

Los Angeles County Sheriff's Department

Manual of Policy and Procedures applicable to Military Reservists

3-02/030.10 MILITARY LEAVE

Nothing in this MPP is intended to supersede or replace existing Federal, State or County laws, rules, regulations, policies, or procedures. The contents of this MPP are not a substitute for applicable statutes.

Military leave is defined as a leave of absence for an employee who leaves their position with the Department to serve in the armed forces of the United States, as well as the employee's reinstatement rights, upon completion of that military service.

The Sheriff's Department recognizes four types of military leave that are granted to its members. Those leave types are:

- **Short-term Leave** - means a leave for six months or less;
- **Long-term Leave** - means a leave for more than six months;
- **Emergency Military Leave** - means a leave for members of the California Army and Air National Guard during such time as the Governor issues a proclamation of a state of emergency; and
- **War or National Emergency Leave** - means a leave when the President declares a state of national emergency.

Military Leave Benefits – Full Pay for the First 30 Calendar Days

Under the *California Military and Veterans Code*, the first 30 calendar days of any period of active service is paid at full County pay and benefits. This compensation is in addition to the pay an employee otherwise receives from the military.

Ideally, the employee should provide a copy of the military orders, prior to activation, showing the type and dates of military duty. However, it is not uncommon for military activation and deployment to be communicated on a short-notice. As such, the activated reservist need only verbally notify the Department of the military activation to initiate Military Leave. Employees are responsible for providing military orders and/or copies of military paychecks (for County Special Military Leave Program only) to validate paid military leave eligibility.

To qualify, the employee must have:

- Been employed by the public agency, for at least one year prior to the leave. Any recognized prior military service shall be counted toward this requirement.
- Ordered into "active" military duty.
- Been inducted or enlists or volunteers for active military duty.

Public agencies, as in the case of the County of Los Angeles, are not required to provide paid Military Leave for "inactive" service.

Eligible Employees:

An "Eligible Employee," for the purposes of this Section is defined as:

These sections were taken directly from the Manual of Policy and Procedures. This reference is provided as a guide only. Users should always reference the MPP to ensure the information contained herein is the most current.

- A member of the reserve corps of the armed forces (reservist);
- Who is called into active military duty;
- Who has completed at least one year of service with the County (**Note:** Prior military service can be counted for this purpose and the prior military service could have been served at any time prior to County service); and
- Who provides acceptable documentation verifying active duty service (e.g., Certificate of Discharge from Active Duty form DD-214). The DD-214 form displays the dates of active duty service during a specified deployment, mobilization, or general active duty.

Military Leave Benefits – “Salary Offset Pay” for 31st Calendar Day to Unlimited Time

- This benefit is commonly referred to as military “offset pay” and provides the difference between an employee’s regular County salary and his/her military pay.
- While on leave, for each continuous period of active military service (31 days to unlimited), the employee is entitled to: salary offset; the County’s monthly allowance towards the purchase of benefits; and continued accrual of leave benefits (e.g., vacation leave and holiday time), as if the activated employee had not left County service.
- Salary offset is an extension of pay and benefits, for those employees who are called to active military service in connection with the global war on terrorism.
- Since military pay is generally less than County pay, the County provides employees on active duty with a benefit that ensures their minimum County pay is maintained, during the course of their activation. This is an effort to relieve any financial hardship that may be encountered, due to their Armed Forces service.

Responsibilities:

Employee Shall:

- Submit, as soon as possible, at least one copy of the military orders to their unit commander. The orders shall specify the type of duty performed and the period of duty;
- Submit a Request for Leave of Absence form (SH-AD-113);
- When necessary, submit a copy of the Military Separation Papers (DD-214) to substantiate military service periods and status of service (e.g., honorable, etc.). Separation papers are only required for periods of 30 days of service or longer; and
- Complete and submit the Military Leave Check-Out form (SH-AD-692).

Unit Commander or Designee Shall:

- Review the military orders and determine the employee’s pay status (i.e., paid military leave or personal accrued leave benefits);
- Sign the Request for Leave of Absence form and submit to the unit time accountant;
- Forward one copy of the approved time off request, Request for Leave of Absence form, and a copy of the orders to Personnel Administration Bureau, Leaves Unit, within two days;
- Upon the employee’s return, complete the Military Leave Check-In form (SH-AD-693).

Unit Time Accountant Shall:

- Post the employee’s time as consecutive calendar days that coincide with the starting and ending dates on the military orders.

