

Personnel

MILITARY LEAVE

SP 4615.00

The County Superintendent directs that military leave shall be granted to County Office employees called to active service. Such employees shall retain rights and privileges guaranteed by law. In addition, the County Superintendent directs that employees granted military leave shall be entitled to receive their salary for the first thirty (30) days of military absence from the County Office as prescribed by law and implemented in Superintendent Regulations.

Temporary Military Leave

Employees will be granted temporary leave of absence for active military training, encampments, naval cruises, special exercises, or like activity provided the ordered duty does not exceed one hundred eighty (180) calendar days and the employee has been an employee of the County Office for not less than one (1) year prior to the day the military leave commences. There is no entitlement to salary for scheduled reserve drill periods. Temporary military leave shall be considered time that the employee is employed by the County Office.

Military Leave Other Than Temporary Leave

An employee ordered into active military duty as a member of the reserves, National Guard, or naval militia, or otherwise ordered into active duty as a member of the armed forces of the United States on other than temporary basis shall be granted military leave. The employee must have been a County Office employee for not less than one (1) year prior to the date on which the military leave begins. Military leave which is other than temporary leave is not considered time that the employee is employed by the County Office.

State of Extreme Emergency

Members of the National Guard employed by the County Office shall be granted military leave when engaged in military or naval duty during states of extreme emergency as declared by the Governor or pursuant to the Governors call of the militia into active service, provided the leave does not exceed the duration of the emergency.

Legal Reference:

EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44800 Effect of active military service on status of employees

45059 Employee ordered to military/naval duty computation of salary

GOVERNMENT CODE

18540 Definition of armed forces

18540.3 Recognized military service

20990-21013 Pension benefits, PERS members on military leave

MILITARY AND VETERANS CODE

146 Events justifying calling of militia into active service

389 Definition of temporary military leave

395-395.9 Military leave

UNITED STATES CODE, TITLE 39

4301-4333 Uniformed Services Employment and Reemployment Rights ACT of 1994

Wright v. City of Santa Clara (1989) 213 Cal. App. 3d 1503

Bowers v. San Buenaventura (1977) 75 Cal. App. 3d 65

Collective Bargaining Agreements

Management Resources:

U.S. DEPARTMENT OF LABOR PUBLICATIONS

A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), February 2001

MENDOCINO COUNTY OFFICE OF EDUCATION

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