



# Board Agenda Item 49

DATE: December 3, 2024  
TO: Board of Supervisors  
SUBMITTED BY: Hollis Magill, Director of Human Resources  
SUBJECT: Adoption of Military Supplemental Pay Program Indefinitely

## RECOMMENDED ACTION(S):

**Adopt Resolution authorizing the County to invoke indefinitely the provisions of the California Military & Veterans Code (MVC), Section 395.03, for all permanent County employees who (1) are a member of the California National Guard or a United States Military reserve unit, (2) are eligible for pay provisions under MVC sections 395.01 and 395.02, and (3) are ordered into active duty for thirty-one (31) days or more, thereby entitling them to receive, for a period not to exceed twelve (12) months, his/her regular County base pay, minus all military pay and entitlements received for such duty.**

Approval of the recommended action will extend the Military Supplemental Pay Program (also referred to as "program"), effective December 9, 2024, expiring only if authorized by the Board through separate resolution. This program has been in effect since 2001. This item is countywide.

## ALTERNATIVE ACTION(S):

Not approving the recommended action would directly impact employees eligible for the Military Supplemental Pay Program. Eligible program participants would no longer have the ability to receive regular County base pay minus all military pay and entitlements while on ordered military duty, and any related County contribution toward benefits (provided that such Eligible Employee continued to pay his or her share of cost of such County employee benefits).

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. County departments have budgeted for the cost of any impacted positions, including military supplemental compensation and any related benefit contributions (e.g., health, retirement), as part of their fiscal year budgets.

Additionally, the County expended approximately \$7,500 for 2023 and \$67,000 to date for 2024. These amounts include military supplement compensation and any related benefit contributions (e.g., health insurance, retirement).

## 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 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 30 calendar days of paid leave, eligible 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 eligible employees do not receive any employer-paid benefits.

On October 16, 2001, the Board of Supervisors 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 ordered into full-time service as a result of Operation Enduring Freedom and related operations in response to the September 11, 2001, terrorist attacks. The supplemental payment was equal to their regular County pay plus military part-time (weekend drill) pay, minus military pay received while performing ordered military duty. The original resolution (Resolution No. 01-560) and MOU addenda were approved for 180 days. On November 27, 2001, the Board of Supervisors approved extending the program for longer periods without modifying the original resolution. Beginning on December 8, 2003, through December 13, 2020, the Board of Supervisors approved extending the program, on an annual basis, to correspond with the County's payroll year, and consistent with the duration of military leave of participants in the program at that time.

On March 9, 2021, the Board approved Resolution No. 21-047, thereby continuing the Military Supplemental Pay Program with amendments to the eligibility criterion. The amendments listed below were approved and implemented in March 2021 and are recommended to continue:

(1) Expansion of Qualifying Military Leave. The Military Supplemental Pay Program is no longer exclusive to operations related to September 11, 2001, terrorist attacks. Instead, any permanent employee ordered into any active military duty by the California National Guard or a United States Military reserve unit of thirty-one (31) consecutive days or more and who meets the provisions in sections 395.01 and 395.02, is eligible;

(2) Military Weekend Drill Pay. The calculation of the supplemental pay no longer considers the military weekend drill pay as part of the County base pay, and instead only considers the employee's regular County base pay; and

(3) Maximum Supplemental Pay Limit. The supplemental pay is limited to the first twelve (12) consecutive months per ordered active duty, beginning once pay under sections 395.01 and/or 395.02 has exhausted. Previously, the program did not provide a maximum limit.

On December 14, 2021, your Board approved Resolution No. 21-354, again extending the amended program on an annual basis, to correspond with the County's payroll year, and consistent with the duration of the military leave of participants in the program at that time.

For calendar year 2024, the Department of Human Resources has identified nine (9) employees with military orders of thirty-one (31) consecutive days or more. Of these nine (9) employees, two (2) have declined participation, one (1) has completed participation, and the remaining six (6) are in the preliminary stage of determining eligibility for the program.

With the adoption of this resolution, benefits provided under MVC 395.03 will continue, without annual renewal, unless a separate resolution is authorized by your Board.

Human Resources 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 #51, November 28, 2023  
BAI #42, December 13, 2022  
BAI #30, March 9, 2021  
BAI #28, November 27, 2001  
BAI #20, October 16, 2001

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:  
Paige Benavides