

RESOLUTION NO. 62,648 N.S.

AMEND AND EXTEND THE CITY'S SUPPLEMENTAL MILITARY LEAVE COMPENSATION BENEFIT TO PROVIDE AN AGGREGATE OF 24-MONTHS OF SUPPLEMENTAL PAY FOR EMPLOYEES ON ACTIVE MILITARY SERVICE THAT MUST BE TAKEN WITHIN 36-MONTHS OF THE INITIAL ORDER TO MILITARY SERVICE; SAID POLICY TO BE RETROACTIVE TO FEBRUARY 13, 2003 AND EXPIRES ON MAY 31, 2005 AND RESCIND RESOLUTION NO. 61,690-N.S. AND ALL OTHER RESOLUTIONS AMENDATORY THERETO

WHEREAS, since September 11, 2001, the City Council has adopted several Resolutions that provided for supplemental military leave compensation to employees who have been involuntarily called up to active military service; and

WHEREAS, the City's regular military pay policy complies with the California Military and Veterans Code Section 389 et. seq. and under the Federal Uniformed Services Employment and Re-employment Rights Act of 1994, 38 U.S.C. Sections 4301 et. seq. in that it provides paid military leave to a maximum of thirty calendar days per fiscal year to employees who have been with the City for at least one year and who are ordered to active military service; and

WHEREAS, on March 13, 2003, the City Council adopted Resolution No. 61,690-N.S. that established a City policy, that was made retroactive to January 5, 2003, of providing up to a maximum of one year of supplemental military leave benefit that must be taken within twenty-four months of the date of the employee's initial order to military service for employees who have at least one year of City service; and

WHEREAS, on June 10, 2003, the City Council adopted Resolution No. 62,079-N.S. that amended the aforementioned Resolution No. 61,690-N.S. that provided a supplemental military leave benefit for a period not to exceed one year in an amount equal to one-half of the employee's regular salary to supplement an employee's military pay and allowances for an employee with less than one year in the career service; and

WHEREAS, this supplemental military leave benefit provides additional compensation to an employee's military pay and allowances to an amount equal to what the employee would have received if the employee was regularly working for the City; and

WHEREAS, this supplemental military leave benefit as set forth in Resolution 61,690-N.S. as amended, is due to terminate on May 31, 2005; and

WHEREAS, several employees have had their involuntary active duty military duty call up extend beyond one year or have been called up to involuntary active duty for a second one-year period; and

WHEREAS, the City Council desires to alleviate financial hardships that employees and their families will experience as a result of the employee being ordered to active military service.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that, in addition to the 30 days fully paid annual military leave provided under the California Military and Veterans

Code, the City will pay additional wages to supplement an employee's military pay and allowances to an amount equal to the employee's regular salary for a period not to exceed two years that must be taken within 36-months of the initial call up order for employees who have at least one year of employment with the City who have been called up to involuntary active service.

BE IT FURTHER RESOLVED, that the City will pay additional wages to supplement an employee's military pay and allowances in an amount equal to one-half of the employee's regular salary for a period not to exceed two years that must be taken within 36-months of the initial call up order for employees with less than one year in the career service with the City who have been called up to involuntary active service.

BE IT FURTHER RESOLVED, the revised supplemental military leave policy be applied retroactively to February 13, 2003 to ensure that the employees currently on military leave will be assisted through this amended policy.

BE IT FURTHER RESOLVED THAT the policy is to remain in effect until May 31, 2005 when it may be re-evaluated based on the situation at that time.

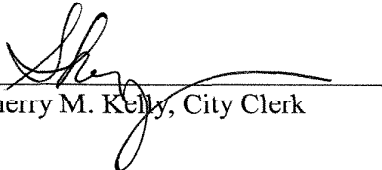
BE IT FURTHER RESOLVED, that Resolution No. 61,690-N.S. and all other resolutions amendatory thereto be rescinded.

The foregoing Resolution was adopted by the Berkeley City Council on September 21, 2004 by the following vote:

Ayes: Councilmembers Breland, Hawley, Maio, Olds, Shirek, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

Attest: 
Sherry M. Kelly, City Clerk



Tom Bates, Mayor