

MEMORANDUM

TO: PERSONNEL MANAGEMENT LIAISONS DATE: August 20, 1998
REFERENCE CODE: 98-038

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers
Personnel Transactions Supervisors

FROM: Department of Personnel Administration
Classification and Compensation Division

SUBJECT: Senate Bill 1365 - Military Leave

CONTACT: Jerri L. Judd, Personnel Management Consultant
(916) 324-9415, CALNET 454-9415
FAX: (916) 327-1886
OFFICE VISION: DPA(JERRIJUDD)
INTERNET: JERRIJUDD@DPA.CA.GOV

Senate Bill (SB) 1365, recently signed by the Governor, adds Section 19775.17 to the Government Code (GC), effective January 1, 1999. This code section is added to cover members of the California National Guard or a United States military service organization in the eventuality that the United States may engage in future campaigns such as the Iraq/Kuwait or Bosnia crises.

Section 19775.17 is added to the GC to read:

19775.17. (a) In addition to the benefits provided pursuant to Sections 19775 and 19775.1, a state employee who, as a member of the California National Guard or a United States military reserve organization, is ordered to active duty by Presidential determination that it is necessary to augment the active forces for any operational mission, or when in time of national emergency declared by the President or otherwise authorized by law, shall have the benefits provided for in subdivision (b).

(b) Any state employee to which subdivision (a) applies, while on active duty, shall receive from the state, for the duration of the event as authorized pursuant to Sections 12302 and 12304 of Title 10 of the United States Code, but not to exceed 180 calendar days, as part of his or her compensation both of the following: (1) The difference between the amount of his or her military pay and

allowances and the amount the employee would have received as a state employee, including any merit raises that would otherwise have been granted during the time the individual was on active duty. The amount an employee, as defined in Section 18526, would have received as a state employee, including any merit raises that would otherwise have been granted during the time the individual was on active duty, shall be determined by the Department of Personnel Administration.

(2) All benefits that he or she would have received had he or she not served on active duty unless the benefits are prohibited or limited by vendor contracts.

(c) Any individual receiving compensation pursuant to subdivision (b) who does not reinstate to state service following active duty, shall have that compensation treated as a loan payable with interest at the rate earned on the Pooled Money Investment Account. This subdivision shall not apply to compensation received pursuant to Section 19775.

(d) Benefits provided under paragraph (1) of subdivision (b) shall only be provided to a state employee who was not eligible to participate in a federally sponsored income protection program for National Guard personnel or military reserve personnel, or both, called into active duty, as determined by the Department of Personnel Administration. For a state employee eligible to participate in a federally sponsored income protection program, and whose monthly salary as a state employee was higher than the sum of his or her military pay and allowances and the maximum allowable benefit under the federally sponsored income protection program, the state employee shall receive the amount payable under paragraph (1) of subdivision (b), but that amount shall be reduced by the maximum allowable benefit under the federally sponsored income protection program.

For individuals who elected the federally sponsored income protection program, the state shall reimburse for the cost of the insurance premium for the period of time on active duty, not to exceed 180 calendar days.

(e) For purposes of this section, "state employee" means an employee as defined in Section 18526 or an officer or employee of the legislative, executive, or judicial department of the state.

(f) This section shall not apply to any state employee entitled to additional compensation or benefits pursuant to Section 19775.16 of this code, or Section 395.08 of the Military and Veterans Code.

General Procedures

An event covered by GC Section 19975.17 is an event authorized pursuant to Sections 12302 and 12304 of Title 10 of the United States Code. Section 12302 authorizes the President or Congress to order reservists to duty for up to 24 months in support of war or national emergency. Section 12304 authorizes the President to order reservists to duty for up to 270 days in support of augmenting active forces for any operations mission. GC Section 19775.17 provides the employee the difference of military pay and State pay for up to 180 calendar days for employees ordered to duty for such an event. Any federally sponsored income protection program that may be made available to National Guard personnel or military reserve personnel may reduce compensation received pursuant to GC Section 19775.17.

The State provides 30 calendar days of State pay per fiscal year for active military duty to an employee who qualifies based on GC Section 19775.1. On the 31st calendar day, the employee becomes eligible for the provisions of GC Section 19775.17 for up to 180 calendar days. An employee who does not qualify under Section 19775.1 or is eligible for less than 30 calendar days of State pay shall be eligible for benefits provided in GC Section prior to the 31st calendar day.

Documentation and payment instructions will be provided if a future need exists for employees to request benefit of GC Section 19775.17. If you have any questions regarding the addition of GC Section 19775.17, please contact your designated Personnel Services Specialist within the Classification and Compensation Division at the Department of Personnel Administration.



Mike Vargas
Program Manager

