



CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

PROCEDURE(S): MILITARY LEAVE & VETERANS REEMPLOYMENT ACT

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S): OCTOBER 1, 2022, JULY 2023

MILITARY LEAVE & VETERANS REEMPLOYMENT ACT

A. Military Leave

1. Team members who are members of the Active Reserve, National Guard or State Guard will receive Military Leave with pay annually upon presentation of proper military orders.
2. Military Leave hours are renewed on an annual basis on October 1.
3. Full-time team members who are members of the Active Reserve, National Guard or State Guard will be allowed one hundred-twenty [120] hours of military leave with pay annually upon presentation of proper military orders.
4. Civil Service classified Police Department team members who are members of the Active Reserve, National Guard or State Guard will be allowed one hundred-fifty [150] hours of military leave with pay annually upon presentation of proper military orders.
5. Civil Service classified Fire operations/shift team members who are members of the Active Reserve, National Guard or State Guard will be allowed one hundred-eighty [180] hours of military leave with pay annually upon presentation of proper military orders.
6. Military Leave is not counted toward the computation of overtime.
7. After Military Leave is exhausted, team members can utilize accrued leave in the following order:
 - a. Compensatory Time
 - b. Vacation Leave
 - c. Sick Leave, up to one hundred fifty [150] hours



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8. Team members on Military Leave will continue to earn vacation and sick time accruals, this includes when a team member goes on unpaid leave, if applicable. Any sick or vacation accruals gained during unpaid leave will be awarded in a lump sum when the team member returns from active duty and will be available for use at that time.
9. Team members returning from military leave shall be entitled to re-employment rights in accordance with state and federal laws.
10. Eligible Civil Service team members may request hours from their department's Military Leave Time Account pursuant to Section 143.075, Chapter 143 of the Local Government Code. The City shall maintain separate Military Leave Time Accounts for the Fire and Police Departments.

1. Maintenance of Military Leave Time Accounts

- a. Firefighters or Police Officers may donate to or deduct from their respective department's Military Leave Time Account by completing and submitting a [request form](#) to the Human Resources Department.
- b. The City will track contributions to and deductions from the Military Leave Time Accounts for each department.
- c. Once a contribution has been made to a department's Military Leave Time Account, there shall be no transfer of the time back into any individual Firefighter's or Police Officer's leave accruals, and there will be no cash payout for any remaining time in the Military Leave Time Account.
- d. Any hours not used in one (1) year will remain in the Military Leave Time Account to be utilized the following year.



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- e. Donations to the Military Leave Time Accounts can be made at any time. Hours donated cannot be designated to an individual Firefighter or Police Officer and must be put into the Military Leave Time Account for use by any eligible Firefighter or Police Officer requesting time. Hours donated will be paid at the recipient's current rate of pay at the time used, and not the donor's current rate of pay.
- f. If the Military Leave Time Account hours are depleted, no leave will be available until the next contributions are credited to the respective department's Military Leave Time Account.

2. Use of Military Leave Time Accounts

- a. Firefighters and Police Officers who meet the criteria in Section 143.075, Chapter 143 are eligible to request hours from their own department's Military Leave Time Account. The City's Military Leave (15 days) must be exhausted before hours from the Military Leave Time Accounts will be applied.
- b. Depending on availability, Firefighters and Police Officers are eligible to receive up to two weeks of donated leave (based on regular hours worked over a two-week period) per fiscal year.
- c. When requesting hours from Military Leave Time Accounts, Firefighters and Police Officers must complete a [request form](#) and submit to the Human Resources Department. Completed forms, along with official Military Orders, shall be submitted to the Human Resources Department before leaving on assignment.
- d. Hours will be applied based on what is available (up to two weeks) in the pay period of deployment.



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- e. No advances of hours that are not already in the Military Leave Time Account at the time of the request will be approved.
- f. There will be no retroactive pay for periods when the respective Military Leave Time Account has no available hours.
- g. The City shall distribute the available leave hours equally among eligible Firefighters and Police Officers who have requested it but only from the team members respective department's account.
- h. Any disagreement over the donation or use of the Military Leave Time Accounts shall be determined by the Civil Service Director with no right to appeal.

