



SENT TO COUNCIL:

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Memorandum Person's Office

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Kay Winer

SUBJECT: Supplemental Military Pay and
Benefits for City Employees

DATE: November 16, 2004

Approved

Date

11-16-04

INFORMATION

NO EXPIRATION DATE FOR SUPPLEMENTAL PAY AND BENEFITS

Over the past weeks, there have been inquiries and emails submitted to Mayor and Council Offices and the City Administration regarding the status of military benefits for City employees. On December 16, 2003 (Item 3.4), Council approved Resolution No. 71892 which extended military benefits for City employees called to military duty until such time the employee returns back to work. This action confirms that there was no expiration date set on this policy and, therefore, no additional Council action is needed to extend benefits. In addition, the Council's action was clear that military benefits applied to all San Jose employees serving on active duty related to terrorist attacks or impending or actual armed conflict. A copy of Resolution No. 71892 is attached for reference.

EXTENSION OF ELIGIBILITY DATE

The Resolution provides supplemental salary and benefits for employees who become eligible during the period from January 1, 2003 to December 31, 2004. Staff will bring forth a recommendation to Council before the end of the calendar year that extends this date so that employees who are called to active military duty related to terrorist attacks or impending or actual armed conflict from January 1, 2005 to December 31, 2005, are also eligible to receive supplemental salary and benefits.

PAYROLL CALCULATION

There has been recent communication raising questions about the calculation and pay of the supplemental benefits. As a result, Finance is reviewing payroll records of all eligible employees to determine if there have been any miscalculations based on provisions of the resolution. If so, they will be rectified and employees will be notified.

KAY WINER
Deputy City Manager

RESOLUTION NO. 71892

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE EXTENDING MILITARY LEAVE BENEFITS FOR THE ENTIRE PERIOD OF ACTIVE DUTY FOR THOSE CITY OF SAN JOSE EMPLOYEES CURRENTLY SERVING ON ACTIVE DUTY RELATED TO TERRORIST ATTACKS OR IMPENDING OR ACTUAL ARMED CONFLICT

WHEREAS, on March 18, 2003, the City Council of the City of San Jose approved Resolution No. 71443 that provided City of San Jose employees on active duty related to terrorist attacks or impending or actual armed conflict, supplemental salary and benefits for a maximum of twenty-six pay periods; and

WHEREAS, Resolution 71443 provided supplemental salary and benefits for employees who became eligible during the period from January 1, 2003 to December 31, 2004; and

WHEREAS, for City of San Jose employees currently serving as of December 16, 2003 on active duty and receiving military leave benefits pursuant to City Council Resolutions, the City Council desires to provide such military leave benefits for the entire time of active duty for such employees including such active duty which may extend beyond twenty-six pay periods.

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

SECTION 1.

The City Council of the City of San Jose hereby approves for City of San Jose employees currently receiving military leave benefits as of December 16, 2003 pursuant to City Council Resolutions including Resolution No 71443, payment of supplemental compensation and benefits for the entire time of active duty including such active duty that may extend beyond twenty-six pay periods.

SECTION 2.

The City Manager or his designee is hereby authorized, if required, to execute agreements or amendments to agreements between the City and eligible employees which set out the extension of supplemental compensation and benefits.

SECTION 3.

The extension 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.

ADOPTED this 16th day of December, 2003, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO,
GREGORY, LeZOTTE, REED, WILLIAMS, YEAGER;
GONZALES


NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE



RON GONZALES
Mayor

ATTEST:


PATRICIA L. O' HEARN
City Clerk