

[See POLICY ALERT NOS. 164 and 214]

## 4437 MILITARY LEAVE

The Board of Education recognizes that military service rendered by any district employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is a service benefiting all citizens. **A Any permanent or full-time temporary officer and/or employee of the district will be provided military leave and related benefits pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq., P.L. 2001 Chapter 351 amending N.J.S.A. 38:23-1, N.J.S.A. 38A:1-1 and N.J.S.A. 38A:4-4., and any other applicable Federal and State laws.**

A permanent or full-time temporary officer or employee of the school district who is a member of the organized militia of New Jersey (New Jersey National Guard, New Jersey Naval Militia Joint Command) shall be entitled, in addition to pay received, if any, **as a member of the organized militia,** to a leave of absence **from his or her respective duties** without loss of pay or time on all days **during in** which **he/she he or she shall be is** engaged in any period of State or Federal active duty; **provided, however, that t** The leave of absence for Federal active duty or active duty for training shall not exceed ninety work days in the aggregate in any calendar year. **Any leave of absence for such duty in excess of ninety work days shall be without pay, but without loss of time. Such leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee.** **A permanent or full-time temporary officer or employee who has served under such temporary appointment for less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of ninety workdays shall be without pay, but without loss of time.**

A permanent or full-time temporary officer or employee of the school district who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other organization affiliated therewith, including the National Guard of other states, shall be entitled, in addition to pay received, if any, **as a member of a reserve component of the Armed Forces of the United States,** to a leave of absence **from his or her respective duty** without loss of pay or time on all work days **he/she on which he or she** shall be engaged in any period of **Federal** active duty, provided, **however, that** such leave of absence shall not exceed thirty work days in any calendar year. **Such leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty work days shall**



# POLICY

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**be without pay, but without loss of time.** A ~~permanent or~~ full-time temporary officer or employee who has served **under such temporary appointment for** less than one year in the district shall receive this leave without pay, but without loss of time. ~~This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty workdays shall be without pay, but without loss of time.~~

Military leave with pay is not authorized for Inactive Duty Training (IDT) as defined in N.J.A.C. 5A:2-2.1.

The district will provide benefits and rights for staff on military leave as required by Federal and State laws.

Pursuant to N.J.S.A. 52:13H-2.1, in accordance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application by the district to the State Treasury and approval of the application by the Director of the Division of Budget and Accounting, reimbursement shall be made by the State of New Jersey for any costs incurred as a result of the provisions of P.L. 2001, Chapter 351.

N.J.S.A. 18A:6-33; 18A:29-11

N.J.S.A. 38:23-1 et seq.; 38A:1-1; 38A:4-4; 52:13H-2.1

N.J.A.C. 5A:2-2.1

Uniformed Services Employment and **R**eemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq.

**1st Reading: 18 January 2018**

Adopted: 9 April 2009

