

Item # 11

**City of Carson City
Agenda Report**

Date Submitted: March 20, 2009

Agenda Date Requested: April 2, 2009

Time Requested: 5 minutes

To: Board of Supervisors

From: Jennifer Schultz, Human Resources Director, representing the Policy and Procedure Task Force

Subject Title: Action to approve the Supplemental Military Leave Compensation policy.

Staff Summary: At the request of the Carson City Manager, the City's Policies and Procedure Task Force drafted a policy addressing supplemental compensation for employees called to active duty while employed by the City. The policy provides impacted employees up to twelve (12) months supplemental military compensation. During this twelve (12) month time period, impacted employees will be provided supplemental compensation for the difference, if any, between their total military compensation and their Carson City base rate of pay.

Type of Action Requested: (check one)
☐ Resolution ☐ Ordinance
☒ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to approve the Supplemental Military Leave Compensation Policy.

Explanation for Recommended Board Action: Approval of this Board Action formalizes past practice into one policy ensuring consistent application.

Applicable Statue, Code, Policy, Rule or Regulation: n/a

Fiscal Impact: Variable depending on each individual situation.

Explanation of Impact: The Board of Supervisors is requested to approve this policy.

Funding Source: General Fund

Alternatives: Approval or denial.

Supporting Material: Policy

Prepared By: Jennifer Schultz, H.R. Director

Reviewed By: *[Signature]*
(Department Head)
[Signature]
(City Manager)
Melanie Brinkman
(District Attorney)
[Signature]
(Finance Director)

Date: 3/24/09
Date: 3/24/09
Date: 3-24-09
Date: 3-24-09

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

POLICY AND PROCEDURE

Subject: Supplemental Military Leave Compensation		Index:	
		Number:	
Effective Date: 04/02/2009	Supersedes: n/a	Pages: 4	Approved by:

1.0 **PURPOSE:**

To provide supplemental compensation to full-time employees called to active duty by the President, Congress or Governor in time of war or national emergency.

2.0 **ORGANIZATIONS AFFECTED:**

All departments organized as part of the Executive Branch as identified in or created pursuant to Article 3 of the Carson City Charter except those specifically exempted.

3.0 **REFERENCES:**

Article 3 of the Carson City Charter, Carson City Charter Section 2.330, NRS 281.145, NRS 252.070, Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Family Medical Leave Act (FMLA).

4.0 **POLICY:**

Full-time employees called to active military duty or other form of national service by the President, Congress or Governor in time of war or national emergency, will be granted active duty military leave. The uniformed services covered include the Army, Navy, Marines, Air Force, Coast Guard, Public Health Service Commissioner Corps and the reserve components of these services, Army National Guard, Air National Guard and any other category dispatched by the President, Congress or the Governor. To the extent this policy may conflict with state or federal statutes, those statutes, including USERRA, will prevail.

Impacted employees will be granted up to fifty-two (52) weeks supplemental military leave compensation every three (3) years inclusive of any other military leave provisions specified in employee association agreements. The three (3) year period begins the first date of eligible active duty service.

During this fifty-two (52) week active duty military leave, impacted employees will be provided supplemental compensation for the difference, if any, between their total military compensation and their Carson City base rate of pay.

5.0 DEFINITIONS:

- 5.1 Total military compensation includes base pay, special pay and all additional compensation such as housing allowance, separation pay, food allowance, hazard duty pay, etc.
- 5.2 Carson City base rate of pay is the employee's base hourly pay rate and does not include any premiums such as shift differential, education pay, training pay, special assignment pay, responsibility pay, etc.

6.0 PROCEDURES:

6.1 Documentation

- 6.1.1 The employee must provide advance written documentation of applicable active duty orders to their department head and Human Resources as soon as reasonable following notification of their upcoming service. This notice period is waived if the requirement is impossible or unreasonable.
- 6.1.2 To be eligible for military leave pay beyond fifteen (15) working days (NRS 281.145), the employee or their designee must furnish a copy of the complete military pay record for the time period supplemental pay is requested. Payroll will issue a payroll check for any eligible supplemental pay within five (5) business days following receipt of the military pay record.

6.2 Employee Designee

- 6.2.1 An employee eligible for supplemental military leave compensation may, in writing, designate an authorized representative to make decisions for the election of benefits referenced in this policy. This designee may be revoked or changed, in writing, at any time.
- 6.2.2 The employee must submit their written authorization, designee's name and contact information to Human Resources.

6.3 Use of Leave

- 6.3.1 At the end of the fifty-two (52) weeks of supplemental military leave pay, the employee or their designee, may choose to use annual leave and compensatory time, if any, before going on leave without pay.
- 6.3.2 It is the responsibility of the employee or their designee to notify the employee's supervisor of the desire to utilize annual leave or compensatory time. This notice must be received in writing by the departmental supervisor within fifteen (15) business days from the end of the fifty-two (52) week supplemental military leave compensation time period.

6.4 Health Insurance

- 6.4.1 There is no impact to the employee's insurance coverage. The employer and the employee premium payments or obligations, if any, remain consistent with the City policy and premiums for the fifty-two (52) week period. The employee may then continue coverage as any other employee on leave without pay status.

6.5 Seniority

6.5.1 An employee is entitled to the seniority (and rights and benefits governed by seniority) the employee had accrued at the commencement of military leave, plus any additional seniority rights and benefits the employee would have attained if the employee had remained continuously employed. If the employee was deployed during a probationary period, the returning employee must complete the remaining period of probation upon return. The employer will count time served for the purposes of determining annual leave and sick leave accrual rates.

6.6 Retirement

6.6.1 Military time served will be counted as worked time for purposes of retirement. The employer will make the contribution payments to the retirement plan as if the employee had not left, provided the employee returns to work. The employer contribution will be based on the rate of pay the employee would have been paid had the employee not been called to military service. An exception is when the higher pay is based on additional knowledge, skills or ability that can only be gained by work experience.

6.7 Death or Disability

6.7.1 If an employee does not return to work due to death or disability, the survivor or disability benefit is treated as if the employee had been working until the date of the death or disability. The employer will make the retirement contribution up to the date of death or disability.

6.8 Other Leave

6.8.1 The employer will include time served in the military when calculating the employee's Family Medical Leave Act (FMLA) eligibility.

6.9 Return to Work/Reinstatement

6.9.1 An employee has certain return to work obligations following military service. The employee's return-to-work obligations include providing a copy of orders back to home base and returning to work according to the following schedule:

6.9.1.1 Service of one (1) to thirty (30) days: The beginning of the next regularly scheduled work period on the first full day following completion of service and expiration of an eight-hour rest period following safe transportation home.

6.9.1.2 Service of thirty-one (31) to one hundred eighty (180) days: Written request for reinstatement must be submitted not later than fourteen (14) days after completion of military duty.

6.9.1.3 Service of one hundred eighty-one (181) or more days: Written request for reinstatement must be submitted no later than ninety (90) days after completion of military duty.

- 6.9.2 Reinstatement rights apply to employees whose cumulative period of uniformed service does not exceed five (5) years while employed by the same employer. Time spent in National Guard and reservist training does not count toward the five-year period.
 - 6.9.3 As allowed by applicable law, a returning employee may be required to attend applicable orientation and training programs and participate in a fitness for duty evaluation.
- 7.0 Discharge
 - 7.1.1 If time served is greater than thirty (30) days, but less than one hundred eighty-one (181) days, an employee may not be discharged within one hundred eighty (180) days of reemployment, except for just cause. If time served is greater than one hundred eighty (180) days, an employee may not be discharged for one year, except for just cause.

END OF SECTION