

SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

PERSONNEL

PROFESSIONAL STAFF POLICIES

UNIFORMED SERVICE LEAVE AND OTHER RIGHTS OF SERVICEMEMBERS

532.42

Subject to the terms, conditions, and limitations specified in the Uniformed Services Employment and Reemployment Rights Act (USERRA) and in any applicable state law that may grant additional rights, qualifying individuals who voluntarily or involuntarily leave employment positions within the District to undertake qualifying military, uniformed, or other types of service (e.g., qualifying service in the National Disaster Medical System) are entitled to reemployment, health insurance protection, freedom from discrimination, and other rights and benefits as further provided in the applicable laws.

The District will provide a general notice to employees of their rights, benefits, and obligations under USERRA in a manner that is consistent with the requirements of federal law. Employees generally have an obligation to provide advance notice of their uniformed service and must meet other qualifying criteria in order to be eligible for job-protected leave. Employees can obtain additional information about their rights and obligations under the applicable laws in the District's Employee Handbook or by contacting the Office of the District Administrator.

No official, employee, or authorized agent of the District may unlawfully discriminate or retaliate against an employee who

- (1) performs, has performed, applies to perform, or has an obligation to perform military/uniformed service; or
- (2) is or applies to be a member of the military/uniformed services, including the U.S. armed forces, the state defense force, the national guard of any state, any reserve component of the U.S. armed forces, certain types of service in the National Disaster Medical System, and any other legally-protected form of military or uniformed service.

Legal References:

Wisconsin Statutes

- [Section 111.355](#) [employment discrimination prohibited; military service]
[Sections 321.63](#) to [321.66](#) [state statutes related to military service of employees and other officials; most provisions likely apply to school districts]

Federal Law

- [38 U.S.C. 4301 et seq.](#) [Uniformed Services Employment and Reemployment Rights Act (USERRA)]
[20 C.F.R. Part 1002](#) [federal regulations under USERRA]
[29 C.F.R. §541.602\(b\)\(3\)](#) [federal Fair Labor Standards Act regulation regarding impermissible salary deductions for employees who are subject to the salary basis test]
[29 U.S.C. Chapter 28](#) [federal FMLA statutes, including provisions addressing leave for family members of covered service members]
[29 C.F.R. Part 825](#) [federal FMLA regulations, including provisions addressing leave for family members of covered service members]

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