

1 **Bainville School District**

2  
3 **PERSONNEL**

5322

4  
5 Military Leave

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

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

18  
19 The District will not discriminate in hiring, reemployment, promotion, or benefits based upon  
20 membership or service in the uniformed services.

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

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

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

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

34	Legal Reference:	38 U.S.C. §§ 4301-4334	The Uniformed Services Employment and
35			Reemployment Act of 1994
36		§10-1-1004, MCA	Rights under federal law
37		§10-1-1005, MCA	Prohibition against employment
38			discrimination
39		§10-1-1006, MCA	Entitlement to leave of absence
40		§10-1-1007, MCA	Right to return to employment without loss
41			of benefits – exceptions – definition
42		§10-1-1009, MCA	Paid military leave for public employees

43 Policy History:

44 Adopted on: 2/25/2008

45 Reviewed on:

46 Revised on: 7/13/2016