

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: November 10, 2022

To: The City Council

From: Matthew W. Szabo, City Administrative Officer



Subject: **EXPANSION OF CITY PAID MILITARY LEAVE BENEFITS**

Recommendation

The Office of the City Administrative Officer (CAO) recommends that the City Council receive and file [CF# 21-1329](#) relative to the City providing compensation for City employees who engage in inactive duty military training.

Discussion

On November 10, 2021, the Personnel, Audits, and Animal Welfare Committee (PAAW), acting on a Buscaino/O'Farrell-Lee motion pursuant to [CF# 21-1329](#), directed the Personnel Department with the assistance of the Office of the City Administrative Officer (CAO) to report back on the feasibility of: updating the City's policies regarding military leave and compensation; extending the existing provisions to City employees for inactive duty training; removing the 30-day City paid cap on salary continuation for employees deployed to a military assignment; and, to report on the potential fiscal impacts of these changes.

City employees who are reservists in the United States Armed Forces are granted temporary leave from employment to fulfill active military orders in accordance with the Uniformed Services Employment and Reemployment Act of 1994 (USERRA), the Military and Veterans Code of the State of California (MVC), and Los Angeles Administrative Code (LAAC) Section 4.123 and related ordinances. MVC Section 395.01(a) entitles employees to compensation for active military training for the first 30 calendar days of a temporary leave of absence from employment. When the United States government engages in a military exercise which necessitates ordering reservists to full active duty, the City Council adopts an ordinance identifying the military operation and deployment as qualifying for leave with compensation under the MVC. In support of the MVC policies, the City requires an employee to present two certified copies of the military orders that they are issued before compensation is authorized for the military leave.

MVC Section 395(a) also authorizes military leave for inactive military training, which includes weekend training exercises (usually twice monthly), two-week annual trainings, any training exercises associate with an employee's participation in a military branch, e.g., enrolling in voluntary training for a specialty like military intelligence school. While **leave** for active and inactive duty is authorized by the MVC, the MVC and LAAC do not provide for **compensation** for inactive duty training because certain trainings are not requirements of reservist participation.

The City Attorney has indicated that the City Council may expand the scope of the City's military leave compensation provisions to extend beyond 30 days and to include inactive military training, achievable through a City Council resolution or memorandum of understanding with labor organizations. Determining the fiscal impact of either action is extremely challenging because the City does not maintain records of the number of City employees who are reservists who might participate in inactive duty training or who have previously participated in inactive military training. Moreover, even if the number of active reservists were known, the number of reservists who could or would participate in inactive duty would be unknown until the actual time of their participation.

In addition to the challenges of determining the cost impacts, branches of the military and individual entities differ in the type of documentation provided for inactive military training. Contrasted to active duty orders which are issued by all military entities, the issuance of memoranda documenting participation in inactive training is inconsistent, thereby leaving an employee and the City in an uncertain position with respect to their ability to verify participation. Expanding the scope of the City's military leave compensation provisions would necessitate outreach and coordination with all military branches and subdivisions to create a system of documentation for the City to properly document and verify the inactive duty training.

Based on the factors cited above, this Office recommends that the City Council receive and file [CF# 21-1329](#).