

<b>Policies of the University of North Texas Health Science Center</b>	<b>Chapter 05 Human Resources</b>
<b>05.609 Military Leave of Absence</b>	

Policy Statement.

An employee may be granted a leave of absence with full pay not to exceed fifteen (15) working days in federal fiscal year<sup>1</sup> when, as a member of the State military forces or any of the Reserve Components of the U.S. Armed Forces, the employee is ordered or authorized by competent authority to engage in military training or duty.<sup>2</sup> This includes any employee who (a) is called to active duty for normal training, duty or attendance to military school (b) is ordered for a physical examination for military purposes, or (c) is ordered to one-day active duty for training at local units.<sup>3,4</sup>

Application of Policy.

Faculty and Staff

Definitions.

None

Procedures and Responsibilities.

Procedure / Duty

Responsible Party

- |  |                                  |
|--|----------------------------------|
| 1. The employee must give written or verbal notice of the absence for military service unless giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. Proof of authorization of duty will be satisfied by attaching a copy of the employee's military orders to the Request for Leave Form. | Employee                         |
| 2. No charges against the employee's vacation, sick leave, or salary shall be made during a leave of absence with pay, and upon being relieved of military duty, the employee will be restored to the position and status previously held.   | Employee/Payroll                 |
| 3. The health science center shall adjust the work schedule of any employee who is a member of the State military forces or any Reserve Component of the Armed Forces so that two (2) of the employee's non-work days per month coincide with two (2) days of military duty to be performed by the employee.                             | Department                       |
| 4. <b>Certain Benefits and Protections for State Service:</b> A member of the state military forces who is ordered to active state duty by the governor or by other proper authority under the law of this state is entitled to the same benefits and protections provided: (1) to   | Employee/Human Resource Services |

persons performing service in the uniformed services by 38 U.S.C. Sections 4301-4313 and 4316-4319, as that law existed on April 1, 2003; and (2) to persons in the military service of the United States by 50 App. U.S.C. Sections 501-536, 560, and 580-594, as that law existed on April 1, 2003.<sup>5</sup>

Before an employee leaves for military service, the health science center shall review with the employee any issue relating to maintaining state health insurance coverage during the employee's military duty. The review shall include what the employee needs to do to maintain state health insurance coverage, how insurance coverage is affected by paid or unpaid leave, and how to pay any premium required for the insurance coverage.<sup>6</sup>

5. **Use of Administrative (Emergency) Leave During Military Activation:** The Health Science Center shall grant sufficient emergency leave as differential pay to an employee on unpaid military leave if the employee's gross military 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. For purposes of the policy, military pay does include combat, hardship or separations pay.<sup>7</sup> Employee/Payroll
  
6. **Veteran's Employment Restoration:** An employee who leaves his/her position to enter active military service, may request an extended leave of absence without pay for the duration of active military obligation, and the employee will be restored to former employment under the conditions stated in Policy Number 05.204. Employee/Department
  
7. **Administration of Benefits during Military Leave of Absence Without Pay:** The following guidelines are provided for the administration of employee benefits during an extended military leave of absence without pay. Employee/Human Resource Services Benefits
  - a.) Vacation and sick leave accrued prior to the leave of absence will be frozen, and no further accrual will be made during the leave of absence. The employee, however, may be permitted to take all or part of accrued vacation leave prior to the effective date of the leave of absence.
  
  - b.) Teacher Retirement System coverage will remain intact with its benefits frozen until the employee returns to employment. Under present law, the period of extended military service cannot be utilized for determining eligibility for retirement;

however, under certain conditions, a member of the Teacher Retirement System may purchase retirement credit for certain types of active military service. Employer Optional Retirement contributions may be made retroactive, if the employee makes required contributions for the period of absence.<sup>8</sup>

- c.) Group insurance coverage may be continued at the employee's expense during the military leave of absence without pay. Arrangements must be made with the Payroll Office for payment. Such insurance, however, may be reinstated without medical examination upon application of the employee within ninety (90) days of being discharged and within 30 days of return to employment.
  
- d.) An employee called to active duty during a national emergency by a reserve branch of the United States Armed Forces shall have a leave of absence without pay. The employee will continue to accrue state service credit while on active duty.

References and Cross-references.

<sup>1</sup> Texas Government Code, § 431

<sup>2</sup> Ibid.

<sup>3</sup> Texas Government Code, § 661

<sup>4</sup> Attorney General Opinion No. C-679, and Texas Government Code, § 661

<sup>5</sup> Texas Government Code, § 661

<sup>6</sup> Ibid

<sup>7</sup> Ibid

<sup>8</sup> P.L.103-353, Uniformed Services Employment and Reemployment Rights Act of 1994

Forms and Tools.

Request for Leave Form

Approved: 9/1/2006

Effective: 9/1/2006

Revised: