

ADMINISTRATIVE BULLETIN NO. 18 - REVISED MILITARY HANDBOOK

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Los Angeles Fire Department **ADMINISTRATIVE BULLETIN**

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Contents

ADMINISTRATIVE BULLETIN NO. 18

MILITARY LEAVE RESOURCE HANDBOOK

INTRODUCTION

FIRE DEPARTMENT'S MILITARY LIAISON OFFICER IN PLANNING

FIRE DEPARTMENT PERSONNEL SERVICES SECTION (PSS)

RESERVE TRAINING OBLIGATIONS

MILITARY - LONG TERM

CARE PACKAGES

Military Member Checklist

Supervisor Checklist

MEMBERS RETURNING FROM ACTIVE DUTY

RETURN TO DUTY PROCEDURES (RTD)

REINSTATEMENT AFTER MILITARY LEAVE

PROMOTIONS

EXAMINATION POLICIES OF THE LOS ANGELES CITY PERSONNEL DEPARTMENT

19.4 Military Written Test Administration

19.5 General Information

Promotional/Open Examinations - MILITARY

32. Veterans Preference:

CITY OF LOS ANGELES CHARTER VOLUME II EMPLOYMENT PROVISIONS

ARTICLE X EMPLOYMENT PROVISIONS

Rules of the Board of Civil Service Commissioners

RE-INTEGRATION/RETURN TO WORK PROGRAM

EMERGENCY OPERATIONS RE-INTEGRATION GUIDE FIREFIGHTER

OPERATIONAL RE-INTEGRATION GUIDELINES AIRCRAFT RESCUE FIREFIGHTING

OPERATIONAL RE-INTEGRATION GUIDELINES INSPECTORS

MILITARY LEAVE FACT SHEET

USERRA OVERVIEW

Administrative Code

California Military and Veterans Code Section 395

California Military and Veterans Code Section 395.01

CALIFORNIA STATE ENTITLEMENT (Military & Veterans Code Sections 389-398)

CITY ENTITLEMENT (Various City Ordinances)

SERVICE LINKS

IMPORTANT LINKS

MISCELLANEOUS LINKS

CONCLUSION

Los Angeles Fire Department Military Leave Time Off/Compensation Form

ADMINISTRATIVE BULLETIN NO. 18

MILITARY LEAVE RESOURCE HANDBOOK

BRIAN L. CUMMINGS

FIRE CHIEF

ADMINISTRATIVE BULLETIN NO. 18

Revised June 2012

MILITARY LEAVE RESOURCE HANDBOOK

INTRODUCTION

FIRE CHIEF'S INTRODUCTION

The security of our nation and foreign affairs are paramount to the overall success of our local governmental interest. Those employees, who serve our country as part of the armed services, are applauded and commended for their commitment. The Los Angeles Fire Department (LAFD) will forever remain an advocate and sponsor for our service and retired military members.

GENERAL SUMMARY

The intent of this manual is to clearly define and illustrate the procedural steps needed to effectively support, manage, monitor and safeguard our member's rights during the course of fulfilling their military leave commitments.

Disclaimer

This Military Leave Resource Handbook is not intended to supersede or replace existing Federal, State or County laws, rules, regulations, policies or procedures. For the purpose of this manual long term is considered over 30 calendar days.

OVERVIEW

This Handbook has been designed to generally clarify provisions concerning military leave of absence concerning LAFD employees. The California State Military and Veteran's Code, Sec.395.1 and the Uniformed Services Employment and Reemployment Rights Act (USERRA) authorize the policies stated herein.

As an LAFD employee, you are entitled to a leave of absence during any period of your military service. This provision includes members of the Armed Forces, National Guard, Naval Militia, or any reserve component of the Armed Forces of the United States whether you volunteer, are drafted, or are called up.

To be eligible for military pay, members must have one year of service with the City of Los Angeles; full time service in the armed forces prior to employment with the City during a national emergency, or a state military emergency can be counted toward the required year.

Effective July 1, 1971, the basis for determining that a member has the required year of City service is:

1. All time in the employment of the city. This includes all City sub-divisions, both controlled and those that are proprietary, i.e. DWP, LAX, Harbor Department, etc.
2. All military service during the "War on Terror" which includes "Operation Iraqi Freedom" and "Enduring Freedom"- October 2, 2001 to the present; Deepwater Horizon- October 5, 2010.
3. All reserve activities such as weekend annual military training and annual two week active duty time.

Member's discharging their military obligation by serving in the public health service, or in any other activity which will satisfy your Selective Service obligation, your leave is not automatic; in such a case, you must make application for a personal leave of absence through the Personnel Services Section (PSS). Activation as a Federal member entitles you to coverage under USERRA laws.

1002.58 FEDERAL REGISTER 1002.5 (Federal Register, Part II, Department of Labor, 20 CFR Part 1002, Subpart A 1002.590 and 1002.580:

Your military leave is in effect for the entire period of your original military obligation, including any period during which your service is extended by the government. To retain all City benefits and job rights, you must return to work within twelve months of the date your period of service (such as re-enlistment or acceptance of appointment to Officer's Candidate School) within the 12-month period following completion of your original military obligation, or forfeit your right to re-employment benefits.

FIRE DEPARTMENT'S MILITARY LIAISON OFFICER IN PLANNING

The Military Liaison Officer (MLO) shall be a Captain II assigned to the Planning Section, This position will serve as the official department military coordinator and maintain communications with deployed member and/or their designated family member. The MLO will perform the following functions:

- Single point of contact for Military Commanding Officers
- Single point of contact for counterpart MLO positions with allied agencies
- Ensure the member's pay and benefits are uninterrupted (by gathering necessary documentation, i.e. Military Leave and Earnings Statement, Pay Schedules etc.) and notification of all eligible promotional opportunities are forwarded
- Maintain oversight on all related changes and maintaining updates of all administrative needs related to our deployed members • Anticipate needs of returning members and coordinate the re-integration program
- Make notifications to appropriate Bureaus, Personnel Services Section (PSS), Medical Liaison Unit and Supply and Maintenance of pending Return to Duty (RTD) and status of all deployed members
- Provide updates to PSS and Payroll Unit as needed

The MLO shall address all fragmented points of interest to exchange information, questions and related topics with one responsible individual. The frequency and occasional complexities of these issues will require a knowledgeable person to serve as the department facilitator in the handling of

these federally protected matters. The MLO will also function as a resource to help facilitate workable solutions for scheduling conflicts that may arise, as well as to assist with family related issues where department resources may be of service.

