

## 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.

### Military Leave Policy for Authorized Training or Duty

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 and is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty. Carryover of this leave may not exceed 45 workdays.

### State of Texas Emergency/Disaster Leave

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, who is called to state active duty by the governor or another appropriate authority, in response to a disaster, is entitled to a paid leave of absence for each day of active duty during the disaster, not to exceed seven workdays in a fiscal year. During such leave, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

Employees of Texas State agencies, who are members of the Texas State military forces, are not subject to the seven workday limitation noted above. If an employee of a Texas State Agency is called to state active duty as a member of the Texas Military Forces by the governor or other appropriate authority in response to a natural or made-made disaster, the state employee:

- is entitled to receive unlimited leave with full salary (paid emergency leave)
- is entitled to earn vacation and sick leave during that time (but is ineligible to use the earned leave until after returning to work); and
- does not have to use vacation or the 15 workdays of paid military leave.

## United States Armed Forces

### Federal Active Duty

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 for any periods beyond the 15 days of paid leave authorized for a federal fiscal year.

If an employee is called to federal active military duty to provide assistance to civil authorities in a declared emergency or training for that purpose, the employee is entitled to:

- additional paid emergency leave of up to 22 workdays without loss of other military leave or vacation leave;
- an unpaid leave of absence after exhausting the 22 workdays of paid military leave;
- use any accrued vacation leave, compensatory time, or overtime leave to maintain benefits for themselves or their dependents while on military duty; and
- receive differential pay, if eligible.

### Differential Pay

An employee called to active duty during a national emergency may be entitled to differential pay. Differential pay is emergency leave granted to an employee if the employee's military gross pay is less than the employee's state gross pay. The combination of differential pay and military pay may not exceed the employee's actual state gross pay. Military pay does not include money the employee receives:

- for service in a combat zone (hostile fire or imminent danger pay);
- as hardship pay; or
- family separation pay.

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.

## Benefits While on Military or Emergency/Disaster Leave

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, vacation 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.

## 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 §§437.202 and 437.254

Texas Government Code §§661.903–661.9041