

## Harlem School District

### PERSONNEL

5322

#### Military Leave

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

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

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

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

Unless otherwise impossible, all requests for military leave will be submitted at least one full month in advance of the date military service is to begin.

Persons returning from military lave are asked to give notice of intent to return to the Superintendent, in writing, as least one full month in advance of the return date.

Legal Reference:	38 U.S.C. §§ 4301-4333	The Uniformed Services Employment and Reemployment Act of 1994
	§10-1-1004, MCA	Rights Under Federal Law
	§10-1-1005, MCA	Prohibition Against Employment Discrimination
	§10-1-1006, MCA	Entitlement To Leave Of Absence
	§10-1-007, MCA	Right To Return To Employment Without Loss of Benefits
	§10-1-1009, MCA	Paid Military Leave for Public Employees

#### Policy History

Adopted on: November 15, 2006

Revised on: