ITEM NO. 17

STAFF REPORT

CITY OF OCEANSIDE

DATE: September 13, 2006

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 one additional year effective November 1, 2006, through October 31, 2007, 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 expired October 31, 2002, and is provided in Attachment 1. On November 20, 2002, the City Council extended this benefit until October 31, 2003, as provided in Attachment 2. On October 1, 2003, the City Council extended this benefit until November 1, 2004, as provided in Attachment 3. On September 15, 2004, the City Council extended this benefit until October 31, 2005, as provided in Attachment 4. On September 7, 2005, the City Council again extended this benefit until October 31, 2006, as provided in Attachment 5.

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. This would be in addition to the City of Oceanside's standard Military Leave Policy to cover the period during which an employee is called and serves on active duty status for this specific operation or until October 31, 2007, whichever comes first.

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 FY 2006-2007 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 one additional year effective November 1, 2006, for City employees called to active duty by the President of the United States to combat terrorism.

PREPARED BY:

Brian Kammerer
Human Resources Director

SUBMITTED BY:

Barry E. Martin
Interim City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Assistant to the City Manager

Attachment 1: Resolution 01-R577-1 from October 17, 2001
Attachment 2: Resolution 02-R723-1 from November 20, 2002
Attachment 3: Resolution 03-R593-1 from October 1, 2003
Attachment 4: Resolution 04-R811-1 from September 15, 2004
Attachment 5: Resolution 05-R0561-1 from September 7,2005

RESOLUTION NO.

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

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

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

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

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

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

SECTION 1. To extend the provision to provide for temporary partially paid military leave of absence and continued Health and Retirement benefits for City employees called to active duty with the armed forces by the President of the United States until the employee is officially released from active duty or October 31, 2007, whichever occurs earlier.

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

SECTION 3. That the City Manager is hereby directed to take any action necessary to 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.

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

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____day of _____, 2006, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

John P. Mullen

_____
City Attorney

Official Copy, contact the Oceanside City Clerk

ATTACHMENT 1

RESOLUTION NO. 01-R577-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE 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 WITH THE ARMED FORCES BY THE PRESIDENT OF THE UNITED STATES TO COMBAT TERRORISM

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

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

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

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

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

SECTION 1. To provide for 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 until the employee is officially released from active duty or October 31, 2002, whichever occurs earlier.

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

SECTION 3. That the City Manager is hereby directed to take any action necessary to implement the 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.

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

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 17th day of October, 2001, by the following vote:

AYES: JOHNSON, HARDING, FELLER, McCAULEY, SANCHEZ

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 02-R723-1

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

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

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

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

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

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

SECTION 1. To extend the provision to provide for temporary partially paid military leave of absence and continued Health and Retirement benefits for City employees called to active duty with the armed forces by the President of the United States until the employee is officially released from active duty or October 31, 2003, whichever occurs earlier.

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

SECTION 3. That the City Manager is hereby directed to take any action necessary to 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.

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

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 20th day of November, 2002, by the following vote:

AYES: JOHNSON, FELLER, HARDING, McCAULEY, SANCHEZ

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 03-R593-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE PROVIDING FOR ADDITIONAL TEMPORARY PARITIALLY PAID MILITARY LEAVE OF ABSENCE AND CONTINUED HEALTH BENEFITS FOR CITY EMPLOYEES CALLED TO ACTIVE DUTY WITH THE ARMED FORCES BY THE PRESIDENT OF THE UNITED STATES TO COMBAT TERRORISM

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

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

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

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

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

SECTION 1. To extend the provision to provide for temporary partially paid military leave of absence and continued Health and Retirement benefits for City employees called to active duty with the armed forces by the President of the United States until the employee is officially released from active duty or October 31, 2004, whichever occurs earlier.

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

SECTION 3. That the City Manager is hereby directed to take any action necessary to 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.

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

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 1st day of October, 2003, by the following vote:

AYES: JOHNSON, SANCHEZ, FELLER, CHAVEZ, WOOD

NAYS: None

ABSENT: None

ABSTAIN: None

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 04-R811-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE PROVIDING FOR ADDITIONAL TEMPORARY PARITIALLY PAID MILITARY LEAVE OF ABSENCE AND CONTINUED HEALTH BENEFITS FOR CITY EMPLOYEES CALLED TO ACTIVE DUTY WITH THE ARMED FORCES BY THE PRESIDENT OF THE UNITED STATES TO COMBAT TERRORISM

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

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

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

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

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

SECTION 1. To extend the provision to provide for temporary partially paid military leave of absence and continued Health and Retirement benefits for City employees called to active duty with the armed forces by the President of the United States until the employee is officially released from active duty or October 31, 2005, whichever occurs earlier.

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

SECTION 3. That the City Manager is hereby directed to take any action necessary to 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.

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

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 15th day of September, 2004, by the following vote:

AYES: JOHNSON, CHAVEZ, FELLER, SANCHEZ, WOOD

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 05-R0561-1

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

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

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

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

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

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SECTION 3. That the City Manager is hereby directed to take any action necessary to 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.

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

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 7th day of September, 2005, by the following vote:

AYES: WOOD, CHAVEZ, FELLER, MACKIN, SANCHEZ

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney