

PERS4.2.2 - Leaves and Absences: Military Leave

P - Personnel

DECB
PROFESSIONAL / SUPPORT STAFF
MILITARY / LEGAL LEAVE

(local)

The Board recognizes the fact that its employees have citizenship responsibilities, and, in order to make it possible for said employees to carry out their responsibilities to the city, county, state, or nation, the Board will grant leaves, in addition to jury duty, when an employee is called to attend field training services for the Military Reserve or National Guard and when an employee is a victim of a juvenile or adult crime exercising a right to be present at a proceeding as defined in statute.

When an employee receives notice that requires leave as delineated above, it is the responsibility of the employee to notify the Superintendent or principal.

Jury Duty

It is recognized by the Board that no employee is exempt from jury duty and that leaves of absence for such duty must be granted.

A. Only the regular salary may be received by an employee on jury duty.

1. It is the responsibility of the employee to reimburse the District for jury duty pay when such payment is made directly to the employee. Failure to reimburse the District at the completion of the jury duty service will result in a full deduction equal to the number of contract days missed.
2. An employee excused from jury duty after being summoned shall report for regular duty as soon as possible. Failure to report for duty will result in a deduction equal to that portion of a contract day missed [A.R.S. [21-236](#)].

Victim Leave

Statute provides that an employer who has fifty (50) or more employees shall permit an employee leave if the employee is the victim of juvenile or adult crime and is exercising a right to be present at a proceeding as defined in A.R.S. [8-420](#) or [13-4439](#). Compensation may be provided if the employee has available vacation or to the extent other leave may be available by policy.

- A. An employee's accrued vacation, personal, sick or other applicable leave shall be used to the extent available by policy.
- B. If paid leave is unavailable, the employee must request an unpaid leave of absence in accord with policy.
- C. Before an employee may leave work for this purpose, the employee shall provide the employer with a copy of the form provided by law enforcement and if applicable a copy of the information the law enforcement agency provides the employee pursuant to either A.R.S. [8-386](#) or [13-4405](#).
- D. Leave for this purpose may be limited if the leave creates an undue hardship to the employer's business.

Military Leave:

- A. An employee who is a member of the Military Reserve or National Guard shall be entitled to leave of absence without loss of pay, time, or efficiency rating when engaged in field training [A.R.S. [26-168](#) and [38-610](#)].
- B. An employee who is a member of the uniformed service may use any vacation leave or other accumulated paid time off during their service, or may take unpaid leave of absence.

C. The District must reemploy uniformed service members, as defined in 38 U.S.C. 4303, returning from a period of service, if the service member:

1. Was employed by the District.
2. Gave the District notice that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable.
3. Has a cumulative period of service in the uniformed services not exceeding five (5) years.
4. Was not released from service under dishonorable or other punitive conditions.
5. Has reported back to the District in a timely manner or has submitted a timely application for reemployment in accordance with the Uniformed Services Employment and Reemployment Rights Act.

(legal)

A.R.S.

[8-386](#)

[8-420](#)

[13-4405](#)

[15-502](#)

[16-402](#)

[21-236](#)

[26-168](#)

[38-610](#)

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MILITARY FAMILY LEAVE

The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, Section 585(a), amended the Family and Medical Leave Act of 1993 (FMLA) to provide eligible employees working for covered employers two (2) important new leave rights related to military service:

(1) New Qualifying Reason for Leave. Eligible employees are entitled to up to twelve (12) weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency." In the interim, employers are encouraged to provide this type of leave to qualifying employees.

(2) New Leave Entitlement. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty-six (26) weeks of leave in a single twelve (12)-month period to care for the servicemember. This provision became effective immediately upon enactment. This military caregiver leave is available during "a single twelve (12)-month period" during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave.

Additional information on the amendments and a version of Title I of the FMLA with the new statutory language incorporated are available on the FMLA amendments Web site at http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm.