

RESOLUTION NUMBER 6117

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE
OF CALIFORNIA, ENACTING A MILITARY LEAVE
DIFFERENTIAL PAY PROGRAM**

WHEREAS, military leave and reinstatement rights are governed by the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), codified at 38 United States Code §§4301 through 4305, and the California Military and Veterans Code; and

WHEREAS, pursuant to the City of Perris' Personnel Rules & Regulations §19.06, the City of Perris ("City") provides military leave in accordance with federal and state law; and

WHEREAS, the City's labor agreement with its only currently recognized exclusive employee organization, Teamsters Local 911, has no specific provision regarding military leave; and

WHEREAS, pursuant to 38 United States Code §4302(a), the City is permitted to pass a resolution that establishes a right or benefit for public employees on a military leave of absence that is more beneficial to, or in addition to, a right or benefit that the City is required to provide under federal law; and

WHEREAS, pursuant to Military and Veterans Code §395, the City is required by state law to provide its employees who are members of the reserve corps of the Armed Forces of the United States, the National Guard, or the Naval Militia with temporary military leave of absence, not to exceed One Hundred and Eighty (180) calendar days, while they are engaged in military duty; and

WHEREAS, pursuant to Military and Veterans Code §395(b), the City has the authority per state law to provide paid military leave of absence for periods of inactive duty training; and

WHEREAS, pursuant to Military and Veterans Code §395.01(a), the City is required by state law to pay any public employee, who is on temporary military leave of absence not exceeding One Hundred and Eighty (180) calendar days and who has worked for the City of Perris for at least one year prior to the day on which such temporary military leave of absence begins, their salary or compensation as a public employee for the first thirty (30) calendar days of any such military leave of absence; and

WHEREAS, pursuant to Military and Veterans Code §395.02(b), the City is required by state law to pay any public employee, who is on military leave of absence other than temporary military leave of absence and who has worked for the City of Perris for at least one year prior to the day on which such military leave of absence begins, their salary or compensation as a public employee for the first thirty (30) calendar days of any such military leave of absence; and

WHEREAS, pursuant to Military and Veterans Code §395.03, the City of Perris is only required by state law to pay a public employee's salary or compensation for a period of thirty (30) calendar days per fiscal year; and

WHEREAS, pursuant to Military and Veterans Code §395.03, the City of Perris' City Council, as the legislative body of the City, per state law can pass a resolution providing for additional pay beyond the required thirty (30) calendar days per fiscal year; and

WHEREAS, the City's labor representatives have met and conferred with Teamsters Local 911, who has not objection to the City providing the enhanced military leave benefits described and provided herein; and

WHEREAS, the City of Perris' City Council expresses its gratitude and appreciation for the service and sacrifice of its employees who are currently serving in the Armed Forces; and

WHEREAS, the City of Perris' City Council desires to establish a system of military leave differential pay to supplement the income of its employees who take military leaves of absence and meet certain specified conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PERRIS AS FOLLOWS:

Section 1. The City Council hereby authorizes the creation of a "Military Leave Differential Pay" program for public employees who take a military leave of absence that is greater than thirty (30) calendar days in any fiscal year:

A. Military leaves of absence defined. City employees, who are also members of the armed services or militia or organized reserves of this State or Nation, specifically the Armed Forces, the Army National Guard, and the Air National Guard, when engaged in active duty for training, inactive duty training, encampment, naval cruises, special exercises, like activity or full-time National Guard, are entitled to military leaves of absence from City employment under both the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the California Military and Veterans Code.

B. Requirements. City employees who have worked for the City at least one year prior to the date on which they take their military leave and who take military leave greater than thirty (30) calendar days in any fiscal year, are entitled to participate in the City's "Military Leave Differential Pay" program. An employee who wishes to participate in this program, and has been called on by the Armed Forces to serve, will, to the extent practicable, notify their Department Head and provide them with a copy of their military leave order and copies of their paystubs of the federal or state military leave salary. Employees who are participating in the program must allow the City to receive their electronic Department of Defense or state equivalent salary records.

C. **Benefits.** Any City employee who participates in the “Military Leave Differential Pay” program is entitled to receive from the City supplemental pay, which when combined with their military pay, will total the pay that the employee would have received if not on a military leave of absence. At no time may an employee’s aggregate pay, defined as the combination between their military pay and the City provided supplemental pay, exceed that which they would have received from the City if not on a military leave of absence.

Section 2. The “Military Leave Differential Pay” program provided herein shall be effective upon the date that Council term commences following the adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 31st day of January 2023.

Michael M. Vargas, Mayor

ATTEST:

City Clerk, Nancy Salazar

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris, California, do hereby certify that the foregoing Resolution Number 6117 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 31st day of January 2023, following vote:

AYES: NAVA, CORONA, RABB, ROGERS, VARGAS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Nancy Salazar