

SECTION: PROFESSIONAL EMPLOYEES

TITLE: MILITARY DUTY AND LEAVE

ADOPTED: June 4, 2012

REVISED:

# SCHOOL DISTRICT SOUTHERN LEHIGH

436.1. MILITARY DUTY AND LEAVE	
1. Purpose	Pursuant to federal and state laws, the district shall provide eligible employees with leaves of absence and other considerations during military training or active military duty, whether the duty is for training, or in time of war, armed conflict or national or state emergency.
2. Definition	“Military Leave”: all voluntary or involuntary absences due to active or inactive military service regardless of reason or activity, up to 5 calendar years in length, due to the employee’s status as a member of the uniformed Armed Forces, Reserves, or National Guard.
3. Authority SC 1176 51 Pa. C.S.A. Sec. 4102 38 U.S.C. Sec. 4301 et seq	Leaves of absence for military or reserve training or duty shall be granted to full-time regular and part-time regular employees pursuant to federal and state law. Employees called to active military service or to Reserve or National Guard training, or employees volunteering for the same, must notify the district as soon as is practicable of such military duty or training and must submit to the district copies of all accompanying military orders whenever possible.
SC 1176, 1178 38 U.S.C. Sec. 4313	All rights and privileges regarding salary, benefits, status and seniority shall be reserved to such employees as if they had continued in the service of the district without interruption. (This consideration does not apply to tenure.)
4. Guidelines 38 U.S.C. Sec. 4312	Employees shall return to work in a timely manner following military training or service, in accordance with applicable law.
SC 1177 51 Pa. C.S.A. Sec. 4102, 7309 38 U.S.C. Sec. 4313	The district shall promptly reinstate the employee upon return from duty to a job with pay, status and seniority equivalent to what the employee would have enjoyed if there had been no military leave. For periods of service of ninety (90) days or less, the employee must be offered the same position the employee would have occupied had there been no leave. For periods of service of ninety-one (91) days or more, the district may offer the employee a job of “like” status.
51 Pa. C.S.A. Sec. 7309	The district shall provide those employees who participate in district health insurance plans the option to continue individual or family health coverage at no

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<p>38 U.S.C. Sec. 4317</p>	<p>additional cost to the employee, or to elect to forego coverage at any point during the leave. If an employee elects to discontinue coverage, the district shall offer to restore coverage immediately upon his/her return from leave.</p>
<p>SC 1178 38 U.S.C. Sec. 4316</p>	<p>The district shall provide other benefits, such as accrual of vacation or sick days, to employees on military leave that the district provides to employees of similar seniority and status who are not on leave of absence status.</p>
<p>24 Pa. C.S.A. Sec. 8327 38 U.S.C. Sec. 4318</p>	<p>The district shall pay into the Public School Employees' Retirement Fund, on behalf of each employee on military leave, the employer's contribution to the PSERS that is required by law. The employee may continue to make payments into the fund during the period of military leave or may discontinue making payments into the fund during the period of military leave, but shall retain the right to receive such benefits if the employee makes contributions retroactively to PSERS pursuant to applicable law. If the employee elects to discontinue payments during the period of leave, the district shall continue to make its contributions during this period, as required by law.</p>
<p>51 Pa. C.S.A. Sec. 4102 38 U.S.C. Sec. 4316</p>	<p>Employees are entitled to fifteen (15) days of District-paid leave per year for absences due to active military service, including training. All days in excess of fifteen (15) days per year shall be unpaid. Employees may also utilize accrued paid vacation or personal leave during such leaves of absence, at their option.</p>
<p>51 Pa. C.S.A. Sec. 4102</p>	<p>An eligible employee ordered to special state active duty by the Pennsylvania National Guard shall be entitled to additional days of paid military leave of absence as required by state law.</p>