

Leaves of Absence - Military Leave

General Policy

All District employees, other than those who are employed on a temporary basis, are entitled to military leave of absence when ordered to active duty for training as members of the Idaho National Guard or any component of the U.S. Armed Forces. Employees who volunteer, are drafted, or are ordered to extended active duty with any component of the U.S. Armed Forces shall be entitled to reinstatement to their former positions or comparable positions if the right is exercised in a timely manner as noted below.

Notice to District

All employees should provide either written or oral notice of upcoming military training to the District as soon as reasonably practical. The employee or an appropriate officer of the branch of military in which the employee will serve may provide the notice. Employees who are ordered for such duty shall provide one copy of their orders to the Superintendent. Notice shall include date of departure and date of return for purposes of military training ninety (90) days prior to the date of departure.

Military Leave for Training or Short Term Duty

Employees who are required to attend annual training or special active duty for training shall not suffer any loss of salary, seniority or efficiency rating during the first fifteen (15) days of such absence in any calendar year. Leave will be without loss of benefits.

Completion of Military Training

Upon completion of military training, the employee shall give evidence of satisfactory completion of such training immediately thereafter. Employee shall be restored to his or her previous or similar position with the same status, pay, vacation leave, sick leave, bonus, advancement, and seniority. Such seniority shall continue to accrue during such period of absence.

The Notus School District will **not** pay employee's salary while the employee is on active military duty.

Disqualification From Returning to Work

There are four conditions that disqualify an employee from exercising his or her right to reemployment after military service:

- A dishonorable or bad conduct discharge
- Separation from the service under “other than honorable conditions”
- A commissioned officer’s dismissal via court martial or by order of the President
- When a service member has been dropped from the rolls for being absent without authority or for civilian imprisonment

Reinstatement to Positions After Extended Duty

Employees who volunteer, are drafted, or called to active duty for extended periods will be placed on “Military Leave of Absence” upon written application and be entitled to reinstatement to their former or similar positions upon their return and under the following conditions:

1. They must not have remained on active duty beyond their first opportunity for honorable or general release.
2. They must report to claim reinstatement within 14 days after completion of service; or 5 days in the case of individuals who undergo only six months active training or less.

After an employee has been absent for 31 days or more of military service, the District may ask the employee or the employee’s military unit for documentation showing that:

- The employee submitted a timely application for reemployment;
- The employee’s length of military service has not exceeded the five-year limitation; and
- The employee’s separation from the military service meets the requirement for reemployment.

As a general rule, employees returning from military service must be reemployed in the job that they previously held, or would have attained had they not been absent for military service. If the employee was disabled while on military duty, or a disability is aggravated by military service, the District will make reasonable efforts to accommodate the disability

Legal Reference:	I.C. § 46-407	Militia and Military Affairs / Reemployment Rights
	I.C. § 46-224	Militia and Military Affairs / Entitled to Restoration of Position After Leave of Absence for Military Training
	I.C. § 46-225	Militia and Military Affairs / Vacation, Sick Leave, Bonus and Advancement Unaffected by Leave
		USERRA, Title 38, Part 3, Chapter 43 U.S. Code

Policy History:

Adopted on: November 9, 2009

Revised on: