



City Council Agenda Item

City Council Meeting Date: February 7, 2023

TO: Dean Albro, City Manager

FROM: Amabelle Apolinario, Principal Human Resources Analyst
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SUBJECT: Adoption of Resolution No. 6556(23) to Reestablish Military Leave Supplemental Salary and Benefits

Recommendation:

Staff recommends the City Council adopt Resolution No. 6556(23) (attached), which will reestablish the provisions of Resolution Nos. 4968(01) and 5065(03) providing salary supplements and payment of the City's share of health, dental, life, and long-term disability insurance premiums for regular City employees called to involuntary active military service with the United States Armed Forces, for up to one year.

Background:

- In 1991, the City Council authorized certain salary supplements and benefits to assist those City employees who were reservists called to active duty during the Gulf War.
- On November 6, 2001, the City Council adopted Resolution No. 4968(01), which authorized, for up to 180 days, salary supplements and payment of the City's share of health, dental, life, and long-term disability insurance premiums for regular City employees called to involuntary active military service with the United States Armed Forces due to the War on Terrorism.
- Resolution No. 5024(02) was adopted by the City Council to extend the provisions of Resolution No. 4968(01) to December 2022, if an employee remained on active duty.
- Resolution No. 5065(03) was adopted by the City Council to extend the provisions of Resolution No. 4968(01) to December 31, 2004, because other employees were called into active military duty. Also, Resolution No. 5065(03) extended the maximum duration of the salary supplement and benefits' premium payments from 180 days to one year.

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- Resolution No. 5332(06) was adopted by the City Council to extend the provisions of Resolution Nos. 4968(01) and 5065(03) to December 31, 2008, because another employee was called to active military duty for one year.
- Resolution No. 5514(08) was adopted by the City Council to reestablish and extend the provisions of Resolution Nos. 4968(01) and 5065(03) to December 31, 2010, because other City employees could be called to active military duty.
- Resolution No. 5684(10) was adopted by the City Council to reestablish and extend the provisions of Resolution Nos. 4968(01) and 5065(03) to December 31, 2012, because another employee was called to active military duty for one year.
- Resolution No. 5823(13) was adopted by the City Council to reestablish and extend the provisions of Resolution Nos. 4968(01) and 5065(03) to December 31, 2014.

Discussion:

As a result of the ongoing support of Operation Enduring Freedom (Spartan Shield) there remains potential for City employees to be called to active duty for extended periods of time. Currently, one Police Department employee has been called to active duty for a period of nine (9) months.

The purpose of Resolution No. 6556(23) is to reestablish the City's military leave compensation supplement and benefits consistent with the terms and conditions set forth in Resolution Nos. 4968(01) and 5065(03). (Those resolutions have expired, as they were not extended beyond December 31, 2014.) Resolution No. 6556(23), would provide for benefits retroactive from January 1, 2023, through December 31, 2024, and would incorporate the same terms and conditions for military leave compensation supplement and benefits as previously provided by the City pursuant to Resolution Nos. 4968(01) and 5065(03).

Rule X, Section 5 of the City's Personnel Rules provide that military leave shall be granted in accordance with provisions of applicable law. Under state law, the City is required to provide full compensation for up to 30 days for employees on active military duty, provided the employee has worked for the City for at least one year immediately prior to beginning military service. (Mil. & Vet. Code, § 395.02.) Public agencies, may, by resolution or memorandum of understanding, authorize more than 30 days of pay. (Mil. & Vet. Code, § 395.03.) There are no provisions in the current memorandum of understanding between the City and Lompoc POA specific to military leave benefits.

If adopted by the City Council, Resolution No. 6556(23) would provide benefits beyond those required by state law to City employees serving in the military. Beginning after 30 days of pay as required by state law, the City would pay the difference between the employee's base compensation, special duty pay, and educational incentive pay (subject to all withholdings and deductions) and the base military salary actually received by the employee from the United States for military service. (The employee would not be eligible

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for additional compensation if the military pay is higher.) Additionally, the City would pay the employer contributions to health, dental, long-term disability, and life insurance premiums. Those benefits would terminate on the date the employee (or “employees” if others are called to serve) is officially released from active military duty or no later than one year after called to serve.

Fiscal Impact:

The Police Department current approved budget will be able to absorb the costs of the temporary salary supplement and benefit costs associated with the employee currently on active duty. If other employees are called to active military duty from now until December 31, 2024, and appropriations are required, the City Council will be requested to approve the appropriations of associated costs on a case-by-case basis.

Conclusion:

Adoption of Resolution No. 6556(23), will formally reestablish the provisions of Resolution Nos. 4968(01) and 5065(03) effective retroactive to January 1, 2023, through December 31, 2024.

Respectfully submitted,

Amabelle Apolinario, Principal Human Resources Analyst

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Gabriel Garcia, Human Resources Manager

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Dean Albro, City Manager

Attachment: Resolution No. 6556(23)