Equipment:

- If the period of active duty is scheduled to last more than six months (180 days or more):
 - All employees shall turn in all County issued equipment, including weapons and uniforms, to Logistics.
 - Non-sworn employees shall turn in all badges and identification (ID) cards to Personnel Administration Bureau.
 - Sworn employees may retain their flat badge and ID card, regardless of the length of the deployment.
- If the period of active duty is anticipated to be less than six months (less than 180 days):
 - All employees shall retain their equipment and shall ensure it is safely secured.

Inactive Duty for Training (Weekend Drills)

Reservists required to attend scheduled reserve drill periods to fulfill military obligations are entitled to military leave. This type of leave is without pay; however, employees may elect to use their personal accrued leave benefits, vacation leave, holiday time, or compensatory time off (CTO) to cover their absence. If an employee does not have sufficient time available, the time off to perform the reserve drill will be without pay. If the employee's reserve obligation falls on a regular work day and the Department is given at least five working days' notice, then the unit shall make every attempt to change the employee's schedule to avoid the necessity of using Vacation Leave and/or other accrued leave benefits. The employee may also elect to schedule the drill training period to coincide with their regular-days-off (RDO's) if their military unit allows this practice.

- Any employee who is required to attend inactive duty training (weekend drills) shall be granted the time off;
- The Department cannot require an employee to reschedule their drills; however, it is permissible for the unit to contact the reservist's military commander to determine if the military duty can be rescheduled.

NOTE: To qualify for paid military leave, the employee shall furnish military orders designated as Annual Training (AT) or Active Duty for Training (ADT).

Responsibilities:

Employee Shall:

- Provide as much prior notice as possible (unless precluded by military necessity). Failure to provide notice may result in denial of protection, including compensation, under federal and state law;
- Furnish written copies of their military orders and/or the name of their military commanding officer, upon return to work, if requested (written or oral orders are considered valid);
- Provide their unit scheduling office with a copy of orders, drill dates, and annual training dates, as soon as they are available.

Unit Scheduling Office Shall:

- Allow at least eight hours between the time the employee returns home from weekend military duty and their reporting time for the Department (e.g., an employee arrives home at 1800 hours Sunday evening after completing weekend training. He/she cannot be scheduled for the early

morning shift that night at 2300 hours). This does not preclude the employee from returning to work earlier if they desire;

- Not require an employee to find a replacement to cover their absence during the weekend training duty.

Employee Benefits While on Military Leave

County Monthly Allowance for Benefits

Activated reservists continue to receive the county monthly allowance towards the purchase of their health, dental, and cafeteria plan benefits, while receiving the first thirty days of full County pay and while receiving the “offset pay” for activations of thirty-one days to unlimited service. If the allowance is insufficient to pay for the benefits to be purchased, the Department of Human Resources (DHR) shall invoice the reservist for the unpaid portion.

Medical and Dental Insurance

Reservists and eligible dependents shall continue coverage, although some plans require coordination with military medical coverage. The level of coverage may be changed, due to military activation, but changing from one plan provider to another is prohibited. Employees shall contact DHR Benefits for details.

Waive Medical and Dental Insurance

Reservists may waive medical and dental insurance provided by the County and receive eligible taxable cash. The reservist shall provide signed documentation in order to waive coverage.

Military Exemption from Taxation

Certain military personnel may be exempt from federal taxation of their military pay. However, the military leave pay provided by the County is civilian pay and may not be subject to those exemptions. Reservists should seek assistance of a professional tax preparer, when completing their annual income returns.

Other Benefits While on Military Leave

Uniform Services Employment and Reemployment Rights Act (USERRA) of 1994

This Federal law provides activated military personnel with civilian employment rights, while in active service and upon return to their civilian job. USERRA states that employees returning from active military service shall receive the same vacation leave, sick leave, and holiday privileges, and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or reemployment that the employee would have enjoyed had he/she not been absent. Incomplete probationary periods shall be completed, prior to reinstatement.

State Codes

Just as the USERRA delineates the protections afforded military reserve members at the Federal level, the State of California has similar regulations. The applicable regulations are contained in the *Government Code* and the *Military and Veterans Codes*. The *Military and Veterans Code* allows the Governor to call up the necessary troops to assist local authorities with firefighting and civil disturbances, etc. It should be noted that the USERRA does not apply to members of the National Guard, if called to State Active Duty (SAD), but state regulations provide essentially the same

protections. In the case of an employee ordered to State Active Duty by the Governor, he/she must be granted the leave of absence.

Los Angeles County Code

With very few exceptions, the County of Los Angeles has adopted the State of *California Military and Veterans Code* as its own. Section 2.88.030 states that all State standards and regulations are applicable.

