

MILITARY LEAVE

Upon written request, leave of absence without pay shall be granted any employee who may be selected or called for military service. Employees who are members of reserve components of the armed forces of the United States shall be entitled to leave of absence without loss of pay, time, annual leave, or efficiency rating for a maximum of fifteen (15) days if ordered to duty for training exercises. Employees involved in military service for longer than fifteen (15) days shall otherwise have those rights and obligations which are described in state and federal law.

Employees released from military service have 90 days to apply for reemployment and cannot be discharged "without cause" within one year after reinstatement to their school district positions. The law adds that reemployment protection is not extended to employees dishonorably discharged from military service.

If the time of call to active duty is optional for the employee, this school district expects that the employee choose a time for reporting to active duty that is least disruptive to the district.

This district shall comply with the Uniformed Services Employment And Reemployment Rights Act of 1994 ("USERRA") which, among other things, removes the distinction between active service personnel and reserve personnel from the employer's perspective. Further, the Act prohibits an employer from denying "initial employment, reemployment, retention in employment, promotion, or any benefit of employment" to a person who is a member of or applies to be a member of the uniformed services, or who is performing, has performed, or has applied to perform services in a uniformed service.

Statutory provisions for leaves of military absence without loss of vacation, holiday, or sick time have been held to protect the employee's right to such time as had already accrued at the time the employee entered on military duty, but not to provide the right to accrue such benefits during the period of absence.

SOURCE:	Jackson Public School District, Jackson, Mississippi; Mississippi School Boards Association
LEGAL REF:	Section 33-1-21, Miss. Code of 1972; Uniformed Services Employment And Reemployment Rights Act of 1994
DATE:	October 16, 1978
AMENDED:	July 16, 1990 December 20, 2016
REVIEWED:	May 26, 2006