

**RESOLUTION 25-047 - Approval of New Board Policy GCBDE/GDBDE-Military Leave of Absence**

**Background:** A change in law affecting employees using a military leave of absence has changed leave time from 15 days of absence to “up to 21 work days of absence in any one training year” (ORS 408.290) and adds that such leave shall be in addition to any regular leave for which an employee may be entitled.

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**WHEREAS,** the Multnomah Education Service District Board of Directors reviewed and discussed New Board Policy GCBDE/GDBDE-Military Leave of Absence; and

**NOW THEREFORE BE IT RESOLVED,** New Board Policy GCBDE/GDBDE-Military Leave of Absence is approved for first reading as written or as further modified.

**BE IT FURTHER RESOLVED,** that if no further discussion is required, New Board Policy GCBDE/GDBDE-Military Leave of Absence is approved as proposed and does not require a second reading.

# Multnomah Education Service District

Code: **GCBDE/GDBDE**

Adopted: 9/16/25

Revised/Readopted:

## **Military Leave of Absence**

The MESD will grant military leave of absence to an employee on duty<sup>1</sup> with a uniformed service<sup>2</sup> in accordance with applicable state and federal law. An employee requesting military leave 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. An employee may use any accrued vacation or similar leave during the period of service exceeding 21 days. Military leave shall be in addition to any regular 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 MESD's health insurance plan. During the first 18 months of leave, the employee may be required to pay any employee contributions 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 MESD 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 for a maximum of five years, unless retained on active duty because of war or national emergency. An individual returning from military leave shall notify the MESD of their intent to return to the MESD as follows:

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<sup>1</sup> "Duty" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty or inactive duty training, state active duty, U.S. 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. 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 ESD 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 returning from training must only inform the MESD of their training obligations and report back at the next regularly scheduled working period;
2. An employee returning from active duty must notify the MESD of their intention to return to their former job within 90 days after the employee is relieved from duty, or from hospitalization continuing after discharge for a period of not more than one year.

An individual reemployed 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 334.125](#)

[ORS 408.238](#)

[ORS 408.240](#)

[ORS 408.270](#)

[ORS 408.290](#)

[ORS 659A.082](#)

[ORS 659A.086](#)

[OAR 581-024-0245](#)

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).