



WINDHAM SCHOOL
DISTRICT

NUMBER: WBP-07.54
DATE: April 17, 2015
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SUPERSEDES:

WINDHAM BOARD POLICY

SUBJECT: MILITARY LEAVE

AUTHORITY: 10 U.S.C. § 12503; *Uniformed Services Employment and Reemployment Rights Act (USERRA)*; 38 U.S.C. §§ 4301-4334; 32 U.S.C. § 115; *Public Health Security and Bioterrorism Preparedness and Response Act of 2002*; 42 U.S.C. § 300hh-11(e)(3); Texas Government Code §§ 431.001-.138, 437.202-.204, 613.001-.023

APPLICABILITY: Windham School District (WSD)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The WSD reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the superintendent's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the WSD and **do not** create any legally enforceable interest or limit the superintendent's authority to terminate a noncontract employee at will.

POLICY:

The WSD shall comply with the provisions of applicable federal and state laws relating to employment and reemployment entitlements for prospective, current, or former members of the uniformed services.

PROCEDURES:

I. Short Term Military Leave

All employees of WSD who are members of the state military forces, the reserve components of the United States Armed Forces, or a state or federally authorized urban search and rescue team shall be granted a leave of absence from their duties. During a leave of absence, the person may not be subjected to loss of efficiency rating, personal

leave, sick leave, vacation time, or salary on days during which they are engaged in training or duty ordered or authorized by proper authority.

- A. Such leave shall not exceed 15 days in a federal fiscal year (October 1 - September 30). The employee is entitled to carry forward the balance of unused accumulated leave from one federal fiscal year to the next, not to exceed 45 workdays.
- B. After an employee has exhausted the 15 workdays of administrative leave entitlement within a federal fiscal year for authorized military training or active duty, the employee shall be placed on leave in accordance with the following guidelines.
 - 1. If the employee has accrued leave balances, the employee shall elect one of the following:
 - a.. Use all accrued leave, other than sick leave, and then be placed in a leave without pay - military (LWOP-Military) status;
 - b. Freeze all accrued leave and immediately be placed in an LWOP-Military status; or
 - c. Identify a specific number of accrued leave hours for use, other than sick leave, freeze the remaining balances of accrued leave hours, and be placed in an LWOP-Military status upon exhaustion of the leave hours identified for use.
 - 2. If the employee does not have any accrued leave balances, the employee shall immediately be placed in an LWOP-Military status.
- C. Such employees who are ordered to duty by proper authority shall be restored, when relieved from duty, to the position held by them when ordered to duty.
- D. Short term military leave shall not be confused with long term military leave.

II. Long Term Military Leave

Long term military leave refers to any employee, other than a temporary employee, who leaves a WSD position for the purpose of entering into active duty with the regular or reserve of the United States Armed Forces or with the Texas National Guard or Texas State Guard.

- A. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service.

- B. The employee shall be restored to the same position held at the time of entering into active service or to a position of like seniority, status, and pay if the employee is still physically and mentally qualified to perform the duties of such position.
- C. If employee is not qualified to perform the duties of the previous position by reason of disability sustained during such military service, but is qualified to perform the duties of another position within WSD, the employee shall be restored to employment in the other position that the employee is qualified to hold and that will provide like seniority, status, and pay or the nearest approximation thereto.
- D. Any employee restored to employment shall be considered to have been on leave of absence during military service and shall be entitled to participate in retirement and all other benefits available to other employees in like positions. The employee shall not be dismissed from the position, without cause, for one year following restoration of employment.
- E. Veterans eligible for restoration to employment under the terms of this policy shall make written application for such restoration to the WSD superintendent within 90 days after discharge or release from active federal or state military service and shall attach to such application evidence of discharge, separation, or release under honorable conditions.
- F. Veterans eligible for restoration to employment under the terms of this policy shall not be discharged without cause before the first anniversary of the date of re-employment.

Signature on file

Oliver J. Bell, Chairman
Windham School District Board of Trustees