

Webb County – Military Leave Policy (Revised Sections 8.17–8.21)

8.17 Military Leave

Regular full-time employees of the County who are members of the ~~State Military Forces~~ **Texas Military Forces** or members of any of the Reserve Components of the Armed Forces of the United States are entitled to ~~leave of absence from their duties, without loss of time or efficiency rating or annual leave or salary, on all days during which they are engaged in authorized training or duty ordered by proper authority, for a period not to exceed fifteen (15) days in any one calendar year~~ a leave of absence from their duties, with pay, on all days during which they are engaged in authorized training or duty ordered by proper authority, without loss of time or efficiency rating, and without charge to the employee's annual leave or other accrued leave balances, for a period not to exceed fifteen (15) working days in any one calendar year.

In addition, a regular full-time employee who is a member of the Texas Military Forces or of a reserve component of the Armed Forces of the United States is entitled to up to seven (7) additional working days of paid military leave in the same calendar year (for a total of twenty-two (22) working days) when the employee is called to active duty or ordered to duty in connection with a qualifying emergency activation, disaster response, or other state/federal emergency mission, as authorized by applicable law. Such additional days, when applicable, shall also be provided with pay and without charge to the employee's annual leave or other accrued leave balances.

Requests for approval for military leave must ~~have copies of the relevant military orders attached~~ include copies of relevant and acceptable military orders and must be submitted in a timely manner.

The employee's department shall verify the military orders in conjunction with the Human Resources Department to confirm eligibility for paid military leave (including whether the additional seven (7) working days apply) and to ensure appropriate payroll processing. No payment for such leave will be made to any employee without Military Orders.

~~Military training leave in excess of fifteen (15) days will be charged to annual leave or leave without pay.~~

Military orders submitted for County-paid military leave must clearly state all required information, including:

- the employee's name,
- duty dates (start and end date),
- reporting location (when applicable),
- the authority under which the duty is performed (e.g., Title 10, Title 32, State authority), and

- the mission/training designation sufficient to determine whether the leave qualifies as payable for fifteen (15) working days or twenty-two (22) working days (when applicable).

Military duty exceeding the applicable paid military leave entitlement (fifteen (15) working days, or twenty-two (22) working days when the additional seven (7) days apply) shall be charged to annual leave, compensatory time (if applicable), or leave without pay, in accordance with County policy.

8.17.1 Documentation (*New Section*)

Military leave, eligibility for the additional seven (7) working days of paid military leave when applicable, and mobilization wage differential pay (if applicable) must be supported by official military documentation. At a minimum, employees must provide official military orders identifying the duty dates, authority, and mission type. If orders do not contain sufficient information to determine eligibility for paid military leave (including whether the additional seven (7) days apply), the employee must provide supplemental documentation (as available) or updated orders that include the required information.

Employees receiving wage differential pay under Section 8.19 must also provide documentation of military pay (e.g., Leave and Earnings Statement (LES) or equivalent documentation), as requested by Human Resources.

8.18 Restore to Employment

Regular employees of the County who enter active duty with the [State Military Forces Texas Military Forces](#) or with the Armed Forces of the United States are entitled to be restored to employment subject to the provisions of [the law applicable law, including the Uniformed Services Employment and Reemployment Rights Act \(USERRA\)](#), upon honorable release from active duty.

8.18.1 USERRA Five (5) Year Cumulative Service Rule (*New Section*)

Reemployment rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA) generally apply to an employee's cumulative absences from employment for covered military service not exceeding five (5) years with the County. Certain types of service, including but not limited to required training, involuntary service extensions, and other categories recognized under USERRA, may not count toward the five (5) year cumulative limit.

Employees are responsible for providing timely notice of military service when feasible and for submitting the appropriate release documentation upon return. The County will administer military leave and reemployment rights in accordance with USERRA and applicable state law.

8.18.2 Retirement and Benefits During Military Leave (*New Section*)

An employee's rights and benefits during military leave shall be administered in accordance with applicable law, including USERRA, and applicable retirement plan rules. Upon reemployment following qualifying military service, the employee shall be treated as not having incurred a break in service for purposes of seniority and seniority-based benefits, consistent with USERRA.

