HUMAN RESOURCES

Military Leave

I. Military leave with pay not to exceed fifteen (15) work days per federally funded tour of active military duty, shall be granted to any employee who is a member of the National Guard, organized reserve forces of any of the armed services of the United States or naval militia, or a member or former member who is ordered to federally funded military duty, including training duty.

II. Military leave, with a stipend, if applicable, not to exceed two (2) years shall be granted by the Director of Benefits and Retirement Services to any employee who is ordered to report to active military service or is a member of a reserve unit that is activated in time of war or other emergencies.

III. Military leave, without pay, shall be extended for a maximum of three (3) years to an employee who remains on active duty after the approved two-year compensated military leave has expired. Military Leave is generally limited to a period of five years, except as, otherwise, provided by law.

IV. A written request for military leave along with a copy of the official orders to report for duty shall be submitted to the employee’s supervisor and the Director of Benefits and Retirement Services as soon as the employee receives the orders to report for duty.

V. Compensation/Stipend

A. An employee on an approved military leave to attend annual training camps shall continue to receive regular contracted pay during the training or related service requirements period not to exceed 15 days.

B. An employee on approved military leave that extends past the 15-day period may be entitled to receive a stipend for up to two years (2) or until the employee is released from active duty service whichever comes first, provided that:

1. The employee’s contracted salary in effect at the time the employee is ordered to report to active duty is greater than the military base pay and allowances to be paid to the employee while on active duty, in which case the amount of the stipend shall be the difference between the employee’s contracted salary and his/her military base pay and allowances.

2. It shall be the responsibility of the employee to provide the Director of Benefits and Retirement Services with appropriate military documentation that verifies the amount of military base pay and allowances to be paid to the employee while on active duty.
C. There shall be no stipend or any compensation for an employee on an extended military leave who remains on active duty beyond the compensated two-year military leave period.

VI. Benefits

A. School Board benefits shall continue without interruption for the first 15 calendar days on an approved military leave to attend annual training or related service requirements.

B. For an employee on an approved military leave beyond 15 days who is entitled to receive a stipend, the following shall apply:

1. The employee approved for military leave has the option to enroll (or continue health insurance coverage if already enrolled) in the Prince William County Public Schools (PWCS) group health insurance program.
   a. The employee enrolled in the group health insurance program shall receive the School Board health insurance premium contribution not to exceed two (2) years or for the duration of the military leave if less than two (2) years.
   b. The employee shall be responsible for the employee’s portion of the monthly health insurance premium to continue coverage. The employee’s portion of the premium shall be deducted from the stipend. If the stipend does not cover the employee’s portion of the cost, it is the responsibility of the employee to remit a check, payable to PWCS, on a monthly basis for the balance of the premium due.

2. The Virginia Retirement System employer contribution shall continue for a full-time employee on an approved military leave with pay for the duration of the military leave or for two (2) years, whichever comes first. The employee shall be responsible to pay the employee contribution while on an approved military leave.

3. The employee has the option to continue participation in the PWCS Supplemental Retirement Plan and receive the School Board matching contribution (if eligible) during the duration of the compensated military leave or for two (2) years whichever comes first.

4. Required and voluntary deductions and contributions shall be based on the employee’s semi-monthly stipend while on an approved military leave with pay.
5. If the employee suspends contributions to the PWCS Supplemental Retirement plan during the compensated military leave period, upon re-employment the employee shall be entitled to catch-up eligible School Board matching contributions as long as the employee contributes the value of the employee salary redirection dollars not contributed during the military leave period.

6. The employee who returns to employment from an approved military leave shall be credited seniority with PWCS for the time spent on military leave. The employee shall also be credited seniority in the Virginia Retirement System (if eligible and a member) and the PWCS Supplemental Retirement Plan for the time spent on the approved military leave.

7. All other benefits to which the employee was entitled at the time the military leave commenced shall be reinstated upon re-employment.

