



MONTANA MUNICIPAL INTERLOCAL AUTHORITY

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RISK MANAGEMENT BULLETIN

DATE: December 1, 2015

RM Bulletin #03-16

TO: MMIA Member Cities and Towns

RE: Model Policy Language Update--Paid Military Leave

MMIA's Risk Management Department has updated Section 35 of our MMIA Template Policy Manual. The update is a recommendation based on a fresh review of MCA 10-1-1009, Paid Military Leave for Public Employees. This MCA requires leave to be in hours, unused hours to be carried over to the next year and does not prohibit certain types of military training. We recommend the update to your Personnel Policy Manual, especially if your City or Town has utilized the MMIA Template Policy Manual. We encourage all Personnel Policy Manual Changes, including this one, to be reviewed and approved by your City or Town Attorney.

The previous model policy read:

An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six months shall be given leave of absence with pay for a period of time not to exceed **15 working days** in a calendar year. It can be for attending regular encampments, training cruises, and similar training programs of the military forces of the United States. This leave will not be charged against the employee's annual vacation time.

Employees employed less than six months are entitled to unpaid leave for the purposes listed above. Military leave does **not include regularly scheduled drills** (Active Duty for Training - ADT).

The updated model policy now reads:

The [CITY/TOWN] shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act (USERRA, 38 USC Sec. 4301, [4321] et seq) as well as all relevant state laws (to include Montana Military Service Employment Rights Act, MCA 10-1-1001 to 10-1-1027 et seq) as well as all relevant state laws covering members of the Montana Army and Air National Guard.

An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six months shall be given leave of absence with pay accruing at a rate of **120 hours** per calendar year, for performing military service. This leave will not be charged against the employee's annual vacation time. **Unused military leave must be carried over to the next calendar year if applicable, but may not exceed a total of 240 hours in any calendar year.** Employees employed less than six months are entitled to unpaid leave for the purposes listed above.

If you have questions, please contact MMIA at riskmgmt@mmia.net