To the extent required by law and applicable retirement plan provisions, the County will provide employees returning from qualifying military service the opportunity to make up missed employee retirement contributions and to receive corresponding County contributions, in accordance with plan procedures and legal requirements.

Employees should contact Human Resources and the applicable retirement plan administrator regarding retirement service credit and make-up contributions following return from military leave.

8.19 ~~Continuance of Wages~~ Mobilization Wage Differential Pay (Federal Involuntary Activation)

In addition to ~~the foregoing~~ the paid military leave provided in Section 8.17 and as permitted by Chapter 173 of the Texas Local Government Code, Webb County ~~will continue to pay the normal wages of~~ may provide mobilization wage differential pay to a Webb County employee who is a member of a reserve component of the ~~armed forces of the United States, including any appropriate part of the state military forces~~ Armed Forces of the United States, including any appropriate part of the Texas Military Forces, and who by virtue of that membership is called to ~~active duty in the armed forces of the United States by federal authority without the person's consent~~ involuntary active duty in the Armed Forces of the United States by federal authority, without the employee's consent, as part of a partial or total mobilization of the reserve components as defined under federal codes: 10 U.S.C. 13301 (a); 10 U.S.C. 12302; and/or 10 U.S.C. 12304.

Under this benefit, the County will pay the employee the difference between the employee's regular County base pay and the employee's applicable military base pay for the period of eligible mobilization, subject to applicable law and County procedures. This benefit is intended to reduce loss of income due to qualifying mobilization and is separate from paid military leave described in Section 8.17.

For purposes of this section, County base pay includes the employee's regular base rate of pay and does not include overtime, temporary assignment pay, specialty pay, stipends, per diem, or other non-base compensation, unless required by law.

The employee must provide documentation sufficient to establish the period of mobilization and military pay, including but not limited to military orders and Leave and Earnings Statements (LES), or equivalent official documentation, as requested by Human Resources. The employee's department shall verify such documentation in conjunction with Human Resources for eligibility and processing.

~~The County will not continue to pay the wages of any such employee who ceases to be employed by Webb County because he or she resigns or is terminated for a reason that is not a direct consequence of the person's call to active duty. Nor will the County continue to pay the wages of any such employee who commits a voluntary act that extends the person's original assigned service to active duty.~~

The County will not provide mobilization wage differential pay to any employee who ceases to be employed by Webb County because he or she resigns or is terminated for a reason that is not a direct consequence of the person's call to active duty. Nor will the County provide such wage differential pay to an employee who commits a voluntary act that extends the person's original assigned service to active duty.

8.20 Benefits and Health Insurance During Military Leave

~~Employees receiving wage continuation do not receive any employment benefits, although health insurance may continue at the employee's expense.~~

During periods of military leave, including periods in which an employee is receiving mobilization wage differential pay under Section 8.19, employee benefit eligibility and insurance continuation shall be administered in accordance with applicable law and County policy.

~~The employee is responsible for making necessary arrangements and payments as established by the Risk Management Department. Requests for wage continuation must have copies of the relevant military orders attached.~~

Health insurance coverage may continue during an employee's military leave; however, the employee is responsible for making any required arrangements and premium payments as established by the Risk Management Department and consistent with applicable law and plan requirements.

~~The County reserves the right to periodically request verification of the employee's active-duty status. Any termination of active-duty status will result in termination of wage continuation.~~

The County may require periodic verification of the employee's active duty status and continued eligibility for mobilization wage differential pay. Any termination of active duty status, expiration of orders, or loss of eligibility will result in termination of mobilization wage differential pay.

~~Because wage continuation is paid from the pay slot of the employee who is called to active service, no provision is made for the hiring of a temporary replacement.~~

Because County operations must continue, the County may fill the position as operational needs require, subject to the employee's restoration rights under applicable law, including USERRA. The employee's respective department is responsible for assuring that a slot is readily available upon the employee's return

8.21 Return from Military Leave

Upon the employee's release from active duty, he or she shall return to County employment in the same or an equivalent position, ~~and health insurance shall be reinstated as if there had been no interruption in employment~~ **in accordance with applicable law, and health insurance shall be reinstated as if there had been no interruption in employment, consistent with applicable law and plan requirements. The employee's respective department is responsible for assuring employment restoration upon the employee's return as required by USERRA, Tex. Gov. Code Sec. 613.002 and Sec. 613.004.**