



**Angelo State University
Operating Policy and Procedure**

OP 52.25: Military Leave

DATE: September 1, 2007

PURPOSE: The purpose of this OP is to establish policy regarding military leave for state employees.

REVIEW: This OP will be reviewed in September of each odd-number year by the Director of Human Resources with recommended revisions forwarded through administrative channels to the Vice President for Finance and Administration.

POLICY/PROCEDURE

1. Policy

State employees are eligible for leave to accommodate:

- Authorized training or duty for the state's military forces and members of any reserve branch of the U.S. Armed Forces.
- Activation of the State's National Guard by the Governor.
- National emergency activation for members of a reserve branch of the U.S. Armed Forces.

2. Definitions

Adjusted Work Schedule for Military leave: This agency will adjust the work schedule of a military member so that two of the employee's days off each month coincide with two days of military duty.

Authorized Training for Duty: A state employee who is called to active duty or authorized training is entitled to a leave of absence of 15 days in each federal fiscal year (October 1 – September 30) without loss of pay or benefits. The 15 days need not be consecutive. In addition, these days are "working" days, not "calendar" days. After exhausting the 15 days, the employee may use accrued vacation or be placed in a leave without pay status (or combination of the two) for the remainder of the active duty period.

Call to National Guard Active Duty by the Governor: A member of the National Guard called to active duty by the Governor because of a state emergency is entitled to receive emergency leave without loss of military or annual leave. This leave is not limited and will be provided with full pay.

Certain Benefits and Protections for State Service: A member of the state military forces who is ordered to active state duty by the Governor or by other proper authority under the law of this State is entitled to the same benefits and protections provided:

- To persons performing service in the uniformed services by 38 U.S.C. Sections 4301–4313 and 4316–4319, as that law existed on April 1, 2003; and
- To persons in the military service of the United States by 50 App. U.S.C. Sections 501–536, 560, and 580–594, as that law existed on April 1, 2003.

This applies only to persons serving on active state duty on or after the effective date of this statute without regard to the date on which the person was initially ordered to active state duty.

Call to National Duty: A member of the National Guard or any reserve branch of the U.S. Armed Forces called to federal active duty during a national emergency is entitled to an unpaid leave of absence after exhausting the 15 days of paid military leave. The employee retains any accrued sick or vacation leave. The employee does not earn sick or annual leave during this period; however, he or she does accrue state service credit. The employee may use any accrued annual leave, compensatory time, or overtime leave to maintain benefits for the employee or the employee's dependents while on military duty. Before the employee departs for military service, the agency shall review with the employee any issues relating to maintaining health insurance coverage. Additionally, the employee may continue to accrue service credit with ERS by receiving at least one hour of state pay during each month of active military service. The employee may use any combination of paid leave to qualify for state pay.

Differential Pay: The agency shall grant sufficient emergency leave to provide a pay differential if the employee's military gross pay is less than the employee's state gross pay. The combination of gross military pay and emergency leave may not exceed the employee's actual state gross pay.

Restoration of Employment: To be eligible for restoration of employment at the conclusion of military service, the employee must be honorably discharged no later than five years after induction, enlistment, or call to duty and must be physically and mentally qualified to perform the duties of the job.