

**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 12/18/01

AGENDA ITEM 3

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council  
**FROM:** Director of Human Resources  
**SUBJECT:** Military Leave of Absence

**RECOMMENDATION:**

It is recommended that the City Council approve the attached Resolution concerning military leave of absence.

**BACKGROUND:**

In September 1992, the City Council adopted Resolution 92-249 establishing the conditions for granting reservist employees a military leave of absence when involuntarily called to active duty. This policy allowed up to six months paid leave and benefits for involuntary activation of employee reservists. The Gulf War resulted in longer-term activation of reservist employees, who would likely have suffered adverse financial impacts if their City salary had been eliminated after 30 days absence due to serving on active military duty.

Several City employees have been called to long-term active duty as a result of Operation Enduring Freedom, and it is anticipated that as many as 10 employees, mostly in the Police Department, will receive orders for active service of up to 2 years. Given that the current Council Resolution allows continued City salary and benefits for up to 6 months, there are potential financial impacts for employee reservists whose activation extends for longer periods.

Federal and state statutes address employment issues (e.g., seniority, pension, health, vacation) related to military leave, with federal law superceding if state laws provide a lesser benefit. The laws allow an employer to authorize paid military leave of any duration as long as no break in seniority occurs. Under the recommended policy, reservist employees will be required to report military pay as an offset against City pay in order to "make whole" their regular salary level, after the first 30 days, for the duration of their activation as a result of a national call-up of reserve forces by the President of the United States.

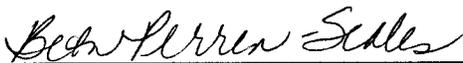
With respect to City-provided benefits, vacation would not continue to accrue during the reservist's active duty, but would resume upon return as if the employee had not been on leave. To comply with law, seniority shall continue as though the employee reservist were actively at work during the active duty period, as would service credit under PERS. The City will continue to pay health, vision, dental plan premiums, and to the extent allowed by carriers, the life and disability insurance premiums will also continue to be paid. Although active duty reservists and their dependents are provided medical and dental coverage, military medical facilities may not be readily accessible to employee reservists' families, so continuation of City-provided benefits is recommended.

The budgetary exposure as a result of this revised policy will vary by the employee reservist's department. Since the reservists' positions are already funded within the current budget, additional costs would be incurred only if overtime is required to cover their absence. To the maximum extent possible, departments will attempt to rearrange workload priorities and work schedules to cover these situations.

**CONCLUSION:**

The recommended policy change represents a continuation of the City's established practice of complying with federal and state statutes with respect to military leave, and of its commitment to ensuring that employee reservists called involuntarily to active duty in times of national emergency, are not adversely financially impacted for the duration of their activation. By requiring that the employee reservist reports his/her military pay after the first 30 days, the City ensures that its policy of full salary continuation is observed. The recommended extension of City benefits likewise ensures that the employee reservist's family members continue to receive coverage for the duration of the involuntary activation. It is appropriate that Hayward ensures that its employee reservists are not penalized for leaving their City jobs to serve the United States in times of national emergency.

Prepared by:

  
Beth Perrin-Scales, Human Resources Director

Approved by:

  
Jesús Armas, City Manager

**DRAFT**

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION ESTABLISHING A POLICY TO PROVIDE  
CITY SALARY TO RESERVIST CITY EMPLOYEES  
INVOLUNTARILY CALLED TO ACTIVE MILITARY DUTY**

WHEREAS, by Resolution No. 92-249 in September 1992, the City Council established conditions to grant reservist employees a military leave of absence when involuntarily called to active duty; and

WHEREAS, as a result of Operation Enduring Freedom several City employees, mostly within the police department, have been called to long-term active duty which is anticipated to last for a period of up to 2 years; and

WHEREAS, seniority and PERS credit shall continue as though still actively at work, although the reservist would not continue to accrue vacation during active duty, but would resume upon return from active duty; and

WHEREAS, the City will continue to pay health, vision, dental plan premiums and life and disability insurance to the reservists and it is recommended that City provided benefits continue to be provided to their families in the event a military medical facility is inaccessible; and

WHEREAS, it is recommended that the city establish a policy of providing City salary to reservist City employees who are involuntarily called to active military duty in an amount necessary to make up the difference between military pay and City Compensation for the duration of their involuntary activation, for a period of up to two years for each activation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it is hereby authorized to establish a policy of providing City salary to reservist City employees involuntarily called to active military duty in the future, in an amount necessary to make up the difference between military pay and City compensation for the duration of their involuntary activation for a period of up to two years for each activation.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_

City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward