

## Military Leave - Compensation Rules

### 1014.1 MILITARY LEAVE

For the purpose of this policy, Military Leave is defined as: a leave of absence for a Member who temporarily leaves their position with the Department to serve as an active or reservist in the armed forces of the United States, as well as the Member's reinstatement rights upon completion of military leave.

#### 1014.1.1 FEDERAL AND STATE LAW

If at anytime Federal or State law conflicts with this policy, the law will supersede the policy.

### 1014.2 ELIGIBILITY FOR PAID MILITARY LEAVE

If the Member has been employed with the County less than a year, a copy of the DD\_214 (Certificate of Release or Discharge from Active Duty) needs to be submitted to the Professional Standards Division (PSD) along with their military orders to determine the one year public service requirement.

1. Each qualifying Member is eligible for 30 days of paid military leave per fiscal year. Members may be eligible for an additional 30 days of Military pay per Fiscal Year per Military & Veterans Code § 395.05.
2. For orders exceeding 30 days (Extended Military Leave), the Member will receive Military Supplement Pay. Military Supplement Pay offsets any difference between a Member's regular County salary and his/her military pay. The Auditor Controller processes Military Supplement Pay, which is automatically added to the Member's paycheck.
3. A member who is on extended military leave at the beginning of a new fiscal year is considered to be completing their leave from the prior fiscal year. The Member will be eligible for a new fiscal year's 30 days of paid military leave once they have returned to work and submitted new military leave orders qualifying the Member for a new military leave.
4. A reservist required two week obligation is considered active duty and qualifies for the eligible 30 days of paid military leave per fiscal year.
5. The Uniformed Services Employment and Reemployment Rights Act (USERRA) Time Off: based on the length of the Military Leave, the Member is entitled to USERRA leave (time off after return from a long leave of absence). USERRA leave is paid through the Member's personal balances (annual, vacation, PIP, or compensatory leave) or non-paid.
  - A. Military Leave length of 31 to 180 days: up to 14 days off after completion of military leave
  - B. Military Leave length of 180 days or more: up to 90 days off after completion of military leave

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#### **1014.3 ELIGIBILITY FOR UNPAID MILITARY LEAVE**

Inactive Duty Training (IDT), including Weekend Drills, does not qualify for Paid Military Leave. Members may elect to use their personal accrued leave balances (annual, vacation, PIP, or compensatory leave) to cover their absence. If a Member does not have sufficient time available, time off to perform Reserve drills shall be without pay (Members are not eligible to be placed on Special Assignment). If the Member elects to perform Reserve drills without pay, he/she must contact Sheriff's Payroll to confirm his/her non-paid military status and applicable Reserve drill dates.

If the Member's Reserve obligation falls on a regular work day and the Department is given advanced notice, the Department shall make every attempt to adjust the Member's schedule to avoid the use of a Member's personal leave balances. These adjustments can include, but are not limited to, swapping shifts with other staff members within the same job classification with supervisory approval. The Member may also elect to schedule the drill training period to coincide with their regular days off if their military unit allows this practice.

#### **1014.4 MILITARY ORDERS**

Military orders must state the following:

1. Name
2. Dates of leave (start/end dates or start date and length of order)
3. Type of order:
  - A. Active Duty Training (ADT)
  - B. Active Duty for Operational Support (ADOS)
  - C. Annual Training (AT)
  - D. Operation due to a National Emergency (Mobilization Order)
4. Reporting duty station
5. Name, grade, and phone number for Point of Contact
6. Name, grade, and phone number of Requesting Official

#### **1014.5 MEMBER RESPONSIBILITIES**

1. Complete the Department's Active Military Information Memorandum (located in the My18 Document Center) and submit it to their Administrative/Scheduling Supervisor.
2. Every quarter, the Member shall verify the accuracy of their military information with their Administrative/Scheduling Supervisor.
3. The Member shall provide their military unit the Department's Military Order Requirements Memorandum.
4. Provide annual training dates, as soon as possible (unless precluded by military necessity), to their Administrative/Scheduling Supervisor.

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5. Provide drill training schedule, as soon as possible, to their Administrative/Scheduling Supervisor.
6. Submit a written copy of the military orders, as soon as possible, to their Administrative/Scheduling Supervisor.
7. Submit a copy of Leave and Earning Statement to PSD if cumulative military leaves extend beyond 30 days per fiscal year and at the beginning of each calendar year (January) if on continuous extended military leave.
8. If military order return dates change or are extended, submit the amended order or extension order to PSD as soon as possible. This can be done via e-mail at PSDHRRrecords@ocsd.org.
9. While on Military Leave, the Member shall retain their issued OCSD equipment and ensure it is safely secured.

#### **1014.6 PSD RESPONSIBILITIES**

1. Verify orders contain the information necessary for processing.
2. Verify orders with the Member's assigned military unit and determine the Member's proposed leave pay status, ie., whether the Member will be using Paid Military Leave, unpaid time off, or personal leave balances.
3. Generate the Leave of Absence form.
4. Notify Member's Division of approved Military or USERRA Leave.
5. Notify Human Resource Services (HRS) and Auditor-Controller of Extended Military Leave and provide the following:
  - (a) Copy of the Military Orders
  - (b) Copy of Leave and Earnings Statements
  - (c) Memo processed by PSD member
6. Submit an End of Military Leave Memorandum to the Auditor-Controller upon Member's return from leave.
7. If necessary, defer probation evaluations accordingly.
8. Review Military Separation Papers (DD-214)
9. Notify the Member of their right to USERRA Leave if their leave exceeds 30 days.

#### **1014.7 DIVISION RESPONSIBILITIES**

1. The Administrative/Scheduling Supervisor will maintain each Member's current and accurate military information on the MY18 Military Reserve Tracking Dashboard.
2. The Administrative/Scheduling Supervisor shall update Member's schedules to reflect any leave or drill training.
3. Verify all necessary documentation has been accurately completed and submitted to PSD.

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