

UNIFORMED SERVICE LEAVE AND OTHER RIGHTS OF SERVICEMEMBERS

Policy 532.42

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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 qualifying state or federal service 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.

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. 101\(10\)](#) [definition of "Armed Forces"]

[38 U.S.C. 4301 et seq.](#) [Uniformed Services Employment and Reemployment Rights Act (USERRA)]

[38 U.S.C. 4303](#) [USERRA definitions; including the definitions of "uniformed services" and "service in the uniformed services"]

[42 U.S.C. 300hh-11\(d\)\(3\)](#) [extending USERRA protections to members of the National Disaster Medical System]

[20 C.F.R. Part 1002](#) [federal regulations under USERRA; as of June 1, 2023, the regulations in Part 1002 do **not** reflect all current provisions of the USERRA statutes]

[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 servicemembers]

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[29 C.F.R. Part 825](#)

[federal FMLA regulations, including provisions addressing leave for family members of covered servicemembers]

Cross References:

Employee Handbook: Part I, Applicable to All Staff
Section 11, Uniformed Services Leave

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