FIRE DEPARTMENT PERSONNEL SERVICES SECTION (PSS)

MILITARY LEAVE OF ABSENCE

Members who have one year combined military and city service are entitled to leave of absence with pay, not to exceed 30 calendar days in any one fiscal year when ordered to active duty or training, provided that:

1. The member has completed one year of continuous City service immediately prior to the leave, and
2. The member is not on disciplinary leave at the time they enter active duty

Specific City ordinances authorize City employees who are members of the National Guard, naval militia, or any reserve component of the armed services of the United States to receive differential pay, which is the difference between their military pay and their regular City salary beyond the first 30 days of leave as follows: Employees called to active duty will be compensated with the difference between their current military salary (base pay and bonuses) and their current City salary for the full duration of the member's military assignment. Full duration includes training for deployment if contiguous to actual deployment of member. Reservists must provide military pay vouchers Military Leave and Earnings Statement (LES) to the Fire Department's Payroll Unit to ensure continued differential pay.

Any compensated time off such as vacation (VC), holiday (HO), banked time (TS), or similar leave with pay accrued by the member before commencement of military service, can be used upon request by the member for any pre deployment and post deployment recovery periods. Sick time cannot be used.

PROCEDURES

Members reporting military leave shall submit to their immediate supervisor/commanding officer or section commander a complete military documentation package that includes the following:

- F-96ML- Military Leave Time Off/Compensation Form (former FG-68)
- Two (2) copies of their original military orders
- A Copy of their Leave and Earnings Statement, if available

Members who are on long-term deployment and eligible for differential pay shall forward an LES as soon as it is available so that the Payroll Unit can begin paying the member the correct differential rate. An LES may be provided via fax, email or U.S. mail to the MLO (for forwarding to Payroll) or faxed directly to the Payroll Unit at (213) 978-3412.

Orders for military duty must fulfill one of the following requirements:

1. Orders must bear an original signature by the military officer issuing the orders or
2. On orders where the issuing officer's signature is a photocopy, a military officer's ORIGINAL signature must be added to the orders and accompany this statement, "This is certified to be a true copy"
3. Employees who are commissioned officer's shall not sign their own military orders

If orders are not yet available, members shall notify their Fire Department commanding officer in writing (F-225 if time permits) as soon as possible with the expected dates of military leave and approximate duration.

Notification of Military Service

The following items must be faxed immediately to PSS at (213) 978-3618 or emailed to LAFDPersonnel@lacity.org, by the immediate Supervisor/Commanding Officer or Section Commander:

1. A copy of the military orders or written statement regarding the expected dates of military leave and approximate duration if orders are not available;
2. F-96ML
3. Leave and Earnings Statement (LES) or equivalent documentation with member's current rank, pay grade, and salary rate.

The original of the orders or written statement, F-96ML and LES statement shall be journalized upon receipt and then hand carried to PSS. Responsibility for hand carrying military documentation will be as follows:

- a) The Employee, if time permits
- b) Unit Commander
- c) Battalion or Section Commander
- d) Civilian Supervisor

e) The MLO

Routing for the Military Documentation:

- All members-to immediate Supervisor or Commanding Officer
- Supervisor/Commanding Officer-fax or email orders to PSS
- The F-96ML, two copies of military orders, and the LES are to be delivered as follows:
 - o Platoon- to Battalion Commander
 - o Special Duty- to Unit or Section Commander Oournalize in the F-2 or Civilian Supervisor
 - o Battalion, Unit, or Section Commanders deliver to Payroll Unit within 24 hours or next business day.

Without appropriate Military orders/documentation. member will not be paid for military leave. Members are responsible for submitting orders within the time frame designated.

COLLECTION OF CITY PROPERTY

Sworn Members

Immediate supervisors shall be responsible for collecting and forwarding to PSS the following:

- 1) City identification, Badge, Cap Piece, Belt Buckle
- 2) Collar Ornaments, Buttons (Officers only - Department issued)
- 3) Personal Record Book (PRB) and Field folder
- 4) City-owned electronic devices such as cellular phones, laptop computers, Personal Digital Assistant (PDA) devices, etc, (forward to Management Information Systems (MIS)

PSS will log in all items; verify the inventory and safeguard as property of the LAFD

Personal Protective Equipment (City Owned Property- PPE's)

Immediate supervisors shall be responsible for collecting and forwarding deployed member's PPE's to Supply and Maintenance Division

- PPE's shall be placed in a bag; attach F-175 tag with statement "Member on Military Leave" and forward to Supply and Maintenance Division for placement in the Military Storage Locker.

Rescue Maintenance shall maintain an annual schedule for face-piece test procedures of all sworn military personnel on long term leave.

Civilian Members

Immediate supervisors shall be responsible for collecting all City-owned property such as identification badge card, laptop computers, keys, cell phones and allow access to computer passwords, if necessary.

DISRUPTION OF PAY OR BENEFITS

In order to minimize possible disruption with a member's pay and benefits, it is essential that members who are recalled to active duty notify their Supervisor as soon as they receive their orders or are verbally notified of a report date. All procedures listed above must be followed in order for documentation to be received in a timely manner by PSS and the Payroll Unit to help reduce the possibility of disruption in pay and benefits.

VACATION, HOLIDAY. AND SICK LEAVE ACCRUAL

Members shall continue to receive the same vacation, holiday, and sick leave they would have accrued had they not been deployed.

FAMILY MEDICAL. AND MILITARY FAMILY LEAVE

The military family leave entitlements of the Family and Medical Leave Act of 1993 (FMLA) were amended as a result of the Fiscal year 2010 National Defense Authorization Act (NOAA), Public Law 111-84, signed into law by the President on October 28, 2009. These amendments expand coverage for "qualifying exigency" leave to eligible members with covered family members in the Regular Armed Forces and for "military caregiver leave" to eligible members who are the spouse, son, daughter, parent, or next of kin of certain veterans with a "serious injury or illness". For additional information on FMLA- Military Caregiver and Qualifying Exigency Leaves, go to the Office of the City Administrative Officer's Employee Relations Bulletin at: <http://lcaodocs.ci.la.ca.us/ERBulletins-2010-01-08.pdf>

LAFD Information Portal

All Fire Department members are eligible for benefits under the City of Los Angeles Family Leave Policy, which reflects and encompasses (1) the Pregnancy Disability Leave provisions of the California Fair Employment and Housing Act (FEHA); (2) the California Family Rights Act (CFRA); (3) the Federal Family and Medical Leave Act of 1993 (FMLA), as amended, including the Military Family Leave amendments as a result of Fiscal Year 2010 National Defense Authorization Act; and (4) the California Military Spouse Leave Act.

VOLUNTARY DEDUCTIONS

Voluntary payroll deductions may be canceled upon a member's request during their military recall period. This request must be submitted in writing to the Payroll Unit specifying the deductions to be canceled.

