

**Subject: MILITARY LEAVE**

REFERENCES	SECTIONS
Human Resources Policy Memos <a href="http://www.dgs.ca.gov/ohr/Home/HRPolicyMemos.aspx">http://www.dgs.ca.gov/ohr/Home/HRPolicyMemos.aspx</a>	HR-01-031, 06-013, 07-036A
Law & Regulation <a href="http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml">http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml</a> <a href="http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml">http://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml</a> <a href="http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&amp;Action=ExpandTree&amp;AP=I1CF57861D48D11DEBC02831C6D6C108E&amp;ItemKey=I1CF57861D48D11DEBC02831C6D6C108E&amp;RP=%2Ftoc%2Fdefault%2Ewl&amp;Service=TOC&amp;RS=WEBL13.04&amp;VR=2.0&amp;SPa=C CR-1000&amp;pb=DA010192&amp;fragment#I1CF57861D48D11DEBC02831C6D6C108E">http://weblinks.westlaw.com/toc/default.aspx?Abbr=ca%2Dadc&amp;Action=ExpandTree&amp;AP=I1CF57861D48D11DEBC02831C6D6C108E&amp;ItemKey=I1CF57861D48D11DEBC02831C6D6C108E&amp;RP=%2Ftoc%2Fdefault%2Ewl&amp;Service=TOC&amp;RS=WEBL13.04&amp;VR=2.0&amp;SPa=C CR-1000&amp;pb=DA010192&amp;fragment#I1CF57861D48D11DEBC02831C6D6C108E</a>	Military & Veterans Code 143, 146, 389-398 GC 18543; 19140; 19770-19776; 19780-19786; 19991.8 & 9; 19997.5 & 6; 20990-21013 SPB Rule: 321, 322
Memo of Understanding (MOU) <a href="http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx">http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx</a>	Applicable BU Contract
Payroll Procedures Manual (PPM) <a href="http://www.sco.ca.gov/ppsd_ppm.html">http://www.sco.ca.gov/ppsd_ppm.html</a>	Section G500
Responsible Control Agency and Program <a href="http://www.spb.ca.gov/">http://www.spb.ca.gov/</a> <a href="http://www.calhr.ca.gov/Pages/home.aspx">http://www.calhr.ca.gov/Pages/home.aspx</a>	SPB CalHR
SPB/DPA Policy Memos <a href="http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx">http://www.calhr.ca.gov/state-hr-professionals/Pages/policy-memos.aspx</a>	CalHR – PML, 2001-036, 2002-015, 2003-050, 2003-006, 2004-013, 2004-061, 2005-061, 2007-028, 2007-034, 2007-040
<b>Other:</b>	
CalHR Website - Military Leave <a href="http://www.calhr.ca.gov/employees/Pages/military-leave.aspx">http://www.calhr.ca.gov/employees/Pages/military-leave.aspx</a> Governor’s General Order 01-01	Military Leave

## Military Leave

### Policy

It is DGS' policy to comply with Government Code (GC) Sections 19770 – 19786 and Federal statute. In some instances the Federal and State statutes provide different benefits. To comply with both Federal and State statutes, which ever statute provides the greatest benefit, shall prevail.

### Military leave definitions

Below are military leave definitions for the three types of leave authorized for payment:

Type of Leave	Definition	Qualifications for Payment
Long-term military leave	GC Section 19775 provides 30 calendar days of pay to State employees who receive active military duty orders for more than six months	Minimum one-year of State service immediately prior to the effective date of active military duty orders
Short-term military leave	GC Section 19775.1 provides 30 calendar days of pay to State employees who receive active military duty orders for six months or less	Must have at least 12 qualifying pay periods of State Service or a combination of active military duty and State service to equal at least one year immediately prior to effective date of military orders
State emergency military orders	GC Section 19775.1 provides 30 calendar days of pay to State employees who are members of the California National Guard, who receive active military orders for <b>State</b> emergencies pursuant to GC 19773	Orders must be based on a Governor proclamation of State emergency; active duty order is governed by Military Veterans Code Section (MVC) 143 or 146; the order is for one or more situations as contained in Section 145 of MVC

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## Military Leave, Continued

### Pay

The following table gives you the State's compensation based on the type of orders received:

<b>Military Type</b>	<b>Type of Orders</b>	<b>Compensation</b>
<ul style="list-style-type: none"> <li>• Reservists</li> <li>• National Guard</li> </ul>	Active military orders pursuant to GC Sections 19775 or 19775.1	30 calendar days of military leave with pay in a fiscal year
	Active military orders pursuant to 19775.18, fighting the War on Terrorism	Difference between their military and State pay and benefits for a period not to exceed 365 calendar days in addition to the 30 calendar days provided under current statutes that govern military leave
<ul style="list-style-type: none"> <li>• National Guard</li> </ul>	Active military orders for <b>State emergencies</b> pursuant to GC Sections 19773	30 calendar days of State emergency military leave with pay for each occurrence

### Employee benefits

An employee is entitled to continue his/her health, dental, and vision benefits through direct payment.

