

MILITARY LEAVE AND BENEFITS

All employees of the Alexandria City School Board (Board) who are members of the state or federal military reserves are entitled to leaves of absence from their duties on all days during which they are engaged in federally funded military duty, including training duty, or when called forth by the Governor.

Immediately upon receipt of official notice to report for duty, the employee will notify their supervisor and the Department of Human Resources of the need for military leave. A copy of the official orders must accompany the leave request.

Paid Leave

All employees on military leave receive up to 21 days paid leave per federally funded tour of duty. When possible, military leave for employees on less than a 12 month contract should be arranged during non-duty hours.

An employee who is scheduled for a physical examination for military service during working hours, including but not limited to pre-induction physicals, receives paid leave.

In addition, full-time employees of Alexandria City Public Schools (ACPS) whose active duty service or training with the regular Armed Forces of the United States or the National Guard or other reserve component requires the employee’s absence from employment receive a supplement for the difference between the employee’s ACPS salary and the employee’s military base pay for a period not to exceed fifteen days, if the employee’s military compensation is less than the regular salary paid to the employee by the school division. Before employees receive the supplement, they must provide Human Resources with copies of their military pay statements. Employees who receive such supplements must have direct deposit with the school division.

Employees may use their accrued annual, personal, or sick leave in lieu of receiving the supplement. Employees are not eligible to use their leave and receive the supplement at the same time.

Except as outlined above, military leave is unpaid.

Health Benefits

If the employee so desires, the employee and the employee’s dependents may continue to participate in the Division’s group health plan for up to 24 months while the employee is on military leave. The employee must notify the Human Resources Department if the employee wants to continue participation in the Division’s group health plan.

Employees absent for 30 days or less will be responsible for the employee portion of the premiums during their absence. Employees absent for 31 days or more will be responsible for paying the full premiums during their absence. If the employee is receiving the supplemental pay the premiums

46 will be deducted from the supplemental check. If the employee is on unpaid leave, the employee
47 will be required to pay the premium by personal check.

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49 The employee's contributions to the Virginia Retirement System (VRS) will be deducted from the
50 supplemental pay based on the amount of the supplement. The School Board will make its
51 contribution to VRS based on the amount of the supplemental pay.

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53 When employees return from military service, the time spent on military leave will be creditable
54 for seniority, pay purposes, vesting and benefit accrual.

55
56 **Retirement Benefit**

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58 An employee reemployed after military leave will be treated as not having incurred a break in
59 service. The period of military leave will be considered service to the Division for purposes of
60 vesting and benefit accrual. The Division is responsible for its pension plan funding obligation.
61 The Division is not required to make its contribution until the employee is reemployed.

62
63 The employee will be allowed, but not required, to make up his or her contributions to a
64 contributory plan. The employee may repay his or her employee contributions for a period of up
65 to three times the period of military service, but not to exceed five years. If the employee's
66 retirement plan is contributory and the employee does not make up their contributions, the
67 employee will not receive the employer match or the accrued benefit attributions that are
68 contingent on the employee's contributions.

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70 The employer and employee contribution will be calculated on the rate of pay the employee would
71 have received but for the absence to serve military duty.

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73 **Reemployment**

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75 An employee who is entitled to military leave by reason of service in the federal military reserves
76 is entitled to be reemployed by the Board as long as the employeee

- 77
- 78 ● has given advance notice of the need for military leave (unless notice is precluded by
 - 79 military necessity or is otherwise impossible or unreasonable);
 - 80 ● has not been absent from his or her job for more than five cumulative years; and
 - 81 ● returns to work as outlined below.

82 If the employee was absent from work

- 83
- 84 ● for less than 31 days, the employee must report back to work by the beginning of the next
 - 85 regularly scheduled work period after a reasonable amount of time to arrive home, rest and
 - 86 report to work;
 - 87 ● more than 30 days but less than 181 days, the employee must submit an application for
 - 88 reemployment within 14 days after the completion of service; or
 - 89 ● more than 180 days, the employee must submit an application for reemployment within 90
 - 90 days after the completion of service.

91 Employees who are entitled to military leave due to service in the Virginia military reserves must
92 make written application for reemployment within

- 93 ● 14 days of release from duty or from hospitalization following release if the employee’s
94 absence by reason of service in the uniformed services does not exceed 180 days, or
- 95 ● 90 days of release from duty or hospitalization following release, if the employee’s absence
96 by reason of service in the uniformed services exceeds 180 days.

97
98 Upon returning from duty, an employee will be restored to the same job the employee held before
99 leaving, or to a comparable job. The Board is not obligated to reemploy persons returning from
100 military leave in certain unusual situations specified by state and federal law.

101
102 **Termination After Reemployment**

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104 A person who is reemployed after returning from more than 30 days of military duty will not be
105 discharged except for cause

- 106 ● within one year after the date of reemployment, if the person’s period of military service
107 before the reemployment was more than 180 days; or
- 108 ● within 180 days after the date of reemployment, if the person’s period of military service
109 before the reemployment was more than 30 days but less than 181 days.

110
111 **Discrimination Against Members of Military Reserves Prohibited**

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113 Members of the military reserves will not be denied initial employment, reemployment, retention
114 in employment, promotion, or any benefit of employment on the basis of that membership.