Retirement

The County shall continue to make employer-contributions to the Los Angeles County Employees Retirement Association (LACERA), while a reservist is on active military service. Employee contributions shall be taken from the employee's offset pay, only if there are sufficient earnings for the monies to be withheld. Retirement service credit is only given if both the County portion and the employee portion are paid. Federal law provides the reservist the opportunity to make-up missed employee-contributions, upon return to work.

Deferred Compensation

Employee contributions and the County match to Horizons, savings plan, and the pension savings plans shall continue to be made from the employee's offset pay, as long as there are sufficient earnings. However, the employee contributions will be less than normal, because it is based on the percentage of the offset pay; subsequently, the County match will likely be reduced. Federal law provides, upon return to civilian employment, a reservist to make-up missed/reduced contributions and receive the corresponding match.

Vacation Leave, Sick Leave, Holidays

While on active military leave, time shall be accrued as if the reservist had not left County service. At any time during the employee's military leave, he/she has the discretion to use any "100 percent time on the books." A reservist may use accrued vacation leave or holiday time, at any time, to remain on County paid status. Use of accrued sick leave requires the reservist to meet the same eligibility requirements as if in County service; in general, sick leave is available when the employee or dependent is ill and the employee is unable to work.

Bereavement Leave for Employees Deployed on Military Leave:

Employees who have been deployed on military leave **are not** eligible for bereavement leave with the following exception:

If, upon return from military leave, the bereavement leave time off request is related to the death of a qualifying family member (the time off shall be taken strictly for the bereavement-related activities, including tending to the deceased's family members' affairs or personal business, or assisting family members with the legal processes, etc.).

Revised 08/11/17

Revised 12/12/13

Revised 01/12/09

Revised 06/04/04

04/01/96 MPP

3-02/030.12 REINSTATEMENT AFTER MILITARY LEAVE

The employee is required to submit to Personnel Administration Bureau a copy of their DD-214 form or other equivalent correspondence to verify the condition of service (honorable, etc.) and the dates of service if the length of military service was for more than thirty days.

- As soon as possible, the employee shall notify their unit of assignment of their pending return to work. The unit commander is then responsible for assigning a mentor (of equal or senior rank) to coordinate the employee's return to work;
- The intent of the Disability Management and Compliance Unit is to facilitate the smooth transition of the employee back to work at their unit of assignment. The program is designed to be tailored to the needs of the employee, and should be based on the length of deployment and the type of service the employee performed;
 - **Day One** - The unit of assignment (UOA) shall assign the employee a reporting time and an interview period with the unit commander. The UOA shall then schedule the employee to meet with Personnel Administration Bureau's Pay, Leave, and Records (PLR) Unit and LACERA;
 - **Day Two** - The UOA shall schedule the employee to meet with Logistics (if necessary), and complete duty weapon qualification and policy updates (Department and/or unit-level);
 - **Day Three** - The UOA shall schedule a services availability meeting for the employee with a representative from Employee Support Services Bureau (ESSB). This meeting may take place at either the UOA or ESSB, whichever the employee prefers;
 - **Day Four** - The UOA shall schedule the employee to attend TAS 1 course, an eight-hour training day at the Tactics and Survival Training Center; and
- Additional return to work needs, updates, or training should be completed during the third day or prior to the employee resuming normal Department duties.
- The employee shall report back to work as soon as possible unless the delay is no fault of the employee;
- If an employee is injured or incurs a disability on military duty, the Department may require the employee to take a physical examination. The Department shall make reasonable accommodations for the impairment, if possible.

Revised 01/23/24

Revised 08/11/17

Revised 12/12/13

Revised 07/29/07

Revised 06/04/04

04/01/96 MPP

3-02/030.15 MILITARY ACTIVATION COMMITTEE (MAC)

In the event of a national emergency resulting in the President ordering military reservists to active duty (under Title 10 U.S.C. 12304, 12302 or 12301(a)), the Sheriff's Department will form the MAC.

Purpose: to facilitate the transition of Department employees to/from active military duty and to maintain communication with the employee while he/she is on active duty.

Committee Membership:

Chair-Commander of the Department

Co-Chair-Captain Personnel Administration Bureau

Member-Personnel Administration Bureau designee

Member-Manager Pay, Leaves, and Records Unit, Personnel Administration Bureau

Member – Personnel and Training Command designee

Member-Employee Support Services designee

In addition, the committee shall draw upon members of the Department who are military reservists as it deems necessary. The committee will meet as necessary and the chairperson will report to the Sheriff or his designee.

The committee shall insure compliance with existing federal, state and local laws and statutes to facilitate the transition of Department members to/from military service. Additional information concerning military leave policy is available in the Personnel Administration Bureau guide, "*Understanding Your Military Leave*" available on Personnel Administration Bureau's Pay, Leaves, and Records Units' intranet site.

