

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: Human Resources

NUMBER: 02.D.05

AREA: Leave Entitlements

SUBJECT: Military Leaves of Absence for Reservists

1. PURPOSE

The University of Houston System provides leaves of absence for eligible employees called to active duty by a reserve branch of the United States Armed Forces. Guidelines for such leaves are presented in this document.

2. POLICY

2.1. Employees called to active reservist duty or engaged in duly authorized military training will be entitled to paid leave of absence not to exceed 15 days in a federal fiscal (October 1 – September 30) year. During this paid leave of absence employees will not lose time, efficiency rating, vacation time or other benefits which normally accrue to active employees.

2.2. Employees called to active reservist duty who have exhausted 15 days paid leave of absence during the federal fiscal (October 1 – September 30) year will be placed on leave of absence without pay. These individuals will accrue state service credit while on active duty but will not accrue vacation or sick leave. Employees on leave of absence without pay will retain any accrued vacation or sick leave and will be credited with such balances upon return to active work status.

a. Employees having accrued vacation may opt to exhaust any or all vacation time before being placed on leave of absence without pay. During the time that the employee is on vacation all benefits and salary remain intact.

b. Employees called to active military duty and placed on leave of absence without pay are not eligible to receive state group insurance or state retirement plan contributions.

c. Employees having accrued vacation and/or compensatory time may opt to utilize vacation and/or compensatory time intermittently with a leave of absence. The employee is eligible to receive all benefits for each calendar month that the employee receives at least one hour paid leave. The employee's salary is reduced for all unpaid leave time.

These employees may continue group insurance plan participation by making direct monthly payments to the Employee Retirement System in the full amount of the premiums due. Employees are able to receive retirement plan tenure credit for the eligible time spent in active military duty as defined by the retirement plan's rules and regulations.

Should an employee on leave of absence without pay opt not to continue group insurance plan participation any evidence of insurability requirements or pre-existing condition limitations which apply to similarly situated individuals will apply to the employee. "War" or "acts of war" insurance plan exclusions and limitations may apply to Reservists called to active duty.

- 2.3. Employees called to active duty are entitled to reemployment upon discharge from active duty under the following conditions:
 - a. If the individual received an honorable discharge;
 - b. If application for reemployment is made to the employee's component university within 90 days of discharge; and
 - c. If the length of active duty does not exceed five years.
- 2.4. Reservists who are reemployed will not receive back pay for the period of military service. Reemployed Reservists will receive salary or wages at a rate that reflects state mandated increases they would have received had they not been called to active duty.
- 2.5. Reservists will be restored to the position held before being called to active duty or to a position of like seniority, status, and pay if the individual is still qualified for the position. If a Reservist is not qualified for his previous position because of a disability sustained during active duty but is qualified for a different existing position, the Reservist will be offered the different position.
- 2.6. U.S.C 6323 (b) provides 22 workdays per calendar year for emergency duty as order by the President, Secretary of Defense, or a State Governor. This leave is provided for employees who perform military duties of civil authorities in the protection of life and property or who perform full-time military service as a result of order to active duty in support of a contingency operation.

The term contingency operation means a military operation that:

- a. Is designated by the Secretary of Defense as an operation in which members of the armed forces become involved in military actions, operations, or hostilities against an enemy of the United States or opposing military force; or

- b. Results in the call or order to, or retention on, active duty of members of the uniformed services

Federal and state laws that impact this policy are subject to change. For this reason the System reserves the right to change this policy at any time and at its sole discretion.

- 2.8. The President or his/her designee shall grant sufficient emergency leave to an employee to provide a pay differential if the employee's military gross pay is less than the employee's component university gross pay. The combination of gross military pay and emergency leave may not exceed the employee's actual university gross pay. The employee is eligible to receive all benefits for each calendar month that the employee receives emergency leave as differential pay.

3. REVIEW AND RESPONSIBILITIES

Responsible Parties:

Assistant Vice Chancellor for Human Resources

Review:

Every three years on or before July 1

4. APPROVAL

Approved:

John Rudley
Vice Chancellor for Administration and Finance

Jay Gogue
Chancellor

Date:

4/27/05

5. INDEXING TERMS

Leave of absence

Reservists

Military leave of absence