**ELSINBORO TOWNSHIP BOARD of Education File code: 4151.9/4251.9**

**Salem, New Jersey**

**Policy**

MILITARY LEAVE

The Elsinboro Township 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. Any permanent or full-time officer and/or employee of the district will be provided military leave and related benefits pursuant to the Uniformed Service Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq., PL 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, to leave of absence without loss of pay or time on all days in which he/she is engaged in any period of State or Federal active duty. 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. A permanent or full-time temporary officer or employee who has served 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 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, to a leave of absence without loss of pay or time on all work days he/she shall be engaged in any period of active duty, provided such leave of absence shall not exceed thirty workdays in any calendar year. A permanent or full-time temporary officer or employee who has served 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 as defined in N.J.A.C. 5A:2-2.1.

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

The military leave requirements in this policy are the minimum requirements of applicable Federal and State laws. The district, at its option, may provide additional military leave with pay and related benefits.

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 PL 2001, Chapter 351.

Adopted: January 12, 2009

NJSBA Review/Update: April 2022

Readopted:

Key Words

Military, Military Leave, Leave of Absence

**Legal References:**  N.J.S.A. 18A:6-33 Tenure, pension and other employment rights in

 military and naval service saved

 N.J.S.A. 18A:28-11.1 Credit for military service

 N.J.S.A. 18A:29-11 Credit for military service

 N.J.S.A. 18A:66-8.1 Discontinuance from teaching service through voluntary service in Peace Corps; continuance of membership;

 conditions
 N.J.S.A. 38:23-1 et seq. Leave of absence for public officers, employees

 N.J.S.A. 38A:1-1 Definitions (Military and Veterans Law)

 N.J.S.A. 38A:4-4 Leave of absence without loss of pay, exceptions

 N.J.S.A. 52:13H-2.1 Reimbursement by State for cost incurred for certain military

 leave
 N.J.A.C. 5A:2-2.1 General policy

 Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC

 Section 4301 et seq.

**Possible**

**Cross References:** \*2131 Chief school administrator

 \*4111 Recruitment, selection and hiring

 \*4115 Supervision

 \*4116 Evaluation

 \*4111.1/4211.1 Nondiscrimination/affirmative action

 \*4112.6/4212.6 Personnel records

 \*4211 Recruitment, selection and hiring

 \*4215 Supervision

 \*4216 Evaluation

\*Indicates policy is included in the Critical Policy Reference Manual.