



ADMINISTRATIVE POLICIES AND PROCEDURES

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Prepared By: Human Resources
Legal Review: Elizabeth Ruhmann

Military Leave

Overview and Purpose

The City of El Paso follows the guidelines established by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as Chapter 437 of the Texas Government Code.

Military Leave provides employment protection, income protection and a means for employees to secure time off when called to uniformed U.S. military service. Generally, and with certain limitations, an employee will be entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty.

Scope and Eligibility

Employees of the City of El Paso are entitled to benefits for military service in accordance with applicable laws of the State of Texas and the Federal government. Any City employee who is a member of the Reserve Corps of the U.S. Armed Forces, the National Guard, or State Armed Forces shall be entitled to a military leave of absence while engaged in military duty.

Benefit – Paid Military Leave

Military leave will be credited to a full-time employee on the basis of a 40-hour workweek (five 8-hour days, four 10-hour days, etc.). Full-time employees working a 40-hour work week will accrue 120 hours (15 days x 8 hours or the equivalent of three 40-hour workweeks) of military leave in a fiscal year. Military leave will be prorated for permanent part-time employees on the number of hours in the employee's regularly scheduled pay period.

An employee may carry forward from one fiscal year to the next the net balance of unused accumulated leave up to a maximum total leave balance of 360 hours (45 days x 8 hours or the equivalent of nine 40-hour workweeks). Hours in excess of 360 will be zeroed out.

Upon formally separating from military service or otherwise becoming ineligible for military leave, any remaining unused military leave will be zeroed out. Additionally, unused military leave will not be paid out at the time of separation.

The minimum amount of leave that may be charged is one hour. An employee may charge military leave only for the hours that the employee would otherwise have worked and received pay.

Extended Military Leave (Unpaid)

Extended military leave is that which will require an employee to be absent from work beyond the paid military leave benefit period, as described above. An employee who exhausts paid military leave may use accrued vacation leave to the extent available or be placed in a military leave without pay status, or a combination of the two, for the remainder of the active duty period. This leave may be used intermittently throughout the leave period, as requested by the employee and approved by the City.

Employee Responsibilities

Notification and Request for Military Leave

The employee must notify the supervisor of the call to military service as soon as the information is known. Service members must provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. A copy of the orders is required and may be provided at the end of such leave should circumstances prevent the employee from providing it in advance.

Absent extenuating circumstances, the employee must request his or her military leave pay within one year of the end-date of the military leave order for which the paid leave is sought. Untimely requests may result in a denial.

City Responsibilities

Upon hire or appointment, the City will provide the employee with a copy of this policy.

Upon request of the employee, the City will provide a statement of the number of workdays for which the employee has claimed military leave during the fiscal year, the net balance of unused accumulated leave that may be carried forward to the next year, and the net balance of all unused accumulated leave to which the employee is entitled.

Returning to Work After Military Duty

To be eligible for protection under USERRA, the employee must report back to work or apply for reemployment within the following guidelines:

- 1) If the employee served fewer than 31 days or was away from City service for other qualified reasons, the employee must return to work the next regularly scheduled workday.
- 2) If the employee served more than 30 days but fewer than 181 days, the employee must notify his/her supervisor of his/her intention to return to work within 14 days after completion of service.
- 3) If the employee served more than 180 days, the employee must notify his/her supervisor of his/her intention to return to work within 90 days after completion of service.
- 4) Upon notification of intent to return to work, the employee must provide military discharge documentation to his/her supervisor that establishes timeliness of application for reemployment and length and character of the employee's military service.
- 5) In general, an employee's reemployment rights with the City expire when the employee's military leave exceeds a cumulative period of five (5) years.

An employee returning from military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have obtained with continuous employment.

APPROVED BY:


TOMAS GONZALEZ, City Manager

DATE:

