

**Policy**

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MILITARY LEAVE

The President of the United States has authorized the Secretary of Defense to call up selected members of the Reserves and National Guard to active duty in response to various conflicts abroad as well as homeland security. The Township of Union Board of Education recognizes the personal sacrifice of individuals who are called to active duty and hereby expresses this recognition by providing paid leave and other benefits pursuant to the USERRA, as follows:

- A. Military forces of New Jersey. In addition to pay received for military duty, employees shall receive full pay for Federal active duty or active duty for training, pursuant to written military orders, for a period not to exceed ninety (90) days in the aggregate in any calendar year.
- B. United States Reserves. Same as above except for a period not to exceed thirty (30) days in the aggregate in any calendar year.

In addition to the foregoing, the board hereby establishes a policy to provide for payment beyond the thirty (30) and ninety (90) day limitations set forth above. Therefore, employees called to active duty shall be entitled, for the duration of their active duty deployment, the following additional benefits:

- A. Board of education employees shall be entitled, upon termination of active duty, to return to employment with full seniority and benefits consistent with both State and Federal military reemployment and seniority rights as well as contracted seniority rights.
- B. During active duty and for the duration of their activation, these employees shall be entitled to receive a salary, paid by the board of education equal to the differential between the employee's State salary and the employee's military base pay, following the exhaustion of statutory entitlements to full pay.
- C. These employees shall also be entitled to life insurance, health benefits, and pension coverage during active duty service for which they receive differential salary.
- D. If a board of education employee's salary is less than the military base pay such that no differential pay would be paid, said employee shall, nevertheless, be entitled to life insurance and pension coverage during active duty service with the contributory portion of those benefits and programs being paid by the employee upon his or her return to the board of education after completion of active duty service.

Adopted: June 1999  
NJSBA Review/Update: April 2012  
Readopted: June 2013

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. 38:23-1 et seq. Leave of absence for public officers, employees  
N.J.S.A. 38A:4-4 Leave of absence without loss of pay, exceptions

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq.