

**805 PEACE CORPS OF THE UNITED STATES, AMERICAN RED CROSS, OR UNITED STATES
MERCHANT MARINE LEAVE OF ABSENCE**

Military and Veterans Code Section

395.2. Any employee of a board of school trustees or board of education in a position not requiring certification qualifications who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full time paid service of the American Red Cross, during any period of National emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall regain all rights to his position and shall be reinstated thereto upon his application at any time within six months of the termination of that service, but in any event within one year from the date of a treaty of peace terminating the hostilities in which the United States is now engaged. The provisions of this act shall apply to service in the Merchant Marine as that phrase is now defined in any Federal statute relating to reemployment rights of persons in service in the Merchant Marine.

Education Code Section

89513. (a) Every employee who has entered or who hereafter enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross, during any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall be deemed to have been entitled or shall be entitled to absent himself from his duties.

Within six months after such employee honorably leaves such service or has been placed on inactive duty he shall be entitled to return to the position held by him at the time of his entrance into such military service, at the salary to which he would have been entitled had he not absented himself from his duties.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further legislative

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action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

- A. A regular classified employee may be granted a leave of absence to serve in the Peace Corps of the United States for a period up to 27 months.

During any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged an American Red Cross or United States Merchant Marine leave shall be granted to any regular classified employee who enters the full-time paid service of the American Red Cross or the service of the United States Merchant Marine in accordance with provisions of the Military and Veterans Code and the Education Code.

- B. The following conditions, rights, and privileges shall govern leaves of absence granted under this rule:

1. Vacation and Illness Privileges

Vacation and illness privileges already earned, but not taken, may be granted either prior to or after return from Peace Corps of the United States, American Red Cross, or United States Merchant Marine leave in accordance with the vacation and illness policy in effect at the time the vacation or illness leave is taken. No vacation or illness leave privileges shall accrue during such leaves.

2. Seniority Credit

An employee absent from service to the District because of a Peace Corps of the United States, American Red Cross, or United States Merchant Marine leave prior to July 1, 1971 shall continue to accrue seniority credit for purposes of examination and layoff during such absence. On or after July 1, 1971, no seniority credit for purposes of examination and layoff shall accrue during such absences unless negotiated by a collective bargaining agreement.

3. Return to Position

An employee returning from a Peace Corps of the United States leave shall be returned to a position in their classification if such a position exists and:

- a. Service with the Peace Corps of the United States did not exceed 27 months.
- b. Request to return is submitted within one month of termination of service with the Peace Corps of the United States.

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An employee returning from an American Red Cross or United States Merchant Marine leave shall be returned to a position in their classification in accordance with pertinent provisions of the Military and Veterans Code if such a position exists and:

A request to return is submitted within one year after the termination of war emergency or within six months of termination of the service with the American Red Cross or the United States Merchant Marine.

Vacancies caused by the granting of a Peace Corps of the United States, American Red Cross, or United States Merchant Marine leave may be filled by regular appointment. Upon completion of such leave, employees shall have bumping rights to a position in the employee's prior class or a class in which they held regular status. If the employee has exhausted their bumping rights, the employee's name shall be placed on a reemployment list for a period not to exceed 39 months from the date of application to return.

4. Eligibility to Take Examinations

An employee shall be eligible to take examinations for which otherwise qualified during the time of service with the Peace Corps of the United States, American Red Cross, or the United States Merchant Marine. An employee on Peace Corps of the United States, American Red Cross, or United States Merchant Marine leave whose name appears on an eligibility list shall be certified for assignment to a position in the class during the life of any such list when and if their name is reached. In the event the employee accepts the appointment, they shall be granted a continuation of the leave in the new position.

5. Placement on Eligibility List

An employee returning from a leave in accordance with subparagraph 3. above, shall be granted a special examination administration for any class if:

An active eligibility list exists for which the employee was unable to take the examination due to his/her service with the Peace Corp of the United States, American Red Cross, or United States Merchant Marine, provided the employee met the requirements for such examination on the date it was originally conducted.

The same tests of fitness and examination standards applied in the original examination shall be used in the special administration. The existing eligibility list shall be amended to include successful candidates. The change resulting from the addition of a name shall not serve to invalidate any appointment made in accordance with law and rules or to extend the life of the list.

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6. Compensation

No person shall be paid any salary or compensation as an employee of the District while on a Peace Corps of the United States, American Red Cross, or United States Merchant Marine leave. However, upon return to the District an employee rendering satisfactory service in the Peace Corps of the United States, American Red Cross, or the United States Merchant Marine shall be granted credit for salary step advancement on the same basis as if they were in active service with the District. Acceptable verification of satisfactory service during a Peace Corps of the United States, American Red Cross, or the United States Merchant Marine leave must be received prior to granting a salary step advancement.