

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

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

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

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26 If the individual reapplies following separation from military duty, his or her reemployment is  
27 governed by the provisions of the USERRA. Under certain circumstances, an employee may  
28 receive teaching experience credit and retirement credit for service in the military, in accordance  
29 with State Board regulations.

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31 Legal References: Uniformed Services Employment and Reemployment Rights Act of 1994, 38  
32 U.S.C. 4301 *et seq.*; G.S. 115C-47, -302.1(g), -302.1(g1); 16 N.C.A.C. 6C .0406; *North*  
33 *Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public  
34 Instruction, current version), available at [http://www.ncpublicschools.org/district-  
35 humanresources/key-information](http://www.ncpublicschools.org/district-humanresources/key-information)

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37 Cross References: Leave (policy 7510)

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39 Adopted:  
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