

**ALL PERSONNEL**

**Military Leave**

An employee who is a member of the reserve corps of the Armed Forces of the US or of the California National Guard or the Naval Militia is entitled to a temporary military leave of absence as provided by federal law while engaged in military duty ordered for the purpose of active military training, inactive duty training, encampment, naval cruises, special exercises, or like activity provided that the period of ordered duty does not exceed 180 calendar days including time involved in going to and returning from that duty.

Except in the case of inactive duty training, a qualified employee is entitled to receive, during the first thirty (30) calendar days of such leave his or her salary or compensation as a public employee if the employee has been employed by the County Superintendent not less than one year immediately prior to the day on which the absence begins. Pay for this purpose may not exceed 30 days in any one fiscal year.

A qualified employee will be eligible for military leave without regard to the length of employment if the employee is a member of the National Guard who is engaged in military or naval duty during a state of insurrection or extreme emergency as declared by the Governor or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code Sections 143 or 146 provided the leave does not exceed the duration of the emergency.

Available Personal Necessity Leave may be used while on Military Leave regardless of whether an employee qualifies for paid leave or not.

A qualified employee who is required to be absent from the EDCOE to fulfill military service shall provide in advance a copy of the military orders unless giving such notice is precluded by military necessity or is otherwise impossible or unreasonable. The employee on such leave shall maintain the right to be restored to his/her former position or a similar position at the same salary the employee would have received had he/she not been on military leave.

A qualified employee shall be entitled, upon written request, to continue all benefit provisions at his/her own expense.

Legal Reference:

**GOVERNMENT CODE**

12945.2 California Family Rights Act; (29 USC 2601 et seq. FMLA)

Military and Veteran's Code:

143 and 146 Events Justifying Calling Militia into Active Service

395 et seq. Temporary Military Leave

**EDUCATION CODE**

44960 et seq. Termination of Substitute Service on Return from Military

44800 Effect of Military Leave on Employee Status

44018 Active Duty Iraq-Kuwait

44981 – 45198 Personal Necessity Leave