

CITY OF REDDING
Personnel Policies and Procedures Manual

Section: Miscellaneous

Subject: Military Leave

Personnel Manager Director: *Linda Johnson* Date: 9/3/09

City Manager : *Paul Han* Date: 9/2/09

City Council Resolution No. (if applicable) N/A **Effective Date:** 7/1/03

Purpose

The purpose of the Military Leave procedure is to establish how such a leave would impact the affected employee's employment status and benefits.

Policy

Employees (regular full-time or part-time) shall be granted military leave in accordance with the State of California Military and Veterans Code and Federal law applicable to public employees who volunteer or are called to active duty, as amended from time to time.

Military Leave Defined: The federal government defines military leave as "the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and a period for which the person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty."

The California Military and Veterans Code defines temporary military leave as "leave of absence from public employment to engage in ordered military duty for a period which by the order is not to exceed 180 calendar days, including travel time for purposes of active military training, encampment, naval cruises, special exercises or like activity as a member of the reserve corps or force of the armed forces of the United States, or the National Guard, or the Naval Militia."

Procedure

- A. Employees who volunteer or are called to active military duty or require temporary military leave for training shall give their respective department director reasonable notice of such orders, within the limits of military regulations.
- B. The department director shall notify the Personnel Department in writing (Personnel Action Form) of any employee who will be reporting to active military service or training, including a copy of said orders.
- C. Employees who have worked for the City of Redding for a minimum of one year prior to the date upon which the temporary military leave of absence for **active military duty, active military duty for training or for initial active duty for training** begins shall

salary and their regular salary with the City of Redding beginning on the 31st day up to a maximum of 180 days of duty. Members of the National Guard receive full pay for the first 30 calendar days regardless of his/her length of service with the City. A National Guard member on active duty is entitled to accrue vacation and holiday privileges, but not sick leave during the first 180 days of active duty.

- D. Employees on active military duty longer than 30 days shall continue to receive health, dental and vision benefits for a maximum of 180 days. Employees on active military duty beyond 180 days shall be eligible to continue health care coverage for the employee and his/her eligible dependents for a maximum of 18 additional months by paying the required monthly premium to the City of Redding.
- E. Life insurance and Long Term Disability insurance benefits will be subject to the terms of the plan and treated the same as with other employees on other leaves of absence without pay.
- F. Employees on active military duty are not entitled to accrue vacation, sick and holiday leave benefits.
- G. Employees on **temporary military leave for inactive duty training** shall receive full pay for the first 30 calendar days of training per calendar year. If an employee is then called to active duty, this entitlement is extended for an **additional** 30 calendar days. Employees will then receive the difference between their military salary and their regular salary with the City of Redding beginning on the 31st day up to a maximum of 180 days of active military duty. Employees on **temporary military leave for inactive duty training** shall continue to receive the same vacation, sick leave and holiday privileges, up to a maximum of 180 days, as if said employee(s) had not been on military leave.
- H. Employees who have worked for the City of Redding for a minimum of one year prior to the date upon which the military leave for active duty or training begins shall, for the first 180 days of the military leave, have the same rights and privileges to promotion and continuance in their position that the employee(s) would have been entitled to if not on military leave.
- I. Employees returning from military leave for active duty or training are entitled to re-employment rights if:
 - 1. The person has given advance written or verbal notice of such military service to the City of Redding;
 - 2. The cumulative length of the absence and of all previous absences from a position of employment with the City of Redding by reason of military service does not exceed five years; and
 - 3. The returning veteran reports to, or submits a copy of the DD-214 to, the City of Redding in accordance with the notice provisions listed below.

- a. An employee returning from active duty after serving in time of war or national emergency must seek reinstatement with his/her employer within 6 months after completing the military service, but not later than 6 months after the end of the war, emergency, etc. The right to re-employment does not extend to an employee who fails to return to his or her position within 12 months after the first date he/she could terminate his/her active service.
 - b. An employee who has been on active duty for less than 31 days must alert the City of Redding of his/her intent to return to work no later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service, or if through no fault of his/her own, the employee cannot report as set forth above, he/she must do so as soon as possible.
 - c. An employee who has been on active duty for more than 30 days but less than 181 days must submit a copy of the DD-214 with the City of Redding no less than 14 days after the completion of the service, or if through no fault of his/her own, the employee is unable to serve the notice in the manner described, then he/she must do so by the first full calendar day when submission of the application is possible.
 - d. An employee who has been on active duty for more than 180 days must submit a copy of the DD-214 no later than ninety days after the completion of the service; and
 - e. If an employee is hospitalized, convalescing or recovering from an illness or injury incurred or aggravated during the active duty, the person must report at the end of the period needed for recovery, up to two years, unless the ability to report within the two-year period is made impossible or unreasonable due to circumstances beyond the employee's control.
4. As long as the leave of absence is for active duty, upon the termination of the temporary military duty, the employee has an absolute right to be restored to his/her former position and status as long as the duty does not exceed 180 days.
 5. Upon re-employment, the City shall contribute all of the employer/employee contributions (pursuant to the contribution amounts set forth in the applicable Memorandum of Understanding) to the retirement plan that would have been contributed had the employee not left. The employee shall be treated as not having incurred a break in service.

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