

#### SECTION 4.2.6: MILITARY LEAVE.

(a) General Provisions.

- (1) Employees who are or become a member of the Armed Services, Militia, or Organized Reserves of California or the United States, shall be entitled to the leaves of absence and employment rights and privileges provided by the Military and Veterans Code of the State of California.
- (2) Employees will be paid for up to thirty (30) days of Military Leave per Fiscal Year when required to report under the following conditions: active duty; active or inactive duty for training; initial active duty for training; full-time National Guard Duty; examination to determine fitness for duty; funeral honors duty by National Guard or Reserve members; and certain duties performed by National Disaster Medical System employees.

(b) Review and Approval. Every military leave request shall be subject to review and approval by the Director, Department of Human Resources.

(c) Request. Employees who have been ordered to military service must submit notice (either orally or in writing) of their need for leave. Employees should provide thirty (30) days advanced notice of the need for leave, if practicable.

(d) Anti-Terrorist Campaign Leave Provisions. Employees who are participating in military operations in support of anti-terrorist campaigns shall receive thirty (30) days per fiscal year of paid leave under the Military Leave provisions above plus additional leave as specified below.

(1) Definition. Leave is paid absence from work granted to employees who have been ordered to active military duty as a direct result of the September 11, 2001 attacks on the World Trade Center and Pentagon.

(2) Eligibility. Biweekly rate employees who are members of the reserved corps of the armed forces of the United States or the National Guard or the Naval Militia who have been ordered to active duty as a direct result of the September 11, 2001 attacks on the World Trade Center and Pentagon. Employees shall not be eligible for this paid leave during the period in which they are receiving paid military leave

pursuant to the Federal Military Statutes or the California Military and Veterans Code. The Director of Human Resources, in consultation with the employee's appointing authority and the Auditor and Controller, shall be the final arbiter of eligibility under this section.

- (3) Duration. This leave is provided as temporary relief from financial hardship due to loss of pay and benefits for employees on active military duty as a direct result of the September 11, 2001 attacks on the World Trade Center and Pentagon. This paid leave shall cease on the date the employee officially is released from the active military duty or on December 31, 2012, whichever occurs earlier.
- (4) Method of Calculation. The amount of this paid leave shall be equal to the employee's normal biweekly gross pay (not including overtime pay) as of the first date the employee is absent from work due to being ordered to active military duty, offset by the amount of gross military pay for such duty including all military allowances paid to the employee. In the event the military pay, including allowances, equals or exceeds the employee's pay for the pay period pursuant to this provision, the employee shall receive no pay for that pay period except that the County shall continue to pay the required employer contributions toward the employee's premiums (including dependents' premiums) for group insurance benefits sponsored by the County of San Diego and the employee shall be responsible for making the required employee and dependent contributions, if any, toward the premiums for such group insurance benefits.
- (5) Condition of Payment. Payments authorized under this section shall be conditioned upon compliance with the procedures established by the Auditor and Controller.

(Amended 06/23/06, Ord. No. 9786)  
(Amended 01/18/08, Ord. No. 9912)  
(Amended 09/26/08, Ord. No. 9955)  
(Amended 02/11/11, Ord. No. 10106)  
(Amended 01/13/12, Ord. No. 10195)

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