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116
117 Adopted: June 15, 2006
118 Amended: June 23, 2016

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121 Legal Refs.: 38 U.S.C. §§ 4312, 4313, 4316, 4317
122
123 20 C.F.R. §§ 1002.259, 1002.261, 1002.262, 1002.267
124
125 Code of Virginia, 1950, as amended, §§ 22.1-289.2, 44-93, 44-93.1, 44-93.3,
126 44-93.4, 44-102.1

127
128 Cross Refs.: GCBD Staff Leaves and Absences
129 GCBD-R Staff Leaves and Absences Regulations
130 GCBE Family and Medical Leave

MILITARY LEAVE AND BENEFITS

Commented [1]: With the changes and unless otherwise noted, this is word for word the VSBA model policy

All employees of the Alexandria City School Board (Board), who are members of the state or federal military reserves, are entitled to leaves of absence from their duties on all days during which they are engaged in federally funded military duty, including training duty, or when called forth by the Governor.

Immediately upon receipt of official notice to report for duty, the employee will notify their supervisor and the Department of Human Resources [their supervisor / HR] of the need for military leave. A copy of the official orders must accompany the leave request.

Commented [2]: We need to designate here who they should notify

Pay/Paid Leave

All employees on military leave receive up to 21 days paid leave per federally funded tour of duty. When possible, military leave for employees on less than a 12 month contract should be arranged during non-duty hours.

~~Any employee who is a member of the National Guard or an organized Military Reserve of the United States is allowed leave with pay, not to exceed fifteen days, in order to attend training camps. Either calendar or fiscal year may be used in applying this section, depending upon the current policy of the Federal Government.~~

Commented [3]: I think this is ACPS's version of the above paragraph, which came from VSBA. If so, recommend sticking with the VSBA language.

An employee who is scheduled for a physical examination for military service during working hours, including but not limited to pre-induction physicals, receives paid leave.

Commented [4]: I believe this was added to clarify what was meant by military leave - there was some confusion in the older policy regarding if it included training or active duty, and only national military or state/other organizations (national guard, etc).

In addition, full-time employees of Alexandria City Public Schools (ACPS)~~the school division~~ whose active duty service or training with the regular Armed Forces of the United States or the National Guard or other reserve component requires the employee's absence from employment ~~may~~ receive a supplement for the difference between the employee's ACPS salary and the employee's military base pay for a period not to exceed fifteen days, if the employee's military compensation is less than the regular salary paid to the employee by the school division. Before employees receive the supplement, they must provide Human Resources with copies of their military pay statements. Employees who receive such supplements must have direct deposit with the school division.

Commented [5]: Per the VSBA model policy.

Commented [6]: ACPS gets to set this amount.

Commented [7]: So they get 21 days AND another 15 days of supplement? Just want to clarify.

~~Employees may use their accrued annual, personal, or sick leave in lieu of receiving the supplement. Employees are not eligible to use their leave and receive the supplement at the same time.~~

Commented [8]: This is worded slightly differently from the VSBA model but reflect the same content while adding ACPS specific language.

Except as outlined above, military leave is unpaid.

Health Benefits

If the employee so desires, the employee and the employee's dependents may continue to participate in the Division's group health plan for up to 24 months while the employee is on

46 military leave. The employee must notify the Human Resources Department if ~~he or she~~ the
47 employee wants to continue participation in the Division's group health plan.

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50 during their absence. Employees absent for 31 days or more will be responsible for paying the full
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60 for seniority, pay purposes, vesting and benefit accrual.

Commented [9]: ACPS specific language as recommended in the model policy.

61 62 Retirement Benefit

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65 service. The period of military leave will be considered service to the Division for purposes of
66 vesting and benefit accrual. The Division is responsible for its pension plan funding obligation.
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74 are contingent on the employee's contributions.

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77 have received but for the absence to serve military duty.

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82 is entitled to be reemployed by the ~~School~~ Board as long as ~~the employee~~ he or she

- 83 ● has given advance notice of the need for military leave (unless notice is precluded by
- 84 military necessity or is otherwise impossible or unreasonable);
- 85 ● has not been absent from his or her job for more than five cumulative years; and
- 86 ● returns to work as outlined below.

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88 If the employee was absent from work

- 89 ● for less than 31 days, ~~he or she~~ the employee must report back to work by the beginning of
- 90 the next regularly scheduled work period after a reasonable amount of time to arrive home,
- 91 rest and report to work;

- more than 30 days but less than 181 days, the employee must submit an application for reemployment within 14 days after the completion of service; or
- more than 180 days, the employee must submit an application for reemployment within 90 days after the completion of service.

Employees who are entitled to military leave due to service in the Virginia military reserves must make written application for reemployment within

- 14 days of release from duty or from hospitalization following release if the employee's absence by reason of service in the uniformed services does not exceed 180 days, or
- 90 days of release from duty or hospitalization following release, if the employee's absence by reason of service in the uniformed services exceeds 180 days.

Upon returning from duty, an employee will be restored to the same job ~~he or she~~ the employee held before leaving, or to a comparable job. The ~~School~~ Board is not obligated to reemploy persons returning from military leave in certain unusual situations specified by state and federal law.

Termination After Reemployment

A person who is reemployed after returning from more than 30 days of military duty will not be discharged except for cause

- within one year after the date of reemployment, if the person's period of military service before the reemployment was more than 180 days; or
- within 180 days after the date of reemployment, if the person's period of military service before the reemployment was more than 30 days but less than 181 days.

Discrimination Against Members of Military Reserves Prohibited

Members of the military reserves will not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of that membership.

Adopted: June 15, 2006

Amended: June 23, 2016

Legal Refs.: 38 U.S.C. §§ 4312, 4313, 4316, 4317

20 C.F.R. §§ 1002.259, 1002.261, 1002.262, 1002.267

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Cross Refs.: GCBD Staff Leaves and Absences
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