



Board Agenda Item 30

DATE: March 9, 2021

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Interim Director of Human Resources

SUBJECT: Adoption of Military Supplemental Pay Program

RECOMMENDED ACTION(S):

Adopt Resolution to authorize provisions of the California Military & Veterans Code (MVC), Section 395.03, to any permanent County employee who is a member of the California National Guard or a United States Military reserve unit, is eligible for pay provisions under MVC sections 395.01 and 395.02, and is involuntarily called into active duty for thirty-one (31) days or more, shall be entitled to receive, for a period not to exceed 12 months, his/her regular County base pay offset by all military pay received for such duty, effective March 8, 2021 through December 12, 2021.

Approval of the recommended action will adopt a resolution thereby reinstating the Military Supplemental Pay Program, to be effective March 8, 2021 through December 12, 2021. The reinstated Military Supplemental Pay Program will include amendments to the eligibility criterion. The Military Supplemental Pay Program was originally approved by your Board on October 16, 2001 for management and unrepresented employees and on November 27, 2001 for represented employees with yearly extensions since that time. The Program expired on December 14, 2020. This item is countywide.

ALTERNATIVE ACTION(S):

By not approving the recommended action, eligible employees would no longer have the ability to receive regular County pay offset by all military pay while on eligible military leave of absences, which has been a benefit provided under the Military Supplemental Pay Program for almost 20 years.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action, as County departments have already budgeted for the cost of impacted positions from March 8, 2021 through June 30, 2021. The budgeted amount includes military supplement compensation and any related benefit contribution (health insurance, retirement, etc.). Sufficient appropriations and estimated revenues for impacted departments, for the term of July 1, 2021 through December 12, 2021, will be included as part of their FY 2021-22 budget request.

Additionally, over the last two payroll years, the County expended approximately \$24,072 in 2019 and \$0 in 2020; this amount includes military supplement compensation and any related benefit contributions (health insurance, retirement, etc.).

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 year. After the first 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, the 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 called 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, offset by military pay received while performing ordered military duty. The supplemental payment was to begin upon the cessation of the first 30 days of paid military leave provided under sections 395.01 and 395.02. Additionally, employees eligible for supplemental pay were eligible to continue benefits and related contributions that would customarily be offered and paid by the County.

The original resolution (Resolution No. 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 and each subsequent year thereafter, 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 last approved the extension of this program on December 10, 2019, which expired on December 14, 2020.

From initial adoption of the Military Supplemental Pay Program in October of 2001 through its expiration in December of 2020, the eligibility requirements of the program and the calculation of the supplemental pay had remained the same. To improve the structure of the program and ensure inclusivity and consistency, changes would be implemented with the adoption of this new resolution, as detailed below:

1. Eligibility for the program will no longer be exclusive to operations related to September 11, 2001 terrorist attacks. Instead, any permanent employee who meets the provisions in sections 395.01 and 395.02, that is involuntarily called into any active military duty of thirty-one (31) consecutive days or more is eligible to participate in the Military Supplemental Pay Program.
2. The calculation of the supplemental pay will no longer consider the military weekend drill pay as part of the County base pay, instead it will only consider the employee's County base pay.
3. Supplemental pay will be limited to the first twelve (12) consecutive months per order, beginning once pay under sections 395.01 and/or 395.02 has exhausted. Previously, the program did not provide a maximum limit.

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 #40, December 10, 2019
BAI #28, November 27, 2001
BAI #20, October 16, 2001

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

Yussel Zalapa