

134 – MILITARY LEAVE

- A. An employee who has at least 90 days of continuous service and is a member of the guard, reserves, subject to call to service by the president, or who volunteers for service, is entitled to up to 20 workdays each calendar year of military leave of absence with pay when ordered to service by proper authorities. This includes active duty training.
- B. In the event of mobilization or activation for more than 20 working days by federal or state officials, the employee will be granted a military leave of absence. The first 30 workdays in a calendar year, less any leave taken under section A, will be with pay.
- C. An employee who takes a military leave of absence will be reinstated to the former position or a position of like status and pay if the employee completes the service and is released, deactivated, or discharged in any manner other than dishonorably.
 - 1. The employee must not be physically or otherwise incapacitated from performing the duties of the position and must apply for reinstatement within 90 days of being deactivated, released, or discharged.
 - 2. The employee must not be discharged from the position for a period of one year unless the discharge is for cause.
- D. Leave taken under this section is subject to the provisions of sections 37-01-25 and 3701-25.1, N.D.C.C. The employee must contact the Human Resource Director for clarification on application of the law.

Approved by the Supreme Court 4/1/12; amended 1/8/14/ effective 2/1/14; amended 11/6/19 effective 12/1/19