Baltimore County Public Schools
Department of Human Resources
Office of Employee Absence and Risk Management

Leave Requirements and Information Sheet

Military

Summary  Baltimore County Public Schools (BCPS), in accordance with the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA), provides employees Military leave to serve in the Uniformed Services, covering all categories of Military training and service, including duty performed on a voluntary or involuntary basis and in time of peace or war.

Eligibility  All employees

Approved By
- The Board of Education (Board) (for leaves longer than 90 days)
- Office of Employee Absence and Risk Management (for leaves less than 90 days)

The application, and all required documentation noted below, should be sent to:

The Department of Human Resources
Office of Employee Absence and Risk Management
6901 N. Charles Street, Building B, Towson, MD  21204
Fax: 410-337-0160
Email to: leaves@bcps.org

For additional information and questions, contact the Office of Leaves, 443-809-4133

General Information
- Military leave is granted in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and appropriate bargaining unit agreements.
- BCPS requires that the employee provide advance written or verbal notice to the Office of Leave for all Military duty unless giving notice is impossible, unreasonable, or precluded by Military necessity, as per USERRA guidelines.
- Additionally, employees are able (but are not required) to use available vacation absence time while performing Military duty.
- USERRA established the cumulative length of time that an employee may be absent from work for Military duty and retain reemployment rights to five years. However, there are important exceptions to the five-year limit, including initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls, especially during a time of national emergency.

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USERRA provides protection for disabled veterans by requiring employers to make reasonable efforts to accommodate the disability. Employees convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs or apply for reemployment.

USERRA provides that returning employees are reemployed in the job that they would have attained had they not been absent for Military service, with the same seniority, status and pay, as well as other rights and benefits determine by seniority.

USERRA requires that reasonable efforts (such as training or retraining) be made to enable returning employees to refresh or upgrade their skills to help them qualify for reemployment.

USERRA provides for alternative reemployment positions if the employee cannot qualify for the reemployment position.

USERRA provides that while an individual is performing Military service, he/she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other employees on non-Military leaves of absence.

USERRA provides reemployment rights for returning employees who meet the following criteria:

- BCPS receives advance written or verbal notice of the employee’s service.
- The employee has five years or less of cumulative service in the uniformed services while employed with BCPS. Exceptions to this are noted in the USERRA guide (available on the DOL website)
- The employee returns to work or apply for reemployment in a timely manner after conclusion of Military service (as described in the Return to Work Requirements section below).
- The employee has not been separated from Military service with a disqualifying discharge or under other than honorable conditions.

The Office of Benefits, Leaves and Retirement (BLR) will send notification of the approval or denial of the leave request immediately following the applicable Board meeting.

Employees must notify the OEARM Office immediately if there is no longer a need for leave or dates/circumstances change.

**Intermittent Leave**

- Intermittent leave is available for Military Leave.

**Required Documentation**

- (1) Completed Application for Leaves of Absence and Conversions.
- (2) Official Military orders
- (3) Members of the Maryland State Teachers’ Pension System (MSTPS) must complete the Maryland State Retirement Agency (MSRA), form 46, Qualified Leave Of Absence Request or Notification of Military Service Entry. This form is required to obtain retirement service credit for the period of the approved leave and for the survivor benefit to remain in effect during this leave. For additional information employees may refer to the MSRA website, www.sra.state.md.us.
• BCPS requires that the employee provide advance written or verbal notice to the Office of Leave for all Military duty unless giving notice is impossible, unreasonable, or precluded by Military necessity, as per USERRA guidelines.
• Leave processing may be delayed if documentation is not received within the required timeframe.

**Technology Device Requirements**
• Employees must surrender all technology devices and all assigned device accessories to his/her principal or supervisor prior to the commencement of this type of leave of absence.

**Effect on Position**
• USERRA provides that returning employees are reemployed in the job that they would have attained had they not been absent for Military service, with the same seniority, status and pay, as well as other rights and benefits determine by seniority.

**Effect on Salary Increment**
• The time spent on approved Military leave will be included in computing eligibility for an annual increment.

**Effect on Payroll**
• Employees who are called to active Military duty under the authority of the governor or official department of defense orders will be paid according to the appropriate bargaining unit agreement.

**Effect on Healthcare Benefits**
• Employees are eligible to continue their current healthcare benefits for a period of 24 months beginning on the date of the leave.
• BCPS will continue to pay the board’s portion of the premium for a period of one year, after which the employee will be responsible for the rate equivalent to the COBRA rate (full premium plus a 2% administrative cost), if they choose to continue the coverage with BCPS.
• Employees are entitled to 18 additional months of healthcare coverage under COBRA if they terminate employment. The cost of this coverage is the monthly premium equivalent to the full cost plus an administrative charge of 2%.

