

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 111.04
SUBJECT: APPROVED LEAVE	INITIAL EFFECTIVE DATE: 07/01/86
TITLE: MILITARY SERVICE LEAVE	LAST REVISION DATE: 11/13/18

POLICY STATEMENT:

It is the policy of the City of Denton to provide authorized leave of absence for all regular full-time employees who participate in the United States Armed Forces, State Military Forces or National Guards tour of military duty in compliance with all relevant federal and Texas laws. Further, it is the intent of the City of Denton to recognize the public policy interest in supporting the United States Armed Forces, State Military Forces and National Guards during times when the President of the United States shall by Executive Order effect the involuntary activation of military reserve personnel to support and defend the United States' interests at home and abroad. To that end, the City of Denton may provide benefits in excess of the legal minimums set forth in federal and Texas laws to its employees who are subject to involuntary reserve activations as set forth in the administrative procedures to this policy.

ADMINISTRATIVE PROCEDURES:

It is the intent of the City to comply with all conditions and requirements of federal and Texas laws now existing, and/or as may be amended.

I. ACCRUAL

- A. There is no accrual of military leave. Up to fifteen (15) paid days, per federal fiscal year, of military leave is available for use as required by Texas law. Unused military leave will not be paid out at the time of separation. For purposes of this policy, a "day" will be equivalent to the employee's normally scheduled work shift.
- B. The City has no obligation to pay an employee on military leave for training days that occur on a regular day off or outside of work time.
- C. A supervisor who has an employee using military leave has no obligation to change the work schedule so that the employee receives a full forty (40) hours of work (for example, if an employee's normal schedule is 8 to 5 Monday through Friday and the employee must miss Friday due to military duty, the supervisor does not have to let the employee work additional hours to make up the time).

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II. PROCEDURES FOR REQUESTING LEAVE

- A. All participating employees must submit written requests for a specified duration of military leave. The City of Denton will request a copy of any documentation or official orders which are in existence and available. Employees are required to give advance notice of military leave, with some exceptions, referred to as “Military Necessity”, as defined under the law.
- B. Military Leave for all civil service employees will be afforded in accordance with Texas Local Government Code § 143.072. Civil service employees must submit written notification for active military duty, excluding weekend or reserve duty drill, to the Civil Service Commission. The written notification will be included in the employee's personnel file as a matter of record and will specify that return to full employment status without loss of seniority is afforded by the Texas Local Government Code § 143.072.
- C. On occasions where advance notice is not possible, an employee will be requested to submit either a copy of official orders or another form of official documentation for the time period away from work as soon as possible, preferably before reemployment. The Human Resources Department may seek verification of any military leave used.
- D. If changes are made to the duration of leave, employees should submit updated orders or another form of official documentation to the Human Resources department as soon as possible.
- E. Upon receipt of a request for leave, the employee’s supervisor will need to forward a copy of the request and any documentation provided (e.g, military orders) to the Human Resources department.

III. SHORT TERM MILITARY SERVICE LEAVE

Short-term military service leaves are defined as military service not exceeding 15 calendar days per year.

- A. Upon approval of the military leave, the employee will receive their normal gross salary for the pay period in which the absence occurs, up to 15 days. If military leave extends beyond 15 days, the employee must submit a separate request for extended military service leave.
- B. An employee will continue to accrue leave benefits during the approved short-term military leave

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IV. EXTENDED MILITARY SERVICE LEAVE

Extended military service tours of duty are defined as any military tours that will require an employee to be absent from work longer than the amount of time designated in administrative procedures for Short Term Military Service Leave, III.

- A. All leave days beyond the initial yearly fifteen (15) days per the Short Term Military Service Leave may be paid, at the employee's discretion, using accrued vacation time. Accrued sick leave may not be substituted. The employee may also choose to take the remaining duty days as unpaid.
- B. The City will continue to pay for the employee's health insurance, long-term disability insurance, and life insurance while the employee is on extended military service leave. If the employee elects not to use accrued vacation time after the first fifteen (15) days of Short Term Military Service Leave, or if the employee exhausts all accrued vacation time while on extended military service leave, it will be the employee's responsibility to make arrangements for the payment of any employee paid benefits that are typically paid by voluntary deduction(s) from the employee's pay (such as dental, vision, health, short-term disability, supplemental life insurance, etc.. If the employee fails to pay for elected benefits within thirty (30) days of the payment due date, the benefit will be canceled effective the paid through date.
- C. An employee will continue to accrue leave benefits while on paid leave but will not do so if they choose to take the leave as unpaid leave.

V. INVOLUNTARY RESERVE ACTIVATION

Involuntary reserve activation is defined as being called to active duty (order to active tour of duty) and does not include voluntary activation.

- A. In the case of involuntary reserve activation (an order to active tour of duty), the City may, for the period of one year (12 *consecutive* months) or less, pay partial salary to the activated employee during this tour of duty. This payout will be the difference between the reservist's military base pay and their base salary at the time the partial payment is processed. For civil service employees and for purposes of this policy only, base pay will be inclusive of certification, education, or assignment pay they are receiving at the time of the involuntary activation. The employee's salary will be based upon the employee's regular scheduled hours and will not include overtime (unless the overtime is part of the employee's regular schedule) paid in excess of those hours.

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- B. In the case of involuntary reserve activation, the City will continue to pay for those benefits for which the City would pay if the employee were working. An employee may elect to continue coverage for employee paid benefits (such as employee, spouse or family health insurance, vision insurance, dental insurance, short-term disability, etc). If the employee elects to continue coverage for employee paid benefits, the amounts for the coverage will be deducted from the partial salary paid pursuant to paragraph A, supra. If the partial salary is not sufficient or if the employee's involuntary reactivation extends for more than twelve months, the employee will be responsible for making arrangements for the full payment of the employee elected benefits. If the employee fails to pay for elected benefits within thirty (30) days of the payment due date, the benefit will be canceled effective the paid through date.
- C. There will be no continued accrual of leave benefits when partial salary pay begins.
- D. The reservist will be required to supply a written copy of military orders whenever available and monthly copies of pay stubs to activate and maintain this partial pay out.
- E. If the reservist's active duty extends beyond twelve (12) consecutive months, pay status will revert to Extended Military Leave.
- F. Upon the employee's return to active employment with the City of Denton, the employee will be required to provide proof that the employee's discharge from active duty was anything other than a dishonorable discharge.

If any language in this policy conflicts with federal or state law, including Chapter 143 of the Texas Local Government Code which governs Police and Fire Civil Service employees, the law(s) will supersede.