

**COMMON POLICY FOR FRANKLIN CENTRAL SUPERVISORY UNION
ST. ALBANS CITY, ST. ALBANS TOWN, FAIRFIELD,
BELLOWS FREE ACADEMY UNION DISTRICT HIGH SCHOOL #48,
AND NORTHWEST TECHNICAL CENTER**

CODE: D16

MILITARY LEAVE

Policy

In accordance with federal and state laws, Franklin Central Supervisory Union and its member schools will provide a leave of absence to employees with a membership or an obligation to perform services for any of the U.S. Armed Forces. This leave may continue for the duration of active military service of up to five years according to the following provisions.

The district is committed to protecting the job rights of employees absent on military leave and will not tolerate any discrimination on the basis of military status or military duty.

Procedure for Military Leave

1. The employee must complete the district's leave of absence request form at least 30 days in advance, or as soon as possible. A copy of the orders directing the military duty (unless prevented from doing so by military necessity) must be provided to the Principal or the employee's supervisor. Failure to provide adequate notice may render the employee ineligible for the rights and benefits of this policy.
2. Any applicable insurance premiums will be collected.
3. Employees called to service, (including guard service) will receive pay according to the provisions stated in the negotiated contract to which the employee belongs. If no provisions regarding military pay are stated, then the employee will be paid by the military and not by the district.
4. When the employee intends to return to work, he/she must make application for re-employment within the application period described below.

Reemployment Rights for Employees on Extended Military Service:

An employee who is returning to work after an extended military service must submit an application for reemployment in order to be entitled to reemployment rights. The employee must provide the district with military discharge documentation that establishes the timeliness of the applicant's reemployment and the length of the employee's military service.

An employee is eligible for reemployment rights if he/she meets the following criteria:

1. Prior to military service, the employee had a reasonable expectation that employment would have continued (i.e. not a substitute, temporary, or positions with a pre-determined end date.)
2. The employee gave notice to the district that he/she has been called to military service.
3. The employee must not exceed the five-year statutory limit on cumulative periods of service.
4. The employee must be released from service under “honorable conditions.”
5. The employee must apply for reemployment in a timely manner:
 - If military service was less than thirty-one (31) days the employee must report for work at the beginning of the next regular work period on the first full day following release from duty with time allowed for travel home and an eight-hour rest period.
 - If military service was more than 30 days but less than 180 days, the employee must submit an application for reemployment within 14 days of completion of service.
 - If military service was over 180 days and less than 5 years, the employee must submit an application for reemployment no later than 90 days following completion of service.
 - If the employee was hospitalized or convalescing from a service related injury or illness, the employee must submit an application for reemployment no later than two years following completion of service.

The district reserves its right not to re-employ persons returning from leave when circumstances have changed so as to make reemployment impossible or unreasonable.

Placement

1. For military service of 90 days or less, the employee will be:
 - a. hired into a position that the employee would have attained had employment not been interrupted, or,
 - b. if found not qualified for such a position after reasonable efforts have been made, placed into a position in which the employee had been employed prior to service.
2. For military service of more than 90 days and less than 5 years of military service, the employee will be:
 - a. hired into a position that the employee would have attained had employment not been interrupted, or a position of like seniority, status and pay and one that the employee is qualified to perform, or,
 - b. if found not qualified for such a position after reasonable efforts have been made, placed into a position in which the employee had been employed prior to service and one that the employee is qualified to perform.

In the event the employee has a service-connected disability, the district will provide reasonable accommodations. If however, the employee is not qualified for the position he/she would have attained or left, the employee will be hired into a position of similar seniority, status, and pay for which the employee is qualified or could become qualified with reasonable efforts. If no such position exists, the employee will be hired into the nearest approximation consistent with the circumstances of the employee's situation.

Benefits

Health Insurance

1. The employee on military leave may elect to continue group health insurance coverage for him/herself and his/her dependents under the same terms and conditions for a period not to exceed 30 days from the date the military leave begins.
2. The employee must pay, per pay period, the premium normally paid by the employee.
3. After 30 days, the employee and covered dependents may continue group health insurance for up to 18 months under COBRA.
4. An absence for military service is not considered a break in employment and no waiting period will be imposed or period of exclusion will be imposed for re-enrollment in the district's health insurance plan upon return to employment with the district immediately following military service.
5. The district will not provide coverage for injuries or illnesses caused or aggravated by military services.

Other Insurance

1. Group term and supplemental life/AD&D insurance provided by the district will terminate the day the employee becomes active military.
2. Group long-term disability insurance provided by the district will terminate the day the employee becomes active military.

Other Benefits

1. Employees do not accrue vacation, personal leave, or sick leave while on military leave of absence status.
2. Upon reemployment, the employee who has taken a military leave will be credited for time for vesting purposes (i.e. the time spent in active military service will be treated as not having incurred a break in service) as long as the employee returns to the district within 90 days after active military service ends. No contributions to the plan will be required during service nor reimbursement required for the time employment was interrupted by military

service. The employee will be credited at the level of salary he/she would have made if he/she were not called to active duty.

3. Other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained with reasonable certainty, had the employee remained continuously employed.
4. Once reemployed, time spent in active military duty will be counted towards FMLA eligibility.

	FF	TW	CY	BFA	FCSU
First Reading:	04/10/06	04/12//06	04/13/06	05/02/06	04/20/06
Second Reading:		05/10/06			
Warned Date:	05/15/06	05/31/06	04/28/06	05/26/06	05/08/06
Adopted Date:	05/22/06	06/14/06	05/11/06	06/06/06	05/18/06
Legal reference(s):	21 V.S.A. ¶ 491 Absence on military service and training; employment and re-employment rights Federal Department of Labor: The Uniformed Services Employment and Reemployment Rights Act of 1994				