

Shelby County Board of Education
MILITARY LEAVE

4022

Issued Date: 08/26/10

Revised: 05/28/13

Effective: 07/01/13

I. PURPOSE

To allow employees time off from work for the purpose of entering the military service and to comply with all state or federal regulations pertaining to military leave.

II. SCOPE

This policy is applicable to all employees of Shelby County Schools.

III. POLICY STATEMENT

National Guard/Reserve

Employees who are members of the National Guard or any reserve component of the Armed Services of the United States shall be granted a military leave of absence with regular pay for a period not to exceed a total of twenty (20) days in any calendar year plus such additional days as may result from any call to active State duty pursuant to T.C.A. § 58-1-106.

Active Duty

An employee who enlists or is inducted into the Armed Forces for active duty shall be granted a military leave of absence without pay. At the expiration of the military leave, the employee shall be returned to the position vacated if such position has not been affected by a reduction in force. If the position has been eliminated, every effort will be made to place the employee in a comparable position provided that the employee adheres to the following guidelines as stated under the USERRA (Uniformed Services Employment and Reemployment Rights Act) regarding the time limits for returning to work.

1. If the employee's approved military leave is:

(a). Less than 31 days: The employee must report to the employer no later than the beginning of the first full regularly scheduled pay period.

(b) 31 to 180 days: The employee must submit an application for re-employment with the employer no later than fourteen (14) days after the completion of the period of military service.

(c) 181 days or more: The employee must submit an application for re-employment with the employer no later than ninety (90) days after the completion of the period of service.

(d) Service-connected injury or illness: Reporting or application deadlines are extended for up to two (2) years for persons who are hospitalized or convalescing.

2) The employee has been honorably discharged (or separated under honorable conditions); and

3) The employee is physically and mentally competent and otherwise qualified to perform the assigned duties.

Failure to apply for reinstatement in accordance with the provisions of this policy shall be considered as a resignation.

Persons Holding a Teacher's License

Any person holding a position that requires a teacher's license shall be granted leave for military service and for recuperation of health or visitation of a spouse, child or parent deployed for military duty out of the country who has been granted rest and recuperation without forfeiture of accumulated leave credits, tenure status or other fringe benefits. Leave for persons holding a teacher's license to visit a spouse, child or parent deployed for military duty out of the country who has been granted rest and recuperation leave shall be granted for no longer than ten (10) days.

Employees intending to take Military Leave or leave for recuperation of health or visitation of a spouse, child or parent deployed for military duty out of the country who have been granted rest and recuperation shall follow applicable Human Resources Procedures for applying for such Leave.

IV. RESPONSIBILITY

A. The employee is responsible for following the provisions of this policy.

B. The office responsible for human resources is responsible for ensuring compliance with this policy.

C. The Superintendent is responsible for ensuring that this policy is followed.

Legal References:

1. TCA 8-33-109
2. TCA 49-5-702
3. TCA 49-5-703
4. 5 CFR 353.102

Cross References: