

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy GC, GC-RAO
Responsible Office: HUMAN RESOURCES

MILITARY LEAVE

A. PURPOSE

To establish procedures regarding employee use of leave to fulfill obligation to any uniformed service, including Army, Navy, Air or Marine Reserve, and the National Guard.

B. BACKGROUND

Anne Arundel County Public Schools (AACPS) provides employees leave to serve in the uniformed services, covering all categories of military training and service, including duty performed on a voluntary or involuntary basis and in time of peace or war in accordance with the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA), COMAR, and other state or federal laws and regulations.

C. DEFINITIONS

1. ***Short-term Military Leave*** - an absence of up to 30 days due to fulfillment of military orders reported as military leave on the timesheet and substantiated with military orders attached to an AACPS Leave Transmittal form.
2. ***Military Leave of Absence*** - a leave of absence greater than 30 days due to fulfillment of military orders and requested using the AACPS Request for a Leave of Absence form.
3. ***Work days*** - a day, other than a Saturday, Sunday or legal holiday, on which the central office of AACPS is open for the transaction of business.

D. PROCEDURES

1. Eligibility - All permanent employees of AACPS are eligible for Military Leave.
2. Notice
 - a. An employee must provide notice of the need to use military leave, submitting the designated leave transmittal form (or providing verbal notice) as soon as is reasonable (as outlined in the USERRA guidelines) and submit official military orders prior to the commencement of the requested leave.

- b. If the leave is for a period up to 30 days, the military orders should be submitted with the AACPS Leave Transmittal Form to payroll.
 - c. If the leave is for a period greater than 30 days, then the employee shall submit the AACPS Request for Leave of Absence form, military orders, and additionally provide Maryland State Form 46, *Qualified Leave of Absence Request or Notification of Military Service Entry*. This Form is required in order to obtain retirement service credit for the period of the approved leave and for the survivor benefit to remain in effect during the leave.
3. Reemployment - To be eligible for reemployment from a Military Leave of Absence for federal service under USERRA an employee absent from a position by reason of service in the uniformed services shall:
- a. provide advance notice,
 - b. have five years or less of cumulative service in the uniformed services during his/her employment relationship with AACPS,
 - c. return to work in a timely manner, as defined in USERRA, and
 - d. not have been separated from service with a disqualifying discharge or under other than honorable conditions.
4. Compensation and Benefits
- a. Employees who are members of the organized militia or of the Army, Navy, Air or Marine Reserve, shall be entitled to a leave of absence from his/her respective duties, without loss of pay, time, or impact on his/her performance evaluation, on all days during which they are engaged in field or coast defense or other training, not to exceed 15 days annually.
 - b. Employees on Military Leave for a period of time between greater than 15 days will be on unpaid leave, except as described in Section D(4)d below.
 - c. Employees may use accumulated annual leave or personal business leave if the military leave extends beyond 15 days.
 - d. Employees who are members of the organized militia, and who are ordered to active duty under authority of the Governor, shall be entitled to a leave of absence without loss of pay, time, or impact on his/her performance evaluation for the time they are actually serving under the active duty orders, in addition to the 15 day period specified above.
5. Seniority - Employees on Military Leave or a Military Leave of Absence upon reemployment are entitled to the seniority and all rights and benefits based on the seniority that they would have attained with reasonable certainty had they remained

continuously employed.

6. Leave - Employees on Military Leave of Absence shall not accrue annual leave, personal business leave, or sick leave.
7. Healthcare - Employees on military leave are eligible to continue his/her current healthcare benefits while on military leave.
 - a. Employees on short-term Military Leave receiving pay may continue his/her healthcare benefits by paying the regular employee cost for coverage.
 - b. Employees on a Military Leave of Absence may continue his/her healthcare benefits for a period of 24 months beginning on the date leave began. Employees shall pay the full cost of the healthcare through payment to a third-party administrator designated by AACPS.
8. Retirement - The Maryland State Retirement System recognizes military leave as a qualified leave of absence for credit purposes. However, deductions will cease during the leave of absence. Employees shall submit Maryland State Form 43, *Claim of Retirement Credit for Military Service Credit*, along with the Department of Defense Form 214 *Certificate of Release*.
9. Return to Work - in accordance with USERRA, an employee on a Military Leave of Absence for federal service is eligible for reinstatement.
 - a. The time limit for returning to work depends, with the exception of fitness-for-service examinations, on the duration of a person's military service.
 - i. Service of 1 to 30 days - the employee shall report to AACPS by the beginning of the first regularly scheduled work day after completion of the employee's military service assignment.
 - ii. Service of 31 to 180 days - an application for reinstatement shall be submitted no later than 10 work days after completion of the employee's military service assignment.
 - iii. Service of 181 days or more - An application for reinstatement shall be submitted no later than 90 calendar days after completion of the employee's military service assignment.
 - iv. Disability incurred or aggravated - the reporting or application deadlines are extended for up to two years for employees who are hospitalized or convalescing because of disability incurred or aggravated during the period of military service.
 - b. Position - As a general rule, employees are entitled to reemployment in the position that he/she would have attained with reasonable certainty if not for

the absence due to military service.

- c. Salary - The time spent on Military Leave shall be included in computing the employee's salary upon return to work.
10. Resignation or retirement at the conclusion of Military Leave - Employees who choose to resign or retire at the conclusion of his/her military service shall submit the AACPS Notice of Resignation/Retirement form.

Regulation History: *Developed by Superintendent 10/15/14*
 Reviewed by Board of Education 10/15/14
 Issued 10/18/14

Note previous regulation history: None, Rescinding Policy 800.24