

PROCEDURE LIT.5.09.08
MILITARY LEAVE

SCOPE: Faculty and Staff

1. *Military Leave of Absence:* Lamar Institute of Technology (LIT) honors commitments of its employees to the fulfillment of military duty as provided by the Legislature of the State of Texas. A leave of absence is granted to regular employees for fulfillment of the following duties:
 - 1.1. Authorized Training or Duty: State employees who are members of the state military forces or members of any of the reserve components of the United States armed forces engaged in authorized training or duty are entitled to leaves of absence from their respective duties without loss of time, efficiency rating, vacation time, or salary for all days on which they are engaged in authorized training or duty not to exceed fifteen (15) days in a federal fiscal year (October 1 –September 30).
 - 1.1.1. The fifteen (15) days need not be consecutive and members of the state military forces or members of reserve components of the armed forces who are ordered to duty by proper authority on nonconsecutive days are entitled to 15 days total. This same opinion also held the fifteen (15) days refers to working days, and not calendar days.
 - 1.1.2. After exhausting the fifteen (15) days of military leave, the employee may use accrued vacation leave to the extent available or be placed in a leave without pay status (or a combination of the two) for the remainder of the active duty period.
 - 1.2. Call to National Guard Active Duty by the Governor: A state employee who is 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.
 - 1.2.1. Such leave shall be provided with full pay.
 - 1.3. Call to National Emergency Duty, U.S. Armed Forces Reserve Branch: An employee called to active duty during a national emergency by a reserve branch of the U.S. Armed Forces is entitled to an unpaid leave of absence. The employee shall accrue state service credit while on such leave but does not accrue vacation or sick leave.
 - 1.3.1. The employee may retain any accrued vacation or sick leave and is entitled to be credited with those balances on return to state employment from military duty.
 - 1.3.2. Leave earned while on unpaid leave of absence during military duty described in this section will be credited to the employee's balance when the employee returns to active state employment.
2. *Extended Leave/Office Procedures:* If an employee is expected to be on military leave for an extended or indefinite period of time the employee must meet with his/her supervisor and Human Resources personnel to arrange for personal items to remain at LIT, LIT property assigned to the employee, and the possible need for continued health insurance coverage.

3. *Differential Pay*: A state employee called to active duty in support of the Homeland Security mission under United States Code Title 10 or Title 32 shall be granted emergency leave to provide a pay differential if an employee's military pay is less than the employee's state gross pay.
 - 3.1. The combination of military pay and emergency leave may not exceed the employee's actual state gross pay.
 - 3.2. Pay received while assigned to a combat zone, hardship duty pay, and family separation pay is excluded when computing military differential pay.
4. *Restoration of Employment*: An employee restored to a position upon returning from military service is considered to have been on furlough. The employee is entitled to participate in all benefits to which State employees are entitled. To be eligible for restoration the returning employee must have been honorably discharged no later than the fifth year of the date of induction, enlistment, or call to active military service and be physically and mentally capable of performing the duties of the job.

Related Policies: LIT.5.09 Employee Leave

Relevant Forms/Documents:

Relevant TSUS Policies/Forms/Documents:

Relevant Statutes: Texas Government Code §431.005, Attorney General Opinion No. C-679, (5/9/66), State Auditor's Office Leave Interpretation No. 79-01 (7/2/79), Texas Government Code §661.903, Texas Government Code §661.904

Relevant SACSOC Standards:

Document History:

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