The committee shall remain active until such time as the Sheriff relieves it from its duties.

Nothing in this policy shall be in conflict or supersede Federal law, State of California Military and Veterans Code, Los Angeles County Code, or any other section of this MPP.

Revised 08/11/17

Revised 12/12/13

Revised 07/29/07

Revised 06/04/04

04/01/96 MPP

3-02/030.17 MILITARY LEAVE - UNIT COMMANDER'S RESPONSIBILITIES

Military Activation Committee (MAC)

The MAC is formed at the discretion of the Sheriff when significant numbers of Department members with a military reserve obligation are recalled to active duty with the Armed Forces of the United States. In addition to its assigned duties as specified in this MPP, the committee can also function as a resource to help facilitate workable solutions to reserve duty conflicts that may arise. The chairperson of the committee is a commander of the Department and can be reached through Sheriff's Information Bureau.

Avoiding Scheduling Conflicts

The primary reason for conflicts between employees with a reserve obligation and the Department is due to a lack of understanding of the applicable laws by both the Department and the reserve members themselves. The following information is intended to clarify the rights and responsibilities of both the Department's unit commander and the reservist member employee.

Unit Commander's Responsibilities:

- Shall know which members of their unit have military reserve obligations. Many reservists have skills that are applicable to their Department duties.
- Are strongly encouraged to contact their employee's military unit commander. Under federal law, it is permissible to contact the military unit commander and ask if the military training duty can be rescheduled. This should, however, be done only in those cases where the absence of the reservist would create a genuine and significant hardship to their unit. However, if the military unit orders the reservist to attend training, you must grant that request.
- May ask their employee with a reserve obligation to provide their weekend training schedule and their annual training schedule as soon as they are published. Most units publish these schedules well in advance of the actual training to minimize scheduling conflicts. (Note: Formal written orders are not normally issued for weekend training drills.)
- May ask their employees to disclose any anticipated training requirements that shall involve their absence from work. Reservists of all ranks have mandatory training courses that, if not attended, shall result in a denial of promotion and possibly retention in the reserve component. These courses vary greatly in terms of length and availability.
- Accept the fact that certain conflicts will arise and maintain an open dialogue with the employee to resolve the conflicts as early as possible and, if needed, consult with the members of the MAC for assistance.
- May not require the employee to find a replacement in order to attend weekend training drills or annual training. Similarly, it is not a good practice to deny another member time off by using an employee's military reserve training duty as an excuse.
- Shall not expect your employees to return from their weekend training drills in a timely manner. Where this time frame most often comes into play is during weekend training drills and annual training. For weekend training drills and annual training, USERRA requires an employee to report back to work at the next regularly scheduled shift on the day following release from military duty, plus safe travel home and eight hours rest. The most common conflict will be those members who work the early morning shift the Monday following a weekend training

drill. The employee is not precluded from voluntarily returning to work, but if he/she elects to take advantage of USERRA, then normal time-off procedures shall apply.

- Shall request written orders for employees who performed a period of reserve service of 31 days or more. It is important to note that the USERRA provides re-employment protection only to those that serve honorably. In the unlikely situation where an employee receives a dishonorable discharge, bad conduct discharge, or separation under less than honorable conditions, his/her continued employment with the Department may be jeopardized. The standard form denoting the conditions and length of service is the DD-214 form "Report of Separation from Active Duty."

Out Processing Employee Called to Active Duty – Unit Commander's Responsibilities

- Understanding that the employee is likely under serious time constraints, therefore, the Department unit representative shall facilitate as many of the out-processing tasks as possible. Under no circumstances shall the employee be left to complete the process on their own;
- Ensure that the employee and his/her Unit of Assignment work to ensure that the requirements listed on the Military Leave Check-Out Form (SH-AD 692) are complied with, as soon as possible;
- Shall make every effort to obtain a copy of the employee's military orders. These orders are critical in determining anticipated length of service and as an alternative means of contacting the employee while on active duty;
- Ask the employee for information on military unit family support groups, to ensure the Sheriff's Department is working effectively with and can coordinate our efforts with the military efforts. The majority of military units, active and reserve, have family support groups that provide similar services to the families of activated/deployed service members;
- Verify and/or update the employee's personal information, specifically the emergency contact numbers;
- Shall contact the Pay, Leaves, and Records Unit, Personnel Administration Bureau as soon as they are notified of the employees call to active military duty.
- Instruct the employee to provide a copy of their Leave and Earnings Statement (LES) form as soon as possible, in order to comply with the requirements set forth by the Board of Supervisors, and to ensure no disruption to the employee's pay.

