

SMYRNA SCHOOL DISTRICT

POLICY

Section:	4000 Personnel	Office Responsible:	Human Resources
Policy:	4155 Military Leave		
Related Policies:	N/A	Administrative Procedure:	N/A

I. Purpose

To provide District employees leave benefits to attend training or serve special duty as ordered by the armed forces of the United States of America of Delaware National Guard.

II. Authority

Delaware Code, Title 14 § 1327; Title 29 § 5105 and § 5933

III. Definitions

N/A

IV. Policy Statement

I. Military Leave of Absence

- a. If a regularly appointed and employed principal, teacher or other employee of a school district is called to the service of or voluntarily enters the armed forces of the United States of America or the National Guard of this State when in continuous active service, the school board shall grant to such principal, teacher or other employee a leave of absence which shall cover the period of military service, not to exceed 5 years, or until the term of service to which he or she has been called is terminated, and upon the completion of the leave of absence reinstate such principal, teacher or other employee in the position which he or she held at the time that the leave of absence was granted. The contract with such principal, teacher, or other employee shall continue in force under the same conditions as if the principal, teacher, or other employee had been in the continuous service of the board during the period of the leave of absence; provided, such regularly appointed and employed principal, teacher or other employee has received a certificate of satisfactory completion of military service.
- b. Any principal, teacher, or other school employee taking a leave of absence authorized by subsection (a) of this section who, as a member of the Delaware National Guard or a United States military reserve organization, has been ordered to active duty to augment active forces for any operational mission, shall continue to receive the principal's, teacher's or other school employee's state compensation during the initial period of active duty prescribed by the military, to be reduced by any military compensation received. While on such leave of absence, for a period not to exceed 2 years,

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the employee and the employee's dependents shall continue to receive benefits provided under any applicable group health insurance plan offered by the school district, provided that the employee continues to pay any employee-share premium for such plan. The Department of Human Resources shall develop any rules and regulations necessary to implement the provisions of this subsection. These rules shall make it the employee's responsibility to initiate the claim and supply the required military pay information. The State shall be responsible for collecting information relating to state compensation. Claims shall be filed within 90 days of release from active duty or passage of this legislation, whichever is later.

- c. For the purpose of subsection (b) of this section state compensation shall be limited to the state share of the base salary as calculated from the appropriate salary schedule, administrative supplements and all other stipends. Military compensation shall include base salary, basic allowance for quarters (BAQ), basic allowance for subsistence (BAS), hazardous duty pay and all other supplemental compensation multiplied by the ratio of state compensation to total compensation.
- d. The person who may be appointed to replace the principal, teacher, or other employee shall be appointed for the period covered by the leave of absence.

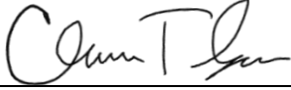
II. Paid Military Leave

- a. Paid military leave will be granted for not more than thirty (30) days in any calendar year and will not be deducted from vacation leave or result in loss of compensation for employees when the following are met:
 - i. The employee is a permanent, full-time employee of the district.
 - ii. The employee is a member of the National Guard or any reserve component of the Armed Forces of the United States.
 - iii. The military training is with the employee's own military unit.
 - iv. The employee files a request for military leave with the Superintendent at least two weeks prior to the date of the leave.
 - v. A copy of the official orders summoning the employee to military service must be attached to the request for military leave.

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*Italics indicate Delaware Regulation Administrative Code Title 14 wording

Board Approval Acknowledged by:



Christopher Scuse, *President*
Smyrna School District Board of Education

Policy Actions

Adopted: unknown
Revised: 01/17/2024