



City of Riverside, California
Human Resources Policy and Procedure Manual

Approved:

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SUBJECT: LEAVE OF ABSENCE (MILITARY)

PURPOSE:

To provide a uniform policy relating to military leave and compensation for City employees.

POLICY:

In accordance with provisions of the California Military and Veterans Code, the following shall apply to leaves of absence for temporary and regular active military duty.

1. Temporary Military Duty Leave of Absence - This is defined as a leave of absence from City employment to engage in ordered military duty (exclusive of drills or regularly scheduled weekend meetings) for a period not to exceed 180 calendar days, including travel time, for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or armed forces of the United States, or the National Guard, or the Naval Militia.

The following shall apply to any Temporary Military Duty Leave of Absence:

- a. Eligibility - To be eligible for a temporary military duty leave of absence, employees must meet the following requirements:
 - 1) Be a regular employee, occupying a regularly budgeted position and working a minimum of 20 hours per work week (temporary and seasonal employees are not eligible for such leave).
 - 2) Have been employed by the City for not less than 1 year immediately prior to the date upon which the leave begins (time previously spent in recognized military service may be used in computing the 1 year of employment).

- b. Effect on Compensation/Benefits - During an approved temporary military duty leave of absence, employees shall:
- 1) Be entitled to receive their regular salary and compensation as City employees for the first 30 calendar days of such leave in any fiscal year.
 - 2) Receive the same vacation, sick leave and holiday privileges, and privileges to promotion they would have enjoyed had they not been absent.
 - 3) Have probationary periods extended the equivalent time of such leave, if applicable.
 - 4) After the first thirty (30) calendar days, employees taking an additional period of military leave for the purposes of involuntary active military service with the Armed Forces of the United States to serve in support of the current actions to combat terrorism against America, shall be entitled to leave with partial pay, pursuant to the terms of the Fringe Benefits and Salary Resolution. This pay shall consist of the difference between the gross pay and allowances actually received by the employee from the United States for such service, and the gross wages that the employee would have received from the City of Riverside if he or she had not been called to active military duty, subject to all required and appropriate deductions and withholdings.
- c. Reinstatement after Leave - Employees returning from an approved temporary military duty leave of absence shall have the right to be reinstated to their former positions and status held immediately prior to taking such leave if still qualified to perform all the duties of their positions. If a position has been abolished or otherwise has ceased to exist during such leave, an employee shall be reinstated to:
- 1) Another position in the same class with like seniority status and pay; or
 - 2) A vacant position in a comparable class for which he/she is qualified.

Employees returning from an approved temporary military duty leave of absence shall be required to report to work at the next regularly scheduled work period unless other arrangements were made with the department head concerned.

- d. Weekend Accountability - Employees presenting orders cut to exclude weekends or regular days off from a period of temporary military duty may, at the discretion of the department head, be given the option of either being scheduled for work on those regularly scheduled days off or, if they are not available to report for work, of having those days credited as military leave. Employees shall be required to make such a determination for the department head prior to the processing of requested leave.
2. Regular Active Military Duty Leave (Federal or State) - This is defined as a leave of absence for full time military service as a result of being ordered into active duty as a member of the Reserves, National Guard or Naval Militia or as a result of induction, enlistment or otherwise being ordered or called into active duty as a member of the armed forces of the United States.

The following shall apply to any Regular Active Military Duty Leave:

- a. Eligibility - To be eligible for a regular active military duty leave of absence, employees must meet the following requirements:
 - 1) Be a regular employee; or
 - 2) Have been employed by the City for not less than 1 year immediately prior to the date upon which the leave begins (National Guard members called into service during a state of extreme emergency proclaimed by the Governor are not required to meet the 1 year service requirement) .
- b. Effect on Compensation/Benefits - During an approved regular active military duty leave, employees shall:
 - 1) Be entitled to receive their regular salary and other compensation as City employees for the first 30 calendar days of such leave in any fiscal year (this time limit shall include any time under temporary leave in that same fiscal year).
 - 2) Be credited with the time spent in military service under honorable conditions for purposes of seniority, retirement (in accordance with Public Employees' Retirement System policies), promotion, and merit salary increases.
 - 3) Be placed on the step in the salary range that would have been attained had the employee not entered into active military service.
 - 4) Not be entitled to sick leave, vacation or other salary and compensation during the period of active military service.

- 5) After the first thirty (30) calendar days, employees taking an additional period of military leave for the purposes of involuntary active military service with the Armed Forces of the United States to serve in support of the current actions to combat terrorism against America, shall be entitled to leave with partial pay, pursuant to the terms of the Fringe Benefits and Salary Resolution. This pay shall consist of the difference between the gross pay and allowances actually received by the employee from the United States for such service, and the gross wages that the employee would have received from the City of Riverside if he or she had not been called to active military duty, subject to all required and appropriate deductions and withholdings.

c. Reinstatement After Leave - Employees returning from an approved regular active military duty leave shall:

- 1) Have the right (if released, separated or discharged under conditions other than dishonorable) to reinstatement to former position and status held provided reinstatement is requested within 6 months after termination of active military service.
- 2) Have the right, in case of service related hospitalization for not more than 1 year immediately after separation, to reinstatement within 6 months after discharge from hospitalization.
- 3) A reinstated employee, unable to perform the duties of the position formerly held because of disability incurred in military service, shall be placed in a position of like seniority, status and pay or the nearest similar job that can be performed.

An employee, electing to extend the period of active military service 12 months or more beyond the date on which discharge could have been received, shall lose reinstatement rights and benefits. Involuntary extension of active duty for an enlisted person for a stated duration shall not cause loss of reinstatement rights and benefits.

d. Retention - Any employee, other than a probationary employee, who is reinstated after termination of active military service, shall not be discharged from such position without cause within one year after reinstatement. Uncompleted probationary periods must be completed per normal City policy upon reinstatement.

3. Reservist Weekend Drills or Regularly Scheduled Meetings - Reservist employees who are required to attend monthly weekend drills and/or regularly scheduled meetings that coincide with their regularly scheduled working day(s) shall, with the approval of their department head, have the option of using any previously earned vacation or compensatory time, or being placed on leave of

absence without pay for such periods of time. Where possible, attempt shall be made to adjust an employee's work schedule to result in drill or meeting dates falling on regular days off.

4. Military Duty Orders - It shall be the responsibility of the employee concerned to provide his/her immediate supervisor with an appropriate copy of the orders specifying a tour of military duty for the employee. These orders shall be presented in sufficient time, if possible, prior to the start of the military duty tour, to permit review for eligibility, obtaining required approvals, and the processing of paperwork for a leave of absence.

The employee is required to provide a copy of impending orders for military duty to their immediate supervisor or manager. If employed for less than one year, the employee must also provide a list of time previously spent in recognized military service. The department shall submit a Personnel Action Form to Human Resources to record the employee's military leave of absence accordingly. If employee is not eligible for military leave pay in accordance with this policy and the Fringe Benefits and Salary Resolution, the leave will be processed as a leave of absence without pay or at the employee's option by utilizing accrued vacation pay. Employee is responsible for providing a certificate showing satisfactory completion of service upon returning to work (if temporary leave, no certificate is required). The department shall send a Personnel Action Form to Human Resources returning employee from military leave.