SALARY STEP INCREASES

Time spent on active duty with or without pay, whether temporary training or extended, is not deducted from the qualifying period for salary step increases. Upon return from military leave, the member's salary is paid at the step that would have been received had the member not been on leave from City service. (City of Los Angeles Personnel Department- Personnel Procedures Manual Section 14.512)

Supervisors shall determine if the deployed member is due 6th step or longevity pay evaluation, confirm dates with PSS and provide the evaluation to PSS thru channels (see Supervisor Responsibilities)

PROMOTIONAL CIVIL SERVICE LISTS

Sworn members on military leave will be promoted/appointed from promotional lists as if they had remained in City service.

Civilian members will be considered available for appointment on promotional lists. They will be appointed if the Department determines that he/she is the best qualified candidate.

WORK ASSIGNMENTS

The member's supervisor/commanding officer may request authority to fill the vacancy created by an extended military leave. If the request is approved, the person selected to fill the vacancy must be informed that the incumbent member is entitled to the position upon return to City service. The detailed member is entitled to all applicable labor law, memorandums of understandings and bargaining agreements related to filling and "acting" position.

PENSIONS

Pension contributions are not deducted while on long-term military leave for members receiving differential pay. Members will continue to accrue service credit for the length of the leave. Contact Pensions Active Member Services for any further questions at (213) 978-4522.

LOS ANGELES CITY MEMBERS' RETIREMENT SYSTEM (LAGERS)

Retirement contributions are deducted while on long-term military leave for member receiving differential pay. Contact LAGERS Membership Service for any further questions at (213) 473-7200.

PAYROLL

Submission of Request for lost holidays Completing F-96ML form designating type of CTO time used and dates after exhaustion of 30 days of military pay. See Reserve Training Obligations.

SENIORITY- TIME ACCRUAL

The following chart indicates the City benefits received by both uniformed and civilian Fire Department members during a military leave of absence.

BENEFIT	UNIFORMED	CIVILIAN
SENIORITY (for promotion, lay off and salary advancement)	Full credit for the duration of military leave.	Full credit for the duration of military leave.
RETIREMENT	Full credit when proof of military discharge is shown DD214 honorable discharge.	Full credit when proof of military discharge is shown DD214 honorable discharge.
VACATION	Full credit only toward computing up to 10 years of service. Days off accumulate only while on paid leave.	Full credit only toward computing up to 5 and 17 years of service. Days off accumulate only while on paid leave.
SICK LEAVE	Regular accumulation during military leave.	No credit
PROBATIONARY PERIOD	Extended for the duration of military leave.	Extended for the duration of military leave.

If additional questions arise or clarification is required, please contact PSS at (213) 978-3750

RESERVE OBLIGATIONS

Members of this Department who have reserve military obligations with the Army Reserve, Army National Guard, Air National Guard, Naval Reserve, and Air Force Reserve, Marine Corps Reserve, Stand-by Reserve and Retired Reserve. For the purpose of this handbook, we will focus on the Ready Reserve member, who has regular training commitments and is most likely to be called to active duty.

Under federal law the reserve components may be involuntarily called to active duty. Members of the Ready Reserve serve in organized units or as individuals. Within the Ready Reserve there is a sub-category of personnel and units who are deemed by the respective services to be "so essential" to the wartime mission as to have priority over all other reserves. This sub-category is known as the Selected Reserve.

Also located with the Ready Reserve is the Individual Ready Reserve (IRR). This is a manpower pool of personnel available to supplement the active forces.

The typical Ready Reservist attends one weekend training drill per month and a two-week annual training period. Selective reservists, i.e., pilots, have additional periodic training requirements that are mandatory. Each reservist is required to attend the same training school as their active duty counterparts to be retained and promoted. These training schools will vary based on the reservists' rank and military job specialty.

CALL TO ACTIVE DUTY

Authority	Partial Recall	Partial Mobilization	Full mobilization
Number Subject to call-up	200,000	1,000,000	Unlimited
Reserve Categories subject to call-up	Selected Reserve	Ready Reserve	Total Reserves
Length of time of call-up	270 Days	24 Months	Duration of War/Emergency plus (6) Months

The Standby Reserve consists of individuals who are designated by the Service Secretaries as having a key civilian occupation that would make their call to active duty unlikely.

The Retired Reserve consists of those reservists who have retired from the reserve forces, whether drawing retirement pay or not. In the event of national emergency declared by Congress, the Service Secretaries may recall to active duty both retired officers and enlisted personnel. This is extremely unlikely to occur.

RESERVE TRAINING OBLIGATIONS

Inactive Duty Training (weekend drills)

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

rescheduled. If you are an inactive duty reservist and are required to attend scheduled reserve drill periods to fulfill your military obligations, you are entitled to military leave. This type of leave is without pay; however, you may elect to use your personal accrued time, vacation or compensatory time (i.e. VC, HO, or TS) to cover your absence. If you do not have sufficient time available, the time off to perform the reserve drill will be without pay.

Active Duty Training

To qualify for paid military leave, the member must furnish military orders designated as Annual Training (AT), Active Duty for Training (ADT), or Initial Active Duty (IAT). Paid military leave is limited to 30 days for any fiscal year. Beyond the 30 days, the time off will be without pay; however you may elect to use your personal accrued time, vacation or compensatory time (VC, HO, or TS), to cover your absence.

Supervisory Responsibilities

As a Supervisor, your member with a reserve obligation should provide you with 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.

Your members should share with you any anticipated training requirements that will involve their absence from work. Reservists of all ranks have mandatory training courses that if not attended will result in a denial of promotion and possibly, retention in the reserve component. These courses vary greatly in terms of length and availability. Be willing to accept the fact that certain conflicts will arise. Maintain an open dialogue with the member to resolve the conflicts as early as possible and if needed, consult with the Department MLO for assistance.

As a Supervisor, you cannot require the member to find a replacement in order to attend weekend training drill or annual training. Similarly, it is not a good practice to deny another member time off by using a member's military reserve training duty as an excuse.

You should expect your members 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 a member 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 (8) hours rest. The most common conflict will be those members who work on Monday following a weekend training drill. The member is not precluded from voluntarily returning to work, but if he/she elects to take advantage of USERRA, then normal request for time off procedures will apply.

You shall request written orders for members 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 that a member receives a dishonorable discharge or 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 DD214 'Report of Separation from Active Duty'.

MILITARY - LONG TERM

SHORT TERM DEPLOYMENT- No change; refer to Manual of Operations LONG TERM DEPLOYMENT OLD 3/3- 45.44

A. Leave of absence granted to members enlisting or inducted into the armed forces of the United States for more than a 30 day period. (Refer to Administrative Bulletin #18). Members requesting long-term military leave shall submit an FG-68. (Refer to Vol. 5, FG-68 and Administrative Bulletin #18)

FG-68 forward prior to leave

ROUTING:

1. All Members - to immediate Supervisor
2. Immediate Supervisor- to Bureau Commander
3. Bureau Commander to Payroll unit
4. Payroll Unit to Fire Chief

NOTE : Final approved copy will be sent to PSS.

INFORMATION REQUIRED

1. Date and time off duty.
2. Date and time of return to duty.
3. City seniority date

B. Military orders, two copies, shall accompany the F-96ML

When military orders are unavailable prior to leave, F-96ML shall include a statement on the back indicating orders will be forwarded as soon as they become available. Orders for military duty must fulfill one of the following requirements:

1. Orders must bear an original signature by the military officer issuing the orders; or
 2. On orders where the issuing officer's signature is a photo-copy, a military officer's ORIGINAL signature must be added to the orders and accompany this statement; "This is certified to be a true copy".
 3. A member who is a commissioned officer shall not sign his/her own military orders.
- C. Member shall then notify their respective Bureau one week prior to the last day on duty.
- D. Military leaves may not be terminated prior to the date stated on the date stated on the original unless written approval is obtained by the Fire Chief.
- E. Upon return to duty, member shall notify their respective Bureau with a verification of the tour of duty (one copy). The verification must contain the following:
1. Statement that the member served with the unit as outlined in the original orders.
 2. Bear an original signature, with rank, of a commissioned officer affiliated with the command wherein the duty was performed.

PDAS 43, "Duty Certificate", shall be prepared by the on Duty officer at the member's assignment upon RTD.

It is the member's responsibility to provide the department at the beginning of each calendar year a Leave and Earnings Statement (LES).

EXCEPTION

In extenuating circumstances the Military Liaison Officer may provide a LES on behalf of the member. This is obtained from the Defense Finance and Accounting Service (DFAS) web site. In this instance the member assumes full responsibility for any inaccuracies. Failure to provide a LES in a timely manner may result in the interruption of pay and benefits.

While deployed it is suggested that all deployed members contact the MLO periodically (as time permits) via email or phone.

The Planning Section will periodically contact the deployed member in order to provide support and general updates. It is further suggested that members provide an email contact and other relevant means for two-way communication with a family member as well.

CARE PACKAGES

On many occasions our recognized support groups and stakeholders may send care packages to our deployed soldiers. In order to fulfill these requests an established forwarding location would be beneficial.

Military Member Checklist

The MLO has provided this checklist for Department members who are going on long term military leave.

Upon notification that you will be going on long term military leave, you shall:

- Notify your Station/Section Commander or immediate supervisor. This is done by completing a Military Leave Time Off/Compensation Form (F- 96ML) and submitting 2 copies of your orders.
- If you have been verbally notified by your military unit that you will be mobilized, and do not have your orders, submit an F-225 to your Station/Section Commander or immediate supervisor. Include the approximate dates of expected military leave. As soon as you get your orders you must forward copies to the supervisor.
- If necessary, update your contact information at PSS.
- Once you are made aware of your pending long term military leave, contact the MLO at (213) 978-3845 to schedule a meeting with the Fire Chief. Meeting the Chief is recommended for those on first time military leave. It is suggested that you provide the MLO with your contact information at this time so that information can be forwarded to you while on Military leave.
- If you are entitled to differential pay, please submit Leave and Earnings Statement (LES). This will ensure proper pay for your family while you are away. Your LES may be faxed to PSS at (213) 978-3618 or e-mailed to LAFDPersonnel@lacity.org
- You should contact the Relief Association at 1(800) 244-3439, to advise them of your military activation. Also include your projected return to duty.

Supervisor Checklist

- Signed copies of Commanding orders forwarded to PSS
- Leave Earnings Statement (LES) forwarded to PSS

- City Owned Property collected and forwarded to PSS
- Personal Protective Equipment (PPE's) forwarded to Central Shops
- MLO notified of Member's leave

MEMBERS RETURNING FROM ACTIVE DUTY

As soon as possible the member will notify their immediate supervisor and MLO (213) 978-3845 pending return to work. The MLO is responsible for coordinating the member's return to work. The member must report back to work within the time parameters.

RETURN TO DUTY PROCEDURES (RTD)

The member is required to submit to PSS a copy of their DD214 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 30 days, member must follow the RTD process.

Upon returning to duty all members shall provide the following:

1. DD214 (report of Separation from Active Duty form) to PSS
2. F18 Transfer Request (ESB)
3. Medical Evaluation coordinated by Medical Liaison Unit (MLU) performed at Medical Services Division (MSD)
4. Provide copy of MSD duty status notification form to PSS
5. Voluntary meeting with the Fire Department's Psychologist

REINSTATEMENT AFTER MILITARY LEAVE

Member shall notify the Department MLU and MLO as soon as possible, if he/she is injured or incurs a disability on military duty. The Department will require the member to have a medical evaluation. The Department must meet all Federal, State and City statutes concerning reasonable accommodations for the impairment.

PROMOTIONS

The City Personnel Department has made it possible for you to take promotional tests late while you are in military service on a case-by-case basis. Before going on indefinite military leave, it is strongly recommended that all members utilize the following web address to access this information:

<https://personline.lacity.org/notecard/index.cfm> (<https://personline.lacity.org/notecard/index.cfm>).

It is the member's responsibility to plan ahead for any upcoming promotional exams that may occur while deployed. Members may also designate a representative to file for exams on their behalf; however the designee must be pre-selected and the Department will not be held liable for failure to notify the member of pending exams.

When your military address is established, return the notification cards for the examinations you may be interested in. When you are notified that an examination is open for filing, submit your application with the military commanding officer's form letter. If you pass the written test, the interview will be replaced by an evaluation by the interview board of reference statements from previous commanding officers (uniformed) or City supervisors (civilian).

It is most important that the Personnel Department be kept informed of your current address, the examinations in which you are interested, and the eligible lists on which you wish your name to remain active.

As it would be nearly impossible to stipulate in this handbook all pertinent rights, benefits, and procedures for every individual case, concerned members should contact PSS at (213) 978-3898 for additional information.

If you are currently on a promotional list and anticipate that certification interviews may occur prior to your return, you must notify PSS prior to your deployment.

The Department will make every attempt to either record (video and audio) your interview prior to your deployment or provide the test upon your return. PSS may accept a recorded tape of your interview response. Note: Your Commanding Officer will have to certify that the integrity of the test has not been compromised.

