

CHAPTER 6.00 – HUMAN RESOURCES

MILITARY LEAVE

6.545*

This policy implements and responds to Florida Statutes 115.01, 115.07, 115.09, and 115.14, as they relate to attendance and military leave. It is the policy of the School Board of Sarasota County to grant leave to board appointed employees who serve in the military, both active and reserve, in accordance with Federal and Florida State law. Duration of such leave and entitlements to compensation and reinstatement will depend on the type and duration of military service performed. All such leave will be considered as credible service toward earning higher annual leave credit.

- A. Request for military leave shall be in writing and countersigned by the principal or immediate administrative supervisor. The request shall include:
 - 1. A copy of the military order; and
 - 2. Written evidence that effort has been made to serve the duty when school was not in session. This shall be required only of personnel who are employed for ten (10) or eleven (11) months.

- I. Military Leave - This provision applies to those employees who are drafted or volunteer for active military service. It does not apply to those who are commissioned reserve officers or reserve enlisted personnel.
 - A. Duration - These employees will be granted military leave beginning the date of induction and ending not later than one year after date of separation. These leaves of absence will be verified by official military orders and a copy will be placed in the employees personnel file.

 - B. Pay and Entitlements - To the extent a draft occurs during an employee's work year, the first 30 days of leave will be "with full pay and benefits" - the remainder authorized leave without pay. For absences in excess of 30 days, upon request by the employee and approval of the supervisor, absences may be covered by annual leave, accrued compensatory leave, or personal holiday. If not requested or approved, such absences in excess of 30 days will be approved as leave without pay. All unused leave benefits will be retained by the employee - these benefits will be credited to the employee upon return to his/her assigned position. For those drafted, upon return from military service, the School Board will make applicable retirement contributions, for the initial period of service. Health insurance benefits will remain unchanged while in a paid status. Thereafter the School Board will provide access to medical coverage through COBRA. Health insurance coverage, including dependents if elected, will be immediately restored upon reemployment with the School Board, without pre-existing conditions exclusions or waiting periods.

 - C. Reinstatement - Positions left vacant by employees on leave may be filled by employees with temporary, substitute, or permanent status. Upon

CHAPTER 6.00 – HUMAN RESOURCES

separation from the military the employee is eligible to return to the former position held or a different position in the same class in the same geographic location.

- II. Reserve and National Guard Training Leave - This provision applies to those employees who are commissioned reserve officers or reserve enlisted personnel, or are members of the National Guard.
 - A. Duration - These employees will be granted military leave on all days during which the employee is ordered to active or inactive duty for training. These leaves of absence will be verified by official military orders and a copy will be placed in the employees personnel file. These employees will not be required to work or use accrued personal leave on days during which they are engaged in training under official orders.
 - B. Pay and Entitlements - Whether continuous or intermittent, such leave with pay will not exceed two hundred forty (240) working hours in any one year (Oct 1-Sep 30). For absences in excess of two hundred forty (240) working hours, upon request by the employee and approval of the supervisor, absences may be covered by annual leave, accrued compensatory leave, or personal holiday. If not requested or approved, such absences in excess of two hundred forty (240) working hours will be approved as leave without pay. Employees will not receive compensation for days of National Guard or Reserve Training performed when not in a “pay for work” status (Example: a 10 month employee who attends training in July will normally not receive compensation.)
- III. National Guard State Service Leave - This provision applies to those employees who are members of the Florida National Guard and who are recalled to state service (this provision does not include those who voluntarily elect active duty service).
 - A. Duration - These employees will be granted military leave during periods in which the employee is ordered to active state service by the Governor of Florida, pursuant to Chapter 250, Florida Statutes. These leaves of absence will be verified by official military orders and a copy will be placed in the employees personnel file.
 - B. Pay and Entitlements - Such leave, with pay, will not exceed 30 days at a time - and then only to the extent the recall occurs during an employee’s work year. For absences in excess of 30 days, upon request by the employee and approval of the supervisor, absences may be covered by annual leave, accrued compensatory leave, or personal holiday. If not requested or approved, such absences in excess of 30 days will be approved as leave without pay.

CHAPTER 6.00 – HUMAN RESOURCES

- IV. Active Military Service Leave - This provision applies to those employees who are commissioned reserve officers or reserve enlisted personnel in the US military or members of the National Guard ordered to active duty under Title 10, USC, Section 673b, not active duty training.
- A. Duration - These employees will be granted military leave beginning the day they are ordered to active duty and ending up to 31 days after date of release from military service. These leaves of absence will be verified by official military orders and a copy will be placed in the employees personnel file.
- B. Pay and Entitlements - The first 30 days of leave will be “with full pay and benefits”—the remainder authorized leave without pay. For absences in excess of 30 days, upon request by the employee and approval of the supervisor, absences may be covered by annual leave, accrued compensatory leave, or personal holiday. If not requested or approved, such absences in excess of 30 days will be approved as leave without pay. In those cases where the recalled military member loses pay as a result of the recall (that is, the sum of all monthly military pay and allowances is less than the employees monthly base pay) the Board will make up the difference in pay in the form of supplemental wages, for the duration of the recall, beginning with the second month of the recall or whenever the employee begins a “leave without pay” status, whichever comes later. This portion of this policy is retroactive back to September 11, 2001, and applies to those employees in an appointed status as of the approval date of the change. In order to qualify for supplemental wages, the employee must produce a copy of a Military Leave and Earnings Statement for each month for which he/she is entitled to these wages. The Board will then compare the full military pay package (basic pay, allowances for housing, subsistence, clothing, family separation, sea pay, flight pay, incentives and special pays, hazardous duty pay, and other such pay and allowances) to the employee’s monthly base compensation at the time the employee is called to active military duty (salary or hourly wage equivalent plus educational, lead or other full year supplements and shift differentials) paid by the Board. If the employee is deployed such that he/she would lose longevity but is otherwise entitled, the Board will add the monthly value of the appropriate longevity to base pay, as defined above, to calculate the total school board compensation. A comparison will then be made of the two compensation packages. When the School Board package exceeds the military package, the employee will qualify for supplemental wages equal to the difference. All unused leave benefits will be retained by the employee—these benefits will be credited to the employee upon return to his/her assigned position. Additionally, these employees are entitled to participate in insurance and other state benefits programs. Upon return from military service, the School Board will make applicable retirement contributions, for the initial period of service. Health insurance benefits will remain unchanged while in a paid status. Thereafter the School Board will provide access to medical coverage

CHAPTER 6.00 – HUMAN RESOURCES

through COBRA. Health insurance coverage, including dependents if elected, will be immediately restored upon reemployment with the School Board, without pre-existing conditions exclusions or waiting periods.

- C. Reinstatement - Positions left vacant by employees on leave may be filled by employees with temporary, substitute, or permanent status. Upon release from active duty the employee is eligible to return to the former position held or a different position in the same class in the same geographic location.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 115.07, 115.09, 115.14, 121.111, 250.341, 1001.43, 1012.66, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.080

HISTORY: ADOPTED: 08/21/01
REVISION DATE(S): 08/19/03; 2/5/08; 2/15/11, 12/10/18
FORMERLY: 3.117

NOTES:
Refer To: Instructional and Classified Bargaining Agreements