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# Butte County Mosquito and Vector Control District

## POLICY MANUAL

**POLICY TITLE:** Military Leave

**POLICY NUMBER:** 7030

**7030.1 Uniformed Service; National Guard;** Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. A Notice of Rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA) is placed where the District customarily posts employee notices.

**7030.2 State Military Reserve;** A member of the State Military Reserve is entitled to a temporary military leave of absence without pay while engaged in military duty for purposes of military training, drills, unit training assemblies, or similar inactive duty training for not to exceed 15 calendar days annually, including time involved in going to and returning from that duty.

**7030.3 Notice to employer;** An employee who needs to be absent from the District to fulfill his/her military service shall provide timely, advance notice to the District Manager, unless the giving of such notice is precluded by military necessity or is impracticable.

**7030.4 Salary/Wages;** An employee having not less than one year of service with the District immediately prior to the onset of the leave shall receive his or her salary or wages as required by state law for the days he or she would have worked during the first 30 calendar days of his or her military leave, in any fiscal year, except that an employee on inactive duty training shall not receive any payment of salary or wages while he or she is on military leave. Time spent in the military service during the one year immediately prior to the onset of the leave shall be counted toward the one year prior District service condition of payment.

**7030.5** Inactive duty training is defined as follows:

**7030.5.1** Inactive-duty training includes, but is not limited to, drills and other types of training performed periodically by reserve and National Guard members whose status is inactive and does not change to active during the time of their participation.

**7030.5.2** During the period of military leave, an employee may, upon his/her own request, use any vacation or similar paid leave accrued before the commencement of the military leave. The District shall not require that the employee use such leave.

**7030.6 Health benefits;** An employee may elect to continue his/her health plan coverage during the military leave, for the lesser of 24 months from the beginning of the leave or until the day after the employee is eligible for reinstatement but fails to apply for or return to employment. For leaves of less than 31 days, an employee may not be required to pay more than the employee share, if any, for such coverage. For leaves of 31 or more days, an employee who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium under the plan provided for the District's other employees

**7030.7 Vacation and sick leave accrual;** District employees shall not forfeit accrued vacation, sick leave, and holiday benefits while on military leave, and shall have the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or reemployment that the employee would have received had he or she not been absent there from, except that an incomplete probationary period must be completed upon reinstatement, in accordance with District policy. Non compensated District employees shall not accrue vacation, sick leave, or holiday benefits while on military leave. Time spent on military leave under this policy shall be considered time spent in the District employ, so as to determine future benefits, to the extent relevant. For example, an employee with two years of service to the District and one year of military leave after the onset of the employees employment would be treated as an employee with three years of service to the District for the purpose of calculating future vacation benefits.

**7030.8 Pension plan service credit;** Pension plan service and vesting credit shall continue to accrue during an employee's military leave as though no break in service had occurred. Employees shall be allowed to make pension plan contributions in accordance with applicable laws and CalPERS regulations.

**7030.9 Reinstatement rights;** At the conclusion of the military leave, and upon timely notification for reinstatement, an employee shall be promptly reinstated in the position held at the beginning of the leave, except as provided by state and federal law.