
- 8. Twelve-month employees who are ordered to attend training sessions or who are assigned to short-term active duty for training shall consult with their immediate supervisor and make every effort to arrange such activities so as to provide for a minimum of interruptions and to promote continuity of work objectives of the District.

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9. An employee on an approved military leave of absence who fails to request reinstatement or who fails to return to the assigned position following discharge/separation from active duty or service may be terminated at the conclusion of the leave since failure of an employee to report is cause for dismissal.
10. There is a five-year cumulative service limit on the amount of voluntary military leave an employee can use and still retain reemployment rights.
 - A. Exception: In the event of extenuating circumstances (e.g., multiple deployments; involuntary mobilization), an employee may request an exception to the five-year cumulative service limit upon recommendation from their supervisor. The exception will be reviewed by human resources, and additional military leave may be approved by the business administrator and the superintendent.
 - B. Other exceptions to the five year (5) cumulative service limit include:
 1. Service required beyond five years to complete an initial period of obligated service – Section 4312 (c) (1). The military specialties, such as the Navy's nuclear power program, require initial active service obligations beyond five years.
 2. Service from which a person, through no fault of the person, is unable to obtain a release within the five-year limit – Section 4312 (c) (2). For example, the five-year limit will not be applied to members of the Navy or Marine Corps whose obligated service dates expire while they are at sea. Nor will it be applied when service members are involuntarily retained on active duty beyond the expiration of their obligated service date. This was the experience of some persons who served in the Global War on Terror.
 3. Required training for Reservists and National Guard members – Section 4312 (c) (3). The two-week annual training sessions and monthly weekend drills mandated by statute for Reservists and National Guard members are not counted toward the five-year limitation. Also excluded are additional training requirements certified in writing by the Secretary of the service concerned to be necessary for individual professional development.
 4. Ordered to involuntary service, or retained on active duty during domestic emergency or national security related situations – Section 4312 (c) (4) (A). For example, as a result of the attacks on the World Trade Center in New York City, President Bush declared that a national emergency existed and members of the Ready Reserve were called to active duty.
 5. Ordered to service, or to remain on active duty (other than for training) because of a war or national emergency declared by the President or Congress – Section 4312 (c) (4) (B). This category includes service not only by persons ordered to involuntary active duty, but also service by volunteers who receive orders to active duty.
 6. Active duty (other than for training) by volunteers supporting "operational missions" for which Selected Reservists have been ordered to active duty without their consent – Section 4312 (c) (4) (C). Such operational missions involve circumstances other than war or national emergency for which, under presidential authorization, members of the Selected Reserve may be

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involuntarily ordered to active duty under Title 10, U.S.C. Section 12304. This sixth exemption for the five-year limitation covers persons who are called to active duty after volunteering to support operational missions. Persons ordered to involuntary active duty for operational missions would be covered by the fourth exemption.

7. Service by members who are ordered to active duty in support of a “critical mission or requirement” of the uniformed services as determined by the Secretary involved – Section 4312 (c) (4) (D). The Secretaries of the various military branches each have authority to designate a military operation as a critical mission or requirement.
8. Federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States – Section 4312 (c) (4) (E).

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