Employees of the District who qualify under the Uniform Employment and Reemployment Rights Act (USERRA) shall receive all leave, benefits and protections afforded by that Act. Employees requesting military leave will provide notice and documentation to the District as required by USERRA. An employee shall be granted military leave for 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 any applicable collective bargaining agreement. A service member who returns to the District for work following a period of active military duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law. Reemployment of a person is excused if an employer's circumstances have changed so that reemployment of the person would be impossible or unreasonable. A reduction-in-force that would have included the person would be an example.

USERRA requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as far in advance as is reasonable under the circumstances. All requests for military leave will be submitted to the Superintendent or Superintendent's designee accompanied by copies of the proper documentation showing the necessity for the military leave request.

To qualify for USERRA's protections, a service member must be available to return to work within certain time limits. These time limits for returning to work depend (with the exception of fitness-for-service examinations) on the duration of a person's military service.

1. If the length of service was 30 days or less, the person must report to the District by the beginning of the first regularly scheduled work period that begins on the next calendar day following completion of service, after allowance for safe travel home from the military duty location and an 8-hour rest period.

2. If the length of service was 31 days to 180 days, an application for reemployment must be submitted to the employer no later than 14 days after completion of a person's service. If submission of a timely application is impossible or unreasonable through no fault of the person, the application must be submitted as soon as possible on the next day when submitting the application becomes possible.

3. If the length of service was 180 days or more, an application for reemployment must be submitted to the employer no later than 90 days after completion of a person's military service.

4. Disability-related service: The reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing because of an injury or illness incurred or aggravated during the performance of military service. The two-year period will be extended by the minimum time required to accommodate a circumstance beyond an individual's control that would make reporting within the two-year period impossible or unreasonable.

5. Unexcused Delay: A person's reemployment rights are not automatically forfeited if the person fails to report to work or to apply for reemployment within the required time limits. In such cases, the person will be subject to the employer's established rules governing unexcused absences.

Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 24 months; however, the individual is required to pay 102 percent of the full premium. For military service of less than 31 days, health care coverage is provided as if the service member had remained employed. South Dakota Retirement System shall be done pursuant to USERRA and SDRS requirements.

Military leave shall be leave without pay.