

CITY OF FRISCO

ADMINISTRATIVE DIRECTIVES

Topic: **MILITARY /EXTENDED MILITARY LEAVE** **Effective Date: 08/26/02**
Approved By: Ordinance No. 04-12-80 **Revision Date: 12/07/04**

STATEMENT OF PURPOSE:

The purpose of this policy is to outline the rules and procedures in regards to the use of military and extended military leave by employees who participate in the United States Reserves, and National or State Guard.

The City complies with the Uniformed Services Employment and Reemployment Rights Act. If there are any discrepancies between the City's policy and the Uniformed Services Employment and Reemployment Rights Act, the Uniformed Services Employment and Reemployment Rights Act will take precedence.

DEFINITIONS:

Military Leave – is defined as leave to be used solely for the purpose of fulfilling military obligations that does not exceed fifteen (15) days in a calendar year.

Extended Military Leave – is defined as the leave period beyond the standard fifteen (15) days in which an employee is fulfilling military obligations.

ELIGIBILITY:

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

All seasonal and temporary employees are eligible to use military leave. If the military duty extends beyond the employees fixed employment term the leave will not be extended beyond the employment term.

All employees who volunteer for emergency military service have the same eligibility as those employees called to duty.

ENTITLEMENTS:

Prompt reinstatement. In the case of military service for 1 to 90 days, the person is entitled to the same job or promoted position if this would have been attained with reasonable certainty. If unable to become qualified for a new position after

reasonable efforts by the employer, the person is entitled to the job he or she left. After service for 91 days or longer, the person is entitled to the same position, a position of like seniority, status, and pay. The reemployment position with the highest priority reflects the principle, requiring that each returning service member step back onto the seniority escalator at the point the person would have occupied if the person had remained continuously employed.

Accrued seniority, as if continuously employed. This applies to rights and benefits determined by seniority, as well as to status, rate of pay, vesting, and credit for the period for pension benefit computations.

Training or retraining and other accommodations.

Special protection against discharge, except for cause. The period of this protection is 180 days following periods of service of 31-180 days. It is one year for periods of service of 181 days or more.

Accommodations for Service Related Disability. A person with service-connected disabilities who is not qualified for the escalator position after reasonable efforts to accommodate the disability must be employed in an equivalent position – in terms of seniority, status, and pay- for which the person is qualified or can be qualified with reasonable employer efforts. If no such position is available, the employee must be put in the nearest approximate position.

PAY OUTS:

Unused military leave time will not be paid out at the time of separation.

PROCEDURES:

Request: An employee wishing to use military leave will submit an oral or written request for leave and, if available, a copy of written orders to their supervisor as soon as possible after notification of volunteering for duty.

NOTE: A good rule of thumb for the employee to remember would be to give at least two (2) weeks notice prior to the leave start date, if possible.

While the City requires written notice of a military leave request it does recognize that an occasion may arise where advance notice is not possible. When this occurs an employee, upon their return to work, if absent more than 30 days, will be required to submit either a copy of official orders or another form of official documentation for the time period away from work. The supervisor may seek verification of any military leave used.

Military Leave – 15 Days or Less: Employees will receive pay at their normal base rate for up to fifteen (15) workdays in a calendar year.

Extended Military Leave – 16 Days or More: Once a request for leave is received the supervisor completes an *Employee Status Change Form* indicating the length of the leave. They will also forward a copy of the request and the military orders to the employee’s official file in the Human Resource Department.

All leave days beyond the fifteen (15) will be with pay equivalent to the difference between the employee’s Net military pay and City of Frisco Net pay for each day of absence up to 365 days. Medical and Dental Insurance benefits will be continued at the City’s cost for 365 days. After the 365 days COBRA insurance will be offered to the employee and his or her dependents for up to 18 months.

An employee may choose to be paid any vacation, holiday, or compensatory time in lieu of supplemental pay by the City. However, supplemental pay and other leaves cannot be paid in the same pay period. Any days beyond the 365 days may be paid, at the employees’ discretion, using accrued Holiday, Compensatory, or Vacation time. Accrued sick leave is not an appropriate substitute. The employee may also choose to take the remaining duty days as unpaid.

Changing Work Schedule: A supervisor who has an employee using military leave has no obligation to change to work schedule so that the employee receives a full forty (40) hours work. (i.e. 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.)

Military Leave Outside of Regular City Schedule: The City has no obligation to pay an employee on military leave for training days that are on a regular day off or outside of work time.

Disbursement of City Check: All employees using military leave should complete a Direct Deposit form for the disbursement of any pay received from the City during their absence. This is the responsibility of the employee

Return From Duty:

- Service less than 31 days- Employees must report at the beginning of the first regularly scheduled work day after release from service. Employees are allowed, however, a “reasonable” time to arrive back at their residences, rest, and travel to their place of employment.
- Service from 31 days to 180 days- Employees must report no later than 14 days after completion of military service.
- Service over 180 days- Employees must report no later than 90 days after completion of military service.
- The deadlines are extended up to two years if an employee is hospitalized or convalescing from an injury caused by active duty. In

addition, the two-year period could be further extended by the “minimum time required to accommodate the employee’s disabilities.”

LEAVE ACCRUALS:

Once an individual enters into an Extended Military Leave all leave accruals will cease.

Refer to the various leave directives for more information.

There are no accruals of military leave. Up to fifteen (15) paid days, per calendar year, of military leave is available for use as required by Government Code Chapter 431.005.

MISUSE/MISREPRESENTATION:

Misuse or misrepresentation of the use of military leave is a serious offense and will be subject to discipline up to and including dismissal. Misuse includes not returning to work on the next regularly scheduled work day/shift after completion of any military leave.

Filing of false military documents or orders for the purpose of receiving military leave is a serious military offense covered under the Uniform Code of Military Justice (UCMJ). The City takes the position that if false documents are discovered the offense will be reported to the appropriate unit or command authority.