EXAMINATION POLICIES OF THE LOS ANGELES CITY PERSONNEL DEPARTMENT

(Revisions through 12/11/2008)

For additional information all interested members are encouraged to access the Personnel Department's website address below:

REQUEST FOR EXAM NOTIFICATION (<https://personline.lacity.org/notecard/>)

Section 19 Examinations- Late Test Administration

19.1 Late test administration may be approved when a candidate cannot appear on the original test date in:

(Note: Other conditions involved in approving late test requests are listed in Section 19.3)

a. Open examinations due to

(1) Religious belief

(2) Error by a Personnel Department staff member

(3) **Military commitment**

b. Promotional examinations due to

(1) Religious belief

(2) Major injury or illness of the member

(3) Death or imminent death of a member of the member's immediate family

(4) Required official performance of City business at the time the written test is held, e.g., court appearances or City representative

(5) Legal summons as a juror or witness

(6) Error by a Personnel Department staff member

(7) **Military commitment**

(8) Substantial financial vacation commitments (over \$200) made prior to publication of the examination announcement. In examinations where subsequent tests are unduly delayed, considerations will be given to commitments made more than 30 days prior to the test.

Requests from City members taking Open examinations will be evaluated under the criteria for Promotional examinations. All candidates approved for late written test administration will be required to sign a certificate stating that prior to taking the written test they were not in contact with any person who had taken the written test or who had knowledge of the test content and that questions used in the written test had not been seen or discussions regarding the questions heard.

19.2

All requests for late test administration must be substantiated and the request must be received by staff within the time indicated below:

If military commitment is claimed, a letter signed by the appropriate commanding officer on military stationery stating the dates of service, including arrival and departure times will be required. Requests must be received no later than three days prior to the test date.

19.3

Each request for late administration of an interview, performance or physical abilities test will be reviewed along with substantiating evidence. If the candidate's request meets the above requirements, staff will also consider, before approving the late test request, the following factors:

- a. Availability of the raters, material, equipment, and facilities used in the original test.
- b. Number of candidates on the eligible list as opposed to the number of current and anticipated vacancies in the class.
- c. Reasonable expectation of the candidate receiving an appointment to a vacancy in the class during the life of the eligible list.
- d. Cost effectiveness to the City of reconvening the material, equipment, facilities, and personnel necessary to administer the test.

19.4 Military Written Test Administration

A member on military leave wishing to take a written test while in the military service must have the appropriate commanding officer send a letter to the Personnel Department. This letter must state willingness to administer the written test and the address where the test material is to be sent. Copies of this form letter are available in Room 100 of the Personnel Building. Any further questions, call 213-473-9311 press "0".

Late written test administration will not be approved for an member on military leave who is stationed within 125 miles of Los Angeles. (Amended 4-29-83)

A member who takes a written test in the military service and is unable to complete all portions of the examination will receive a routine notice of ineligibility. However, the Personnel Department will attempt to make arrangements for the member to take any remaining parts of the examination upon release from active duty. The member must contact the Personnel Department as soon as possible to complete these tests. (Amended 6-16-00)

19.5 General Information

Each request for late test administration will be reviewed together with substantiating evidence before test administration is approved.

No late test will be approved by staff for reasons other than those listed above. For example, alleged failure of the post office to deliver admittance notices is an unacceptable reason.

All determinations made by staff concerning late test administration may be reviewed by the General Manager. The General Manager's decisions on requests for late testing are considered final. The Board shall not entertain appeals of such decisions pursuant to Section 10.7 of the Civil Service Commission Rules, unless it can be demonstrated that the staff action was not in accordance with the policy stated herein.

All requests for late test administration must be submitted in writing to:

Personnel Department

Attn: Chief Proctor

Room 100, Personnel Building

700 E. Temple Street

Los Angeles, California 90012

(Amended 1-28-91 and 6-16-00)

Late Test Administration Contacts:

Kyren Harvey at 213-473-9463

Main Line at 213-473-9400

Promotional/Open Examinations - MILITARY

If you pass a promotional examination, either before or while you are on military leave, you may be appointed while you are still in the military service. You will be certified with other eligibles and considered for appointment according to the rule of three whole score. To insure yourself equal consideration for a job, it is suggested that you contact the appointing authorities of departments in which you are interested, including the Fire Department and advise them of your interest, should your_name appear on a certification. Should you receive such an appointment, your probationary period is served upon your return.

If additional questions arise or clarification is required, please feel free to contact the Personnel Services Section at 213 978-3750.

32. Veterans Preference:

32.1 The following documents may be accepted as proof of military service, provided they are dated on or after the day of separation from active service, and include dates of service. They may be in original form, photo static, or certified copies.

- a. Certificates indicating Honorable Discharge or General Discharge under honorable conditions.
- b. Certificate of transfer to Fleet Naval or Marine Corps Reserve.
- c. Certificate of transfer to Enlisted Reserve Corps.
- d. Orders of Transfer to Retired List.
- e. Report of Separation from Service Department provided honorable separation is shown.
- f. Certificate of Satisfactory Service or release from Active Duty. g. Official Statement from Service Department that honorable separation was effected.

NOTE: The spouse of a veteran who was killed or disabled and unable to work as a result of military service as described in Rule 4.7 is entitled to military credits for five years. A Veterans Administration document certifying the date of death or date after which the person was unable to work shall constitute sufficient proof of eligibility. (Amended 1-12-79)

32.2 For purposes of determining extensions to the five-year period of eligibility for military credits, the following shall apply:

- a. If the extension involves hospitalization due to service connected disability, a Veterans Administration document certifying the dates on which the veteran entered and left the hospital shall constitute sufficient proof of eligibility for extension, such extension to be inclusive of the dates certified.
- b. If the extension involves participation in training or educational process, the veteran must submit satisfactory evidence of enrollment. Such evidence shall normally constitute a statement or transcript issued by the registrar or equivalent. An extension for reasons of vocational training must involve a program structured to require a full-time unpaid effort and approved by a state vocational training agency.

An extension for reasons of education must involve a program of at least 12 undergraduate units or at least nine graduate units at a school listed in ACCREDITED INSTITUTIONS of POST SECONDARY EDUCATION, published by the American Council on Education; or in a school that has its credits accepted as if coming from an accredited institution by at least one accredited school.

The inclusive dates of extension for training or educational reasons shall be: for training, the starting and concluding dates as reported by the training institution; for education, the starting and ending dates of the semesters or quarters during which the veteran was enrolled in the number of required courses.

A veteran's eligibility for extension shall be forfeited as a result of full-time employment during the time of participation in a training or educational process. (Effective 1-12-79)

CITY OF LOS ANGELES CHARTER VOLUME II EMPLOYMENT PROVISIONS ARTICLE X EMPLOYMENT PROVISIONS

CIVIL SERVICE - ENTRANCE EXAM

[J Sec. 1006. Credit for Military Service.

