

# **SOUTH DAKOTA BOARD OF REGENTS**

## **Policy Manual**

**SUBJECT:** Military Leave and Veterans Rights

**NUMBER:** 4.5.5

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### **A. PURPOSE**

To provide guidance on leave and benefits available to eligible employees of South Dakota's Unified System of Higher Education who are called for training or active duty in the uniformed services of the United States. In carrying out the terms of this policy and in all its dealings with employees regarding military leave issues, the Board complies fully with all federal and state laws granting leave and employment rights to employees serving in any branch of the military or other uniformed services of the United States.

### **B. DEFINITIONS**

**1. Institution:** Black Hills State University, Dakota State University, Northern State University, South Dakota School of Mines & Technology, South Dakota State University, South Dakota School for the Blind and Visually Impaired, South Dakota Services for the Deaf, University of South Dakota, and the Office of the Executive Director.

### **C. POLICY**

#### **1. Compensation Procedures**

1.1. Employees may choose from the following five options, or can select a combination of these options:

- Up to 15 days of unused military training leave.
- Up to 40 hours of accrued sick leave.
- Accrued vacation leave.
- Active military duty status without pay.
- Separation.

1.2. **15 Days of Unused Military Training Leave** – An employee may use up to 15 calendar days of military training leave per calendar year as prescribed by ARSD 55:09:04:08.

1.3. **40 Hours of Accrued Sick Leave** – An employee may use up to 40 hours of accrued sick leave per calendar year as prescribed by ARSD 55:09:04:05.

1.4. **Vacation Leave** – An employee may use accrued vacation leave to continue their monthly paychecks.

- 1.4.1. Vacation leave may be used intermittently to generate a partial paycheck that covers employee-paid deductions.
- 1.5. **Active Military Duty Status without Pay** – An employee may choose to remain on the Institution's payroll system on a leave without pay status.
  - 1.5.1. If the employee does not choose a form of leave, or if the chosen leave expires, they will be placed on a leave without pay status.
- 1.6. **Separation** – Employees may separate employment with the state. If the employee separates, the employee will be paid for any accrued annual and sick leave balance in accordance with the applicable laws and rules.

## **2. Benefits Procedures**

- 2.1. **Federal Active Duty** – Employees who are called to federal active duty and dependents who are called to federal active duty, health, life insurance and flexible benefits are suspended because the federal government provides the benefits.
  - 2.1.1. Employees can purchase up to 18 months of continued health coverage if they opt to pay the full premium and administrative fee for the coverage.
  - 2.1.2. The employee may elect to continue group health, life insurance and/or flexible benefits for dependents through the state.
- 2.2. **State Active Duty** – State health, life insurance, and flexible benefits, including benefits for the employee and dependents, will continue because the employee will receive a state active duty payment through the South Dakota National Guard.
- 2.3. **Employee Entitlement to FMLA Leave** – Service member FMLA rights are outlined in BOR Policy 4.5.3 – Medical Leave and Leaves of Absence.

## **3. Reemployment Rights**

- 3.1. Federal and state law requires that an employee returning after active duty be offered a job with the same pay, rank, and seniority the employee would have expected if work had not been interrupted by military duty.
- 3.2. An employee who returns to duty within 90 days of discharge, or within 90 days after a hospitalization continuing after such release for a period of not more than one year, will retain their most recent hire date and not serve another probationary period.
- 3.3. Military service will be considered credited service for the employee, provided the employee returns and continues to participate in the state retirement plan for one year after their return.

**FORMS / APPENDICES:**

None

**SOURCE:**

BOR August 1974; BOR October 1993; ARSD August 1993; March 2003; BOR May 2008; BOR March 2021; October 2023 (Clerical).