

1 **5322 PERSONNEL**

2 **Military Leave**

3 Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the
4 Montana Military Service Employment Rights, the Superintendent shall grant military leave to employees
5 for voluntary or involuntary service in the uniformed services of the United States, upon receipt of the
6 required notice. Benefits shall be maintained for these employees as required by law and/or collective
7 bargaining agreements. A service member who returns to the District for work following a period of active
8 duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise
9 provided by law.

10 Time spent in active military service shall be counted in the same manner as regular employment for
11 purposes of seniority or District service unless otherwise provided in a collective bargaining agreement.

12 The District will not discriminate in hiring, reemployment, promotion, or benefits based upon membership
13 or service in the uniformed services.

14 All requests for military leave will be submitted to the Superintendent, in writing, accompanied by copies
15 of the proper documentation showing the necessity for the military leave request.

16 When possible, all requests for military leave will be submitted at least one (1) full month in advance of
17 the date military service is to begin.

18 Persons returning from military leave are asked to give the Superintendent notice of intent to return, in
19 writing, as least one (1) full month in advance of the return date.

20 The District shall post notice of the rights, benefits, and obligations of the District and employees in the
21 customary place for notices.

22 **Legal Reference:**

23 38 U.S.C. §§ 4301-433 The Uniformed Services Employment and Reemployment Act of 1994

24 §10-1-1004, MCA Rights under federal law

25 §10-1-1005, MCA Prohibition against employment discrimination

26 §10-1-1006, MCA Entitlement to leave of absence

27 §10-1-1007, MCA Right to return to employment without loss of benefits – exceptions – definition

28 §10-1-1009, MCA Paid military leave for public employees

29 **Policy History:**

30 Adopted on: August 23, 2010

31 Revised on: May 29, 2018