

City of Hesperia

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**Administrative Policies
and Procedures Manual**

Enabling/Authorizing
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Policy: MILITARY LEAVE

1.0 Purpose

This Administrative Procedure sets forth policy relative to military leave.

Background

It is the policy of the City of Hesperia, and under the City's Rules and Regulations, Rule VI, Section V, to provide military leave for its employees in the military reserve in accordance with State and Federal laws and regulations.

Military leave shall be granted to employees for such period as they may be required to serve in the Armed Forces of the United States as a result of selective service requirements, or who enlist or are recalled to active duty in the military, or who must attend training activities.

Applicable State statutes are found in the California Military & Veterans Code Section 395 et. seq., and any amendment thereto, and in the federal Uniformed Services Employment and Reemployment Rights Act of 1994.

2.0 Policy

Military leave for all City employees will be subject to the following:

(A) Temporary Duty

- I. Employees may take a military leave of absence for military duty ordered for purposes of active military training, encampment, naval cruises, special exercises, or related activity provided the duration of such ordered duty does not exceed 180 calendar days including time required to travel to and from such duty.
- II. Employees serving a probationary period when called to such military duty will receive credit for probationary time served. Upon return to

active City employment, such employee must complete the remaining months of the required probationary period.

- III. The City's military leave compensation provision does not include an employee's attendance at weekend reserve meetings or drills or medical examinations to determine physical fitness for military duty. Employees must use their own time for such activities. Should any of these unavoidably conflict with an employee's regular working hours the employee is required to use vacation, or leave without pay.
- IV. Employees who have one year of service with the City will continue to accrue vacation and sick leave provided that military leave does not exceed 180 calendar days. Members of the National Guard will accrue vacation for only the first 30-days. However, probationary employees must first complete an initial probationary period before accrued vacation time may be used.
- V. No merit salary adjustments shall be granted while an employee is on such a leave. Employees will receive credit for time served prior to the leave and must satisfactorily complete the remaining time period necessary to obtain a merit salary adjustment upon return from the leave.
- VI. Seniority for the purposes of retirement will continue as though the employee was actively working provided the leave does not exceed 180 calendar days.
- VII. Employees may elect to continue their health benefits coverage through the City by enrolling in COBRA or direct payment for health coverage. The employee is responsible for payment of the full monthly premiums.

(B) Active Duty

- I. Employees called to active military duty will be granted a leave of absence for the length of time they are required to serve in the Armed Forces of the United States.
- II. Employees serving a probationary period when called to active military duty will receive credit for probationary time served. Upon return to active City employment, such employee must complete the remaining months of the required probationary period.
- III. No merit salary adjustments shall be granted while an employee is on such a leave. Employees will receive credit for time served prior to

the leave and must satisfactorily complete the remaining time period necessary to obtain a merit salary adjustment upon return from the leave.

- IV. Employees on active military duty do not continue to accrue vacation and sick leave.
- V. Seniority for the purpose of retirement will continue as though the employee was actively working.
- VI. The City shall continue to provide health insurance benefits to the employee and the employee's dependents at the same level of contribution that the employee would have received from the City if he/she had not been called to active military duty, provided that the dependents were covered for those benefits prior to the employee being called into active military duty. Life insurance, disability benefits and accrued leaves are not included in this provision. This coverage will be for a maximum of one year from the date of active military duty. Employees may elect to continue their health benefits coverage through the City by enrolling in COBRA or through direct payment after the one year expires. The employee is responsible for payment of the full monthly COBRA or direct payment premium. Employees should note that the City-paid life insurance policy contains a war exclusion.
- VII. Upon release from military duty, the employee shall immediately notify the City of his/hers expected return to work date. However, this return date cannot exceed sixty days after discharge from active duty or discharge from the military service date. Any employee who fails to do so shall have waived the right to return to City employment. Returning employees are subject to a physical/psychological examination.
- VIII. Eligible employees are also entitled to the reemployment and benefit rights as further described in the Uniformed Services and Employment and Reemployment Rights Act, U.S.C. Sections 4301-4333. Specifically, a returning employee will receive restoration of original hire and benefit date, salary step, vacation accrual rate, sick leave accrual, retirement plan contribution rate and retirement system contributions. However, such employee will not have accrued vacation, sick leave, or other benefit while absent from City employment, except as provided in the temporary duty provision.

3.0 Responsibility Assignments

- I. Employees should submit a written request, accompanied with a copy of the military orders for leave to their supervisor, prior to deployment. In such case where an employee's military status is activated and allows no time for a written notification to employer, a phone call will suffice, but should be followed with the appropriate military orders. This documentation should be forwarded to the Human Resources Division as soon as possible.
- II. At the commencement of the military leave, or at the first available opportunity, the activated employee will provide the Human Resources Division with copies of his/her military pay stubs. The military pay stubs are necessary in order for the activated employee to continue receiving City wage differential.
- III. The Finance/Payroll Division will use the employee's military pay stubs to calculate the difference between the employee's gross City salary and the employee's gross military wages. This difference will be paid to the employee on military leave through the City's normal payroll system.
- IV. The City will continue to pay the employee the difference between the employee's gross City salary and the employee's gross military wages for the duration of his/her military leave, but not to exceed the period of one year from the beginning of active duty.
- V. Employees who are eligible for military leave compensation will be placed on a leave of absence with right to return to their positions.
- VI. The employee on active military leave is to provide the City, in a timely manner, with copies of all official military documents releasing him/her from his/her military leave obligations.

4.0 Exhibits

City Council Resolution No. 2005-040
Hesperia Community Redevelopment Agency Resolution No. 2005-05
Hesperia Water District Resolution No. 2005-03
City of Hesperia Personnel Rules and Regulations, Rule VI, Section 5

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