

## Military Leave

### Introduction

The Comptroller's office provides military leave to service members for training, active service or other ordered duty as provided in this policy.

### Policy

An employee who is a member of the state military forces, a reserve component of the United States armed forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to a paid leave of absence on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a federal fiscal year (October 1 – September 30). During a leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave or vacation time.

A state employee who is a member of the state military forces, a reserve component of the United States armed forces, or a member of a state or federally authorized Urban Search and Rescue Team and who is ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty.

### State Military Forces

The agency will grant emergency leave to a member of the state military forces, called to state active duty by the governor, during his or her absence. The employee will continue to accrue leave, and his or her absence will not count against the 15 workdays allotted for training and other ordered duty.

### United States Armed Forces – National Emergency

An employee called to active duty during a national emergency to serve in a reserve component of the armed forces of the United States under Title 10 or 32, United States Code, will be granted an unpaid leave of absence.

Before the employee leaves for military service, the employee should contact the Benefits section of Human Resources to discuss any issues relating to maintaining state health insurance coverage during the employee's military duty, including what the employee needs to do to maintain state health insurance coverage, how health insurance coverage is

affected by paid or unpaid leave, and how to pay any premium required for the insurance coverage. The employee may use any accrued vacation leave, earned compensatory leave or overtime leave, in whole or in part, to maintain benefits for the employee or the employee's dependents while the employee is on military duty.

The employee may continue to accrue service credit with the Employees Retirement System of Texas by using at least one hour of state pay during each month of active military service. The employee may use any combination of paid leave, including state compensatory leave, overtime leave, annual leave, military leave or approved agency differential pay, to qualify for the state pay.

The employee continues to accrue state service credit for purposes of longevity pay while on military duty, vacation and sick leave during an unpaid leave of absence. The employee may retain any accrued vacation or sick leave and is entitled to be credited with those balances on return to state employment.

## Differential Pay

The agency will grant emergency leave as differential pay to a state employee on unpaid military leave if the employee's 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.

Military pay does not include money the employee receives:

1. for service in a combat zone;
2. as hardship pay; or
3. for being separated from the employee's family.

The employee must provide the Payroll section of Budget with an earnings statement showing the amount of military gross pay the employee received in the period for which differential pay is requested.

## Approval for Military Leave

Employees requesting military leave must notify their supervisor as soon as possible, and provide a copy of the drill schedule, military orders or other documentation as soon as it is available.

Depending on the situation, the employee may be eligible for FMLA (qualifying exigency leave). The employee should contact the FMLA Coordinator in the Benefits section of Human Resources for more information.

## **Authority**

Texas Government Code §§431.005 and .0825

Texas Government Code §§661.903–.9041