In Processing Employee Returning from Active Duty – Unit Commander's Responsibilities

The intent of the in-processing procedures (reintegration program) is to facilitate the employee's smooth reintegration back into service with the Department. This program is designed to be tailored to the employee based upon such factors as their length of service with the Department, Department duties, nature of military service, and any other issues specific to the employee or unit. Because several of our employees served up to three years of active duty, the Department has an obligation to prepare them to safely and effectively perform their jobs. There is absolutely no inference in this policy that any employee will resume their duties with the Department in anything less than exemplary service.

Separation Paperwork

This MPP requires an employee to submit his/her "Separation from Active Duty" papers, upon return to the Department for periods of military service over 30 days. It is important to note that under USERRA, an employee may lose their right to reemployment, if the period of service is under dishonorable conditions. The separation papers shall validate the employee's length of service and the conditions of service.

The separation paperwork is also essential to Personnel Administration Bureau's Pay, Leaves, and Records (PLR) Units to ensure the proper timekeeping codes are used in the eHR Human Resources Management Application.

Items to Discuss with Employee

The unit of assignment shall ensure that the following items are discussed with the returning employee:

- Work assignment, shift and RDO's;
- Vacation sign-up (if applicable);
- Request for time off (if applicable);
- MPP changes (provide copies);
- Station/unit orders changes (provide copies);
- Field Operations Directives changes (provide copies);
- Job opportunities, station or Department level (e.g., SEB, Narcotics, GET, COPS);
- Promotional exam status;
- Firearms issues-shooting card, ammunition issue, refresher training if needed;
- Driver/STAR training, if needed;
- Other Department training that may be applicable (CPT);
- Equipment issues, assist with Logistics for exchange, new issue, lost equipment;
- Employee Support Services Bureau availability;
- Identify employee's mentor.

Reintegration Program

The reintegration program requires the unit of assignment to facilitate several mandatory events to ensure the employee transitions seamlessly back into the Department, including:

- **Day One:**
 - The unit of assignment (UOA) shall assign the employee a reporting time and an interview period with the unit commander to discuss the exact nature of the program with the employee.
 - The UOA shall then schedule the employee to meet with Personnel Administration Bureau's Pay, Leaves, and Records (PLR) Units, and the Employee Service Center (ESC).
- **Day Two:**
 - The UOA shall schedule the employee to meet with Logistics (if necessary).
 - The UOA shall ensure a comprehensive duty weapon qualification and policies update (Department and/or unit-level) is completed.
- **Day Three:**

- The UOA shall schedule a services availability meeting for the employee with a representative from Employee Support Services Bureau (ESSB). This meeting may take place at either the UOA or ESSB, whichever the employee prefers.
- Additional return to work needs, updates, or training should be completed during the third day or prior to the employee resuming normal Department duties.
- **Day Four:**
 - The UOA shall schedule the employee to attend "Tactics 1", an eight-hour training day at the Tactics and Survival Training Center.

Mentoring

It is essential that the unit commander designate a mentor for the returning employee. The mentor should be a valued, reliable employee who will be in position long enough to assist the employee's transition, including;

- Facilitating the transition back to the Department, regardless of job classification;
- Explaining the process, using the list above as a guide;
- Continually monitoring the employee's progress and, if needed, contacting other returned reservists or members of the MAC for assistance and support.

Employee Support Services Bureau Information Only Briefing

The unit of assignment shall schedule an informational only briefing for the employee from Employee Support Services Bureau (ESSB). This briefing is not to be confused with a counseling session or the equivalent of a post shooting interview. Rather, the intent of the briefing is to provide the employee with an update on the services available to him/her and their families during the return to civilian life. Should the employee choose to avail him or herself of the ESSB services, the normal confidentiality restrictions shall be followed.

Glossary

- Active Duty for Special Work (ADSW): A tour of duty for reservists to work on reserve or active duty programs. By policy, tours are limited to 179 days or less per fiscal year. Any tour exceeding 180 days is counted as active duty.
- Additional Flight Training Period (AFTP): A minimum four-hour period designed to maintain aviator proficiency between weekend drills and for the purposes of USERRA is considered the same as a weekend drill.
- Adjutant General: The Commander of a State Army/Air National Guard. Acts as a cabinet level advisor to the Governor for military affairs.
- Annual Training (AT): The minimal period of training a reservist must perform each year in their assignment. Traditionally the annual training period is 15 days long.
- Employer Support of the Guard and Reserve (ESGR): An agency within the Assistant Secretary of Defense for Reserve Affairs. It is charged with promoting cooperation and understanding between Reserve component members and their employers.
- Inactive Duty Training (IDT): Commonly referred to as "Weekend Drill." The weekend drill is traditionally Saturday and Sunday, but many units also require a Friday evening drill session.

