Federal Military Leave

Any St. Mary's Charter School (the "School") employee who is absent from employment due to voluntary or involuntary service in the uniformed services is entitled to certain rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) if:

1. The employee (or an appropriate officer of the uniformed service in which the employee serves) has provided written or verbal notice of such military notice to the School (unless notice cannot be given because of military necessity or is unreasonable or impossible to provide);
2. The cumulative length of the absence and all previous absences from employment with the School does not exceed five years; and
3. The employee reports to or submits an application for reemployment to the School and applies with all other applicable requirements.

For purposes of leave under USERRA, "uniformed service" means the Armed Forces; the Army National Guard, and the Air National Guard when an individual is engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; and any other category of persons designated by the President in time of war or emergency.

A person who is reemployed by the School under USERRA is entitled to the seniority and other rights and benefits that he or she held on the date that uniformed service commenced, plus the additional seniority, rights, and benefits that would have been attained had he or she remained continuously employed.

Exception

The School is not required to reemploy an employee if:

1. Circumstances at the School have changed so as to make reemployment impossible or unreasonable;
2. The reemployment of the employee would cause undue hardship for the School; or
3. The employment with the School from which the employee leaves to perform uniformed service is for a brief, nonrecurring period and there is no reasonable expectation that employment with the School will continue indefinitely or for a significant period.

38 U.S.C. 4301, et. seq.

Service in State Military Services

The School shall not terminate the employment of a permanent employee who is a member of the state military forces of this state or any other state because the employee is ordered to authorized training or duty by proper authority. Such an employee is entitled to return to the same employment held when ordered to training or duty and shall not be subjected to loss of time, efficiency rating, vacation time, or any benefit or employment during or because of the absence. Gov't Code 431.006(a).

Called to Duty

An employee who is a member of the state military forces that is ordered to active state duty by the governor or by other proper authority under the law of this state is entitled to the same benefits and protections provided to persons performing service in the uniformed services under USERRA and to persons in the military service of the United States under the Service members Civil Relief Act under 50 App. U.S.C. 501-536, 560, and 580–594, as those laws existed on April 1, 2003. Gov't Code 431.017.