**Effect on Retirement Plans**
• MSRA recognizes this leave as a qualified leave of absence for service credit purposes; therefore, the unpaid service time may be purchased. To purchase the unpaid service time, upon completion of the Academic/Educational leave, employees must contact the BCPS Office of Retirement at 443-809-8949 to initiate the process. There is no deadline to initiate the purchase of the service credit, if the employee returns to work. However, if the employee decides to resign from employment with BCPS after the completion of the Academic/Educational leave and wants to purchase the service credit, BCPS requires the MSRA, form 26, *Request to Purchase Previous Service*, be sent to the Office of
Retirement no later than 45 days after the expiration of the leave. This is to ensure the employee meets MSRA’s deadline of receiving the paperwork no later than 60 days after the expiration of the leave.

- However, deductions will cease during the leave and will begin again once the employee returns to active BCPS employment.
- For service credit, employees must submit MSRA, form 43, *Claim of Retirement Credit for Military Service Credit*, along with *Department of Defense 214 Certificate of Release* to the Office of Retirement.
- Upon reemployment, the employee is treated as not having a break in service for purposes of participating, vesting and accrual of benefits.

The Baltimore County Employees Retirement System (ERS) recognizes this leave as a qualified leave of absence for credit purposes. However, deductions will cease during the leave and will begin again once the employee returns to active BCPS employment. The employee is responsible for purchasing the service credit from the ERS by calling 410-887-8246

**Return-to-Work Requirements**

- At least fifteen (15) business days prior to their expected date of return to active BCPS employment, employees are responsible for notifying the OEARMS Office of their intent to (1) return to work, (2) request an extension or (3) resign via email, letter or phone call.
- The appropriate HR Officer/Analyst will ensure returning employees are reemployed in the job that they would have attained had they not been absent for Military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority.
- The Department of HR will notify the employee’s Principal/Supervisor of the employee’s expected return to work date.
- To be eligible for protection under USERRA, employees must report back to work, or apply for reemployment (if leave is more than 30 days), within the following guidelines:
  - 1-30 days of svc. Report next scheduled work day plus 8 hrs.
  - 31-180 days of svc. Report within 14 days of completion of svc.
  - 180+ days of svc Report within 90 days after completion of svc.

- The types of documents necessary to establish eligibility for reemployment are dependent upon the individual’s situation. For leaves of 30+ days, one or more of the following is required:
  - *Department of Defense 214 Certificate of Release or Discharge from Active Duty*
  - Copy of duty orders prepared by the facility where the orders were fulfilled, carrying an endorsement indicating completion of the described service
  - Letter from the commanding officer of a Personnel Support Activity or someone of comparable authority
  - Certificate of completion from Military training school
  - Discharge certificate showing character of service; and
– Copy of extracts from payroll documents showing periods of service.
– Letter from National Disaster Medical System (NDMS) Team Leader or Administrator Officer verifying dates and times of NDMS training or Federal Activation.
– State form – Claim of Military Retirement Credit (form 43) for Maryland State Retirement credit

• However, if an employee’s seniority or job classification would have resulted in the employee being laid off during the period of service, and the layoff continued after the date of reemployment, reemployment would reinstate the employee to layoff status.

**Extension of Leave Requirements**

• Extensions of leave are available for this type of leave.

**Resignation Requirements**

• Employees who choose to resign their employment with BCPS after the completion of a Military leave must complete the resignation and off-boarding process, available on the Human Resources Intranet at [https://intranet.bcps.org/offices/human_resources/](https://intranet.bcps.org/offices/human_resources/).
• Also, employees must notify the Office of Leaves at 443-809-4133 or leaves@bcps.org if they resign from leave.
• Members of the MSTPS who choose to resign their employment with BCPS after the completion of a Military leave and wish to purchase the time off taken for leave must complete MSRA form 26, Request to Purchase Previous Service. BCPS requires the MSRA, form 26, Request to Purchase Previous Service, be sent to the Office of Retirement no later than 45 days after the expiration of the leave in order to process the paperwork by the MSRA’s deadline of no later than 60 days after the expiration of the leave. (Please refer to Retirement Section).

**Policy:**

Board of Education Policy Absences and Leaves
Number: 4203

**Rule:**

Superintendent’s Rule Absences and Leaves
Number: 4203

**Bargaining Unit Information:**

• American Federation of State, County and Municipal Employees (AFSCME)
  Article 7 – Absences and Leaves
  Section 8 – Military Leave

• BCPS Organization of Professional Employees (BCPSOPE)
  Article IX – Absence and Leaves
  Section 9.7 – Military Leave

• Education Support Professionals of Baltimore County (ESPBC)
  Article 8 – Absences and Leaves

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Section 8.8 – Military Leave

- Council of Administrative and Supervisor Employees (CASE)
  Article IX – Absences and Leaves
  Section 9.7 – Military Leave

- Teachers Association of Baltimore County (TABCO)
  Article XII – Absences and Leaves
  Section 12.8 – Military Leave

For informational purposes only. For additional questions or concerns, employees must refer to USERRA guidelines, Board Policies, Superintendent’s Rules, appropriate bargaining unit agreements.