- Individual Mobilization Augmentee (IMA): An individual reservist who is pre-assigned to an Active component unit. The reservists may perform up to 48 Unit Training Assemblies per fiscal year.
- Individual Ready Reserve (IRR): A manpower pool consisting of trained individuals who have served on active duty or in the Selected Reserve.
- Initial Active Duty for Training (IADT): the entry level training required of all reservists who have not previously served on active duty. Typical courses are at least 12 weeks and are conducted at bases throughout the country. These courses are not optional and are a requirement to remain in a reserve component assignment.
- Military Occupational Specialty (MOS): The reservist's job in the military.
- State Active Duty (SAD): The call up of Army and/or Air National Guardsmen to assist with state-level emergencies. The Guardsmen remain under the control of the Governor of the state and have protections similar to those provided for in the USERRA in the California Codes.
- Uniform Code of Military Justice (UCMJ): Federal law enacted by Congress that establishes the rules and procedures of military law. Members of the reserve components are subject to the UCMJ while performing military duty, including weekend drills. The members of the Army/Air National Guard are subject to the UCMJ only when in federal service.
- Unit Training Assembly (UTA): A period of IDT weekend drill training that is from four (4) to twenty-four (24) hours in length. By policy, no more than two UTAs may be performed in one day. A typical weekend drill shall consist of four UTAs.

References

SERVICE LINKS

Department of Defense	http://www.defenselink.mil
Army Reserve	http://www.armyreserve.army.mil
Air Force Reserve	http://www.afreserve.com
California Air National Guard	http://www.calguard.ca.gov/air/
California Army National Guard	http://www.calguard.ca.gov/army/
Marine Corps Reserve	http://www.marforres.marines.mil/
Navy Reserve	http://www.navyreserve.com
Coast Guard Reserve	http://www.gocoastguard.com/

MISCELLANEOUS LINKS

ESGR (Employer Support for Guard/Reserve)	http://www.esgr.org
Department of Labor	http://www.dol.gov
Reserve Officers Association	http://www.roa.org
National Guard Association	http://www.ngaus.org

Revised 08/11/17
Revised 12/12/13
07/29/07 MPP

3-02/030.19 UNIT EMPLOYEE'S RESPONSIBILITY

Employees with a reserve obligation shall:

- Provide their unit commander with the weekend training schedule and their annual training schedule, as soon as they are published. Formal written orders are not normally issued for weekend training drills.
- Notify their unit commander of any anticipated training requirements that will involve their absence from work.
- Return from their weekend training drills in a timely manner. For weekend training drills and annual training, USERRA requires an employee to report back to work at the next regularly scheduled shift on the day following release from military duty, plus safe travel home and eight hours rest.
- Submit written orders, if they performed a period of reserve service of 31 days or more. The standard form denoting the conditions and length of service is the DD-214 form "Report of Separation from Active Duty."

Employee's Called to Active Duty Out Processing Responsibilities

An employee called to active duty shall:

- Immediately notify their Department unit of assignment, upon notification (e.g., receive their orders or verbal notification of a report date) of his/her recall to active duty. This notification will also minimize possible disruption in employee pay and benefits.
- Shall work with their unit of assignment to ensure that the requirements listed on the Military Leave Check-Out form (SH-AD 692) are complied with, as soon as possible. Under no circumstances shall the employee be left to complete the process on their own.
- Provide his/her current military unit of assignment information. This shall be used to maintain contact with the employee until he/she can advise the Department of their location and contact numbers, etc. This is even more critical for those employees whose military duties are classified.
- Notify their unit of assignment of a proxy (e.g., family member, co-worker, etc.) who shall work on their behalf, in the event that the employee is called to active duty suddenly and is not able to comply with the normal check out procedures.
- Make every effort to submit a copy of their military orders. These orders are critical in determining anticipated length of service and as an alternative means of contacting the employee while on active duty.
- Provide his/her current military unit of assignment information. This shall be used to maintain contact with the employee until he/she can advise the Department of their location and contact numbers, etc. This is even more critical for those employees whose military duties are classified.
- Verify and/or update their personal information, specifically the emergency contact numbers.
- Provide Personnel Administration Bureau's Pay, Leaves, and Records (PLR) Unit with a copy of their Leave and Earnings Statement (LES) form, as soon as possible. The LES is necessary to

comply with the requirements set forth by the Board of Supervisors in order to ensure no disruption to the employee's pay.

