Staff Military Leave

Annual military leave

An employee who is a member of a reserve or national guard unit or any other branch of the military organized under state or federal law shall be granted military leave with a right of reinstatement in accordance with state and federal law.

The employee shall receive full salary and benefits during such leave up to a maximum of 15 days annually. The leave year shall be as established by the BOCES. All remaining leave to fulfill the annual military obligation shall be unpaid leave.

An employee who is required by the state or federal government to continue military service beyond the time for which leave with pay is required, shall be granted a leave of absence without pay for all such additional service.

Emergency military leave

Military leave of absence without pay shall be granted to any employee who enlists for military duty with any branch of the United States armed forces or who is called into active military service in time of war or other emergency declared by the proper authority of the state or United States. The employee shall be considered on a leave of absence during military service.

Notice of military service

An employee taking leave under this policy shall provide written or oral notice, as far in advance as possible, of pending military service. Employees on military leave resulting in absence of more than 30 days shall forward a copy of their military orders to the Executive/Special Education Director or designee.

Using paid leave in lieu of unpaid military leave

An employee taking leave under this policy may at his or her discretion, but is not required to, use accrued vacation or other paid leave during time of military service.

Hiring substitute

Where necessary to protect the public interest, a substitute employee may be hired by the BOCES to perform the duties of the employee on military leave until such time as the employee returns to work.

Reinstatement after service

Upon completion of military service and in accordance with state and federal law, the employee shall be reinstated in the same or a similar position of like seniority, status and pay if such is available at the same salary and benefits which he or she would have received had leave not been taken and if the employee meets the applicable statutory requirements, including notification to the BOCES of the employee's intent to return to work within the time period set out in law.

Upon reinstatement, the employee shall have the same rights with respect to accrued and future vacation, sick leave, public retirement benefits and other benefits as if he or she had actually been employed during the time of such leave.

(Adoption date: June 16, 2021)

LEGAL REFS.: 38 U.S.C. §4301 *et seq. (Uniformed Services Employment and Reemployment Rights Act)*

20 C.F.R. Part 1002 *(regulation)*

C.R.S. 28-3-601 *et seq. (annual military leave for public employees)*