

Whenever a district employee leaves his/her position, whether voluntarily or involuntarily, in order to perform military duty, and who is relieved or discharged from such duty under honorable conditions, that individual may make application for re-employment within ninety (90) days after he or she is relieved from military duty, or from hospitalization continuing after discharge for a period of not more than one (1) year. The total of the district employee's service performed in military duty cannot exceed four (4) years and the total of any service performed, additional or otherwise, does not exceed five (5) years and if the service in excess of four (4) years is at the request of and for the convenience of the federal government.

1. If the employee is still physically qualified to perform the duties of the position, that employee shall be restored to the position if it exists, and is not held by a person with greater seniority, otherwise to a position of like seniority, status, and pay;
2. If the employee is not qualified to perform the duties of the position by reason of disabilities sustained during the military service, the district employee shall be placed in such other position, the duties for which he or she is qualified to perform as will provide him or her like seniority status and like pay, or the nearest approximation thereof consistent with the circumstances of his/her case.

Any employee who is restored to a former position shall not be discharged from that position without cause within one (1) year after the restoration and shall, without limiting other rights, be considered as having been on furlough or leave of absence during his/her period of military duty. The employee shall be restored without loss of seniority, including, upon promotion or other advancement following completion of any period of employment required therefore, a seniority date in the advanced position which will put him or her ahead of all persons previously junior to him or her who advanced to the position during his/her absence in the armed forces. The employee shall be protected against reduction in his/her seniority, status or pay during his/her employment. However, any reductions made for all employees whose employment situations are similar may be made to the individual returning from the military duty.

Any district employee called to military duty shall be placed on leave without pay.

Preference of employment shall be given to war veterans who serve on active duty in the armed forces of the United States for a period of more than one hundred eighty (180) days or whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty, who was discharged under honorable conditions, and who was a resident of the state of Idaho when the application for work or employment is made. In order to receive preferential treatment, the application of such individual must be submitted within one hundred twenty (120) days of his/her separation from the armed forces or hospitalization. Such veteran employment preference rights shall only be guaranteed when war has been declared by the

United States Congress.

For those individuals who meet the definition of “war veterans,” the employment preference is a one-time preference for initial hire only. No war veteran shall be discharged except for inefficiency, incompetence, insubordination or violation of work agreements. In any reduction in force, war veterans shall be given preference for retention.

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**LEGAL REFERENCE:**

Idaho Code Section 65-501, *et seq.*

**ADOPTED: September 23, 1998**