



# LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

**TITLE:** Military Leave of Absence for Certificated Employees

**NUMBER:** BUL-4222.1

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Human Resources Division

**DATE:** May 28, 2013

**POLICY:** This Policy Bulletin delineates current requirements, procedures, benefits, and rights of those employees called to active military duty.

**MAJOR CHANGES:** This Policy Bulletin replaces Human Resources Division BUL-4222 of the same subject issued May 5, 2008. Changes reflect current office titles, contact information, and current Education Code Sections.

**GUIDELINES:** The following guidelines apply.

I. Introduction

This Policy Bulletin summarizes personnel, salary, and benefit implications for Certificated employees on military leaves of absence.

II. Definition

A military leave of absence is granted to eligible employees ordered to active military duty as provided in the Education Code, Military and Veterans Code, District/UTLA Collective Bargaining Agreements, and Board Rules. A military leave may be Indefinite or Temporary, as defined in Section IV below.

III. Requirements for Leave

A. Any employee may be granted a military leave of absence.

B. Employees must be in active District service or on paid leave at the time of the requested military leave.

**ROUTING**

All Employees  
All Locations



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### IV. Length of Leave

- A. A temporary military leave is provided when the period of military order specifies duty for no more than 180 calendar days (6 months), including travel time.
- B. An indefinite military leave will be granted for up to six months after the employee is honorably discharged from military service or is released to inactive duty; or up to six months after the war or emergency, whichever is earlier. Because these dates are not known in advance, indefinite leaves are granted to June 30 of the upcoming school year following the school year in which the leave commenced. However, in order to be reinstated after return, the return must be within the six months limit described immediately above.

### V. Salary and Effect on Benefits

- A. Salary. Eligible employees shall be paid regular salary for time on military leave (maximum 20 or 22 days), including travel time if specified in the orders, under the following conditions:
  1. The employee is ordered into active military duty from membership in the reserve corps of the armed forces of the United States, or of the National Guard or Naval Militia, or is inducted, enlists, enters or otherwise is ordered or called into active duty as a member of the armed forces of the United States.
  2. For other than substitute or temporary employees, pay will be allowed for up to 20 working days if the assignment period is for 204 days or less per year (C basis or equivalent), or for up to 22 working days if the assignment period is for more than 204 days (A, B, E, K, D basis).
  3. For substitute and temporary employees, pay will be allowed for the number of days worked in the preceding school month in which compensation was earned subject to the above maximum limitation of 20 or 22 working days.
  4. For indefinite or temporary military leaves, or a combination of the two, compensation is allowed for authorized time, as described above, for one leave of absence or during one fiscal year only.
- B. Effect on Benefits
  1. Salary. Time spent on paid and unpaid military leave will count toward salary step advancement.



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2. Retirement. Time spent on the District-paid portion of military leave will count toward retirement service credit.
  - a. The employee may elect to receive retirement service credit for the unpaid portion of military leave provided that the employee was employed in a position requiring membership in the State Teachers' Retirement System within one year prior to entering such military service and pursuant to other conditions specified in Education Code Section 22805.
  - b. Installment payments may be arranged with STRS for the purchase of the above referenced retirement credit.
  - c. For additional information regarding the purchase of retirement service credit, call (800) 228-5453 or visit [www.calstrs.com](http://www.calstrs.com).
3. Vacation. Accrued vacation may be granted either prior to or after military leave in accordance with vacation policies in effect at the time vacation is taken. Vacation will accrue during the District-paid portion of military leave.
4. Health and Welfare.
  - a. District-paid health and welfare benefits will continue during the District paid portion of military leave, i.e., for 20 or 22 days.
  - b. While on unpaid military leave, the employee may elect to continue hospital-medical, dental, and vision coverage for a period not to exceed one year by making proper payment to the plan in which enrolled.
  - c. Restrictions relating to a pre-existing medical condition do not apply to any of the District's health plans.
  - d. District-paid life insurance coverage for an employee on unpaid military leave will not be provided.
  - e. For the employee-paid optional life insurance plan, employees on the unpaid portion of military leave may continue coverage for a period not to exceed one year by making direct payments of the appropriate premiums.
  - f. For further assistance concerning health benefits information, contact the Benefits Administration (213) 241-4262.



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### 5. Return Rights.