Employee's Returning from Active Duty In-Processing Responsibilities

An employee returning from active duty shall:

- Regardless of their Department rank and job classification, each employee will need to make arrangements with the retirement board (LACERA) to ensure the period of military service is accounted for and funded.
- This MPP requires an employee to submit his/her "Separation from Active Duty" papers, upon return to the Department for periods of military service over 30 days. It is important to note that under USERRA, an employee may lose their right to re-employment if the period of service is under dishonorable conditions. The separation paper shall validate the employee's length of service and the conditions of service. The separation paperwork is also essential to the Pay, Leaves, and Records (PLR) Unit of Personnel Administration Bureau to ensure the proper timekeeping codes are used in the eHR Human Resources Management Application.
- Complete a reintegration program, facilitated by their unit of assignment, to ensure the employee transitions seamlessly back into the Department.
- Complete an informational only briefing with Employee Support Services Bureau (ESSB). This briefing is not to be confused with a counseling session or the equivalent of a post-shooting interview. Rather, the intent of the briefing is to provide the employee with an update on the services available to him/her and their families during the return to civilian life. Should the employee choose to avail him or herself of the ESSB services, the normal confidentiality restrictions shall be followed.

Additional Information

Additional information and resources may be found on Personnel Administration Bureau's web site by navigating the following path:

- Personnel Administration Bureau
- Pay, Leaves, and Records Unit
- Leaves Unit
- Military Leave

08/11/17 MPP

3-01/121.00 - Policy of Equality

All Department members are required to conduct themselves in accordance with the entirety of this Policy of Equality, and all applicable local, county, state, and federal laws.

PURPOSE

This policy is intended to preserve the dignity, respect, and professionalism of the workplace as well as protect the right of employees to be free from discrimination, harassment, retaliation, and inappropriate conduct toward others based on a state or federal protected characteristic. Discrimination, harassment, retaliation, and inappropriate conduct toward others are absolutely contrary to the values of the Department and to the law enforcement profession as a whole. Discrimination, harassment, and retaliation are also illegal under local, county, state, and federal law.

The Department will not tolerate unlawful discrimination on the basis of the following **protected characteristics**:

- Age (40 and over);
- Ancestry;
- Color;
- Denial of family and medical care leave;
- Disability (physical and mental, including HIV and AIDS);
- Ethnicity;
- Gender identity/gender expression;
- Genetic information;
- Marital status;
- Medical condition (genetic characteristics, cancer, or a record or history of cancer);
- Military or veteran status;
- National origin (including language use restrictions);
- Race;
- Religion (includes religious dress and grooming practices);
- Sex/gender (includes pregnancy, childbirth, breastfeeding, and/or related medical conditions);
- Sexual orientation; and
- Any other characteristic protected by state or federal law.

The Department will not tolerate unlawful harassment or retaliation. As a preventive measure, the Department also will not tolerate inappropriate conduct toward others based on a protected characteristic, even if the conduct does not meet the legal definition of discrimination, harassment, or retaliation.

All Department members are responsible for conducting themselves in accordance with this policy and its associated procedures. Violation of the policy and/or procedures will lead to prompt and appropriate Departmental action including, but not limited to, counseling, training, written reprimand, suspension, demotion, and/or discharge.

Managers, supervisors, co-workers, and third-parties are prohibited from engaging in unlawful behavior under the Fair Employment and Housing Act.

Revised: 11/20/2020

3-01/121.10 - Policy of Equality - Discrimination

Discrimination is the disparate or adverse treatment of an individual based on or because of that individual's:

- Age (40 and over);
- Ancestry;
- Color;
- Denial of family and medical care leave;
- Disability (physical and mental, including HIV and AIDS);
- Ethnicity;
- Gender identity/gender expression;
- Genetic information;
- Marital status;
- Medical condition (genetic characteristics, cancer, or a record or history of cancer);
- Military or veteran status;
- National origin (including language use restrictions);
- Race;
- Religion (includes religious dress and grooming practices);
- Sex/gender (includes pregnancy, childbirth, breastfeeding, and/or related medical conditions);
- Sexual orientation; and
- Any other characteristic protected by state or federal law.

Revised: 11/20/2020

3-02/010.16 - Filling Vacancies with Overtime

As it pertains to Involuntary Hiring ("Drafting")

- Employees performing military reserve duty shall be exempt from involuntary hiring during the period 16 hours preceding the military duty and 16 hours following the duty;



Los Angeles County Military Reservists

Benefits and Protections

Los Angeles County Reservists

Los Angeles County and the Department of Military and Veterans Affairs are here as a resource to ensure reservists are provided access to military leave related benefits and protections.

