

County of Monterey Board Policy Manual

Policy Name	Policy Number	Page
Military Leave Policy	P-220	1 of 4
Policy Category Personnel		

I. Purpose and Background

The County of Monterey, in an effort to ensure that all military reservists/National Guard members are treated consistently, has prepared this Military Leave Policy. The policy provides County employees, Human Resources and payroll staff with guidelines on military leave, particularly regarding pay and benefits in connection with active and inactive military leave.

The County of Monterey complies with the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable California Military and Veterans Code pertaining to military leave. As the laws change, or as interpretations of the laws change, military leave benefits for County of Monterey employees may change accordingly. No attempt is made in this policy to cover all possible situations and circumstances that may arise when an employee is ordered to active military service.

Administration of the Military Leave Policy shall be in accordance with the Active Duty Military Leave Administrative Procedure established by the Military and Veterans Affairs Officer and/or Human Resources Director.

II. Definitions

- a) "Calendar days" means that all days are calculated on the calendar, including weekends and holidays.
- b) "County base pay" means the hourly rate of pay on the County's published salary schedule at time of leave.
- c) "Basic military pay" is the standard amount of compensation for service members based of each individual pay grade and time in service. This is compensation before additional allowances. The employee's basic military pay will be confirmed or verified from the Defense Finance and Accounting Service (DFAS) website at <http://www.dfas.mil/> by the County Military & Veterans Affairs Office (MVAO).

- d) For purposes of this policy, “Employee Benefits” means medical, dental and vision insurance.
- e) “Fiscal year” means the Monterey County fiscal year, which ends June 30th and begins July 1st.

III. Policy

Military Activation

Military service for reservists/National Guard members may be considered “inactive” or “active” service depending on the nature of the duty. Paid military leave benefits under both federal and state law are available only for active military service.

“Inactive Military Service” means weekend drills, Annual Muster Duty training, voluntary maintenance activities of the military unit or other ordered inactive duty training. This leave is unpaid by the County, but the employee may use their accruals to cover the time off (pursuant to section 395.01(b) of the Government Code). Active duty shall include annual training of 2 weeks or more for reservists/National Guard members.

“Active Military Service” means full-time active duty within a branch of the United States armed forces (Army, Navy, Marine Corps, Air Force, Coast Guard, or National Guard).

Any public employee who is ordered to active military service is entitled to receive his or her salary or compensation as a public employee for the first 30 calendar days of any such absence (pursuant to section 395.01 of the Government Code).

Active Military Leave Full Pay for up to the First 30 Calendar Days (per fiscal year)

Any employee who is on temporary leave of absence for military leave ordered for purposes of active military training, deployment, encampment, naval cruises, special exercises, or like activity, providing that the period of ordered duty does not exceed 180 calendar days, including travel time going to and returning from duty *and* who has a combined military and county employment of at least one year immediately prior to the day the military leave is to begin, is entitled to receive his or her County salary or compensation as a public employee for up to the first 30 calendar days in addition to any and all military pay received during any such absence. Note: Full County pay for these purposes may not exceed 30 days in any one fiscal year. Note: Employees with less than 12 months (1 year) combined military and county service are not eligible for the Full Pay for the first 30-day benefit.

All military service of the employee, in recognized military service (as defined in Section 18540.3 of the Government Code), shall be counted toward the one-year County service requirement.

Active Military Leave (Day 31 up to 12 months) Salary Augmentation:

The salary augmentation for active military leave provides the difference between an employee's regular County Base Pay and their Basic Military Pay. In combination with their Basic Military Pay, an employee will be entitled to a County paid salary augmentation to equal their County Base Pay, for the duration of their Active Military Leave. For employees with 12 months or more combined military and county service this begins on the 31st day of Active Military Leave and 1st day of Active Military Leave for employees with less than 12 months combined military and county service. Salary Augmentation can range from 30 days up to 12 months per fiscal year. If the Basic Military Pay exceeds the County Base Pay at the onset of Active Military Leave, there is no salary augmentation.

Salary Augmentation with 1 year or more Combined Military and County Service:

Employee shall receive augmentation up to 12 months per fiscal year

Salary Augmentation with "Less than" 1 year Combined Military / County Service:

Salary Augmentation for employees with less than 1 year combined military / county service will be provided for active military leave (active duty orders) on a sliding scale based on combined military / county service. Augmentation will start on the first day of Active Military Leave.

- Combined service 9 months to less than 1 year; authorized 90 days of Salary Augmentation
- Combined service 6 months to less than 9 months; authorized 60 days of Salary Augmentation
- Combined service less than 6 months; authorized 30 days of Salary Augmentation

Accruals:

Employees will continue to accrue the following: Annual Leave, Vacation, Paid Time Off and Sick Leave, as applicable, as well as County days of service credit, for the duration of the military leave, as if they had not been on military leave. Accruals may be adjusted upon return to work, in accordance with other laws.

Benefits:

Health plan coverage for service members continues through the 31st day of Active Military Leave for up to 12 months.

Retirement:

Under Public Employees Retirement System (PERS) rules, salary augmentation paid while on Active Military Duty Leave is not considered reportable compensation. Therefore, contributions (employee and employer) to PERS will discontinue and PERS service credit will stop accruing

for any employee while on salary augmentation. However, immediately upon return from leave, the employee may apply directly to PERS to have the service credit posted to their account.

Seniority:

The employee has the same rights to seniority and shall be restored to their former or equivalent position and status upon returning from active military leave, as if they had not been on leave. If the employee left on active military leave while on a probationary period, they will be required to complete the probationary period upon return to their employment.

IV. Procedure

[See separate Administrative Guideline.](#)

V. Review Date

a. This policy will be reviewed for continuance by July 23, 2023.

VI. Board Action

a. Legistar File No. 18-743, July 23, 2018.