



**COMMISSIONERS COURT
COMMUNICATION**

COURT ORDER NUMBER _____

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DATE: 10/1/2024

SUBJECT: CONSIDERATION OF A REVISION TO THE TARRANT COUNTY CIVIL SERVICE RULES AND SHERIFF'S DEPARTMENT CIVIL SERVICE RULES RELATED TO STATE ACTIVE-DUTY LEAVE AND MILITARY LEAVE POLICIES

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court consider adding State Active-Duty Leave to Sections 4.41 and 4.42 of the Tarrant County Civil Service Rules and Sections 7.52 - 7.55 of the Sheriff's Department Civil Service Rules. It is also requested that the Court consider amending said sections to include payment for military leave as fifteen (15) paid days per fiscal year.

BACKGROUND

On September 1, 2021, the Legislature of the State of Texas enacted HB 1589 which amended Subchapter 437.202 of the Government Code by adding Subsection (a-1) relating to paid leave for public officers and employees engaged in certain military service.

This amendment entitles employees of Tarrant County who are members of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally-authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster, to a paid leave of absence, not to exceed seven (7) days in a fiscal year for such service. This paid leave of absence is in addition to paid leave currently provided by the Military Leave policy as described within the Tarrant County Civil Service Rules and the Sheriff's Department Civil Service Rules.

Staffing changes within Human Resources along with legal review delayed the creation and implementation of this policy. Because of this delay, approximately seven (7) employees being called to state active duty, between September 1, 2021 and September 13, 2024, must be provided paid leave retroactively under this policy.

Furthermore, military leave will be amended to allow up to fifteen (15) paid days instead of one-hundred twenty (120) paid hours in a fiscal year, October 1 through September 30, pursuant to Subchapter 437.202 of the Local Government Code.

FISCAL IMPACT

The fiscal impact will be approximately \$17,360.00 for retroactive payments of state active-duty paid leave to approximately seven (7) employees. Future fiscal impact is unknown as usage is unpredictable.

SUBMITTED BY	Human Resources	PREPARED BY:	Rochelle Neal
		APPROVED BY:	Anjanie Ramnarine

MILITARY LEAVE

4.41

A. All County employees who serve in the military shall receive the employment and re-employment benefits granted under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and any other applicable federal and state laws.

B. Military Leave. Any County employee who is a member of the Texas military forces, a reserve component of the armed forces (including the U.S. Army, Navy, Air Force, Marines, Coast Guard, Army National Guard, and Air National Guard), or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person's duties on a day on which the person is engaged in reserve drills, annually scheduled active duty for training, funeral duties, or other authorized duties ordered by proper authority. Such leave shall not exceed 15 workdays in a fiscal year.

C. State Active-Duty Leave. In accordance with Texas Government Code § 437.202, an employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team who is called to state active duty by the Governor or another appropriate authority in response to a disaster shall be entitled to a paid leave of absence from the person's duties not to exceed seven (7) workdays in a fiscal year.

State Active-Duty Leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered pursuant to other forms of military leave.

D. Additional Provisions. Tarrant County is proud of its employees who serve in the military. As such, nothing in Tarrant County's military leave policy is intended to limit Tarrant County's obligations, or an employee's rights, under applicable federal or state law.

An employee should present their military orders to the Appointing Authority or their designee as soon as possible in order for the employee to receive their leave entitlement.

An employee shall only utilize Military Leave and State Active-Duty Leave for the hours that the employee would otherwise have worked and received pay.

All forms of military leave eligibility will be prorated for all employees based proportionally on the number of hours in the employee's regularly scheduled bi-weekly pay period.

During Military Leave or State Active-Duty Leave, the employee shall not be subjected to loss of time, personal time, sick leave, or vacation time, and is entitled to be restored to the position that the employee held when ordered to duty.

Employees may use paid leave while deployed, if approved by their Appointing Authority.

Tarrant County's rules relating to military leave are in no way intended to limit Tarrant County's obligations under applicable federal or state laws.

Types of Military Leave.

A. Military Leave for Absences of Thirty-One (31) Days or Less. Upon notification of the Appointing Authority, and after submitting appropriate orders from the concerned Military Branch, a regular full-time employee may participate in reserve drills, annually scheduled active duty for training and funeral honors duty performed by National Guardsmen and reserve members.

B. Uniformed Services. This is active military service, including persons who enlist or are called to active duty as a result of their membership in the Reserve Component of the Armed Forces of the United States. The "uniformed services" includes the Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service Commissioned Corps, and the reserve components of each of these services. USERRA rights also extend to employees who receive federal training or perform service in the Army National Guard and Air National Guard.

4.42 A.

A. Eligible employees who are called to active duty status directly from County service and have used fifteen (15) days of annual Military Leave pay and/or the seven (7) workdays of State Active-Duty Leave pay, if applicable, may receive supplemental military pay to cover the difference between the employee's County pay and total military pay as reported on their Leave and Earnings Statement (LES). The supplemental pay will be paid on the County's bi-weekly pay schedule. Employees that are deployed to active duty must provide a copy of all Leave and Earnings Statement (LES) documents to the Payroll and Benefits Service Center before the supplemental pay is activated. The military pay supplement will continue until the employee is no longer actively deployed or separates from their County employment.

