

00020.130053
:jeh
2/13/03

RESOLUTION NO. 1167

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, RE-ENACTING THE MILITARY LEAVE BENEFITS PROGRAM ESTABLISHED BY RESOLUTION 1143; AND ADDING A NEW SECTION 8.30 TO THE CITY OF REDMOND PERSONNEL MANUAL IN ORDER TO PROVIDE FOR THE CONTINUED PAYMENT OF CERTAIN COMPENSATION AND BENEFITS TO CITY EMPLOYEES WHO ARE INVOLUNTARILY CALLED TO MILITARY SERVICE FOR A PERIOD OF UP TO ONE YEAR.

WHEREAS, the terrorist attacks of September 11, 2001 caused the armed services to call up a number of reservists, including some employees of the City of Redmond, and

WHEREAS, in response to the call ups, and in order to ensure the return of experienced, trained, and skilled reservists to City employment after completion of active duty, the Redmond City Council enacted Resolution 1143 on February 5, 2002, adding a new Section 8.30 to the Redmond Personnel Manual and providing for the extension of certain compensation and benefits to such employees for a period of ninety days after the employee reported for active duty, and

WHEREAS, Resolution 1143 provided that the extension of compensation and benefits was a pilot program that would expire after 120 days unless extended by the City Council, and

WHEREAS, the City Council did not extend the program and the program expired on June 7, 2002, and

WHEREAS, events since September 11, 2001 have caused the armed services to extend the period of active service for some reservists and to call additional reservists to active duty, and

WHEREAS, the City Council has therefore determined to re-enact the program established by Resolution 1143, to provide for such program to remain in effect for 365 days after its re-enactment, and to increase the duration of the compensation and benefits provided by such resolution from ninety days to one year from the date of a City employee's involuntary call to active duty, and

WHEREAS, in order for the provisions of this Resolution to apply to members of the collective bargaining units representing City, memoranda of understanding will need to be entered into, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,
HEREBY RESOLVES AS FOLLOWS:

Section 1. Military Leave. A new Section 8.30 is hereby added to the City of Redmond Personnel Manual to read as follows:

8.30 **Military Leave**

A. **Annual Leave for Reservists.** Every City employee who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States, shall be entitled to annual leave as provided in RCW 38.40.060.

B. **Involuntary Military Service.**

1. Subject to the provisions of Subsections 8.30(B)(2) – (12) below, every City employee who is involuntarily called to active duty in the Washington national guard, or in the army, navy, air force, coast guard, or marine corps of the United

States, shall be entitled to receive the following from the City, commencing on the first day the employee reports for active duty and continuing for one year thereafter or until the employee's discharge from active duty, whichever occurs first:

- a. The difference, if any, between the employee's regular salary or wages (exclusive of overtime or incentive pay), fixed as of the last day of service rendered to the City prior to reporting for active duty, and the monetary compensation paid to the employee for the employee's military service, inclusive of cash allowances for food, housing, and other living expenses; and
 - b. Medical, dental, and vision benefits for the employee and the employee's dependents, if the same were covered as of the last day of service rendered to the City prior to reporting for active duty. The benefits to be provided under this Subsection 8.30(B)(1)(b) shall be provided at the same level as is applicable to others holding the position the employee held at the time he or she reported for active duty.
2. An employee who has accrued but unused vacation available at the time he or she is required to report for military service may elect to use that vacation commencing on the date the employee is required to report for active duty. If such vacation is used, the one year period established by Subsection 8.30(B)(1) shall commence on the first calendar day after the vacation is exhausted.
 3. In order to qualify for the compensation and benefits to be provided under Subsection 8.30(B)(1), an employee who is involuntarily called to active military service must execute an agreement obligating the employee to return to work at the City upon completion of active duty and within the reemployment rights period established by federal law. The agreement shall provide that if the employee fails to return to City employment

within the time period prescribed by law during which the employee has a right to return, the employee shall be obligated to reimburse the City for all compensation and benefits that are paid under this Section.

4. In order to receive the compensation provided by Subsection 8.30(B)(1)(a), the employee shall be required to submit copies of his or her military pay stubs and other records showing all compensation received from the military during the period of active service, including all military pay and all cash allowances for food, housing, and other living expenses. The employee may submit such stubs and records once per pay period, but no more frequently than once every two weeks. The City shall pay the compensation amount due under Subsection 8.30(B)(1)(a), if any, at the time of the City's next regularly scheduled payroll.
5. City employees who have already been involuntarily called to military service prior to the effective date of this Subsection 8.30(B) may qualify for the compensation and benefits provided herein by signing an agreement to return as provided in Subsection 8.30(B)(2). In such case, the one year of compensation and benefits shall commence on the date the agreement is signed.
6. During the period of military leave, the employee shall not accrue or receive any other compensation, benefits, seniority, or any other right whatsoever from the City except those specifically provided for in this Subsection 8.30(B) and those specifically required by state and federal law.
7. Use of the term "employee" in this Subsection 8.30(B) in order to describe those called to military service is for convenience only and is not intended to imply that such persons remain City employees during the period of active duty. Upon completion of the last day of service for the City prior to reporting for active military service, such person is no longer a City employee for any purpose, unless and until re-employed by the City as provided under federal law.

8. The provisions of this Subsection 8.30(B) shall apply only to those City employees who are involuntarily called to active military service. Employees who voluntarily enlist or who otherwise volunteer for such active service are not eligible.
9. The provisions of this Subsection 8.30(B) shall apply to all non-union employees immediately upon its passage by the City Council. The provisions of this Subsection 8.30(B) shall apply to the members of each collective bargaining unit within the City only upon execution of a written instrument agreeing to the same by the City and that collective bargaining unit.
10. Nothing herein shall be interpreted to expand the rights of employees to return to the City beyond those rights granted by state and federal law. By way of illustration and not limitation, the City reserves its right to determine whether an employee can be reasonably accommodated in the event he/she becomes disabled, to refuse to reemploy an individual who is dishonorably discharged or otherwise exercise its statutory or common law discretion as a public employer.
11. No employee shall be eligible receive the compensation and benefits established by this Subsection 8.30(B) more than once during his or her lifetime of employment with the City.
12. The provisions of this Subsection 8.30(B) constitute a pilot program that is subject to review and possible alteration or elimination by the City. This Subsection 8.30(B) shall automatically expire three hundred sixty-five (365) days after its enactment by Council resolution unless affirmative action to continue the same is taken by the Redmond City Council prior to that date.

C. **Other Military Leave.** The City will comply with all provisions of state and federal law relating to military leaves and benefits, including, but not limited to, 38 U.S.C. §4301, *et seq.*, and RCW 38.40.060.

Section 2. Effective Date. This resolution and the Personnel Manual amendment adopted herein shall become effective immediately upon passage. The Human Resources Director shall present this resolution to the Council prior to the expiration of 365 days following its enactment for possible extension. This resolution, and the new Section 8.30 of the Personnel Manual, shall be automatically repealed at the close of business on the 365th day following its enactment unless further action is taken by the City Council to extend it.

APPROVED:


MAYOR ROSEMARIE M. IVES

ATTEST/AUTHENTICATED:


CITY CLERK BONNIE MATTSON

| | |
|-----------------------------|-------------------|
| FILED WITH THE CITY CLERK: | February 13, 2003 |
| PASSED BY THE CITY COUNCIL: | February 18, 2003 |
| EFFECTIVE DATE: | February 18, 2003 |
| RESOLUTION NO.: <u>1167</u> | |