

# ADMINISTRATIVE REGULATION 7346

SOUTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT

HUMAN RESOURCES

## EMPLOYEES CALLED TO MILITARY DUTY

The following applies to any District employee, academic or classified, who is called to or otherwise enters the active military service of the United States of America or of the State of California, including inactive duty training, encampment, special exercise, active service in any uniformed auxiliary of any branch of the military service, or similar activities, or during any period of national emergency declared by the President of the United States, or during any war in which the United States of America is engaged.

### I. LEAVE

Upon presentation of a copy of orders for active duty in the Armed Forces, the National Guard, or the Naval Militia, the District shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed five years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee's appointment or a temporary employee's appointment.

### II. SALARY

- A. Any district employee called to active duty who has been in the service of the District for at least one year will continue to receive their salary for the first thirty (30) calendar days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first 30 calendar days of active service regardless of length of service with the District. The Board of Trustees may grant approval, for not more than 180 calendar days, to provide as part of the employee's compensation all of the following:
  1. The difference between the amount of their military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.
  2. All benefits that they would have received had they not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.
  3. Employees returning from military leave shall have their salary adjusted to reflect salary increases that are not based on merit.
- B. No paid leave of absence greater than thirty (30) calendar days shall be granted during a fiscal year or for the same leave of absence unless authorized by a resolution of the Board of Trustees.
- C. Any district employee called to active duty who has been in the service of the District for less than one year shall be granted a leave of absence and may, upon Board of Trustees

approval, receive their salary for the first thirty (30) calendar days of ordered military service. Furthermore, upon Board of Trustees approval, a District employee called to active service may receive the same compensation as outlined in Section II.A. above.

### III. HEALTH BENEFITS

An employee on military leave for less than 31 days shall continue to receive health insurance benefits.

Employees on leave for longer than 30 days may elect to continue health care coverage for themselves and their eligible dependents for a maximum period of 24 months after their health insurance benefits would have been discontinued.

Returning veteran employees whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to reinstatement of health coverage.

### IV. VACATION AND SICK LEAVE

Employees on military leave shall continue to accrue any benefits the District provides to other employees, e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well.

Employees on military leave shall accrue any benefits afforded by any collective bargaining agreement negotiated during their absence.

Any employee on temporary military leave for training who has worked for the District for at least one year shall continue to accrue vacation, sick leave and holiday privileges up to a maximum period of 180 days.

### V. REINSTATEMENT

An employee on active duty military leave shall be entitled to return to the position held by them at the time of their entrance into military service within six months after the employee honorably leaves military service or is placed on inactive duty.

- A. In the case of a contract academic employee, absence on military leave shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the District for more than one year, but had not yet become a regular academic employee of the District, they are entitled to return to the position for the period of time their contract of employment had to run at the time they entered military service.
- B. In the case of a regular academic employee, absence on military leave shall not be construed as a break in the continuity of service.
- C. In the case of a probationary classified employee, absence on military leave may require extension of the initial probationary period in order to permit the District an adequate opportunity to evaluate the employee. However, such extension shall be equal to the length of the leave of absence and shall not be construed as a break in the continuity of service.

D. In the case of a permanent classified employee, absence on military leave shall not be construed as a break in the continuity of service.

*References:*

*Education Code Sections 87018, 87700, 87764, 87832, 88116 and 88198;*  
*Military and Veteran's Code Sections 389 et seq;*  
*38 U.S. Code Sections 4301 et seq*