AP 7346 Employees Called to Military Duty

The following applies to any District employee, academic, or classified, who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of any branch of the military service, during any period of national emergency declared by the President of the United States or during any war in which the United States of America is engaged.

Leave

Upon presentation of a copy of orders for active duty in the Armed Forces, the National Guard, or the Naval Militia, the District shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed five years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee's appointment or a temporary employee's appointment.

Salary

Any District employee called to active duty who has been in the service of the District for at least one year will continue to receive his/her salary for the first 30 District service days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first 30 District service days of active service regardless of length of service with the District.

In addition, the District may provide for not more than 180 calendar days as part of the employee's compensation all of the following:

- The difference between the amount of the employee's military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.
- All benefits that employees would have received had they not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.
- Employees returning from military leave shall have their salary adjusted to reflect salary increases that are not based on merit.

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Health Benefits

An employee on military leave for less than 31 days shall continue to receive health insurance benefits.

Employees on leave for longer than 30 days may elect, at their expense, to continue health care coverage for themselves and their eligible dependents for a maximum period of 24 months.

Returning veteran employees whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to reinstatement of health coverage.

Vacation and Sick Leave

Employees on military leave accrue any benefits the District provides to other employees, e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well.

Employees on military leave shall accrue any benefits afforded by any collective bargaining agreement negotiated during their absence or changes in personnel plans.

Any employee on temporary military leave for training who has worked for the District for at least one year shall continue to accrue vacation, sick leave, and holiday privileges, if applicable, up to a maximum period of 180 days of military leave.

Reinstatement

An employee on active duty military leave due to a national emergency declared by the President of the United States or a war in which the United States is engaged shall be entitled to return to the position held at the time of the employee's entrance into the service within six months after the employee honorably leaves the service or is placed on inactive duty.

An employee on active duty military leave for any other reason shall be reinstated in accordance with state and federal laws.

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In the case of a contract academic employee, absence on military leave due to a national emergency declared by the President of the United States or a war in which the United States is engaged shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the District under a lawful contract for a period in excess of one year, but had not yet become a regular academic employee of the District, the employee is entitled to return to the position for the period of time the employee's contract of employment had to run at the time the employee entered military service.

In the case of an academic employee, absence on military leave due to a national emergency declared by the President of the United States or during any war in which the United States is engaged shall not be construed as a break in the continuity of service.

In the case of a classified employee, absence on military leave due to a national emergency declared by the President of the United States or during any war in which the United States is engaged shall not be construed as a break in the continuity of service.

References: Education Code Sections 87018, 87700, 87832, and 88116;
Military and Veterans Code Sections 389 et seq;
38 U.S. Code Sections 4301 et seq.

Approved: 8/20/13

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