

**SANTA CRUZ COUNTY
PERSONNEL ADMINISTRATIVE MANUAL**

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| Topic: MILITARY LEAVE POLICY Section: LEAVES OF ABSENCE Number: XIII.2.D | Date Issued: 2015 Revised 2/2017 |
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PURPOSE:

To explain the County's Military Leave of Absence policy.

LEGAL BASIS:

- Federal Family and Medical Leave of 1993, Final Rule, January 2009 (29 C.F.R. Part 825)
- Moore-Brown-Roberti California Family Rights Act of 1993 (CA Government Code Sections 12945.2 and 19702.3)
- California Fair Employment and Housing Act
- Uniform Services Employment and Reemployment Rights Act (USERRA)
- Government Code Section 20997

CROSS REFERENCES:

PAM XIII.1.B Family Medical Leave Act (FMLA) and CA Family Rights Act (CFRA)
Leaves of Absence

PAM XIII.4 Return from Leaves of Absence

POLICY:

Military leaves are subject to the terms of the **Uniformed Services Employment and Reemployment Rights Act (USERRA)**.

Per County policy, employees are eligible for up to 30 calendar days per fiscal year of time off with pay for training if:

1. it is for active military training and
2. the employee has been employed by the County for at least one year or has one year of active military service.

Such leave encompasses "summer drills" such as two week encampments or cruises, but may also include special assignments or call up for emergency duty. Under certain circumstances, employees may be called to military duty with pay for a longer period of time.

PROCEDURES

I. GOING OUT ON A MILITARY LEAVE OF ABSENCE

1. For Active Duty, employees complete and submit to department:
 - a. Request for a Military Leave of Absence on County form PER1073 “Employee Request For Military Leave (Active Duty)”
 - b. Copy of Military Orders
2. For Inactive Duty, employees complete and submit to department:
 - a. Request for leave on a form PER1082 “Employee Request for Time Off – Departmental” showing beginning and ending dates of the leave.
3. Appointing Authority reviews request and documentation and approves or disapproves, or asks for missing information. Upon approval, Appointing Authority forwards all paperwork to the departmental payroll clerk for processing.
4. Payroll clerk will need to complete a Personnel Action Form for ALL (paid and unpaid) military leaves, including Military leaves that are less than one day. These dates should be consistent with the dates indicated on the Military Orders.
 - a. For unpaid leaves of absence of 160 or more consecutive hours payroll clerks must also prepare a PER1083 form showing the beginning and ending dates of leave of absence without pay.

All paperwork should then be forwarded to Leaves unit in Risk Management.

5. Leaves staff reviews the Leave request for completeness and adherence to the regulations. Any discrepancies or questions are discussed with the Department. If approved on behalf of Personnel Director, Risk forwards all paperwork to the Records Unit.
6. Records Unit logs the paperwork and inputs approved Leave of Absence into the payroll system. The Records Unit forwards the action form to the Payroll Unit of the Auditor's Office.

II. RETURNING FROM A MILITARY LEAVE OF ABSENCE

Return from a Military Leave of Absence is subject to the terms of the **Uniformed Services Employment and Reemployment Rights Act (USERRA)**. Departments shall consult with the Leaves of Absence Coordinator in the Risk Division when an employee is anticipated to return from a Military Leave.

1. Departmental personnel/payroll clerk prepares Personnel Action Form for return from unpaid Military leaves, attaches all required documentation (including orders that show a release date), and forwards documentation to the Leaves unit in Risk Management.
2. For every employee returning from a Military leave, the Department is required to provide employee with the CalPers form, *Request for Service Credit Information – Military Leave of Absence Service (PERS-MD-369A)*

<https://www.calpers.ca.gov/docs/forms-publications/military-leave-of-absence.pdf>

3. Leaves staff reviews action forms and documentation and discusses any questions with the department. If approved, forwards all paperwork to the Records Unit.
4. Records Unit inputs action into the Personnel/Payroll system and forwards a copy of the action form to the Payroll Unit in the Auditor's Office.