(a) Subject to the conditions set forth in this section, in all original examinations, the Board of Civil Service Commissioners shall, in addition to all other credits, give a credit of five percent of the total credits specified for an examination to all persons who receive a passing score on the examination and who have served in the armed forces of the United States during time of war or armed insurrection, or during any time when the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared, or when the United States is assisting the United Nations in actions involving the use of armed forces to restore international peace and security (Military Service), if such persons are honorably discharged from active service even if they remain in the military reserve.

(b) The five percent (5%) credit shall be granted for a period of five years from the date of release from active Military Service of an eligible person or five years from the date the person becomes available for employment. A person shall be deemed unavailable for employment if the person is a student engaged in training or educational process approved by the board or is hospitalized as a result of a service-connected injury or illness.

(c) A five percent (5%) credit for a period not to exceed five years shall be given to widows or widowers of persons killed while in Military Service. Such five year period shall commence to run from the date the spouse is deceased.

(d) A five percent (5%) credit for a period not to exceed five years shall be given to spouses of persons who are unable to work because of disabilities resulting from Military Service. Such five-year period shall commence to run from the date the board determines that the person became unable to work.

(e) Notwithstanding any time limitations set forth in other parts of this section, the five percent (5%) credit shall be provided to all persons with disabilities resulting from Military Service without regard to the date of discharge. For purposes of this subsection, a person shall be deemed disabled if the disability is certified by the Veterans Administration or its successor agency.

Rules of the Board of Civil Service Commissioners

City of Los Angeles Personnel Department

Revised through September 2009

Sec. 1.21.

FINAL GENERAL AVERAGE means the final score of a candidate in an examination, as computed according to Section 4.4 of these Rules, including any promotional seniority credit or veterans' credit allowed. (Amended 11-28-91)

Sec. 1.39.

VETERANS CREDIT or MILITARY CREDIT means the credit given for military service to an applicant in an open competitive examination in accordance with Charter Section 1006 provided that the five year period of eligibility defined under Charter Section 1006 and elsewhere in these Rules refers to the time during which the application for employment in the affected class must be received by the Personnel Department.

Sec. 4.4.

Each test shall be graded independently; the resulting grade shall be multiplied by the weight assigned to each test; the sum of the resulting products rounded to the nearest whole score shall be the final general average except where promotional seniority credit or veterans' credit is added. Promotional seniority credit will be added prior to rounding the final score. Veterans' credit will be added to the final general average of passing Open Competitive candidates. (Effective 11-28-91)

Sec. 4.7

In all open competitive examinations, veterans' credit shall be given to each person passing the examination who has served in the armed forces of the United States during a period identified below and who presents for inspection satisfactory proof of honorable discharge. Veterans' credit shall be

added to the passing score of the spouse of a person killed or unable to work due to disabilities resulting from military service as identified below. The credit shall be added to the passing score of such spouse during the five-year period following the death of the person or during the five-year period following the date on which the person was determined to be unable to work, such as determination to be made by the Board. (Effective 2-15-79) (Amended 11-13-03)

A lifetime veterans' credit shall be added to the passing score of a person who served during a period identified below and who has been certified by the Veterans Administration as disabled. (Effective 2-15-79)

Such evidence of military service may be presented with an application or at any time thereafter. An eligible who presents evidence of his/her military service after the Report of Examination has been adopted by the Board shall have the final general average on this report adjusted and reported to the Board. Credit will be given for military service only if it meets the following criteria: (Amended 11-13-03)

Service during December 7, 1941 to December 31, 1946(World War II); June 25,1950 to July 27, 1953 (Korean War); January 1, 1964 to August 15, 1973 (Viet Nam Operations); August 2, 1990 to April11,1991(Persian Gulf War): October 7, 2001 to present (War in Afghanistan)'. (Amended 11-13-03)

OR

Service during periods in which the City Council grants continued member benefits for City member reservists call to active duty. (Effective 11-13-03)

See Charter Section 1006 and City Attorney Opinion to the Civil Service Commission, August 20, 1974.

Sec. 4.26

amendments to Reports of Examinations resulting from corrections of clerical errors, administration of postdate tests or granting of veterans' credit may be made during the period that names on said Reports appear on the register of eligibles, but such amendments shall not affect appointments already made.

RE-INTEGRATION/RETURN TO WORK PROGRAM

The intent of the Re-integration Program is to facilitate the smooth transition of the member back to work in field assignments. The Program is designed to be tailored to the needs of the member and should be based on the length of separation from the City service, time in a special duty position

and/or length of deployment and the type of service the member performed, if separation was due to an extended military leave of absence.

Members returning from long term leave may have had several years of absence. The result may be a loss of skill level, lack of confidence and a lack of updated information. The Fire Department is a dynamic organization that is constantly changing. Our challenge as a department is to manage this change in our social, political and operationally structured environment.

It is understood that some members retain most of the information and skill necessary to perform their job. Our goal is to ensure that they are "response ready" and facilitate a smooth transition back into the field assignments they were assigned to. To ensure that the member is thoroughly effective for emergency operations, they shall complete an orientation/training program as described in the following example:

EMERGENCY OPERATIONS RE-INTEGRATION GUIDE FIREFIGHTER

Assigned duties as a firefighter:

You will be expected to prepare to perform proficiency exercises and demonstrate safe operation in the following areas:

- Basic Operations
- Hose Lays
- Ladders
- Ventilation
- Salvage/Overhaul
- Physical Extrications
- Master Streams
- Portable Monitor
- Pumping Operations
- Aerial Operations
- Rescue Harness
- Litter Basket

- Helicopter Operations and Safety
- Map drill of your first in district

REFRESHER PERIOD

You will be provided the opportunity to review Departmental Bulletins, Training Bulletins and the Department Library and other appropriate sources i.e. Computer/Internet, as well as consult with other members in your chain of command in preparation for your refresher period.

Proficiency Exercises:

Any newly adopted tools, equipment, or training procedures shall be reviewed and demonstrated to the member undergoing a refresher course. The member will be required to demonstrate his or her proficiency within the specific area of interest.

As an aid in organizing your proficiency exercise, the following format may be followed:

INTRODUCTION

What is it?

Nicknames

Purpose of item

Where is it carried and how is it found?

PRESENTATION

How is it used?

SAFETY

Additional equipment needed or used with this item

Maintenance

Additional information

APPLICATION

Demonstrate proper use

Procedures-give examples or situation

TEST

Questions and answer session by Refresher Staff

Established for each proficiency exercise (See PE Grade Sheet)

Re-integrated Members Declaration:

"All of the items on this EMERGENCY OPERATION REFRESHER COURSE have been discussed with me and I have been given a copy to use as a guide during my reassignment. I am aware that my performance is documented and I will be held strictly accountable for my performance and attitude on a daily basis. My signature indicates that I agree with the instructor's assessment that I am ready for fire fighting duty in that skill area. Instructor's signature indicates that the instructor considers the member is competent and ready for fire fighting duty in that skill area".

