



Board Agenda Item 27

DATE: December 15, 2015

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Interim Director of Personnel Services

SUBJECT: Extension of Military Supplemental Pay Program

RECOMMENDED ACTION(S):

Adopt resolution which approves extending provisions of the California Military & Veterans Code Section 395.03 to eligible permanent County employees effective December 21, 2015 through December 18, 2016.

Approval of the recommended action will adopt the resolution thereby continuing to offer the military supplemental pay program December 21, 2015 through December 18, 2016. The program was initially approved by your Board on October 16, 2001 for management and unrepresented employees, on November 27, 2001 for represented employees and has been extended since that time.

ALTERNATIVE ACTION(S):

Not approving the recommended action would directly impact eligible employees who may participate in the military supplemental pay program. The employees would no longer be eligible to receive the County contribution toward benefits or receive his/her regular County pay offset by all military pay received for such duty.

FISCAL IMPACT:

County departments have already budgeted for the cost associated with the recommended action. Participants in this program receive compensation from the County if their military compensation is less than their County pay. Additionally, participants will continue to be eligible for all benefits that would customarily be paid by the County. Over the last two payroll years (2014 and 2015), the County has not expended funds for this program.

DISCUSSION:

California Military and Veterans Code Sections 395.01 and 395.02 provide that eligible employees on military leave are entitled to their full salary for the first thirty (30) calendar days while engaged in the performance of ordered military duty. This benefit applies to all permanent employees who have been in the service of the public agency from which leave is taken for not less than one (1) year. After the first thirty (30) calendar days of paid leave, employees may use annual leave, vacation or other accumulated paid time off prior to going on unpaid military leave status. While on an unpaid military leave, the employee does not receive any employer paid benefits.

On October 16, 2001, your Board approved Resolution No. 01-560, pursuant to California Military and Veterans Code Section 395.03, which provided a supplemental payment to those eligible County employees/reservists called into full-time service as a result of Operation Enduring Freedom and related operations in response to the September 11, 2001 terrorist activities. The supplemental payment is equal to their regular County pay plus

military part-time (week-end-drill) pay, offset by military pay received while performing ordered military duty. In addition, eligible employees continue to be eligible for all benefits and related contributions that would customarily be offered and paid by the County. The intent of this supplemental payment was to help mitigate any negative financial impact that may be incurred upon cessation of the first 30 days of paid military leave. Your Board subsequently approved the program for represented employees in accordance with Memorandum of Understanding (MOU) Addenda on November 27, 2001.

Although the original resolution (Resolution 01-560) and MOU addenda were approved for 180 days, your Board subsequently approved extending the program for longer periods without modifying the original resolution. Beginning on December 8, 2003, your Board approved extending the program to correspond with the County's payroll year and consistent with the duration of military leave of participants in the program at that time. Your Board adopted a new resolution allowing eligible employees to continue to receive these benefits for program years 2012 through 2015. Today's recommended action again adopts a new resolution thereby continuing to allow eligible employees to receive these benefits for the period of December 21, 2015 through December 18, 2016. Your Board's approval would be required to extend the program beyond December 18, 2016.

Currently there are four eligible employees enrolled in this program whose orders expire in 2016. All employees who qualify will continue to be eligible for benefits under the program for 2016 should your board approve the extension of this program through adoption of the resolution.

Personnel Services will continue to closely monitor the military supplemental pay program and any additional actions necessary to assure compliance with the Military and Veterans Code.

REFERENCE MATERIAL:

BAI #20 - October 16, 2001, Resolution #01-560

BAI #28 - November 27, 2001

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

Samantha Buck