Military leave benefits for County employees are governed by a combination of Federal, State, and County regulations. Under California Military and Veterans Code, all public employees in California must provide military reservists with paid military leave. The law also provides for job protection when reservists are called to active duty. These protections are given to those who have completed at least one year of service with the County.

Benefits

Paid Military Leave for Reservists

Under Section 395.01 of California Military and Veterans Code, all public employees in California are provided their first 30 calendar days of pay for any period of active military service. Any reservist employee who is ordered into active-military duty after completing at least one year of service with his or her public employer is eligible.

Military leave is granted with their County pay for the first calendar 30 days. The 30 calendar days of pay cover annual training and certain other types of routine active military service for reservists, and it also covers the first calendar 30 days of longer term deployments.

Off-Set Military Pay 31+ days of active duty

After calendar 30 days, reservists may also qualify for an offset pay. The County will pay the difference between an individual's military pay and his or her County pay. The benefit is calculated by subtracting the value of an employee's military pay from the County salary the employee would have otherwise received had he or she remained actively at work. The off-set benefit is uncapped, and starts after the 30-calendar day benefit has been exhausted, and terminates when the active military duty terminates.

Protections

Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA)

USERRA is a federal law that protects the civilian employment and reemployment rights of military personnel, including reservists, and prohibits employer discrimination based on military service or obligation. Basic job protections include, among other things, the right to a leave of absence and timely reinstatement upon release from active military service, preservation of an employee's seniority as if there was no employment absence, and employee opportunity to make up pension payments to receive credit for the period of the absence.



Los Angeles County Military Reservists

Benefits and Protections

Veteran Resources

The Department of Military and Veterans Affairs is dedicated to being a resource for all military and veterans. Here are some common items we provide support for:

- *Education*
- *Career Opportunities*
- *Pension/Compensation*
- *Wellness and Fitness*
- *Military Records*
- *Housing*
- *Communication*

County of Los Angeles

Department of Military and Veterans Affairs

1816 S. Figueroa Street
Los Angeles, CA 90015

1-877-4-LA VETS (8387)

<https://mva.lacounty.gov/>

CALIFORNIA PROTECTS THE CIVIL RIGHTS OF MEMBERS OF THE MILITARY AND VETERANS

FACT SHEET



Civil Rights
Department
STATE OF CALIFORNIA

IN CALIFORNIA, MEMBERS OF THE MILITARY AND VETERANS ARE PROTECTED FROM DISCRIMINATION AND HARASSMENT IN EMPLOYMENT, HOUSING, AND BUSINESS ESTABLISHMENTS.

It is unlawful for employers, landlords, businesses of all kinds, health care providers and insurers, homeless shelters, and others to discriminate against anyone or harass them because of their military or veteran status.

Under California law, military and veteran status includes being a member or veteran of the U.S. Armed Forces, U.S. Armed Forces Reserve, U.S. National Guard, or California National Guard, or being perceived as one. The law also forbids discrimination against someone because they associate with a member of the military or a veteran, such as veteran's spouse or child.

If you have experienced discrimination or harassment because you are, are perceived to be, or associate with a member of the military or veteran, file a complaint with the Civil Rights Department (CRD), California's civil rights agency. And, don't forget that California law protects everyone (including members of the military and veterans) from discrimination and harassment based on race, national origin, disability, sex, gender identity, sexual orientation, and other protected characteristics.

EXAMPLES OF UNLAWFUL DISCRIMINATION

- An employer won't consider your application or denies you a promotion because you served in the military
- Your co-workers or superiors harass you because you are a woman who served in the military
- Your employer denies you a reasonable accommodation for your disability because you are a veteran
- A landlord won't rent to you because you are a member of the military
- Staff at a homeless shelter treats you unequally because they perceive you to be a veteran
- A used car dealership gives you less favorable loan terms because you are a same-sex spouse of someone in the military
- A restaurant denies you service because you arrive with a member of the military

POTENTIAL REMEDIES

- Compensation for losses and emotional distress
- Training and policy changes to prevent future discrimination
- Making available previously denied housing
- Hiring, reinstatement, or promotion
- Other remedies, such as penalties, fines, reporting, or monitoring

TO FILE A COMPLAINT

Civil Rights Department

civildrights.ca.gov/complaintprocess

Toll Free: 800.884.1684 / TTY: 800.700.2320



YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <https://www.dol.gov/agencies/vets/>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/vets/userra>
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <https://www.dol.gov/agencies/vets/programs/userra/poster> Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



U.S. Department of Labor
1-866-487-2365



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590

Publication Date — May 2022