OP 70.04: Military Emergency Leave

DATE: April 27, 2015

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish military emergency leave for faculty and staff employees called to active duty during a national emergency to serve in a reserve component of the armed forces of the United States under Title 10 or 32, United States Code.

REVIEW: This OP will be reviewed in March of odd-numbered years by the managing director of Equal Employment Opportunity and the managing director of Human Resources with substantive revisions forwarded to chief of staff to the president and the president.

POLICY/PROCEDURE

1. General Policy

An employee called to active duty during a national emergency to serve in a reserve component of the armed forces of the United States under Title 10 or 32, United States Code, is entitled to an unpaid leave of absence. During such an unpaid leave of absence due to emergency military duty, the employee will continue to accrue state service credit for purposes of longevity pay, vacation leave, and sick leave. Faculty and staff employees on such unpaid military leave will be granted sufficient emergency leave as differential pay by the president and chancellor if the employee’s military pay is less than the employee’s gross Texas Tech salary at the time of call to active duty. The combination of emergency leave and military pay may not exceed the employee’s actual state gross pay. Military emergency leave will be granted in accordance with the Texas Government Code. Normal military training or attendance of military schools does not qualify for the granting of military emergency leave.

2. Procedure

a. An employee who is called to active military service as described above must provide a copy of his/her orders to active duty to his/her department administrator.

b. Annual military or emergency mobilization leave under OP 70.01, Miscellaneous Leaves of Absence, may be used prior to being granted military emergency leave.

c. When appropriate, the department will prepare a Leave without Pay Form and route it according to procedure.

d. Any vacation time used prior to reporting to active duty must be submitted in a manner and form prescribed by the university in order to meet the payroll processing deadlines.
c. The employing department will instruct the employee called to active duty to contact Human Resources. Human Resources will advise the employee of information needed by Texas Tech during the employee’s active military duty and coordinate the review of Texas Tech insurance coverage. Human Resources will review with the employee any issues relating to maintaining state health insurance coverage during the employee’s military duty, including what the employee needs to do to maintain state health insurance coverage, how health insurance coverage is affected by paid or unpaid leave, and how to pay any premium required for the insurance coverage.

d. The employee is responsible for furnishing copies of her/his military leave and earnings statements (LES) for each military pay period to Payroll Services.

e. Upon receipt of the LES, the difference between the employee’s military pay and her/his regular Texas Tech pay for each pay period will be calculated in accordance with instructions from the state auditor’s office and directives from the state comptroller. Payroll Services will assist the employing department in processing the payment as appropriate.

h. An employee who is granted military emergency leave will accrue vacation and sick leave. Leave earned will be credited to the employee’s balance when the employee returns to active employment with Texas Tech.

i. The employee who is granted military emergency leave may use any accrued vacation leave to maintain benefits for the employee or the employee’s dependents while the employee is on military leave.

j. Upon release from active duty, the employee should present a copy of the orders releasing her/him from active duty; the department will submit the appropriate documentation to reinstate the employee to regular employment with Texas Tech and will attach a copy of such orders.

3. Authoritative Reference

Texas Government Code, Section 437.202
Texas Government Code, Section 661.903
Texas Government Code, Section 661.904
Texas Government Code, Section 661.9041

4. Right to Change Policy

Texas Tech reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without consent of employees.