

City of Andrews
Administrative Directive

Title: Military Leave		
Category: Human Resources		
Reference Number: HR 4	Initial Effective Date: 03/01/2020	Last Revision Date:

1) SCOPE

This administrative directive identifies how the City plans to comply with all Federal and State laws regarding the use of military leave.

2) DEFINITIONS

- A. **MILITARY LEAVE** - is defined as leave to be used solely for the purpose of fulfilling a military obligation that does not exceed fifteen (15) days.
- B. **EXTENDED MILITARY LEAVE** - is defined as the leave period beyond the standard fifteen (15) days in which an employee is fulfilling a military obligation.
- C. **INVOLUNTARY RESERVE ACTIVATION** (Order to active tour of duty) – is defined as being called to active duty and does not include voluntary activation.

3) ELIGIBILITY

All full and part time regular employees who are actively participating in the United States Reserves or National/State Guard are eligible to use military leave.

4) PROCEDURE

Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must submit a written request along with the official documents setting forth the purpose of the leave and, if known, its duration. The written request and official documents must be turned into the Human Resources as far in advance of the leave as possible.

A. Military Leave – 15 Days or Less

Employees will receive pay at their normal base rate for up to fifteen (15) work days in a fiscal year. Shift employees will be transitioned to a 40 hour work week during military absences. The paid leave days may be consecutive or scattered throughout the year.

B. Extended Military Leave – 16 Days or More

All leave days beyond the fifteen (15) may be paid, at the employee's discretion, using accrued Holiday, Compensatory, or Vacation time. (Accrued sick leave may not be substituted.) The employee may also choose to take the remaining duty days as unpaid.

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 work. (i.e., 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 another day to make up the hours.)

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.

All employees using military leave should make arrangements for the disbursement of any pay received from the City during their absence. (i.e. Check Release Form for a relative or spouse.) This is the responsibility of the employee and no funds will be released without proper authorization.

5) LEAVE ACCRUALS

While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance (if applicable) while the employee is on paid military leave.

While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

6) MISUSE/MISREPRESENTATION

Misuse or misrepresentation of the use of military leave is a serious offense. This includes not returning to work on the next regularly scheduled workday/shift after completion of any military leave.

Filing of false military documents or orders for the purpose of receiving military leave is also a serious military offense and is covered under the Uniform Code of Military Justice (UCMJ). If any such documents are discovered the offense will be reported to the appropriate unit or command authority.