

FEDERAL MILITARY LEAVE

An employee of the school who is a member of the state military forces, a reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue team shall be granted a paid leave of absence, not to exceed 15 workdays in a fiscal year, from the employee's duties without loss of time, efficiency rating, vacation time, personal time, sick leave, or salary on all days during which the employee is engaged in authorized training or duty ordered or authorized by proper authority. This information shall be provided to all new employees during the School's new employee orientation. Such leave shall not exceed 15 workdays in a fiscal year.

An employee who is restored to state employment following military service is entitled to have his or her vacation and sick leave balance restored.

A state employee called to state active duty as a member of the state military forces by the Governor because of an emergency is entitled to receive emergency leave without loss of military or vacation. This leave will be provided without a deduction in salary.

This time is not limited and does not count against the 15 days maximum military leave per federal fiscal year. A state employee called to federal active duty for the purpose of providing assistance to civil authorities in a declared emergency or for training for that purpose is entitled to receive paid emergency leave for not more than 22 workdays without loss of military leave or vacation leave per calendar year.

Tex. Government Code 437.202(a) Tex. Government Code 613.003 (5)

Any employee, other than a temporary employee, who leaves a position with the school to enter active military service is entitled to be reemployed by the school in the same position held at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the return to work military personnel must:

1. Be discharged, separated, or released from active

- military service under honorable conditions;
2. Have given (or an appropriate officer of the uniformed service) advance written or verbal notice of such service to the school (unless notice is precluded by military necessity or is otherwise unreasonable or impossible);
 3. The cumulative length of the absence and of all previous absences from a position of employment with the school does not exceed five years; and
 4. The person reports to or submits an application, applies for reemployment to the school and complies with the appropriate procedural requirements that apply.

For purposes of federal military leave, "uniformed services" means the armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; and any other category of persons designated by the President in time of war or emergency.

A person who is reemployed under USERRA is entitled to the seniority, and other rights and benefits determined by seniority, that the person had on the date of the commencement of uniformed service, plus the additional seniority, rights, and benefits that such person would have attained if the person had remained continuously employed.

MILITARY EXCEPTION

A state employee called to state active duty as a member of the state military forces by the Governor because of an emergency is entitled to receive emergency leave without loss of military or vacation. This leave will be provided without a deduction in salary.

This time is not limited and does not count against the 15 days maximum military leave per federal fiscal year.

A state employee called to federal active duty for the purpose of aiding civil authorities in a declared emergency or for training for that purpose is entitled to receive paid emergency leave for not more than 22 workdays without loss of military leave or vacation leave per calendar year.

Texas Government Code 437.254(b)

The school is not required to reemploy a person if:

1. The school's circumstances have so changed as to make reemployment impossible or unreasonable;
2. The reemployment of such person would impose an undue hardship on the school; or
3. The employment from which the person leaves to serve in the uniformed services is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

38 U.S.C. 4301, et. seq.

Tex. Government Code 613.001(2)(3)

STATE LEAVE FOR A
MEMBER OF MILITARY OR
RESCUE TEAMSERVICE

The School may not terminate the employment of an employee who is a member of the military forces of this state or any other state because the employee is ordered to authorized training or duty by a proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment.

Tex. Government Code 437.204

An employee of the school who is a member of the state military forces, a reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue team shall be granted a paid leave of absence, not to exceed 15 workdays in a fiscal year, from the employee's duties without loss of time, efficiency rating, vacation time, personal time, sick leave, or salary on all days during which the employee is engaged in authorized training or duty ordered or authorized by proper authority. This information shall be provided to all new employees during the School's new employee orientation. Such leave shall not exceed 15 workdays in a fiscal year.

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Tex. Government Code 437.202(a)
Tex. Government Code 613.003 (5)

CALLED TO DUTY

Any employee, other than a temporary employee, who leaves their position with the School to enter active military service is entitled to be reemployed by the School in the same position that they held at the time of induction, enlistment, or order, or to a position of similar seniority, status and pay if they were discharged, separated or released under honorable conditions not later than the fifth anniversary of their induction, enlistment or call to active duty and are physically and mentally qualified to perform the duties of the position.

In addition, a veteran must apply for reemployment not later than the 90th day after the date they were discharged or released from active duty. Application for reemployment must be made in writing to the superintendent and must include evidence of their honorable discharge.

A person reemployed after active military service may not be discharged without cause prior to the first anniversary of the date of their reemployment.

Gov't Code 613.005

A state employee called to state active duty as a member of the state military forces by the Governor because of an emergency is entitled to receive emergency leave without loss of military or vacation. This leave will be provided without a deduction in salary.

This time is not limited and does not count against the 15 days maximum military leave per federal fiscal year.

A state employee called to federal active duty for the purpose of aiding civil authorities in a declared emergency or for training for that purpose is entitled to receive paid emergency leave for not more than 22 workdays without loss of military leave or vacation leave per calendar year.

Texas Government Code 437.254(b)

LONG TERM
MILITARY REEMPLOYMENT

After Authorized Training or
Duty

An employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the School in a position that the employee can perform and that has like seniority, status, and pay as the former position, or the nearest possible seniority, status, and pay.

A person reemployed after active military service shall not be discharged without cause before the first anniversary of the date of the reemployment.

Tex. Government Code 613.003 (5)

The District School may not terminate the employment of an employee who is a member of the military forces of this state or any other state because the employee is ordered to authorized training or duty by a proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment.

Tex. Government Code 437.204

After Active Military Service

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service.

Tex. Education Code 22.003(d)(e)

Any employee, other than a temporary employee, who leaves their position with the School to enter active military service is entitled to be reemployed by the School in the same position that they held at the time of induction, enlistment, or order, or to a position of similar seniority, status and pay if they were discharged, separated or released under honorable conditions not later than the fifth anniversary of their induction, enlistment or call to active duty and are physically and mentally qualified to perform the duties of the position.

In addition, a veteran must apply for reemployment not later than the 90th day after the date they were discharged or released from active duty. Application for reemployment must be made in writing to the superintendent and must include evidence of their honorable discharge.

A person reemployed after active military service may not be discharged without cause prior to the first anniversary of the date of their reemployment.

Gov't Code 613.005

REASSIGNMENT

An employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the School in a position that the employee can perform and that has like seniority, status, and pay as the former position, or the nearest possible seniority, status, and pay.

A person reemployed after active military service shall not be discharged without cause before the first anniversary of the date of the reemployment.

Tex. Government Code 613.003 (5)

MILITARY LEAVE
USE

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service.

Tex. Education Code 22.003(d)(e)

Adopted: 04.25.197

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