(Print) Member's Name

Signature Date

(Print) Training Section Captain

Signature Date

(Print) Bureau Commander

Signature Date

Re-integrated Members Declaration (http://lafdlibrary.ad.lafd.ci.la.ca.us/Library/images/8/82/Re-intergrated_Members_Declaration.pdf)

OPERATIONAL RE-INTEGRATION GUIDELINES AIRCRAFT RESCUE FIREFIGHTING

REQUIREMENTS FOR CONTINUED ARFF CERTIFICATION -1/25/2011

After initial ARFF certification there are two requirements for maintaining your

ARFF certification:

- 1) FAA requires a Live Burn every 12 months
- 2) 50 hours of annual ARFF training

In order to comply with the requirements set by Federal Aviation Regulations, Part 139.319, you must:

- 1) Contact one of the Officer's assigned to Fire Station 80 and schedule an Alternate Burn.
- 2) For the 50 hours of continuing annual ARFF training, Station Commanders shall maintain F-393 training, documenting hours and forward an F-225 or memorandum to me at Fire Station 80 signed by the Station Commander stating that the required training has been completed.

OPERATIONAL RE-INTEGRATION GUIDELINES INSPECTORS

Members returning from military leave may have had several years of absence. The result may be a loss of skill level and a lack of updated information since the Fire Department is a dynamic organization that is constantly changing to keep up with new technological challenges.

The member probably has retained most of the information and skills necessary to perform their job as they assimilate back into the Fire Department. However, to ensure that the member is thoroughly effective for emergency operations and the Fire Prevention Bureau, they shall complete a re-integration program as described below:

I. Safety Inspection

A. Personal Safety Equipment

1. Turnouts, hood, brush jacket/pants, gloves, safety shoes, radio, face piece, nomex uniform pants, etc.

B. Training

1. Breathing apparatus (new), 800 MHz radio, brush fire orientation, etc.

II. Orientation / Training

A. FPB

1. Introduction to floor layout and offices
2. Assignment of vehicle and parking location

3. Assignment of locker and keys
4. House dues
5. ID card access
6. Work schedule
7. Inspector's tools and available resources
8. New code interpretations, ordinances and amendments
9. Overtime procedures and time keeping information
10. New occupancy classifications and types of construction
11. Chief Regulation 4 Requirements
12. Certifications, ie. CPAIR, etc.
13. Two ride out with Inspectors in the Unit assigned
14. Review and update personal Record Book

B. City of Los Angeles

1. Sexual Harassment Training
2. Maintaining a Drug Free Workplace Info
3. Computing Policies and Electronic Access Guidelines

III. Required Certifications/Licenses

A Valid drivers license, updated EMT/Paramedic/AED certification, medical examination card, etc.

Sample F-225

April 9, 2010

TO:

Assistant Chief, Member Relations Division,

THROUGH CHANNELS

FROM:

Planning Captain

Planning Section. MLO

SUBJECT:

REQUEST FOR LOST HOLIDAYS- FIREFIGHTER

Summary

Firefighter Gomer Pyle has been with the US Army Reserve since he was appointed to the Fire Department in 2002. During his tenure he has had several armed forces deployment activations. In 2008, Firefighter Pyle was deployed with the US Army reserve to Afghanistan for a total of 438 days. While on military leave, from July 19, 2008 through October 2, 2009, Firefighter Pyle lost an accumulated 15 holidays, due to this military leave.

The lost holidays are calculated to reflect 6 holidays lost in the year 2008 and 9 holidays lost in the year 2009. Attached are copies of Firefighter Pyle's F-351s that reflect his military leave and the holidays which have been lost.

According to a letter from Personnel Services Section to all Fire Department Members, dated December 23, 2002, entitled "Member Benefits during Military Leave", the following is quoted: "Members shall continue to receive the same vacation, holidays, and sick leave that they would have accrued had they not been absent for such leave".

Recommendation

It is respectfully requested that Firefighter Pyle receive the holidays, which had been lost due to military leave.

Planning Captain

MILITARY LEAVE FACT SHEET

FEDERAL ENTITLEMENT- Uniformed Services Employment & Reemployment

Rights Act of 1994 (USERRA)

- USERRA applies to all City members

- Types of military leave covered: Active Duty (AD); Active Duty for Training (ADT); Inactive Duty for Training (IADT); Initial Active Duty for Training (IAT); and period a person is absent from position of employment for the purpose of examination to determine fitness of the person to perform any such duty
- Rights under USERRA include: seniority; pension/retirement (if not receiving differential, member will be required to reimburse City for missed contributions upon return from military leave); vacation (Member will continue to accrue vacation credit while on military leave); health benefits (Member will be required to pay for benefits unless receiving pay differential); protection from discharge; and, protection from discrimination or retaliation
- A member must provide notice to City of an obligation or intention to perform service in the uniform service either orally or in writing
- If unable to provide prior written notice to the City of upcoming service, a member must provide written documentation (military orders or DD 214) upon return to employment
- A member may (but is not required to) use accrued vacation or overtime prior to commencement of service
- A member continues to accrue seniority while on military leave; however, a member cannot pass probation while on military leave
- USERRA rights can only be terminated for the following : dishonorable or bad conduct discharge; separation under other than honorable conditions; or, dismissal from the service
- A member of the uniformed service shall not be denied: initial employment; reemployment; retention in employment; promotion; or, any benefit of employment by the City on the basis of that membership
- The City may not discriminate in employment against any person because such person has taken an action to enforce a protection under USERRA
- A person entitled to rights under USERRA may file a complaint with the Veterans Employment and Training Service (VETS). (933 S. Glendora Ave., West Covina, Ca 91790, 626 813-3402)
- For military service less than 31 days, a member must return to work the first day following the completion of the period of service
- For military service more than 30 days, but less than 180 days, a member must return to work not later than 14 days after completion of the period of service
- For military service more than 180 days, a member must return to work not later than 90 days after completion of the period of service

- A person who is reemployed by the City under USERRA shall not be discharged from employment, except for cause, within one year if absent more than 180; or within 180 days, if absent for more than 30 days, but less than 181 days
- A person who fails to report or apply for employment or reemployment within the appropriate period specified under USERRA shall not automatically forfeit such person's entitlement to the rights and benefits, but shall be subject to the conduct rules, established policy, and general practices of the City pertaining to explanations and discipline with respect to absence from scheduled work

USERRA OVERVIEW

Legal Aspects

Uniformed Services Employment and Reemployment Rights Act (USERRA). The Uniformed Services Employment and Reemployment Rights Act of 1994 guarantees members the right to take a leave of absence uniformed services and to return to their job with accrued seniority and other employment protections. The act prohibits employment discrimination based on past, current or future military obligations and also covers hiring, promotion, reemployment, termination and benefits.

