

1 An employee will be eligible for all considerations of military leave in accordance with State  
2 Board of Education policy, the federal Uniformed Services Employment and Reemployment  
3 Rights Act (USERRA), and Article 16 of Chapter 127A of the North Carolina General Statutes.

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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.

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8 **A. NOTICE AND DOCUMENTATION REQUIREMENTS**

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10 1. Employees must provide to the superintendent advance written or oral notice of  
11 any absences due to military obligations, except in cases of emergency  
12 assignment or other conditions that make notice impossible or unreasonable.  
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14 2. For leave periods exceeding 30 days, the employee must also either provide  
15 written documentation evidencing performance of military duty or identify the  
16 military command in order for the school system to verify the request.

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18 **B. SHORT-TERM MILITARY LEAVE WITH PAY**

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20 1. In accordance with State Board of Education policy, an employee who is a  
21 member of a reserve component of the U.S. Armed Forces may take up to 15  
22 workdays of paid military leave for active duty training per federal fiscal year,  
23 which runs from October 1 through September 30. Members of the National  
24 Guard may take additional paid leave beyond these 15 days for special state  
25 activities when so authorized by the governor.  
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27 2. After an employee has used all of his or her paid military leave, the employee  
28 may choose to use any accumulated vacation leave, bonus leave, or comp time  
29 during the period of military service; however, no employee will be forced to use  
30 such paid leave during military service.

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32 **C. UNPAID MILITARY LEAVE FOR EXTENDED ACTIVE DUTY**

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34 1. Employees may take extended leaves of absence for state or federal military duty  
35 under honorable services status, for required training, or for special emergency  
36 management in accordance with state and federal law and State Board policy.  
37 Such leave is unpaid, except as described in paragraph C.2, below. The employee  
38 may use any available eligible paid leave prior to going on unpaid leave.  
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40 2. During periods of extended military leaves, which must not exceed five years  
41 cumulatively plus any period of additional service imposed by law, the employee  
42 will be paid the difference in military base pay and state salary, including non-  
43 performance-based bonuses, when the military pay is less than the state salary.  
44 Differential pay will be paid from the same source of funds as the employee's

45 public school salary. An employee may not receive differential pay while absent  
46 on any type of paid leave.

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48 **D. REINSTATEMENT FROM MILITARY LEAVE**

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50 1. If the individual applies for reinstatement following separation from military duty,  
51 his or her reemployment and related rights are governed by the provisions of the  
52 USERRA (for members of reserve components of the U.S. Armed Forces,  
53 including members of the North Carolina National Guard returning from active  
54 federal duty, **from active state duty for a period of 14 days or more, and from**  
55 **active state duty in response to a national emergency or major disaster declared by**  
56 **the President**) or Article 16 of G.S. 127A (for members of the North Carolina  
57 National Guard returning from **all other** active state duty).

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59 2. Employees must meet all applicable state or federal deadlines for reporting back  
60 to work or applying for reinstatement.

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62 3. Under certain circumstances, an employee may receive teaching experience credit  
63 and retirement credit for service in the military, in accordance with State Board  
64 regulations.

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66 **E. EXPLANATION OF BENEFITS**

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68 When an employee is determined to be eligible for unpaid military leave under this  
69 policy, the superintendent or designee shall provide the employee with an explanation of  
70 his or her rights and benefits, including those related to leave, salary increases, medical  
71 insurance options, retirement status, the possibility of differential pay, and reinstatement  
72 rights.

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74 **F. COMPLIANCE WITH OTHER REQUIREMENTS**

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76 The board will follow and apply all other applicable legal requirements when  
77 administering military leave under this policy.

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79 Legal References: Uniformed Services Employment and Reemployment Rights Act of 1994, 38  
80 U.S.C. 4301 *et seq.*; G.S. 115C-47, -302.1(g), -302.1(g1); 127A art. 16; 16 N.C.A.C. 6C .0406;  
81 *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public  
82 Instruction, current version), available at [http://www.ncpublicschools.org/district-](http://www.ncpublicschools.org/district-humanresources/key-information)  
83 [humanresources/key-information](http://www.ncpublicschools.org/district-humanresources/key-information)

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85 Cross References: Leave (policy 7510)

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87 Adopted: March 7, 2016

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