

BEFORE
THE BOARD OF SUPERVISORS
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of) Resolution No.: 2024 - 011
)
EMPLOYEES ON TEMPORARY) A RESOLUTION EXTENDING
LEAVE OF MILITARY DUTY) RESOLUTION 2023-100 SETTING
) MAXIMUM PAY ALLOWANCE FOR
) COUNTY EMPLOYEES ON TEMPORARY
) MILITARY LEAVE OF ABSENCE
) (MILITARY AND VETERANS CODE
) §395.03
)

WHEREAS, California Military and Veterans Code sections 395.01 and 395.02 entitle public employees, who have been employed with the public agency for at least one (1) year prior to the date of leave, to receive salary or compensation for the first thirty (30) days of leave while engaged in the performance of certain ordered military duty; and

WHEREAS, Military and Veterans Code section 395.03 provides that the Board of Supervisors, by resolution, may extend additional military leave payment to eligible employees for any one (1) military leave of absence or during any one (1) fiscal year; and

WHEREAS, the Board of Supervisors supports any employee who has been in the service of Madera County for not less than one (1) year immediately prior to the day on which the absence begins, who, as a member of the National Guard, Naval Militia, or a United States Military Reserve unit, is ordered to military duty for those purposes specified in California Military and Veterans Code sections 395.01 and 395.02, or who is inducted, enlists, enters or is otherwise ordered or called into active duty as a member of the armed forces of the United States; and

WHEREAS, an employee, who meets the requirements of Military and Veterans Code sections 395.01 and 395.02 entitling him/her to receive full regular County pay for the initial thirty (30) calendar days of military duty, who is involuntarily called into military duty, shall be eligible for supplemental salary continuance for a period of up to one hundred eighty (180) days, entitling him/her to receive his/her regular County base salary offset by all military pay received for such active duty starting on the thirty-first (31st) calendar day of military duty; and

WHEREAS, this resolution shall not apply to any military duty served voluntarily; and

WHEREAS, Resolution No. 2023-100 expired on January 14, 2024; and

WHEREAS, the Board desires to continue regular pay for County employees involuntarily called to military duty; and

WHEREAS, following the expiration of one hundred eighty (180) days from January 15, 2024, the County agrees to revisit this issue to determine the appropriateness of continuing the salary and benefits provided herein.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Madera, a political subdivision of the State of California, that:

1. The above recitals are true and correct;
2. The Board of Supervisors hereby extends the effective date of Resolution No. 2023-100, including Exhibit "A", retroactive to January 15, 2024, until one hundred eighty (180) days from that date.
3. This Resolution shall become effective immediately.

* * * * *

The foregoing Resolution was adopted this 6TH day of FEBRUARY, 2024, by the following vote:

Supervisor Wamhoff voted: Yes

Supervisor Rogers voted: Yes

Supervisor Poythress voted: Yes

Supervisor Gonzalez voted: Yes

Supervisor Macaulay voted: Yes



Deepest Payne
Chairman, Board of Supervisors

ATTEST:

Haven Swinner
Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By James N. McCann
Digitally signed by: James N. McCann
DN: CN = James N. McCann
email = jmcann@lozanosmith.com, C = US O = Lozano Smith
Date: 2024.01.12 10:40:01 -08'00'

Exhibit "A"

1. After the initial thirty (30) days of military leave, an eligible employee may choose to:
 - (a) request an unpaid military leave of absence;
 - (b) request paid leave using appropriate accrued leave balances; or
 - (c) request that his/her regular County base salary be offset by all military pay received for such duty, for a period not to exceed one hundred eighty (180) days. "County base salary" is defined as the compensation provided by Salary Resolution for each specific class and shall not include other pay allowances.
2. Eligible employees authorized to be compensated pursuant to item (c) above shall be responsible for timely submission of documents certifying their rate of military pay for each County pay period.
3. In circumstances where the employee's military pay exceeds the regular County base salary, the employee will receive no additional pay allowances.
4. During the period of military duty, eligible employees shall continue to receive health contributions customarily paid on their behalf and the employee shall continue to be responsible for employee-paid portions of health benefits.
5. During the initial thirty (30) calendar days of military duty, eligible employees shall continue to receive retirement contributions customarily paid on their behalf and the employee shall continue to be responsible for employee-paid portions of retirement benefits.
6. After the initial thirty (30) calendar days of military duty, eligible employees who choose to continue their military leave pursuant to item (b) above shall continue to receive retirement contributions customarily paid on their behalf and the employee shall continue to be responsible for employee-paid portions of retirement benefits for the period in which the employee uses his/her own appropriate accrued leave balances.
7. After the initial thirty (30) calendar days of military duty, eligible employees who choose to continue their military leave pursuant to either item (a) or item (c) above shall be eligible to receive retirement contributions. Pursuant to CalPERS law the employee shall receive service credit for time spent on military duty upon his/her return to County employment and upon completing and submitting the required documentation to CalPERS. CalPERS shall then determine the appropriate dollar amount for the County's and/or the employee's retirement contribution.

8. Any contributions customarily made by the employee to voluntary benefit programs will continue to be the responsibility of the employee.

9. Eligible employees shall continue to accrue leave benefits as provided by Memoranda of Understanding and pursuant to Madera County Code.

10. The employee shall continue to receive service credit (seniority) for layoff purposes during the period of military leave.

11. Salary and benefits provided herein shall cease on the date the employee is officially released from military duty or after one hundred eighty (180) days, whichever comes first.

Employee(s) may be eligible to request to purchase service credit by logging in to myCalPERS, go to the Retirement tab, select Service Credit Purchase followed by the Search for Purchase Options.