

RESOLUTION NO. 73180

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ APPROVING THE EXTENSION OF THE ENHANCED MILITARY LEAVE PROGRAM TO CITY EMPLOYEES WHO ARE CALLED TO ACTIVE DUTY DURING THE PERIOD FROM JANUARY 1, 2003 TO DECEMBER 31, 2007 FOR REASONS RELATED TO TERRORIST ATTACKS OR IMPENDING OR ACTUAL ARMED CONFLICT

WHEREAS, the City Council of the City of San Jose recognizes that certain City employees who are members of the military reserves or National Guard have been called to active military duty with the possibility that additional City employees will also be called to such duty related to terrorist attacks or impending or actual armed conflict; and

WHEREAS, such City employees who serve on active military duty because of the call to duty are paid their full City salary and benefits for the first thirty days of such service and thereafter such salary and most City benefits are not provided while on active military service; and

WHEREAS, the City Council desires to extend the enhanced military leave program to City employees who are called to active military duty during the period from January 1, 2003 to December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1.

The City Council of the City of San Jose hereby approves payment of supplemental compensation after the mandatory Thirty (30) day benefit period to City employees who are members of the military reserves or National Guard and who are called to active military duty related to the terrorist attacks or impending or actual armed conflict, whether the recall is partial or full mobilization, Presidential Recall, additional duty for special work, annual duty or additional duty. Such compensation shall include supplemental salary, health, dental, life insurance premiums, and retirement contributions for employees who become eligible during the period from January 1, 2003 to December 31, 2007. Such supplemental compensation shall be provided for the entire time of active duty including such active duty which may extend beyond 26 pay periods and is intended to provide for the differential between City compensation and active military duty compensation. Vacation and sick leave shall be accrued during the twenty-six pay periods.

SECTION 2.

Such supplemental benefits shall be available to City employees who:

- a. Are members of the reserves and/or National Guard ; and
- b. Are current and active employees of the City of San Jose;
- c. Are called to active duty related to the terrorist attacks or impending or actual armed conflict whether the recall is partial or full mobilization, Presidential Recall, additional duty for special work, annual duty or additional duty; and
- d. Return to City employment within 60 days after the end of active duty status if not incapacitated as a result of being wounded or injured in action; and

- e. Remain as active employees for at least six months following their return to City employment; and
- f. Sign an agreement which specifies and provides for supplemental salary and benefits in consideration for promising to return to City service after release from active military duty during the call to duty.

SECTION 3.

The City Manager or his designee is hereby authorized to execute agreements between the City and eligible employees which set out and provide for supplemental compensation for consideration that such eligible employees return to City employment. Such agreements shall include provisions for repayment of such supplementary benefits for those employees who do not return to City employment in accordance with SECTION 2, above.

SECTION 4.

The payment of supplemental compensation and benefits in accordance with this Resolution to an employee in a recognized employee organization is contingent on agreement by the employee bargaining representative of such employee organization.

SECTION 5.

The Memorandum from the Director of Employee Relations dated May 8, 2006, recommending the compensation and benefits for eligible City employees/military reservists is attached to this Resolution as Attachment A and incorporated by this Resolution.

ADOPTED this 23rd day of May, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
NGUYEN, PYLE, REED, WILLIAMS, YEAGER,
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk