

Descriptor Term:
MILITARY LEAVE

Descriptor Code:
7.4894

Legal References: Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; G.S. 115C-12, 47, -302.1(g), -302.1(g1); 16 N.C.A.C. 6C .0406; *North Carolina Public Schools Benefits and Employment Policy Manual*, §§ 9.6 – 10.4

Cross References: 7.4890 Leave of Absence; 7.4893 Family and Medical Leave

An employee shall be eligible for all the considerations of military leave in accordance with State Board of Education policy and the federal Uniformed Services Employment and Reemployment Act (USERRA).

Employees are encouraged to schedule short periods of required active duty during vacation periods so as not to interfere with regular duties of the individual's employment. If an employee is going to be absent due to military obligations, the employee must provide to the superintendent advance written or oral notice, except in cases of emergency assignment or other conditions that make notice impossible or unreasonable. For leave periods exceeding 30 days, the employee must also either provide written documentation evidencing performance of military duty or identify the military command in order for the school system to verify the request.

In accordance with State Board of Education policy, an employee may take up to 15 workdays of paid military leave per federal fiscal year, which runs from October 1 through September 30. After an employee has used all of his or her paid military leave, the employee may choose to use any accumulated vacation leave, bonus leave, or comp time during the period of military service; however, no employee will be forced to use such paid leave during military service. Employees may take extended leaves of absence for state or federal military duty under honorable services status, for required training, or for special emergency management. During these extended military leaves, which must not exceed five years plus any period of additional service imposed by law, the employee will be paid the difference in military base pay and state salary, including non-performance-based bonuses, when the military pay is less than the state salary. Differential pay will be paid from the same source of funds as the employee's public school salary. An employee may not receive differential pay while absent on any type of paid leave.

If the individual reapplies following separation from military duty, his or her reemployment will be governed by the provisions of the USERRA.

Under certain circumstances, an employee may receive teaching experience credit and retirement credit for service in the military, in accordance with State Board regulations.