



DATE: August 12, 2009

TO: Honorable Mayor and City Councilmembers

FROM: Human Resources Department

SUBJECT: **ADOPTION OF A RESOLUTION EXTENDING THE PROVISION OF ADDITIONAL TEMPORARY PARTIALLY PAID MILITARY LEAVE OF ABSENCE AND CONTINUED HEALTH, RETIREMENT, AND LEAVE ACCRUAL BENEFITS FOR CITY EMPLOYEES CALLED TO ACTIVE DUTY WITH THE ARMED FORCES BY THE PRESIDENT OF THE UNITED STATES TO COMBAT TERRORISM**

SYNOPSIS

Staff recommends the adoption of a resolution extending the provision of additional temporary partially paid military leave of absence and continued health, retirement, and leave accrual benefits, for City employees called to active duty by the President of the United States to combat terrorism.

BACKGROUND

In response to the terrorist attacks on September 11, 2001, the President of the United States began calling up 35,000 military reservists and members of the National Guard for an anticipated war on terrorism and to increase homeland defense. This recall has already affected City employees and it is anticipated that others may be recalled to active duty. It is important to ensure that City employees and their families do not suffer undue financial hardship.

On October 17, 2001, the City Council adopted a Resolution Providing for Additional Temporary Partially Paid Military Leave of Absence and Continued Health, Retirement, and Leave Accrual Benefits for City Employees Called to Active Duty by the President of the United States to Combat Terrorism. This Resolution has been extended annually each year since 2001.

The City of Oceanside currently complies with Federal and State Military Leave Laws and Codes for employees serving in the military reserve or National Guard. Under California law, employees who are recalled to active duty and have been in the service of a public agency for at least one year are entitled to receive their salary for the first 30 calendar days while engaged in the performance of military duty. Compliance with state and federal law is generally sufficient for short-term recalls. However, when reservists are recalled for significant periods of time, some employees and their families experience financial hardship. The recommended resolution extends the provisions of Resolution 01-R577-1, adopted on October 17, 2001.

ANALYSIS

The partial military leave pay would be the difference between the amount the employee would have received from their regular City gross biweekly wage (not including overtime) and the amount the employee receives from the military, including all allowances (Leave and Earning Statement). Health, retirement and leave accrual benefits would be continued for the employee and family. If the cost of the health, dental and vision benefit exceeds the contractual amount paid by the City, the employee would pay the difference in the premiums. The partial military pay benefit would be subject to Federal, State, and Medicare taxes and, if applicable, will be part of the employee's W-2 wages at the end of the year. These provisions will ensure that the benefits for City employees and their families are not interrupted.

During times of national crisis, City employees who serve in the military reserve or National Guard are required to face risks and hardship in defending the principles of freedom around the world and at home. The implementation of this resolution would provide support and assistance to those employees and their families.

FISCAL IMPACT

Funding is available within the existing budget.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

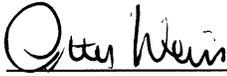
Staff recommends that the City Council adopt the resolution extending the provision of additional temporary partially paid military leave of absence and continued health, retirement, and leave accrual benefits, for City employees called to active duty by the President of the United States to combat terrorism.

PREPARED BY:



Brian J. Kammerer
Human Resources Director

SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager



1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE PROVIDING FOR ADDITIONAL TEMPORARY
4 PARTIALLY PAID MILITARY LEAVE OF ABSENCE AND
5 CONTINUED HEALTH BENEFITS FOR CITY EMPLOYEES
6 CALLED TO ACTIVE DUTY WITH THE ARMED FORCES BY
7 THE PRESIDENT OF THE UNITED STATES TO COMBAT
8 TERRORISM

9 WHEREAS, the City of Oceanside's standard Military Leave Policy provides for up to
10 30 days paid leave and benefits for employees called to active duty;

11 WHEREAS, this policy generally provides adequate maintenance of salary and benefits
12 for employees in the military reserve and National Guard services;

13 WHEREAS, during major military deployments, some City employees would be subject
14 to significant economic hardships under the standard policy; and

15 WHEREAS, the City Council of the City of Oceanside recognizes that because of the
16 terrorist activities in New York, Washington D.C. and Pennsylvania, and the subsequent
17 announcement by President Bush of the creation of Operation Enduring Freedom to combat
18 global terrorism, certain City employees who are members of the military reserve or National
19 Guard have been or will be called to active duty.

20 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

21 SECTION 1. To extend the provision to provide for temporary partially paid military
22 leave of absence and continued Health and Retirement benefits for City employees called to
23 active duty with the armed forces by the President of the United States until the employee is
24 officially released from active duty.

25 SECTION 2. That all items contained in said Amendment prevail over inconsistent
26 provisions of prior resolutions adopted by the Council.

27 SECTION 3. That the City Manager is hereby directed to take any action necessary to
28 implement the Temporary Partially Paid Military Leave of Absence and Continued Health and
Retirement Benefits for City employees called to active duty by the President of the United
States.

1 SECTION 4. That this Resolution be returned to the City Council for further
2 consideration if the Presidential recalls increase substantially in scope or longevity, creating
3 unanticipated fiscal hardships.

4 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
5 this _____ day of _____, 2009, by the following vote:

- 6 AYES:
7 NAYS:
8 ABSENT:
9 ABSTAIN:

10
11 MAYOR OF THE CITY OF OCEANSIDE

12
13 ATTEST:

APPROVED AS TO FORM:

14
15 _____
16 City Clerk


17 _____
18 City Attorney