- a. Position/Classification and Salary. Within six months after completing military service, the employee will be returned to a position in the employee's classification, if such a position exists, at the salary to which the employee would have been entitled, in accordance with pertinent provisions of the Education Code and Military and Veterans Code.

The employee must submit evidence as required by Personnel Division to certify honorable military service and dates of active duty (Education Code Section 44800).

- b. Location. An employee on military leave for one calendar year or less will have return rights to the location from which the leave was taken except that the employee may be transferred pursuant to the District/UTLA Agreement, Article XI, if such a transfer would have been made if the employee had been on duty.
- c. Reinstatement. In accordance with Education Code Section 44931, time spent in active military service, subsequent to the last day of paid District service, shall not be considered in computing the 39-month period in which a permanent employee who has resigned must return in order to be restored all rights and benefits of a permanent teacher.
- d. Displacement. For purposes of seniority in a case of displacement, time on military leave will not constitute a break in counting the six semesters for determining the employee's most recent subject field in accordance with the Agreement, Article XI, Section 6.0 c.
- e. Examinations for Positions.
1. Time spent on military leave counts as service for examination purposes.
  2. An employee on a military leave whose name appears on an eligible list may be assigned from the eligible list to a position in the class. In the event the employee accepts the appointment, the employee shall be granted the same type of military leave from the new position.
  3. An employee returning from military leave may take a supplementary examination if the employee was unable to take the original examination by reason of military service, provided the employee met the requirements for such examination at the date the examination was originally conducted.



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- f. Tenure. Time spent on military leave does not count toward the service required for advancement toward continuing status in a class or permanent status in the District.

### VI. Request Procedure

- A. Complete Certificated Request for Leave of Absence (Form 1065) and obtain the signature of the immediate administrator. Form 1065 can be accessed online at: [http://www.teachinla.com/hr\\_forms.html](http://www.teachinla.com/hr_forms.html).
- B. Attach official orders from the appropriate branch of military service to Form 1065.
- C. Return completed Form 1065 and required attachments to the Certificated Placement and Assignments Unit. The mailing address is:

Los Angeles Unified School District  
Certificated Assignments and Support Services  
P.O. Box 3307 - 15<sup>th</sup> Floor  
Los Angeles, CA 90051

If, due to the urgent nature of the activation the employee is unable to complete Form 1065, the employee should send a copy of the military orders to the Certificated Assignments and Support Services as soon as possible.

### VII. RETURN TO SERVICE

- A. An employee returning from military leave of 20 days or less must report directly to the immediate administrator.
- B. An employee returning from military leave of over 20 days must file a Request to Return from Leave (Form 1038) attached with official discharge papers to certify honorable military service and dates of duty to the Certificated Assignments and Support Services Unit.
- C. Failure to report for District duty at the expiration of the time permitted under pertinent Education Code and Military and Veterans Code sections is adequate cause for dismissal.



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### VIII. Replacements for Employees on Military Leave

Whenever possible, a person replacing an employee on military leave will be employed as a substitute (if for a semester or less), or as a contract employee serving under a temporary contract (if more than one semester). Pursuant to Education Code Section 44800, persons employed under a temporary contract shall not have any right to the position following the return of the regular employee to the position. Persons replacing employees on military leave will receive temporary assignment letters informing them that they are replacing an employee on leave who has return rights to the location for up to one calendar year.

**AUTHORITY:** This is a policy of Legal mandates as provided in the Education Code and the Military and Veterans Code.

**RELATED RESOURCES:** California Education Code sections 44800, 44931 and Military and Veterans Code sections 395.01, 395.02, and 395.03 at [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html), Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. §§ 4301, *et seq.*) UTLA agreement Article XII Section 18.0 at [www.utla.net](http://www.utla.net), AALA Agreement Article XI Section 8 at [www.aalausd.org](http://www.aalausd.org), and Board rules at [www.lausd.k12.ca.us/lausd/board/secretary/BoardRules/boardrules](http://www.lausd.k12.ca.us/lausd/board/secretary/BoardRules/boardrules).

**ASSISTANCE:** For assistance regarding leave information and applications, contact the Certificated Assignments and Support Services Unit at (213) 241-5100.

For assistance regarding this Bulletin, contact the Personnel Research & Assessment Unit at (213) 241-6356.