

All Personnel

AR 4161.5(a)

4261.5

MILITARY LEAVE

4361.5

The district shall grant military leave to district employees called to active service. Such employees shall retain those rights and privileges guaranteed by law.

The following employees shall be entitled to receive their salary for the first 30 calendar days of military absence from district duties:

1. Temporary Military Leave: Employees on temporary leave of absence for active military training, encampment, naval cruises, special exercises, or like activity, provided:
 - a. The ordered duty does not exceed 180 calendar days, including coming and going time; and
 - b. The employee has been an employee of the District for not less than one year prior to the day the military leave commences. There is no entitlement to salary for scheduled reserve drill periods. Service in the military service shall count toward the period of time that the employee has been employed by the District. (Military and Veterans Code 395-01)
2. Military Leave Other than Temporary Leave: Employees ordered into active military duty as a member of the reserves, National Guard, naval Militia, or otherwise (e.g. enlistee) ordered into active duty as a member of the armed forces of the United States on other than a temporary basis. The employee must have been a district employee for not less than one year prior to the date on which the military leave begins. There is no tracking for military service as with temporary leaves. (Military and Veterans Code 395-02)
3. State of Extreme Emergency: Members of the National Guard, however long employed by the district, who are engaged in military or naval duty during states of extreme emergency as declared by the Governor or pursuant to the Governor's call of the militia into active service; provided the leave does not exceed the duration of the emergency. (Military and Veterans Code 395.05)

For certificated employees, 30 days' compensation shall be one-tenth of the individual's annual salary. (Education Code 45059)

For classified employees, 30 days' compensation shall be one month's salary. (Education Code 45059)

AR 4161.5(b)
4261.5
4361.5

MILITARY LEAVE (continued)

Legal Reference:

EDUCATION CODE

44800 *Effect of active military service on status of employees*

45059 *Employee ordered to military/naval duty – computation of salary*

MILITARY AND VETERANS CODE

395 *Temporary military leave; public employees*

395.01 *Compensation of public employees on temporary military leave*

395.02 *Salary while absent on military leave other than temporary*

395.03 *Return to employment after termination of active military service*

395.05 *Military duty during state of extreme emergency*

395.1 *Public employees; return to position after active service*

395.2 *Noncertificated employees; return to position after active service*

395.3 *Resignation to enter military service, return to employment*

19 *Ops. Atty Gen 132*

63 *Ops. Atty Gen 925*

69 *Ops. Cal Atty Gen 185*

Bowers v. San Buenaventura (1977) 75 Cal. App. 3d 65

Wright v. City of Santa Clara (1989) 213 Cal. App. 3d 1503

38 UNITED STATES CODE 2024

Regulation
approved: September 11, 1997

MURRIETA VALLEY USD
Murrieta, California