Section 3	Human Resources Policies	03/22/02 - Originated
Subject 3.9	Leave Administration	10/17/03 - Reviewed w/ changes - Reviewed w/o changes
Policy 3.6.3	**Paid Military Leave**	Human Resources - Author

Paid Military Leave

Audience

The information in this document is for use by all UTMB employees.

Policy

The University of Texas Medical Branch will grant paid military leave to employees who are called to active duty in accordance with the terms set forth below. Employees who are members of the state (i.e. Texas) military forces or a reserve component of the armed forces and who are ordered to duty by proper authority are entitled, when relieved from duty, to be restored to the position that they held when ordered to duty.

Leave Entitlement

State employees are entitled to the following types of leave for military service:

- Authorized training or duty for members of the state military forces and members of any of the reserve components of the United States Armed Forces;
- Call to state military active duty by the Governor;
- National emergency active duty for members of a reserve branch of the United States Armed Forces.

Authorized Training or Duty

- A UTMB employee who is called to active duty or authorized training as a member of the state military forces or any of the reserve components of the United States Armed Forces is entitled to a paid leave of absence from his or her respective duties without loss of time, efficiency rating or performance review rating, vacation time, or salary for not more than fifteen working days in a federal fiscal year (October 1 through September 30.)

- The fifteen days of military leave need not be consecutive. Members of the state military forces or members of reserve components of the United States Armed Forces who are ordered to duty on non-consecutive days are entitled to a total of fifteen days. These fifteen days of military leave are working days and not calendar days.

- All military leave, other than a call to active duty in the state military forces by the Governor, is subject to a maximum of fifteen days of leave per federal fiscal year.

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Military Leave During National Emergency: Call to Active Duty to Serve in a Reserve Branch

A leave of absence will be provided to an employee called to active duty during a national emergency by a reserve branch of the United States Armed Forces. During such leaves of absence, the employee will accrue state service credit by receiving at least one hour of state pay during each month of active military service. Note: The employee may use any combination of paid leave, including state compensatory leave, overtime leave, annual leave, military leave, or differential pay to qualify for state pay.

Employees will not accrue vacation or sick leave during an unpaid leave of absence. However, the employee retains any accrued sick or vacation leave and will be credited with those leave balances upon return. Leave earned while in a state-paid status is credited to the employee's balance when the employee returns to active state employment.

- Employees are entitled to a maximum of fifteen working days of paid military leave if they have not already exhausted their annual entitlement.
- An employee who remains on active duty after exhausting his or her fifteen days of annual entitlement may use accrued vacation leave to the extent available, earned compensatory time, or overtime leave, or be placed on a leave without pay, or any combination for the remainder of the active duty period to maintain benefits for the employee or the employee's dependent(s). (See Policy 3.9.14, *Extended Unpaid Military Leave)*

UTMB shall provide an employee activated to military service as a member of the reserve component of the armed forces with a statement containing the balance of the employee's accrued compensatory time and accommodate an employee's request to use the balance of such time before the compensatory time expires.

Before the employee leaves for military service, UTMB shall review with the employee any issues relating to maintaining state health insurance coverage during the military duty, including what the

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Military Leave During National Emergency: Call to Active Duty to Serve in a Reserve Branch (cont'd)

employee needs to do to maintain state health insurance coverage, how such coverage is affected by paid or unpaid leave, and how to pay any premium required for the insurance coverage.

If an employee's military gross pay is less than the employee's state gross pay, UTMB shall grant sufficient emergency leave as differential pay to a state employee on unpaid military leave.

Call to State Military Emergency Leave by the Governor

An emergency leave of absence with full pay will be provided to an employee who is called by the Governor of Texas to active duty as a member of the state military forces because of a state emergency, without loss of paid military or annual leave. The employee is entitled to this leave with full pay. This time is not limited and does not count against the fifteen days maximum military leave, nor is the employee required to use annual leave.

Only when the Governor calls a member of the state military forces to active duty for an emergency is the period of leave unlimited, paid, and without loss to annual or military leave. If a member of the state military forces is called to duty for training or duty authorized by a proper authority other than the Governor, the fifteen day maximum of paid military leave per fiscal year applies.

Call of State Military Forces Member to Federal Active Duty

State employees who are called to **federal** active duty as a member of the state military forces may not receive his/her state salary except if

- using vacation, compensatory, or overtime leave; or,
- if the employee's military gross pay is less than the employee's state gross pay.

The combination of emergency leave and military pay may not exceed the employee's actual state gross pay.

Adjustment in Work Schedule for Members of the State Military Forces

The work schedule of any employee who is a member of the state military forces or the United States Armed Forces Reserve must be adjusted so that two of the employee's days off each month coincide with two days of military duty to be performed by the employee, in order to facilitate participation in military duties by state employees.

Procedure

1. Employees must notify supervisors as soon as possible when they are called for military duty.
2. Employees must provide copies of military orders to their supervisor prior to taking military leave. Copies of the military orders must be attached to the Personnel Action Form (PAF) placing them on military leave.
3. Accurate records of military leave taken will be retained in the employee's departmental file and in the personnel file in the Office of Human Resources.
4. If employees are on military leave for one calendar month or more, accurate records of state service credit will also be maintained.

References

Texas Government Code, § 431.0825, §431.005, §613.002-613.006, §658.008, §661.903-661.9041

Related U. T. System Policy and Procedures Memorandum 8.040, "Extended Unpaid Military Leave"