



# **The Texas A&M University System**

# **A Call to Arms**

**A Guide to Military Leave**



**H**ave you been called up for military service? Are you thinking of volunteering for a tour of duty? Do you have certain training obligations as a member of the reserves?

The Texas A&M University System supports your service in state or national military units and provides certain employment protections and rights while you serve your country. The A&M System complies with all state and national laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. This brochure describes what will happen if you are employed by the A&M System when you voluntarily report or are involuntarily called for military service or training.

The information in this brochure does not apply to you if:

- ☆ Your position with the A&M System is temporary and cannot reasonably be expected to continue indefinitely or for a significant period, including student positions, or
- ☆ You are in a position with the A&M System that is paid through a grant that will expire before the term of military service ends.

If you do not plan to work for the A&M System after your military duty is completed, you may provide your Human Resources office a written statement of your intent. If you do that, you will waive your rights to some of the benefits described in this brochure.

## **Paid Leave for Training and Duty**

You are entitled to 15 work days of paid military leave each federal fiscal year (October 1 through September 30). This leave may be used when you are engaged in National Guard or U.S. armed forces reserves training or duty ordered or approved by proper authority. The days may be consecutive or scattered throughout the year. If you are appointed to work less than 12 months each year, you should arrange your military duty for the months when you are not scheduled to work. If this cannot be done, you must explain why in your leave request.

To cover monthly training obligations without using your 15 days of paid leave, your work schedule will be adjusted, whenever possible, so two of your nonwork days each month coincide with two days of military duty.

Once you've used your 15 days of paid leave, you will be placed on leave without pay. You may choose to use accrued vacation or compensatory time to replace all or part of your unpaid leave.

## **Types of Military Service**

### **State emergency military duty**

If you are a member of the Texas state military forces and are called to state active duty by the Governor of Texas because of an emergency, you will receive paid leave. This time is in addition to the annual 15 days of military leave described above.

Your benefits and other terms of employment will continue just as if you were on any other type of paid leave. Once your military service ends, you must report back to work within 90 calendar days of discharge.

You must use vacation, compensatory time or unpaid leave for any time between the day your service ends and the day you return to work.

### **Entering federal military service**

If you directly enter the federal armed forces (not through the guard or reserves), your employment with the A&M System will end. However, you will be eligible to return to System employment after your military service if you are honorably discharged within five years and apply in writing for re-employment within 90 calendar days of discharge. You will be returned to your same job or a similar job as long as you are qualified for the position.

The service credit and benefit sections of this brochure apply to you as if you were on unpaid leave.

## Call to federal military training or duty

If you are in the state military forces or the reserves and are called to active federal service, you may first use the 15 days of paid military leave described above. After you've used your 15 days of paid military leave, you normally will be placed on leave without pay for up to five years. This may be taken all at once or in several segments.

## National emergency

If you are called to active duty due to a national emergency and your military pay is less than your state gross pay, you will be granted emergency leave to make up the difference between your military pay and state gross pay. Gross military pay does not include any allowances you receive for service in a combat zone, family separation or hardship duty. Total state pay at the time you leave for military service and includes longevity and hardship pay.

If you are called to active duty due to a national emergency and your gross military pay is greater than your state pay, you will be placed on leave without pay, but you may choose to use one hour or more of your accrued vacation or state or federal compensatory time each month.

While you are on emergency leave or using at least an hour of paid leave or compensatory time during a month,

you will continue to receive the employer contribution toward health coverage and you will accrue vacation and sick leave, although you may not use leave accrued during this time unless and until you return to work. Any vacation leave you accrue will be subject to normal carryover limits.

## For all calls

You may drop insurance coverage on yourself but keep coverage for your family while you are on active duty.

The service credit and benefit sections of this brochure apply to you.

If your service ends within five years and you are honorably discharged, you will be reinstated to employment in the position that you would have had if you had not been on military leave. In most cases, this will be the same job you had when you left or a similar job. To return to active employment, you must apply for reinstatement within 90 calendar days of discharge.

Once your military service ends, you no longer are eligible for emergency leave or to use one hour of paid leave per month. You may use vacation or compensatory time or be placed on leave without pay until you return to work.

## Service Credit

You earn state service credit for your period of military service if you return to work within 90 calendar days. Your service time is credited when you return so your future vacation and longevity pay are based on all of your service, including your time in the military. You receive service credit for Teacher Retirement System or Optional Retirement Plan purposes only if you choose to make contributions for the time you spent on military duty, as described on the next page.

## Benefits

You may continue most of your A&M System benefits while on military duty. Keep in mind, however, that the military provides medical and other benefits, and the A&M System Medical, Dental, Optional Accidental Death and Dismemberment, Long-Term Disability and Long-Term Care plans will not pay benefits while you are in military service or due to involvement in a war. Only the Life and Vision plans will pay benefits as a result of military incidences. Therefore, it may not be cost-effective for you to pay the premiums to continue some A&M System benefits.

## Medical

While you are on paid military leave or any military leave of less than 31 days, your medical benefits will continue and you will receive the employer contribution. You will also receive the employer contribution while you are using emergency leave, vacation or compensatory time to receive part of your pay each month. Whenever you are on unpaid leave for a full calendar month, you do not receive the employer contribution. However, you may choose to continue medical coverage for yourself and/or any covered dependents by paying the full premium. If you drop your medical coverage, you will not have to provide evidence of insurability to enroll in medical coverage when you return to active employment, nor will you have pre-existing condition limitations on coverage.

## Optional Benefits

Your optional benefits will continue while you are on paid military leave. You may pay the premiums and continue optional insurance coverages while on full or partial leave without pay. If you drop your coverage, you will be re-instated in your previous benefit coverages if you return to A&M System employment with the exception of Long-Term Care. Dental, Vision, Life, and Accidental Death and Dismemberment coverage are automatically re-instated without evidence of insurability or pre-existing condition limitations. Long-Term Disability will be re-instated, but a new pre-existing limitation period will be required. In order to re-instate Long-Term Care, evidence of insurability will be required.

## Spending Accounts

You may continue contributing to a Health Care Spending Account while on leave by making your monthly contribution after taxes have been paid. If you choose not to contribute while on leave, you may submit only expenses incurred before your leave began, and if you return to work in the same plan year (September 1–August 31), you may not re-enroll until the beginning of the next plan year. If you return in a later plan year, you may enroll within 60 days of your return. You may not contribute to a Dependent Day Care Spending Account while on leave. However, you may continue to submit eligible expenses incurred during the remainder of

the plan year in which your leave began. Your contributions will resume automatically if you return to work in the same plan year. If you return later, you may re-enroll within 60 days of your return.

## Retirement

You may not contribute to the Teacher Retirement System or the Optional Retirement Program while on military leave, unless receiving differential wage payments during active duty. In that case, deductions for retirement will continue during your Military Leave. If you return from leave, you may make contributions for your period of military service to either plan. If you do so, the state will make its ORP or TRS contributions as well, and you will receive retirement service credit for the period of leave. ORP contributions must be made within a period equal to three times the length of the military service or five years, whichever is less. TRS contributions may be repaid at any time before retirement.

You may contribute to a Tax-Deferred Account or the Deferred Compensation Program while on military leave only if your state pay while on leave will be enough to cover the entire contribution. If you do not contribute while on leave, when you return you may make contributions for your period of military service to a TDA within a period equal to three times the length of the military service or five years, whichever is less. You may not make up missed contributions to DCP.

If you are called to active duty for more than 179 days after Sept. 11, 2001, you may withdraw money from your TDA under certain circumstances with no penalty tax. Within two years of discharge, you may “repay” all or part of the withdrawal by making contributions to an IRA.

## Leave

You will continue to accrue vacation or sick leave while you are on an unpaid leave of absence during military duty. However, leave earned while you are on unpaid military leave will not be credited until you return to work. Any vacation you accrue will be subject to normal carryover limits. You are entitled to any time you had earned before going on leave and did not use while on leave when you return to active state employment.

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*This brochure provides an overview of the A&M System's military leave program. For more information and details, refer to System Regulation 31.03.06, Military Leave and Service, or contact your Human Resources office. In case of any discrepancy between the information in this brochure and the regulation, the regulation will govern. Changes to the program will be made as necessary to comply with state and federal laws.*