C. The following shall apply for an employee on an approved extended military leave without pay:

1. The employee has the option to continue participation in the group health insurance program during the extended military leave. The employee shall be responsible to remit payments monthly for the entire cost of monthly health insurance premium for the duration of the military leave without pay or until no longer enrolled in the group health insurance program whichever comes first.

2. The employee must suspend contributions and shall not be eligible for the School Board matching contribution in the PWCS for Supplemental Retirement Plan while on a military leave without pay status.

3. Seniority in PWCS, the Virginia Retirement System, and the PWCS Supplemental Retirement Plan shall be credited for the time spent on military leave without pay.

4. Upon re-employment, the employee has the option to commence contributions to the PWCS Supplemental Retirement Plan and receive eligible School Board matching contributions based on seniority, including time spent on approved military leave. The employee shall be entitled to eligible catch-up School Board matching contributions as long as the employee contributes the value of the employee salary redirection dollars not contributed during the military leave period.

5. All benefits which the employee would have attained if not for the period of service shall be reinstated upon the employee’s return.
VII. Return to Work from an Approved Military Leave of Absence

A. In accordance with the provisions of Uniformed Services Employment and Re-Employment Rights Act (USERRA) and applicable Virginia law, an employee returning from an approved military leave of absence must, within the applicable time period provided by USERRA, provide the Director of Human Resources with written or oral notice that he/she has been or will be released from active military service/duties and is seeking reemployment with PWCS. If the employee has been on military leave of absence over 30 days, he or she must provide documentation that the reemployment application is timely, that the employee has not exceeded the cumulative five-year limit on the duration of service, and that the employee’s separation or dismissal from the service was not disqualifying. Such documentation includes a release or discharge certificate, duty orders, or certificate of completion from military training school.

B. The employee shall be reemployed according to the following priority:

1. In the job position that he or she would have attained with reasonable certainty if not for the absence due to military service, including the pay, benefits, seniority, and other job prerequisites that he or she would have attained if not for the period of service (“the escalator position”);

2. If the employee is not qualified to perform the duties of the escalator position or a like position after reasonable efforts by PWCS to help the employee become so qualified; the employee shall be reemployed in the position in which he or she was employed on the date that the period of service began the pre-service position, provided that the employee is qualified for that position (“pre-service position”);

3. If the employee is not qualified to perform the duties of the escalator position or the pre-service position, he or she shall be reemployed in any other position that is the nearest approximation first to the escalator position, and then to the pre-service position, provided that the employee is qualified for such position;

4. In the case of a person with a service-related disability who, after reasonable efforts by PWCS to accommodate the disability is not qualified due to such disability to be employed in the escalator position:

   a. In any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified with reasonable efforts by PWCS, or
b. If not so employed, in a position which is the nearest approximation to the position referred to in subparagraph (a) in terms of seniority, status, and pay consistent with the circumstances of such person’s situation.

C. In the event that the employee is not qualified to perform the duties of the escalator position, his or her pre-service position, or another available position, PWCS shall make reasonable efforts to assist the employee to become so qualified.

D. Virginia laws pertaining to the employment of teachers and other employees shall apply to the extent that they do not conflict with USERRA.

E. The duration of the time spent on military leave, with and/or without pay, shall be creditable for salary placement purposes.

VIII. Military Service by a School Board Member

A. A member of the School Board who is called to active duty in the armed services of the United States, in the National Guard, or naval militia shall not forfeit his/her title to office or position or vacate the same, but upon notice to the School Board of his/her entry upon such service, shall thereupon be relieved from the duties of his office during such period of service. The School Board shall designate some suitable person, a qualified voter residing in the district of the service member who shall perform the duties and assume the powers authority and rights of the service member as acting School Board member during the periods of such military services.

B. During the period of service of such School Board member, he/she shall receive such compensation as is provided by state law, including a stipend, if applicable.

The Associate Superintendent for Human Resources (or designee) is responsible for the implementation and monitoring of this regulation.

This regulation and any related policy shall be reviewed at least every five years and revised as needed.

PRINCE WILLIAM COUNTY PUBLIC SCHOOLS