

DEPARTMENT: Auditor By: Ken Hawkins PHONE: 966-7606

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes () No (X))

Approve resolution allowing employees who serve in the military reserve and who are called to active duty, be paid the difference between base military pay and the amount the employee earned at the County prior to entering active duty in the military. Health benefit premiums shall continue to be paid subject to contract limitations with the applicable benefit provider. The county also agrees to buy-back lost PERS service credit when the employee returns to county employment. In a nutshell, the intent of this resolution is to make the employee "whole" in terms of pay and benefits during this period of active military duty.

Resolution attached.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On February 11, 2003, discussion was held with direction towards drafting a resolution to grant a paid leave of absence with benefits for active, full-time employees who are ordered to active military duty. The Board concurred in principle with the need to support employees who are called to defend our country in times of need.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Negative action would leave employees called to military duty with financial disruption in instances where the military pay and benefits is less than what the employee had previously been receiving from the county as an employee.

COSTS: (x) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: (x) 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

CLERK'S USE ONLY:

Res. No.: 03-72 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved () Denied

() Minute Order Attached () No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

Comment: _____

C.A.O. Initials: *RH*

MARIPOSA COUNTY RESOLUTION NO. 03-72

**RESOLUTION AUTHORIZING PAID LEAVE OF ABSENCE FOR
REGULAR COUNTY EMPLOYEES ORDERED TO MILITARY DUTY
AS A RESULT OF THE WAR ON TERRORISM**

WHEREAS, public employees ordered to military duty are entitled, pursuant to Military and Veterans' Code Section 395.01 to their regular salaries during the first 30 calendar days following their departure for military duty; and

WHEREAS, at least one regular Mariposa County employee ordered to military duty as a result of the War on Terrorism has been ordered to serve a period in excess of 30 calendar days; and

WHEREAS, military service due to the War on Terrorism is an extraordinary circumstance which serves the public purpose;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Mariposa as follows:

I. Paid leave of absence shall commence on the initial date in which the regular help employee is absent from work due to being ordered to active military duty. Paid leave shall cease on the date the regular help employee is released from active military duty or at the end of the one year of military pay supplement unless extended by Order of the Board of Supervisors, whichever occurs earlier. Additionally, certain disability and life insurance benefits could be effected by active military duty.

II. A regular help employee called to active duty pursuant to this Resolution will be compensated the difference between the employee's base pay and the gross military pay and shall receive paid benefits as noted in A-D below. In the event the military pay exceeds the County's base pay, the employee will receive no additional pay allowances, but will continue to receive paid leave benefits as follows:

A. The County shall pay both the County's and the employee paid member contributions toward the County's retirement program as agreed by current MOU's for active regular help employees, subject to contract limitations between County and Public Employees Retirement System (PERS).

B. The County shall contribute its full cost share towards the health benefit premium and the employee shall continue to pay their full cost share towards premiums for self and/or dependent coverage subject to contract limitations with the applicable benefit provider. Employees are eligible to discontinue dependent coverage during military leave and reinstate coverage where allowable by PERS, upon return to work or to pay their required premiums directly to the Auditor during their military leave if no military pay supplement is available.

C. Employees will not accrue vacation, sick and other leave benefits while on military leave as described herein.


D. Employees will receive service credit during the period of military leave. Because the employee will only be receiving pay from the County (or in some cases where military pay exceeds County pay, no pay from the County), resulting in either a decreased contribution to PERS (or no contribution to PERS), the County agrees to pay the additional amounts due to PERS in order to buy back the service credit lost by the employee while on military duty. To enact this provision, the employee must return to full County employment immediately upon discharge from active military duty.

- III. Payments authorized pursuant to this Resolution shall be conditioned on the following:
- A. Employees must use all compensatory time (overtime) before paid leave begins. Use of vacation accrual is optional for employees.
 - B. Prior to issue of any pay warrant, the employee will be required to submit to the Auditor a copy of the military orders to active deputy and copies of the employee's military pay stubs for the purpose of determining the salary continuance amounts.

IV. The provisions of this Resolution shall extend from its date of adoption for as long as the Board of Supervisors determines this policy is consistent with the country's active involvement in the War on Terrorism, and/or unless preempted or disallowed by law.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa, State of California on the 11th day of March 2003 by the following vote:


AYES:	STETSON, BALMAIN, BIBBY, PARKER, PICKARD
NOES:	NONE
ABSENT:	NONE
ABSTAINED:	NONE



BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



MARGIE WILLIAMS, Clerk of the Board



JEFFREY G. GREEN, County Counsel