

A. Statement of Purpose

1. To encourage non-career service in the military by eliminating or minimizing the disadvantage to civilian careers and employment which can result from such service;
2. To minimize the disruption to the lives of employees performing service in the military as well as to their employers, fellow employees, and their communities, by providing for the prompt re-employment of such persons upon their completion of such service; and
3. To prohibit discrimination against persons because of their military service.
4. Nothing in this policy shall supersede the city's "at will" employment status, its collective bargaining agreement with city fire fighters, or civil service law.

B. Military Leave

1. Regular full-time employees who are members of a reserve component of the U.S. armed forces or national guard are entitled to military leave with pay not to exceed fifteen (15) workdays per calendar year unless extended by approval of the city manager. Employees eligible for this paid leave are those called to active duty as well as employees called to reserve or national guard duty.
2. Regular full-time employees who are members of a reserve component of the U.S. armed services or national guard may also be entitled to supplemental pay (refer to section E. of this policy). If not eligible for supplemental pay, employees are entitled to extended military leave without pay in accordance with federal law.
3. Regular part-time employees who are members of a reserve component of the U.S. armed forces or national guard are entitled to military leave with pay calculated on a pro-rata basis as set forth in AVL-2 and AVL-3.1. Such paid leave shall not exceed the pro-rata share of fifteen (15) workdays per calendar year unless extended by approval of the city manager. Employees eligible for this paid leave are those called to active duty as well as employees called to reserve or national guard duty.
4. Regular part-time employees who are members of a reserve component of the U.S. armed services or national guard are not eligible for supplement pay but are entitled to extended military leave without pay in accordance with federal law.
5. Other employees who are members of a reserve component of the U.S. armed services or national guard are entitled to extended military leave without pay in accordance with federal law.

C. Reemployment

1. Employees are entitled to the benefit of reemployment for up to five (5) years of cumulative military leave with the City.
2. Employees returning to City employment following thirty (30) days or less of military service are entitled to return to their former job positions, if the following conditions are met:
 - a. the employee presents to the employee's supervisor or department director documentation of an honorable discharge;
 - b. the employee has given, in advance of the employee's military leave, a copy of the employee's military orders and written or verbal notice of such service to the employee's supervisor or department director;
 - c. the cumulative length of the employee's absence and of all previous absences from a position of employment with the City by reason of service in the uniformed services does not exceed five years;
 - d. the employee returns to work:
 - i. not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of military leave and the expiration of eight (8) hours after a period allowing for the safe transportation of the employee from the place of military service to the employee's residence; or
 - ii. as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person; and,
 - e. the employee is physically and mentally fit to perform essential job functions, either with or without training or accommodation as required by law.
3. Employees returning to City employment following more than 30 days but less than 181 days of military service are entitled to return to their former job positions, if the following conditions are met:
 - a. the employee presents to the employee's supervisor or department director documentation of an honorable discharge;

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- b. the employee has given, in advance of the employee's military leave, a copy of the employee's military orders and written or verbal notice of such service to the employee's supervisor or department director;
 - c. the cumulative length of the employee's absence and of all previous absences from a position of employment with the City by reason of service in the uniformed services does not exceed five years;
 - d. the employee submits an application for reemployment with the City not later than 14 days after the completion of the period of service, or if submitting such application within such period is impossible or unreasonable through no fault of the employee, the next first full calendar day when submission of such application becomes possible;
 - e. the employee is physically and mentally fit to perform essential job functions, either with or without training or accommodation as required by federal law.
4. Employees returning to City employment following more than 180 days of military service are entitled to return to their former job positions if the following conditions are met:
 - a. the employee complies with C.2.(a) through (c) and (e); and
 - b. the employee submits an application for reemployment with the City not later than 90 days after the completion of the period of service.
5. No notice is required if the giving of such notice is precluded by military necessity or under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity will be made pursuant to regulations prescribed by the Secretary of Defense.
6. The City is not required to reemploy an employee if:
 - a. the City's circumstances have so changed as to make such reemployment impossible or unreasonable; or,
 - b. the employment from which the employee leaves to serve in the military is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.
7. The City is not required to reemploy an employee in the same job position that the employee held at the time of military leave if such reemployment would impose an undue hardship on the employer AND:

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- a. the employee has a disability incurred in, aggravated during, such service, and who (after reasonable efforts by the City to accommodate the disability) is not qualified due to such disability to be employed in the same job position; or
- b. the employee is not qualified to be reemployed for some reason other than a disability incurred in, or aggravated during, such service, and cannot become qualified with reasonable efforts by the employer.
- c. In the event of (a) or (b), the City will attempt to reemploy the employee in another position in accordance with federal law.

D. Benefits

1. Employees who qualify for military leave under this policy and according to law are entitled to employee benefits, other than health insurance and reemployment, for the same lengths of time that other employees are entitled to such benefits who take non-military leave.
2. Employees are entitled to health insurance up to the first 30 days of leave, whereupon after that the employee may continue to pay for coverage, including dependents, for up to 18 months.

E. Supplemental Pay

1. If an employee's military salary is less than his/her city salary, the difference between the military salary and the city salary will be awarded to the employee after receipt of official documentation showing a copy of the orders to report to active duty and the amount of pay the employee is receiving from the military.
2. This supplemental pay provision applies only to City of Waco regular full-time employees called into active duty.
3. "Military salary" means all monies paid to active duty military personnel. These monies are defined in the Defense Finance and Accounting Service (DFAS) 2004 Military Pay Table.
4. "Active duty" means full-time duty in the active military service of the United States and includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

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5. The supplemental pay provision of this policy is in effect from October 1, 2005 to September 30, 2006, unless otherwise cancelled. The city manager reserves the option to review and extend this provision.



Larry D. Groth, P.E., City Manager
October 24, 2005