

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 active employees who participate in the Uniformed Services and all employees returning to employment following an honorable discharge are eligible for the benefits described in this Policy. Discharges other than honorable discharge will be considered on a case by case basis by Employer for eligibility. However, if an employee is hired by the City for a fixed period of employment and the military duty extends beyond the employee's fixed employment term, the leave will not be extended beyond the employment term.

ENTITLEMENTS: Unless it is impossible or unreasonable, the employee is entitled to:

Prompt Reinstatement:

One of the following positions in the following order of priority:

- A. The position that would have been held, with reasonable certainty, had the employee remained continuously employed, so long as the employee is qualified for the job or can become qualified within a reasonable time after reasonable efforts by the City;
- B. the same position held prior to military leave;
- C. a position with the same seniority, status, and pay if the employee cannot become qualified to perform either position above; or
- D. the closest position of like seniority, status, and pay the employee is qualified for.

Accrued Seniority:

An active member's employment rights and benefits determined by seniority shall be considered by the City as if the employee remained continuously employed, and include: status, rate of pay, vesting, and service credit for the period for pension benefit computations.

Training, Accommodations, and Other Provisions:

- A. The City will make reasonable efforts and accommodations to assist an employee in qualifying for the reinstated position. This includes training or retraining to update an employee's skills to perform the essential functions of the position.
- B. Accommodations for Service Related Disability: A person with service-connected disabilities who is not qualified for a promoted position after reasonable efforts to accommodate the disability, shall 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 efforts and

accommodations by the City, if reasonably possible. If no such position is available, the employee shall be put in the nearest similar position for which reasonable accommodations may be arranged, if reasonably possible.

- C. Special protection against discharge by employer, except for cause:
 - a. Returning from Military service for 31-180 days: except with cause, the employee shall not be discharged for 180 days.
 - b. Returning from Military service for 181 days or more: except with cause, the employee shall not be discharged for one year.

PROCEDURES:

Requesting Military Leave:

An employee requesting military leave must take the following actions:

1. Notify his or her supervisor of the need for leave and provide a copy of the official orders. An employee should provide at least two (2) weeks' notice, if possible.
2. Contact the City's Leave of Absence Administrator to request military leave and provide a copy of the official orders. See **Appendix A** below for contact information.

If the military leave will be more than 15 days, the supervisor will submit an *Employee Status Change Form* to Human Resources with a copy of the orders.

If an occasion arises where advance notice is not possible, an employee will be required to contact the City's Leave of Absence Administrator upon their return to work. The City may seek verification of any military leave used.

Pay and Benefits While on Military Leave:

Military Leave– 15 Days or Less: Eligible employees may receive up to fifteen (15) workdays of paid military leave per fiscal year. The rate of pay is equivalent to an employee's normal base rate.

Continuation of Benefits while on Military Leave:

All enrolled benefits and deductions, including retirement, will continue while the employee is on leave.

Extended Military Leave– 16 Days or More: Eligible employees with leave periods greater than 15 workdays can choose one of the following options:

1. Receive supplemental pay equivalent to the difference between the employee's net military pay and City of Frisco net pay for each absence for up to one year. Following one year, an employee may use vacation, holiday, or compensatory time.
2. Use vacation, holiday, or compensatory time
3. Choose to take the remaining leave as unpaid.

Continuation of Benefits while on Extended Military Leave:

Extended Military Leave is a COBRA qualifying life event for purposes of determining eligibility for benefits. Enrollment, changes, or termination of benefits must be made no later than 31 days from the start of leave. Benefits and employee contributions may continue as outlined below.

- Medical, Pharmacy, Dental, Vision, & Flexible Spending Accounts – An employee may continue coverage at the employee contribution rate for one year. Cost is based on enrolled coverage tier and benefit year. Following one year, coverage may be continued through COBRA for up to 18 months.
- Life and Disability Insurance – An employee may continue coverage for up to 12 weeks; after 12 weeks, coverage ends. Once coverage ends, employer paid and voluntary life coverages may be continued through the Portability and Conversion privileges outlined in the plan provisions.
- Retirement – An employee may continue retirement contributions so long as he or she continues to receive a paycheck from the City. When an employee no longer receives a paycheck, contributions cease. However, upon return from leave, he or she can qualify for continued service credits for the months of active-duty service and make contributions retroactively to his or her retirement account in accordance with USERRA, TMRS, and ICMA provisions.

Reinstatement of Terminated Benefits:

Upon return from Extended Military Leave, benefits which were voluntarily or involuntarily terminated will be reinstated. Benefits must be elected within 31 days from the end of service or end of alternative coverage, whichever is greater.

Regarding Life and Disability Insurance: If an employee elects to continue life coverage through Portability and Conversion privileges, individual policies must be terminated prior to reenrolling in group coverage. If an employee was injured while performing duties related to his or her military leave, an exclusion or waiting period for coverage of disabilities may apply as outlined in the plan provisions.

Changing Work Schedule: A supervisor has no obligation to change the employee's schedule or allow the employee to make up time missed due to military leave.

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:

Employees must report to work on the next regularly scheduled work day following the release from service, in accordance with the table below.

| Service Days | Report to Work Deadline |
|---------------------|---|
| Less than 31 days | First scheduled work day following safe travel home and eight-hour rest period. |
| 31 to 180 days | First scheduled work day following 14 days. |
| More than 180 days | First scheduled work day following 90 days. |

The deadlines are extended up to two years if an employee is hospitalized or recovering 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:

Military Leave – 15 Days or Less: Leave accruals will continue for employees eligible to accrue vacation, sick, or holiday leave.

Extended Military Leave– 16 Days or More: Leave accruals will cease for employees eligible to accrue vacation, sick, or holiday leave.

Employees cannot not accrue military leave. Up to fifteen (15) paid days, per the City of Frisco fiscal year, of military leave is available for use as required by Government Code Chapter 431.005.

PAY OUTS:

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

Vacation, Sick, and Holiday Leave: Vacation, sick, and holiday leave will be paid out in accordance with City policies at the time of separation.

DISQUALIFYING SERVICE:

An employee is not eligible for the entitlements outlined in this policy or USERRA in the following cases:

1. Separation from the service with a dishonorable or bad conduct discharge.
2. Separation from the service under other than honorable conditions in

- accordance with the specific military branch policy.
3. Dismissal of a commissioned officer in certain situations involving a court martial or by order of the President in time of war.
 4. Dropping an individual from the rolls when the individual has been absent without authority for more than three months or is imprisoned by a civilian court

MISUSE/MISREPRESENTATION:

Misuse or misrepresentation of the use of military leave is a serious offense, is considered cause for termination, and will be subject to discipline up to and including termination. Misuse includes not returning to work on the next regularly scheduled work day per the deadlines outlined in this policy.

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. Filing false military documents is cause for termination.

