

**CITY OF STOCKTON, CALIFORNIA
CITY MANAGER ADMINISTRATIVE DIRECTIVE**

Subject: MILITARY LEAVE	Directive No. HR-53	Page No. 1 of 3
	Effective Date: 05/01/2015	Revised From: 4/7/03 9/27/2004

I. PURPOSE

To establish a uniform policy and procedure for processing temporary paid and unpaid military leave requests consistent with the provisions of federal and state laws.

II. POLICY

- A. It is the administrative policy of the City of Stockton to allow eligible employees up to thirty (30) calendar days of paid military leave in a calendar year in accordance with section 395.01 of the California Military and Veterans Code and the "Military Leave" sections of the Memoranda of Understanding (MOU) between the City and its various bargaining units and Compensation Plan.

In accordance with section 395.05 of the California Military and Veterans Code, members of the National Guard shall receive an additional thirty (30) calendar days of paid military leave in the same calendar year for a Governor proclaimed state of emergency regardless of the number of emergencies.

- B. An employee who is a member of the United States Armed Forces who provides the appropriate military leave documentation and completed Request for Military Leave of Absence form shall be granted a military leave of absence by the City of Stockton for the period ordered with the pay status determined as outlined in Section IV of this Directive.

III. DEFINITIONS

The following words and phrases shall have the meanings as herein provided:

- A. "Active Duty" shall mean to engage in ordered military duty or activities such as:
1. Deployment in times of war or for other military conflicts, peace keeping, or other similar operations in which the United States of America may commit military forces; or

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2. Full-time National Guard duty, active duty for training, encampments, naval cruises, or special; or
 3. For the purpose of an examination to determine the fitness of the person to perform military duty; or
 4. Other similar authorized activities as defined by federal or state law.
- B. "Inactive Duty Training" shall mean drills and other types of training performed in practice whose status is inactive and does not change to active during the time of their participation.
- C. "Day" shall mean the period of time which an employee is normally scheduled to work in a 24-hour period, up to a maximum of 12 hours. For example, a day would equal:
1. Eight (8) hours for employees assigned to work 8-hour shifts;
 2. Nine (9) hours for employees assigned to the 9/80 modified work schedule (9 hours Monday through Thursday, eight (8) hours every other Friday, and the alternating Friday is a scheduled day off);
 3. Ten (10) hours for employees (e.g., Police Patrol Officers and Police Telecommunicators) assigned to work 10-hour shifts; and
 4. Twelve (12) hours for employees (e.g., line Fire personnel) assigned to work shifts ranging from 12 to 48 hours. In such instances, days will be calculated in 12-hour increments beginning from the time the employee would normally have assumed duty on the shift (i.e., 8:00 a.m. to 8:00 p.m. and 8:00 p.m. to 8:00 a.m., etc.).

IV. PROCEDURES

- A. The employee shall complete a Form CS-58 (Request for Military Leave of Absence) as soon as practicable after receipt of military orders. Appropriate documentation detailing the ordered military duty shall be attached to the Form CS-58. (Attachment A).

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- B. Upon approval by the employee's department head, or his/her designee, Form CS-58 shall be submitted to the Human Resources Department for approval.
- C. The Director of Human Resources shall approve the request, if appropriate, and forward copies to the Payroll Section of the Administrative Services Department, the operating department, and the employee.
- D. Upon exhaustion of paid military leave the employee may use his/her annual leave and/or accrued compensatory time. If the eligible employee elects to use leave without pay, the employee shall contact Human Resources to discuss the impacts of unpaid leave.
- E. Except as may be provided by the City Council, in the case of a national emergency requiring military service in excess of thirty (30) days per calendar year, employees who are members of the United States Armed Forces upon request and after furnishing the required documentation, shall be afforded a leave of absence without pay for the duration of the national emergency. Said employees shall be reinstated for service upon the terms and subject to any conditions set forth in the applicable MOU or Compensation Plan.
- F. Neither state nor federal law requires the City to afford employees who have less than one year of service with the City paid military leave.

Employees should consult the "Military Leave" provisions of the applicable MOU or Compensation Plan for information regarding how their employment, pay status, and requests for reinstatement, shall be handled.

APPROVED:



KURT O. WILSONCITY MANAGER



REQUEST FOR MILITARY LEAVE OF ABSENCE

In accordance with California Military and Veterans Code Section 395.01, and the City's current Memorandum of Understanding (MOU) with its various bargaining units, a City of Stockton employee who is a member of the United States Armed Forces, who is ordered to military duty and presents appropriate documentation, shall be granted leave with pay for up to thirty (30) days in any calendar year.

In accordance with California Military and Veterans Code Section 395.05, members of the National Guard shall receive an additional leave with pay for up to thirty (30) days in the same calendar year for a Governor proclaimed state of emergency. Please refer to Administrative Directive HR-53 for further information about a military leave of absence.

City of Stockton complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and nothing contained herein is intended to limit or abrogate rights guaranteed under USERRA.

EMPLOYEE INFORMATION:

Name: _____ Job Title: _____

Date of Hire: _____ Bargaining Unit: _____ Primary Phone: _____

Home E-Mail: _____ Mailing Address: _____

Department: _____ Payroll Coordinator: _____ Extension: _____

Current Work Schedule: ☐ 5/8 ☐ 9/80 ☐ 4/10 ☐ 12-24 hour Last day worked: _____

MILITARY LEAVE INFORMATION: (Your start and end dates for this leave must match your military orders.)

☐ Active Duty ☐ Military Duty Training (active or inactive) ☐ State Emergency (National Guard ONLY)

Paid Leave: _____ to: _____ = Total Days: _____ Unpaid Leave: _____ to: _____ = Total Days: _____

HEALTH INSURANCE: Opt Out: _____ Continue Coverage: _____ Make Changes: _____

If you elect to continue health insurance coverage, your premium contribution will continue to be deducted from your paycheck while you are in a paid status. If your leave converts to an unpaid status, you must pay your portion of the medical premium directly to the City of Stockton. Your current monthly contribution is \$_____, and is due and payable, by check or money order, to the City of Stockton by the last day of the month in which coverage is provided. Please remit payment to the City of Stockton Human Resources Department at 22 E. Weber Avenue, Suite #150, Stockton, CA 95202, attention: Benefits Division. If you are making changes to your current health insurance coverage, please complete the City's Health Insurance Enrollment form.

Employee Print Name _____ Employee Signature _____ Date _____

Supervisor Print Name _____ Supervisor Signature _____ Date _____

Director of Human Resources Approval _____ Date _____

HR Use Only:

Military orders: _____ Paid days remaining: _____ MyCalPERS: _____ Health Insurance: _____ Verified by: _____