3. Supplemental Pay

Supplemental pay shall be available to a team member who is on extended military leave. The City will compensate the team member by paying the difference between the team member's total military pay and regular base City salary and certification pay after receipt of proper military documents, to include check stubs, showing the team member's military pay. Military pay includes base pay plus additional pay such as housing allowance, combat pay, and other special pay. Calculation of the wage supplement will not include City overtime pay and holiday overtime pay. All calculations and payments will be made on a bi-weekly basis. Team members must submit military pay stubs to Human Resources as soon as they receive them. It is the team member's responsibility to request the wage supplement and to provide appropriate documentation of all military pay. The wage supplement will continue for (6) six months or until the team member is no longer called to actively serve in the military.

B. Veteran's Reemployment Act



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The Uniformed Services Employment and Reemployment Rights Act ["USERRA"] applies to any team member activated for military service to include the National Guard Reserves and the regular Armed Forces, so long as the military member is deployed to a foreign country. Team members may contact Human Resources about their rights under USERRA or may go to the United States Department of Labor's Veterans' Employment and Training Service website for information [\[www.dol.gov/vets\]](http://www.dol.gov/vets)

Generally, the following apply to team members called to and/or returning from active military service:

1. Health insurance

If military service is for thirty [30] or fewer days, you and your family can continue coverage in the City's group medical insurance plan at the same cost as before your call to military service. If you are on active duty for more than thirty [30] days, you and your dependents should be covered by military health care. You also have the option of continuing yours and/or your dependents coverage with the City's group medical insurance plan under COBRA up to twenty-four [24] months. If you elect to continue the City's group health insurance, you will be required to pay the City one hundred two percent [102%] of the full premium for coverage. Finally, you and your family may be able to enroll in another group health insurance plan that is available to you under the Health Insurance Portability and Accountability Act ["HIPAA"]. For example, you may desire to enroll under your spouse's employer group health plan.

2. TMRS

If you are participating in TMRS, you will continue in TMRS during your period of military service and your military duty will be counted as covered service for purposes of eligibility, vesting and benefit accrual purposes [you are not required to make contributions into TMRS while on active duty]. The City will not make employer contributions to TMRS during the period of your military service. However, once you return from military duty and are reemployed, the City will make its contributions to TMRS that would have been made if you had been employed during the period of active duty if you decide to make up your [i.e., team



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member] contributions during the period of active duty. You will have three times the period of military duty or five years, whichever is less, to make up your contributions. For example, if you serve one year of military duty, you will have three years to make up the team member contributions to TMRS.

3. Team member Eligibility and the Uniformed Services Employment and Reemployment Rights Act [USERRA]

A team member returning from fulfilling his or her USERRA-covered military service obligation will be credited with the hours of service that would have been performed, but for the period of absence from work due to or necessitated by military service. Accordingly, to determine whether the team member meets the hours of service requirement [i.e., 1,250 hours of service during the twelve [12]-month period immediately preceding commencement of a proposed leave], an eligible team member reemployed following a USERRA-covered absence from work will be deemed to have worked the hours that would have been worked, but for the team member's covered military service.

4. Reemployment

Upon release from military service, you are entitled to make application for reemployment with the City and you will be reemployed in a position equivalent to the position that you held upon entering the military service wherever possible without loss of pay, seniority or benefits. The deadlines for applying for reemployment are generally dependent on the length of military service. For example:

- a. For service less than thirty-one [31] days, the team member must return to work at the beginning of the next regularly scheduled work period from the first full day after the day of release from service, taking into account safe travel home plus an eight-hour rest period.
- b. For service more than thirty [30] days but less than one hundred eighty-one [181]



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days, the team member must submit an application for reemployment within fourteen [14] days of the date that he/she is released from service.

- c. For service more than one hundred eighty [180] days, the team member must submit an application for reemployment within ninety [90] days of the date that he/she is released from service.
- d. If an team member is separated from military service with a "less than honorable" discharge, the City is not obligated to reemploy the team member, but will consider reemployment on a case-by-case basis.

5. Unpaid Leave

An team member called to military duty, other than active duty for training, will be in an unpaid leave status. An team member on military duty may request to use any accrued vacation, or compensatory time existing prior to military duty, but is not required to make such request.

6. Notice

An team member called to military duty will give the City as much notice as is possible and reasonable unless the giving of notice is impossible, unreasonable, or precluded by military necessity. The advance notice should be in writing to the Department Director and the Human Resources Department unless written notice is impossible, unreasonable, or precluded by military necessity. In that event, notice will be given verbally.

7. Conflict

In the event of a conflict between the City's policy on reemployment and USERRA, the provisions in the USERRA will prevail.



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