

## OTHER UNPAID LEAVES

### Military Leave

#### THE EMPLOYER'S RESPONSIBILITIES

1. You must grant a leave of absence when your employees:
  - Are summoned by the government for duty;
  - Voluntarily sign up for duty;
  - Participate in training;
  - Must undergo an examination for fitness.
2. These leaves may last from a few hours to five years or longer. Applicants and employees affiliated with the military or public health service are protected from discrimination. Employers may not fire, refuse to hire, discipline or otherwise discriminate against individuals because they are in the service or if they want to serve.
3. You must reinstate those on military leave if their service was completed in less than five years as long as they follow the requirements in the next section.
4. **Qualifying exigency leave (e.g. to arrange child care) also covers regular members of the Armed Forces as well as Reservists and National Guard.**
5. **Qualifying exigency leave is extended to cover situations where an employee's relative is deployed to a foreign country.**
6. **The 26 week leave to care for relatives with military injuries includes situations where the military injury is an aggravation of a pre-existing condition; and for up to five (5) years after the person leaves the military, and no matter whether the injury manifests itself before or after discharge (e.g. Post Traumatic Stress Disorder)**

#### THE EMPLOYEE'S RESPONSIBILITIES

If the employee's service is completed in less than five years, they will generally be eligible for reinstatement to the former position or the position that they would have obtained as long as they:

- Have given reasonable notice in advance of the leave;
- Do not receive a discharge characterization required by applicable law;
- Give notice in accordance with the applicable law, after the leave is over.

#### PAY AND BENEFITS FOR EMPLOYEES ON MILITARY LEAVE

- Generally, military leave is unpaid, however employees may (but are not required to) use their paid vacation time or other paid time when they are on leave.

- The employee's level of seniority will be the same as if they had not been on leave.
- The employer will pay for the continuing health benefits during the leave if required by law. If the employer has no such responsibility under the law, the employee shall be responsible for all such payments.
- Other than the benefits specifically mentioned in this section, employees on military leave are entitled to the same benefits that are given to other employees who are on leaves of absence.
- Pension contributions will continue to be made as in the past and service in the military is considered service with the employer for purposes of vesting and benefit accrual.
- If employees serve in the California National Guard and become disabled for 52 weeks or less, employers may not terminate their health benefits, life insurance, disability insurance or seniority status.

Appendix D-14 is a sample Military Leave Acknowledgment form. When an employee requests military leave the employer should have the employee read and sign this form. Make two copies of the form. Please give one to the employee requesting leave and put one copy in their personnel file. (Appendix D-14)

### **Leave for Military Spouses/Others Specified by Law**

In keeping with California Law, any employee who is a spouse or other specified by law of a deployed military service member is entitled to take up to ten (10) days of unpaid leave when the service member is on leave from a military deployment, as defined by California Law, provided that eligibility, notification and other legal requirements are met.

### **School Visits and Activities**

In accord with state law, each employee is allowed up to 40 hours off per year for the purpose of participating in school activities of their children in licensed day care facilities and kindergarten through grade 12. Ordinarily, this time off is unpaid, but employees may use personal leave days or vacation time, if available. The employee is limited to no more than eight hours off for this purpose in any one calendar month of the school year. Reasonable advance notice is required and the employee may be required to provide documentation from the school concerning the employee's participation.