

CALL TO ACTIVE DUTY LEAVE

Once per calendar year, an eligible staff member may take leave for up to ten (10) days or eighty (80) hours, whichever is less, if all of the following conditions are satisfied:

- A. The Board of Education has employed the staff member for at least twelve (12) consecutive months and for at least 1,250 hours in the twelve (12) months immediately preceding commencement of the leave.
- B. The staff member is the parent, spouse, or a person who has or had legal custody of a person who is a member of the uniformed services and who is called into active duty in the uniformed services for a period longer than thirty (30) days, or is injured, wounded, or hospitalized while serving on active duty in the uniformed services.
- C. The staff member gives notice to the Board that s/he intends to take leave pursuant to this policy at least fourteen (14) days prior to taking the leave if the leave is being taken because of a call to active duty or at least two (2) days prior to taking the leave if the leave is being taken because of an injury, wound, or hospitalization. If the staff member receives notice from a representative of the uniformed services that the injury, wound, or hospitalization is of a critical or life-threatening nature, the staff member may take the leave under this policy without providing prior notice to the Board.
- D. In non-medical situations, the dates on which the staff member takes leave pursuant to this policy occur no more than two (2) weeks prior to or one (1) week after the deployment date of the employee's spouse, child, ward, or former ward.
- E. The staff member does not have any other leave available for his/her use except sick leave or disability leave.

A staff member seeking to take leave pursuant to this policy must provide certification from the appropriate military authority to verify that the staff member satisfies the criteria described in paragraphs B, C, and D above.

"Active Duty" means full-time duty in the active military service of the United States or active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or a proclamation of the Governor. "Active Duty" does not include active duty for training, initial active duty for training, or the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty unless such period is contemporaneous with an active duty period.

"Uniformed Services" means the armed forces, the Ohio organized militia when engaged in full-time National Guard duty, the commissioned corps of the public health service, and any other category of persons designated by the President of the United States in time of war or emergency.

While the leave provided by this policy is unpaid, the Board will continue to provide benefits to the staff member during the period of time the staff member is on this leave. For purposes of this policy, "benefits" is defined as employment benefits, other than salary or wages, that the Board regularly provides or makes available to employees, including, but not limited to, medical insurance, disability insurance, life insurance, pension plans, and retirement plans. The staff member is responsible for the same proportion of the cost of the benefits as s/he regularly pays during periods of time when s/he is not on leave.

Upon the completion of the leave taken pursuant to this policy, the Board will restore the staff member to the position s/he held prior to taking that leave or a position with equivalent seniority, benefits, pay, and other terms and conditions of employment.

The Board will not interfere with, restrain, or deny the exercise or attempted exercise of a right established under this policy. Further, the Board will not discharge, fine, suspend, expel, discipline, or discriminate against a staff member with respect to any term or condition of employment because of the staff member's actual or potential exercise, or support for another employee's exercise, of any right established under this policy. Nothing herein shall prevent the Board from taking an employment action that is independent of the exercise of a right under this policy. Finally, the Board will not deprive an employee who takes leave pursuant to this policy of any benefit that accrued before the date that leave commences.

R.C. 5906.01-.03

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Adopted (DATE)