

**Department of Human Resources
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Military Leave - Payment Of Salary For First 30 Calendar Days Per Fiscal Year	REFERENCE NUMBER: 2012-042
DATE ISSUED: 12/04/12	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Employee Relations Officers**

FROM: Department of Human Resources
Labor Relations

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Pursuant to Government Code sections 19775, 19775.1, and 19775.2, state civil service employees are entitled to receive their state salary for the first 30 calendar days (including weekends) while on either long-term or short-term military leave for active duty, provided they meet the qualifying service criteria for the military leave taken. Pursuant to Government Code section 19775.2, pay for these purposes shall not exceed 30 calendar days in any one fiscal year.

This memorandum contains information on how to apply the 30 calendar days per fiscal year of paid leave when the employee's military leave overlaps two fiscal years.

QUALIFYING SERVICE CRITERIA

Short-Term Military Leave

Government Code section 19775.1 provides 30 calendar days of pay to state employees who receive active military duty orders for six months or less. In order to qualify for payment, the employee must have 12 qualifying pay periods of state service or a combination of active military service and state service equivalent to at least one year of service immediately prior to the effective date of the active military duty orders.

Long-Term Military Leave

Government Code section 19775 provides 30 calendar days of pay to state employees who receive active military duty orders for more than six months. In order to qualify for payment, the employee must have at least one year of state service immediately prior to the effective date of the active military duty orders.

MILITARY LEAVE BETWEEN TWO FISCAL YEARS

State civil service employees are entitled to receive their state pay for the first 30 calendar days of active duty, regardless of whether the military leave overlaps two fiscal years. Payment is not restricted to the portion of the military leave of absence that falls within the current fiscal year when the orders for active duty overlap into the following fiscal year (e.g., if the employee had orders for active military duty for June 18, 2012 through July 30, 2012).

When the deployment covers two fiscal years, the employee is entitled to his or her state pay for the first 30 calendar days, which is accounted for in the fiscal year in which the deployment commenced. The grant of the 30 calendar day entitlement is not apportioned between the two fiscal years even though the military leave extends over two fiscal years. Accordingly, the first grant of 30 calendar days is credited to the first year in which the leave commenced. In the event that a deployment overlaps two fiscal years the employee would then be entitled to an additional 30 calendar days of paid leave in the second fiscal year if she or he returned to work and thereafter was redeployed in the second fiscal year.

EXAMPLES

If an employee has orders for deployment from June 18, 2012 through July 30, 2012, the employee would be entitled to 30 calendar days of pay (i.e., June 18, 2012 through July 17, 2012) in the 2011/2012 fiscal year. The calendar days would be accounted for in the 2011/2012 fiscal year because Government Code section 19775.2 provides that the beginning date of active duty determines the fiscal year in which the pay is accumulated. The employee would be entitled to an additional 30 calendar days of pay for subsequent active duty in the 2012/2013 fiscal year should she/he be redeployed in the 2012/2013 fiscal year. Thus, if the employee received subsequent orders for September 1, 2012 through October 15, 2012, the employee would receive pay for the first 30 calendar days (i.e., September 1, 2012 through September 30, 2012) of the leave.

The key factor to consider in determining what fiscal year to charge against is the initial date when deployment commences. Thus, if an employee is deployed on June 30, 2012, and returns on July 30, 2012, the employee would be entitled to 30 calendar days of pay all of which would be charged against the 2011-2012 fiscal year.

Example for computing when deployment falls within two fiscal years (2011/2012 and 2012/2013).

Current Active Duty	Portion of 30 Calendar Days Paid To Date in Current 2011/2012 FY	Portion of 30 Calendar Days to Which Entitled for Current Active Duty	Portion of 30 Calendar Days Remaining For Later Use in Current 2011/2012 FY	Portion of 30 Calendar Days Available for 2012/2013 FY
06/18/12 – 07/30/12	None	06/18/12 – 07/17/12 (30 days) 07/18/12 – 07/30/12 (employee may use leave credits or take dock)	0	30

Example for computing multiple deployments during the 2011/2012 fiscal year and employee is deployed less than 30 calendar days per deployment.

Current Active Duty	Portion of 30 Calendar Days Paid To Date in Current Fiscal Year 2011/2012 FY	Portion of 30 Calendar Days to Which Entitled for Current Active Duty	Portion of 30 Calendar Days Remaining For Later Use in Current 2011/2012 FY	Portion of 30 Calendar Days Available for the 2012/2013 FY
8/11/11 – 8/20/11	None	8/11/11 – 8/20/11 (10 days)	20	30
3/22/12 – 3/27/12	10	3/22/12 – 3/27/12 (6 days)	14	30
5/15/12 – 5/24/12	16	5/15/12 – 5/24/12 (10 days days)	4	30
6/29/12 – 7/27/12	26	6/29/12 – 7/2/12 (4 days) 7/3/12 – 7/27/12 (employee may use leave credits or take dock)	0	30

For questions related to this PML, state department personnel office designated liaisons should contact CalHR's Personnel Service Branch by emailing questions to PSB@CalHR.ca.gov or calling (916) 323-3343.

/s/ Mary Sue Paul

Mary Sue Paul, Manager
 Personnel Services Branch