B. The Commissioners Court reserves the right to continue supplemental military pay to the extent that monies are available to be appropriated and may discontinue supplemental pay at any time. A person who ceases to be employed by the County because the person resigned, retired, or is terminated for a reason that is not a direct consequence of the person's call to active duty is not entitled to supplemental military pay.

C. The supplemental pay policy was established September 2, 2002.

Compensation. Compensation will be limited to a maximum of one hundred twenty (120 hours) full pay per calendar year for all types of military leave.

B. Eligible employees who are called to active duty status, directly from County service and have used the one hundred twenty (120 hours) annual military leave pay may receive supplemental military pay to cover the difference between the employee's County pay and total military pay as reported on their Leave and Earnings Statement (LES). The supplemental

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pay will be paid on the County's bi-weekly pay schedule. Employees that are deployed to active duty must provide a copy of all Leave and Earnings Statement (LES) documents to the Payroll and Benefits Service Center before the supplemental pay is activated. The military pay supplement will continue until the employee is no longer actively deployed.

C. The Commissioners Court reserves the right to continue supplemental military pay to the extent that monies are available to be appropriated and may discontinue supplemental pay at any time. This policy does not apply to a person who ceases to be employed by the County because the person resigned, retired or is terminated for a reason that is not a direct consequence of the person's call to active duty.

D. Employees may, upon request, use paid leave while deployed, if approved, by their Appointing Authority.

E. The supplemental pay policy was established September 2, 2002

Sheriff's Department Civil Service Rules

MILITARY LEAVE: [SECTIONS 7.52-7.117 REVISED 2/2/09 AND SECTIONS 7.52 – 7.55 REVISED 10/1/2024]

7.52 All County employees who serve in the military shall receive the employment and re-employment benefits granted under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and any other applicable federal and state laws.

GENERAL PROVISIONS. Employees who are on a military leave of absence — without pay shall have the same benefits, rights and privileges as those employees — who are on a non-military leave of absence without pay as specified in our Leave of Absence Without Pay Policy, with the exceptions noted in this chapter and in — accordance with the Uniformed Services Employment and Reemployment Rights — Act of 1994, 38 United States Code §4301 et seq., as it now exists or as it may be — amended in the future.

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7.53 1. Military Leave. Any County employee who is a member of the Texas military forces, a reserve component of the armed forces (including the U.S. Army, Navy, Air Force, Marines, Coast Guard, Army National Guard, and Air National Guard), or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person's duties on a day on which the person is engaged in reserve drills, annually scheduled active duty for training, funeral duties, or other authorized duties ordered by proper authority. Such leave shall not exceed 15 workdays in a fiscal year.

2. State Active-Duty Leave. In accordance with Texas Government Code § 437.202, an employee who is a member of the Texas military forces, a reserve component of the

armed forces, or a member of a state or federally authorized urban search and rescue team who is called to state active duty by the Governor or another appropriate authority in response to a disaster shall be entitled to a paid leave of absence from the person's duties not to exceed seven (7) workdays in a fiscal year.

State Active-Duty Leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered pursuant to other forms of military leave.

MILITARY LEAVE FOR ABSENCES OF THIRTY ONE (31) DAYS OR

LESS. Upon notification of the Appointing Authority, and after submitting appropriate orders from the concerned Military Branch, a regular full-time employee may participate in reserve drills, annually scheduled active duty for training and funeral honors duty performed by National Guardsmen and reserve members.

7.547-54 Additional Provisions. Tarrant County is proud of its employees who serve in the military. As such, nothing in Tarrant County's military leave policy is intended to limit Tarrant County's obligations, or an employee's rights, under applicable federal or state law.

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UNIFORMED SERVICES. This is active military service, including persons who enlist or are called to active duty as a result of their membership in the Reserve Component of the Armed Forces of the United States. The "uniformed services" includes the Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service Commissioned corps, and the reserve components of each of these services. USERRA rights also extend to employees who receive federal training or perform service in the Army National Guard and Air National Guard.

7.55 Supplemental Military Pay.

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1. Eligible employees who are called to active duty status directly from County service and have used fifteen (15) days of annual Military Leave pay and/or the seven (7) workdays of State Active-Duty Leave pay, if applicable, may receive supplemental military pay to cover the difference between the employee's County pay and total military pay as reported on their Leave and Earnings Statement (LES). The supplemental pay will be paid on the County's bi-weekly pay schedule. Employees that are deployed to active duty must provide a copy of all Leave and Earnings Statement (LES) documents to the Payroll and Benefits Service Center before the supplemental pay is activated. The military pay supplement will continue until the employee is no longer actively deployed or separates from their County employment.
2. The Commissioners Court reserves the right to continue supplemental military pay to the extent that monies are available to be appropriated and may discontinue supplemental pay at any time. A person who ceases to be employed by the County because the person resigned, retired, or is terminated for a reason that is not a direct consequence of the person's call to active duty is not entitled to supplemental military pay.
3. The supplemental pay policy was established September 2, 2002.