



"To Build Knowledge and Skills for Success Today and Tomorrow"

File: GBO\*

## MILITARY LEAVE

Employees are entitled to military leave under the Uniformed Services Employment and Reemployment Act of 1994.

The employee must provide advance written or verbal notice to the Superintendent for all military duty. Notice may be provided by the employee or by the branch of military in which the employee is serving. Notice is not required if military necessity prevents the giving of notice; or, the giving of notice is otherwise impossible or unreasonable.

Reemployment rights extend to persons who have been absent from work because of service in the uniformed services. Service in the uniformed services means duty on a voluntary or involuntary basis in a uniformed service, including:

- Active duty
- Active duty for training
- Initial active duty for training
- Inactive duty training
- Full-time National Guard duty
- Absence from work for an examination to determine a person's fitness for any of the above type of duty

The employee may be absent for up to five (5) years for military duty and retain reemployment rights.

### **Benefits:**

Employees who are on military leave for more than 30 days may elect to continue in the district health insurance plan for up to 18 months at the full premium cost plus normal increases in premium. For military leave of less than 30 days, health care coverage will continue to be provided as if the employee had never left. An employee on military leave for more than 30 days, who chooses to discontinue coverage for themselves and their dependents, shall be placed back on the health plan as if they had never left, upon their return to employment with the district.

An employee who is also a participating member of the SDRS will continue to earn credited service in SDRS while serving in the uniformed services if he or she meets the following requirements:

- Secures authorization in advance from the district for military leave.
- Returns to employment of an SDRS participating unit within one year of discharge from his/her initial period of military service.
- Remains in the employment of that same employer for at least one year upon his/her return.

Such credited service does not require a contribution from either the employee or the district.

### **Return to Work**

The employee is entitled to be reemployed in the job that they would have held had they not been absent for military service, with the same seniority, status and pay, as well any other rights and benefits determined by seniority.

An employee whose military leave has been for less than 31 days must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight (8) hour rest period.

An employee whose military leave has been for more than 30 days but less than 180 days must submit a letter of application for reemployment within 14 days of release from the service.

An employee whose military leave has been for more than 180 days must submit a letter of application for reemployment within 90 days of release from service.

The deadline for return to work may be extended by up to two (2) years for an employee who is injured or incurs a disability during military service. The district will make reasonable accommodations for any impairment upon the employee's return to work.

The employee's separation from service must be under honorable conditions in order for the person to be entitled to reemployment rights. The district has the right to request that an individual who has been on military leave for a period of 31 days or more provide documentation showing:

- the application for reemployment is timely;
- the five-year service limitation has not been exceeded; and,
- separation from service was under honorable conditions.

Upon receipt of the letter of application for reemployment, the district will promptly reinstate the employee. The actual day of return to work will be established by the district allowing for a reasonable time, not to exceed two weeks, to notify the displaced employee and have the position vacated.

The employee will be placed in the salary structure at the experience differential the employee would have occupied if the employee had remained continuously employed. All benefits that the employee is entitled to shall be reinstated as if the employee had remained continuously employed.

Any employee hired to replace an employee on active military duty shall not acquire tenure or a continuing contract right to the position served.

Legal Ref.: SDCL 3-12-47 (54),  
Uniformed Services Employment and Reemployment Act of 1994

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