<b>Benefit type</b>	<b>Whether benefit will continue</b>
Health, Dental and Vision	If the employee is not receiving a State pay warrant, these benefits are not being paid. The employee must request continuation of benefits by completing the military worksheet and ensure #9 is marked "yes." (Please see attachments for access to the worksheet.)
Flex Elect	Employees enrolled in the Flex Elect program will continue to receive his/her cash option regardless of whether or not s/he is receiving an adjusted State warrant or opts to retain his/her military pay.

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## Military Leave, Continued

**Employee benefits**  
(continued)

<b>Benefit type</b>	<b>Whether benefit will continue</b>
Pre-tax health premiums	The pre-tax health premium is considered a benefit tied to health coverage and will be continued
Pre-tax reimbursement deductions	Deductions for medical and/or dependent care reimbursement accounts are considered voluntary deductions, which will be discontinued unless employees receive sufficient State pay to continue deduction  Note: All deductions will continue automatically when employee returns to full pay-status.
Supervisor/manager Life Insurance and Long-Term Disability	Life insurance policies exclude any payment while the employee is on any active duty, other than “temporary” duty (e.g., two-week summer duty). The same exclusions apply to any supplemental coverage which may have been purchased by payroll deduction  Note: The employee is responsible for canceling voluntary deduction if s/he wishes to avoid paying premium without receiving the full benefit. Discontinuance of supplemental coverage would also include spousal/dependent coverage. If employee elects to discontinue these voluntary deductions, s/he will need to re-enroll upon reinstatement to State service before coverage can begin.

**Leave credits**

An employee who has a right of return, crediting of vacation and sick leave, is determined by the type of military leave granted. The time spent on military leave is counted toward the accumulation of a higher vacation allowance. The following table indicates credits, based on type of military leave.

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## Military Leave, Continued

**Leave credits**  
(continued)

Leave type	Credits
Short-term military leave Long-term military leave Emergency military leave	State service, vacation and sick leave for up to six months
Military leave due to War on Terrorism pursuant to GC 19775.18	State service, vacation and sick leave for up to 12 months. See Executive Order D-65-02 for extension of benefits.

**Probationary period extensions**

An employee who is returning from a military leave will have his/her probationary period extended pursuant to State Personnel Board (SPB) Rule 321.

**Experience for deep class range changes**

An employee who is returning from a military leave will have his/her service in the armed forces credited as experience toward meeting minimum qualifications for examinations and deep class alternate range criteria movement on exactly the same basis as if the employee had remained in the position held at the time s/he went on the military leave.

Example: An employee is a Staff Services Analyst Range A; the required time to move to Range B is six months. The employee is gone three months, s/he would only need to work in the range for three additional months to be eligible for his range change to Range B.

**Retirement credit and contributions**

Retirement credit for military duty is provided under the provisions of GC Sections 20990 and 20998. The State is responsible for the payment of the employer and employee contributions as prescribed in GC Section 20990.

**Retirement contributions for initial 30 days of military leave**

Retirement contributions are deducted when the employee receives full pay for the first 30 days of military leave. The deduction will continue for those employees who remain on the payroll and use applicable leave credits following the first 30 calendar days pay provision.

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## Military Leave, Continued

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**Retirement contributions for employee on active military duty for War on Terrorism**

Retirement contributions will NOT be deducted from the employee's State issued supplemental pay while serving on the active military duty for the War on Terrorism. Pursuant to California Public Employees' Retirement System (CalPERS) GC Section 20630, which defines compensation, CalPRES has determined such payments are not reportable for retirement purposes.

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**Retirement credit**

The credit toward retirement is applied when the employee returns from his/her military leave of absence, and the employer begins reporting payroll to CalPERS.

Note: For restoration of retirement credits, the **employee** must submit a request to CalPERS with a copy of his/her DD-214 showing the dates of active military service.

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**Eligibility for service credit**

To be eligible for a non-compensated absence or a specially compensated absence, an **employee** must have the following:

1. Granted a military leave or has resigned from employment for the purpose of entering active duty in the armed forces.
2. Entered active duty within 90 days after leaving employment; and returned to employment with the same agency, the State, or another agency contracting with CalPERS, within six months after discharge from active duty.

