



Board Agenda Item 35

DATE: December 14, 2021
TO: Board of Supervisors
SUBMITTED BY: Hollis Magill, Director of Human Resources
SUBJECT: Extension of Military Supplemental Pay Program

RECOMMENDED ACTION(S):

Adopt Resolution to extend the provisions of the California Military & Veterans Code (MVC), Section 395.03, to all permanent County employees who are a member of the California National Guard or a United States Military reserve unit, are eligible for pay provisions under MVC sections 395.01 and 395.02, and are involuntarily called into active duty for thirty-one (31) days or more, thereby entitling them to receive, for a period not to exceed 12 months, his/her regular County base pay minus all military pay received for such duty, effective December 13, 2021 through December 11, 2022.

Approval of the recommended action will extend the Military Supplemental Pay Program, to be effective December 13, 2021 through December 11, 2022. 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 pay offset by all military pay while on qualifying military leaves of absence and any related County contribution toward benefits, which has been a benefit provided under the Military Supplemental Pay Program for the last 20 years.

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 (health, retirement, etc.), as part of their FY 2021-2022 budget. Sufficient appropriations and estimated revenues for impacted departments, for the term of July 1, 2022 through December 11, 2022, will be included as part of their FY 2022-2023 budget request.

Additionally, over the last two payroll years, the County expended \$0 in 2020, and \$3,278.50 in 2021, so far; 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, minus military pay received while performing ordered military duty. 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 through December 13, 2020, your Board 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 reinstating the Military Supplemental Pay Program with amendments to the eligibility criterion, to be effective March 8, 2021 through December 12, 2021. To improve the structure of the program and ensure inclusivity and consistency, the below listed amendments to the eligibility criterion were approved and implemented at the time of the Program's reinstatement in March 2021 and are recommended to continue:

1. Eligibility for the program is no longer 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 no longer considers the military weekend drill pay as part of the County base pay, instead it only considers the employee's County base pay.
3. Supplemental pay is 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.

Since the adoption of the Program in March, the Department of Human Resources has identified thirteen (13) employees with military orders of thirty-one (31) consecutive days or more. Of these 13 employees, five are eligible and are currently participating, two declined to participate, and the remaining six are in the preliminary stage of determining eligibility for the program.

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 #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:

Yussel Zalapa