

4667 - Military Leave

Military leave entitlement shall be as follows:

1. Any member of the Wyoming National Guard or United States military forces reserve who is an ~~officer or~~ employee of this ~~school~~ district shall be given a military leave of absence with pay, at the **employees** regular salary or wage. ~~which the employee receives., for not to~~ **This leave shall not** exceed fifteen (15) calendar days in any one (1) calendar year to perform service in the uniformed services, in addition to any other leave or vacation time to which the person is otherwise entitled. The employee is requested, to the extent possible, to participate in training during the summer when school is not in session. In the event an employee gives notice of a need to take military leave during school session, the superintendent may request a letter from the commanding officer stating that this special training is necessary and required for the applicant and that such training cannot be obtained at any other time.
2. Subject to subparagraph (a) below, any employee of the school district who is a member of the National Guard or any other component of the military forces of the state, a member of the reserve forces of the United States, or who is inducted into military service of the United States, is entitled to leave of absence from ~~his~~ **their** employment. **Leave of absence days exceeding fifteen (15) in any calendar year will be without pay; but without however, there will be no** loss of seniority, status, ~~efficiency rating,~~ vacation, sick leave or other benefits, while ~~he/she is~~ engaged in active military training or service ordered or authorized by proper authority pursuant to law. ~~exceeding fifteen (15) days in any calendar year.~~ Such leave is in addition to any other military leave or vacation time to which the ~~officer or~~ employee may be entitled by law if the required military service is satisfactorily performed, which is presumed unless the contrary is established.
 - a. Upon completion of the service described in ~~this~~ paragraph 2, the employee shall be reinstated to the employment position held at the time of entry into service or a position of like status and pay if available, subject to the following conditions:
 - The position has not been abolished or the term thereof, if limited, has not expired;
 - ~~He/she is~~ **The employee is** not physically or mentally disabled from performing the duties of the position;
 - ~~He/she makes~~ **The employee provides a** written **notice of intent to return** application for reinstatement to the appointing authority to the **Human Resources Department** within thirty (30) days following release from the military service or within ninety (90) days after discharge from hospitalization or medical treatment which immediately follows the

termination of, and results from, the service, but not to exceed one (1) year and ninety (90) days after termination of service notwithstanding hospitalization or medical treatment;

- ~~He/she~~ **The employee** submits an honorable discharge or other release by proper authority indicating his/her military service was satisfactory; and
 - Military service does not exceed five (5) years plus any period of additional service imposed by law.
3. Upon reinstatement, the employee shall have the same rights with respect to accrued and future seniority, status, vacation, sick leave and other benefits, as if ~~he/she~~ **they** had been employed during the time of the leave. During the absence the ~~school~~ district may discontinue its shares of payments for Social Security, insurance of any type, and state retirement, unless the employee elects to contribute to the State retirement plan during ~~his/her~~ **their** absence, in which case the ~~school~~ district will likewise contribute its share.
 4. Any employee shall have the right to maintain any group life, health or accident insurance which other employees are participating in by furnishing to the school district such sum as would equal that which would have been deducted from ~~his/her~~ **their** compensation for such coverage had ~~he/she~~ **they** not been placed on military leave. The employee must notify the ~~school~~ district of ~~his/her~~ **their** election to continue insurance or plan coverage at the time ~~he/she~~ **they** enter service in the uniformed services.
 5. The employee shall give notice of the above-described military leave to ~~his/her~~ **their** immediate supervisor, who shall provide the notice to district personnel responsible for managing leaves. The notice shall be accompanied by a copy of the official orders to active duty. The vacancy created by this leave may be filled by a substitute provided by the district.

ADOPTION DATE: July 16, 2014; Reviewed September 22, 2015; **Revised January 23, 2024**

LEGAL REFERENCE(S): **Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), (Title 38 U.S. Code, Chapter 43, Sections 4301-4333, Public Law 103-353)**

CROSS REFERENCE(S):

ADMINISTRATIVE REGULATION: