

MILITARY DUTY LEAVE

A. Purpose

The purpose of this policy is to provide for the administration of paid military duty leave in compliance with state law and federal law.

B. Persons Affected

This policy applies to all employees of The University of Texas Rio Grande Valley (UTRGV).

C. Definitions

Not Applicable.

D. Policy

In accordance with state and federal law, UT Rio Grande Valley provides paid leave to eligible employees who are called to active military duty or authorized training.

1. *Leave Entitlement:*

Employees are entitled to paid leave as described in this policy for the following types of military service:

- a. 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;
- b. Call to National Guard active duty by the Governor;
- c. National emergency active duty for members of a reserve branch of the United States Armed Forces.

2. *Authorized Training or Duty:*

A UTRGV 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.) If the employee does not use the 15 days of military leave in a federal fiscal year, the employee is entitled to carry the net balance forward to the next federal fiscal year, not to exceed 45 workdays.

- a. 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.
- b. All military leave, other than a call to active duty in the National Guard by the Governor, is subject to a maximum of fifteen days of leave per federal fiscal year (see Section D.4, below.)

3. *Military Leave during National Emergency:*

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, but will not accrue vacation or sick leave. However, the employee retains any accrued sick or vacation leave and will be credited with those leave balances upon return.

- a. Employees are entitled to a maximum of fifteen working days of paid military leave if they have not already exhausted their annual entitlement.
- b. 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, or be placed on a leave without pay, or a combination of the two for the remainder of the active duty period. See The University of Texas System Policy and Procedures Memorandum INT105, "Military Leave."

4. *Call to National Guard 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 National Guard 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 National Guard 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 National Guard 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.

5. *Adjustment in Work Schedule for Members of the National Guard:*

The work schedule of any employee who is a member of the Texas National Guard 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.

E. Procedures

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.
3. Copies of the military orders must be attached to the Personnel Action Form (PAF) placing them on military leave.
4. 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. If employees are on military leave for one calendar month or more, accurate records of state service credit will also be maintained.

F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

Texas Government Code §431.0825, §431.005, State Militia

Texas Government Code §613.002-613.006, Reemployment Following Military Service

Texas Government Code §658.008, Hours of Labor, Members of National Guard or Reserve

Texas Government Code §661.903-661.904, Leave – National Guard Emergency