

PERSONNEL DEPARTMENT POLICY
San Luis Obispo County

Topic: Military Leave for San Luis Obispo County Employees in Permanently Allocated Positions	
Subject: Leaves	Revised: August 2004
CSC Rule: 2.39	Approval: _____
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	Note: Original signed copy on file in Personnel Department.

1. PAID LEAVE

- A. **ALL REGULAR EMPLOYEES GRANTED MILITARY LEAVE:** Regular employees under official orders, who are called to active duty; active duty for training; initial active duty for training; inactive duty training; full-time National Guard; and absences for examinations to determine fitness for duty in the Uniformed Services of the United States of America shall be granted a military leave of absence for the period of service. The Uniformed Services as defined by USERRA includes Army, Navy, Air Forces, Marine Corps, Coast Guard (and the Reserves for each of those branches), Army National Guard, Air National Guard, commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.
- B. **RESERVE SERVICE:** Regular employees who are members of the reserve components including the (Air/Army) National Guard of the United States of America and who must be temporarily absent due to "active duty" training or exercises, shall be granted temporary military leave of absence for a period of the first ninety (90) calendar days or less. For periods longer than 91 days for attendance at a service school/training to increase their military proficiency, a leave of absence shall be granted which includes stopping of fringe benefits during said leave.
- C. **THIRTY DAYS LEAVE WITH PAY:** Regular employees who have been employed by the County (or has prior active military service) for at least one (1) full year shall be granted full pay for the first thirty (30) calendar days of military leave provided in the above section; however, such paid leave time shall be limited to a maximum of thirty (30) days in any fiscal year in accordance with CA Military and Veterans Code. Regular employees with less than a year of service with the County or active military service who are called to active military service or active reserve duty shall be granted military leave without pay. No fringe benefits, such as sick leave, vacation, or health insurance shall accrue or be paid for any unpaid portions of leave provided in accordance with the above section. Employees who are in an "inactive duty" status who participate in weekend, day or evening military activities are not covered by the provisions of this rule and, therefore, not entitled to any components provided by this rule.
- D. **OFFICIAL ORDER/LETTER:** In order for a paid leave to be granted as provided in the above sections, the employee shall submit his/her official orders/letter to County Payroll office via his/her supervisor/manager. The orders must contain the date that the employee is required to report for active service or active reserve duty, and the projected duration of such service.

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2. LEAVE WITHOUT PAY

- A. **Leave of Absence without pay** shall be granted to employees required to attend scheduled reserve drills during a time when the employees would be employed in a regular work shift (e.g. weekend drills). An employee may not be required to use free time, overtime or vacation time for such purposes. Provided that reasonable notice is given to the employee, a department head may adjust the employee's workweek so as not to conflict with reserve drills.

- B. **RETURN FROM MILITARY LEAVE:** Upon return from military leave the employee shall be reinstated to his/her same regular position or an equal position in the same class.

3. TIME LINES FOR NOTICE OF INTENT TO RETURN TO EMPLOYMENT

- A. **The individual must provide notice** to his/her supervisor of his/her intent to return to work after serving in the military. The time frame within which the notice is required depends upon the length of time of military service, as follows:
 - 1. Less than 31 days of service or fitness for duty exam - Must report no later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service, plus time for safe transportation back to the person's residence, plus eight hours.
 - 2. More than 30 days but less than 181 days of service - Must submit an application for re-employment with the County not later than 14 days after the completion of service.
 - 3. More than 180 days of service - Must submit an application for re-employment with the County not later than 90 days after completion of service.

REFERENCE:

- 1. California Military and Veterans Code Sections 389, 395, 395.01- 395.05, 395.1 - 395.4
- 2. Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA), 38 U.S.C. 4301