Note: Members who meet qualifications, but do not return to employment within six months, will not qualify for military leave credit, but may be eligible to purchase military service credit under other provisions of the law.

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## Military Leave, Continued

**Reinstatement from military leave** The following table gives the timeframe for returning from a military leave:

<b>Military leave type</b>	<b>Employee status</b>	<b>Length of military leave</b>	<b>Timeframe in which employee must return to State service after termination of leave</b>	<b>Timeframe in which employee must return after period for rehabilitation ordered by US or State following military service</b>
Short term	Limited term or temporary	30 days or less	10 calendar days	30 calendar days
		30 days not to exceed 180 days	14 calendar days	
	Permanent or probationary	Less than 30 days up to 180 days	14 calendar days	
Long term		6 months not to exceed 5 years except under special circumstances for which extension may be available	6 months	

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## Military Leave, Continued

**Reinstatement from military leave**  
(continued)

Military leave type	Employee status	Length of military leave	Timeframe in which employee must return to State service after termination of military leave	Timeframe in which employee must return after period for rehabilitation ordered by US or State following military service
Emergency	Limited term or temporary		10 calendar days after termination of active military service or 30 calendar days after termination of the State military emergency ordered by the Governor	
	Permanent or probationary			

**Time period between release and reinstatement to State service**

The time period between the employee's release from active military duty and reinstatement to State service is without pay.

Example: The employee's orders are through 7/10/06, but s/he doesn't return until 7/15/06; s/he will either have to charge 3 days of paid leave or will be docked for 3 days.

**Reconciliation of State pay**

State pay needs to be reconciled on a month-to-month basis. It is often difficult to obtain copies of the military-issued leave and earning statements for employees who are called to active duty and receiving State issued supplemental pay pursuant to GC 19775.18.

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## Military Leave, Continued

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**Reconciliation of State pay**  
(continued)

A military-issued leave and earning statement is needed for each month the employee received supplemental pay. In the event such verification is needed to reconcile the employee's State pay with his/her military pay and allowances, departments may request verification from the employee's military finance center. All requests for pay history must include:

- Employee's name
- Social security number
- Pay periods needed
- Pre-addressed envelope

A return address should be included. The employee must also write a letter authorizing the release of pay information. This letter must contain an original signature, and must accompany the request.

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**Finance centers**

The following is a listing of finance centers for each branch of the military. Requests for pay history records should be directed to one of these locations:

- United States Marine Corps  
Pay Section  
1164 15<sup>th</sup> Street  
Camp Pendelton, CA 92055  
(760) 725-5838
  - United States Army  
Defense Finance Accounting Service DFAS-IN  
MPO  
Historical Records Branch  
Indianapolis, IN 46249-0865  
(317) 542-2800
  - United States Air Force  
Defense Finance Accounting Service (DFAS)  
6760 East Irvington Place  
Denver, CO 80279  
(800) 346-0461
  - United States Navy  
Defense Finance and Accounting Service  
1240 East 9<sup>th</sup> Street  
Cleveland, OH 44199  
(800) 346-3374
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## **Military Leave, Continued**

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### **Unpaid spousal leave**

Effective October 10, 2007, 10 days of unpaid leave will be provided to eligible spouses of deployed military personnel while on a leave from military duty.

#### **Who is eligible?**

The spouse of a “qualified member” of the military who works an average of 20 or more hours per week.

#### **Who’s a “Qualified Military Member”?**

A member of the U.S. Armed Forces, National Guard or Reserves who has been deployed in support of an Operational Mission under Sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.

#### **What is qualified leave?**

- U.S. Armed Forces: a break during the deployment
- National Guard or Reserves: during a mid-tour or end of tour leave during deployment

#### **What’s a combat theater/zone?**

A zone designated by the President by Executive Order.

#### **What are current combat zones?**

- Adriatic Sea, Afghanistan, Albania, Arabian Sea
  - Bahrain, Federal Republic of Yugoslavia (Serbia/Montenegro)
  - Gulf of Aden, Gulf of Oman
  - Ionian Sea – north of the 39<sup>th</sup> parallel
  - Iraq, Kuwait
  - Oman, Persian Gulf
  - Qatar, Red Sea
  - Saudi Arabia, United Arab Emirates
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## Military Leave, Continued

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**Unpaid  
spousal  
leave**  
(continued)

### How does the employee request leave?

- Notify his/her employer of the intent to take leave within two business days of receiving official notice his/her spouse will be on leave from military deployment. See Request for Spousal Military Leave form in attachments.
  - Certify the spouse's leave from active duty is during the time the leave is requested.
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### Attachments

The Military Leave Worksheet can be found at:

<http://www.calhr.ca.gov/employees/Pages/military-leave-request.aspx>

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