

Military Leave of Absence

The district will grant employees a military leave of absence to the extent required by applicable federal and state law, not to exceed five years.

The employee must request a military leave of absence in writing together with a copy of their reporting orders to be eligible for payment of the salary and benefits outlined below.

Leave for Annual Training Duty

An employee, upon submission of military orders to report for training duty, shall be granted a leave of absence without loss of salary.

Such training should be scheduled during vacation periods or at the convenience of the district whenever possible.

Salary

An employee shall be entitled to receive their full salary for the first six months of military leave of absence provided it occurs during a paid status period of the employee's work year. Salary for absences during months two through six shall be offset by the amount of gross pay received by the employee from the military. Requests for military leave beyond six months must be approved by the superintendent/president.

Health Benefits

An employee is ineligible for long-term disability coverage while on active duty. All other district-paid health benefits shall be continued for the employee and their eligible dependents for the duration of military leave, paid and unpaid.

Vacation and Sick Leave

Employees on military leave accrue any benefits the district provides to other employees. For example, if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well, as established by MiraCosta College policy on vacation accrual.

Reinstatement

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

Subject to the qualifications and limitations set forth in the Uniform Services Employment Rights Act (USERRA—38 United State Code §§4301 et seq.) and state law, an employee on military leave shall generally be entitled to return to the position they would have attained with reasonable certainty if not for the absence due to uniform service (i.e., the “escalator position”). If the employee was absent for a period of ninety days or less and is qualified to perform the duties of the position, the employee shall be placed into the “escalator position” on return. If the leave of absence was ninety-one days or more, the returning veteran must be reemployed in the “escalator position” or a position of like seniority, status, and pay.

If the employee is not qualified to perform the escalator position on return, the district shall make reasonable efforts to train the returning employee so that they will be qualified. If those efforts are not successful, the returning employee is entitled to their previously held job at the time of departure, rather than the “escalator position.”

If the returning veteran cannot become qualified to perform their previous job following the employer’s reasonable efforts, and that inability is not due to service-related disability, the returning veteran employee shall be employed in a job with a lower status and with lower pay for which they are qualified, but retain full seniority status.

If, on the other hand, the veteran's difficulties in qualifying for the job are related to service-related injuries, the district, after making reasonable efforts to accommodate, shall find a position for the veteran of equivalent position that is consistent with the returning veteran’s limitations.

Prior to resuming work, the employee shall be required to submit satisfactory evidence of their other physical and mental fitness for duty, including any job-related restrictions/limitations requiring accommodation. Absent unusual circumstances, re-employment shall occur within two weeks after the re-employment application.