

# Milton-Freewater School District 7

Code: GCBDE/GDBDE  
Adopted: 5/13/03  
Revised/Readopted: 6/26/07; 1/09/17

## Military Leave of Absence

The district will grant military leave of absence to an employee~~employees~~ on duty<sup>1</sup> with a uniformed service<sup>2</sup> in accordance with applicable state and federal law. An employee~~Employees~~ requesting military leave ~~is~~~~are~~ required to provide written notice as soon as practicable following notification of military call up or reservist duty, unless precluded by military necessity.

An employee may apply for military leave<sup>3</sup> of absence from duties for up to 21 work days in any one training year<sup>4</sup> or in accordance with ORS 408.290. ~~Military leave exceeding 15 days is unpaid leave.~~ ~~Employees~~ An employee may use any accrued vacation or similar leave during the period of service exceeding 21~~15~~ days. Military leave shall be in addition to any other leave the employee is entitled.

While on military leave, the employee will receive the same benefits as other employees on leave, as well as the following:

1. The employee may continue enrollment in the district's health insurance plan. During the first 18 months of leave, the employee may be required to pay any employee ~~contributions~~~~contribution~~ required of other employees on a leave of absence. If the leave extends beyond 18 months, the employee will be required to pay not more than 102 percent of the full premium;
2. Upon return from military service, the district will give retroactive employer contributions to the Public Employees Retirement System on the same basis as if the employee had not left, provided the employee was an enrolled member at the time of the leave. The employee may repay any required employee contributions over a period of three times the military service leave period or five years, whichever is less.

An employee on duty with a uniformed service is entitled to ~~reemployment~~~~re-employment~~ for a maximum of five years, unless retained on active duty because of war or national emergency. An individual returning from military leave shall ~~immediately~~ notify the district of ~~their~~~~his/her~~ intent to return to the district as follows:

<sup>1</sup> "Duty" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty ~~or, active duty for training, initial active duty for training,~~ inactive duty training, state active duty, U.S. ~~full-time~~ National Guard duty, U.S. Armed Forces duty and absence to determine fitness for duty.

<sup>2</sup> "Uniformed service" means being a member of the U.S. ~~Armed Forces, the~~ National Guard, National Guard Reserve or of any reserve component of the U.S. Armed Forces, or of the commissioned corps of the U.S. Public Health Service and any other category of persons designated by the President in time of war or national emergency.

<sup>3</sup> The employee may use military leave without loss of time, pay or regular leave if the employee has been employed by the district for six months or more.

<sup>4</sup> "Training year" means the federal fiscal year for any particular unit of the National Guard or a reserve component.

1. An employee who is a veteran or reservist ~~Employees who are veterans and reservists~~ returning from training must only inform the district of their training obligations and report back at the next regularly scheduled working period;
2. An employee ~~Employees~~ returning from active duty must notify the district of their intention to return to their former ~~job~~ ~~jobs~~ within 90 days after the employee is relieved ~~of release~~ from duty, or from hospitalization continuing after discharge for a period of not more than one year.

An individual ~~reemployed~~ ~~re-employed~~ under this policy is entitled to the seniority and other currently existing rights and benefits the individual had when service started, plus the additional seniority and similar rights and benefits that would have been accrued if employment had been continuous.

This policy does not apply if the employee has been separated from service with a dishonorable or bad conduct discharge or under other than honorable conditions.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.505](#)  
[ORS 408.238](#)  
[ORS 408.240](#)

[ORS 408.270](#)  
[ORS 408.290](#)  
[ORS 659A.082](#)

[ORS 659A.086](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 42 U.S.C. §§ 300bb-1-300bb-8 (2024).

I.R.C., U.S.C. 26 § 4980B(f)(4) (2024).

Employment and Reemployment Rights of Members of the Uniformed Services, 38 U.S.C. §§ 4301-4334 (2024).