For the purposes of USERRA service, voluntary or involuntary, in the uniformed service means:

- Active Duty
- Active Duty for Training
- Initial Active Duty for Training
- Inactive Duty Training (Weekend Drills)

USERRA generally requires all employers to grant up to five years of leave to members who are members of or apply for membership in the military. In order to qualify for protection, the member must notify the employer in advance. As a practical matter, the exceptions to the advance notice requirement are broad enough that a member rarely will be deemed not to have given sufficient notice. When the member returns from military service, he/she must be placed in the same position as if they had never left. This is commonly referred to as the "Escalator" provision. Generally, the member must receive all the benefits they would have received had they not taken military leave. This includes health coverage, insurance and retirement plans, etc.

A returning member is entitled to their job if they meet the following requirements:

1. Gave advance notice to the Department.
2. The cumulative length of service does not exceed five years.

3. The member reports back to work within the allowable time frames.

4. The member was honorably discharged from the uniformed service.

This act of Congress provides clear protection for members of the reserve forces, including the National Guard, and is applicable to all employers in the Country. The act was last amended in 2001 and is codified in Chapter 38 U.S. Code. Among the significant changes are:

- A member no longer requests permission to be absent for military leave but rather provides notification of pending military service.
- There is no longer any difference between voluntary and involuntary service.
- A member cannot be required to use vacation or similar leave for military leave of absence.
- The act also provides for enforcement based on discrimination in hiring, retention, promotion, or other benefits of employment.

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 Code. Like the President's authority to call reservists to active duty, the Governor of California can call on members of the Army and Air National Guard to assist with emergencies within the state. The Military and Veterans Code allows the Governor to call up the necessary troops to assist local authorities with fire fighting and civil disturbances, etc. It should be noted that 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 a member ordered to State Active Duty by the Governor, he/she must be granted the leave of absence. Very often as is the case with fire fighting, the reservist may only receive verbal orders and will receive the written order sometime after his/her call-up. The verbal order has the same force as a written order, and any reservist who receives such an order is lawfully bound to obey the order. (California Code 395)

Administrative Code

City of Los Angeles

Chapter 2, Article 1, Sec. 4.42

"Continuous Service" means service without break or interruption during which the member has been employed by the City. In computing continuous service for the purpose of this chapter, neither military leaves nor leaves of absence on account of illness, whether with or without pay, shall be construed as a break or interruption of service. Other absences or suspensions, aggregating in excess of ninety (90) days in any period of twelve (12) months, including layoffs on account of lack of work, lack of funds, or abolishment of positions, shall be construed as breaking "continuous service". For purposes of determining eligibility for military leave with pay as provided in Sections 4.123 and 4.175 of this Code, service in the recognized military service prior to employment with the City shall be counted as "continuous service".

(A) Chapter 2, Article 10, Sec. 4.123. Military Leave with Pay-Civilian

(a) Every member of the City who qualifies for and is granted a military leave, whether temporary or otherwise, pursuant to the provisions of the Military and Veterans Code of the State of California, shall, before he is paid his salary or compensation during such leave, or any part thereof, as provided in said Code, furnish to his appointing authority two certified copies of his orders, one (1) copy to be filed in the department in which he is employed and the other with the Controller, or in lieu thereof, he shall furnish to such appointing authority upon forms provided by the Controller certified evidence of his entry into active service in the armed forces of the United States and the date thereof.

(b) Any certification required by this section may be made by any commissioned officer of such armed forces. The Controller shall have power at any time to member into active service in such armed forces and of the actual performance by him of ordered military duty during all or any part of such leave.

(c) In determining whether a member has been in the service of the City for a period of not less than one year immediately prior to the date on which the absence begins, continuous service shall be that service in any department having control of his own funds shall be counted in making such determination.

California Military and Veterans Code Section 395

(a) Any public member who is a member of the reserve corps of the Armed Forces of the United States or of the national Guard or the Naval Militia is entitled to a temporary military leave of absence as provided by federal law while engaged in military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises or like activity, providing that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from that duty.

(b) Notwithstanding subdivision (a) , a local public agency may, but is not required to, provide paid military leave of absence for periods of inactive duty training.

(c) The member has an absolute right to be restored to the former office of position and status formerly had by him or her in the same locality and in the same office, board, commission, agency, or institution of the public agency upon the termination of temporary military duty. If the office or position has been abolished or otherwise has ceased to exist during his or her absence, he or she shall be reinstated to a position of like seniority, status, and pay if a position exists, or if no position exists the member shall have the same rights and privileges that he or she would have had if he or she had occupied the position when it ceased to exist and had not taken temporary military leave of absence.

(d) Any public member who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the date upon which a temporary military leave of absence begins, shall receive the same vacation, sick leave, and holiday privileges and the reappointment to office, or reemployment that the member would have enjoyed had he or she not been absent there from; excepting that an uncompleted probationary period, if any, in the public agency, must be completed upon reinstatement as provided by law or rule of the agency, For the purposes of this section, in determining the one-year of service in a public agency all service of the member in recognized military service shall be counted as public agency service.

(e) If this section is in conflict with a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government Code, the memorandum of understanding shall be understanding requires the expenditure of funds, it shall not become effective unless approved by the Legislature in the annual Budget Act.

California Military and Veterans Code Section 395.01

(a) Any public member who is on temporary military leave of absence for military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises, or like activity as such member, provided that the period of ordered duty does not exceed 180 calendar days including time involved in going to and returning from the duty, and who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the day on which the absence begins, is entitled to receive his or her salary or compensation as a public member for the first 30 days in any one fiscal year. For the purposes of this section, in determining the one year of public agency service, all service of a public member in the recognized military service shall be counted as public agency service.

(b) Notwithstanding subdivision (a), a local public agency may, but not required to, pay a member during a period of inactive duty training.

(c) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4, of Title 1 of the Government Code, the memorandum of understanding shall be controlling without further

legislative action, except that if those provisions of memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

CALIFORNIA STATE ENTITLEMENT (Military & Veterans Code Sections 389-398)

- California state law on reasonable accommodation applies to persons with a service-related disability.
- The State mandates salary compensation for the first 30 calendar days in any one fiscal year for any public member who is on military leave for the purpose of active military training, encampment, naval cruises, and special exercises or like activity. Salary compensation for military leave is only available to public members, who have completed one year of either public agency service, recognized military service, or a combination of both.

CITY ENTITLEMENT (Various City Ordinances)

- In addition to the above-listed Federal and State rights, members on military leave may be entitled to additional City benefits depending on the type of military leave and nature of the deployment. Members should contact their respective personnel offices regarding available benefits.

SERVICE LINKS

Department of Defense (<http://www.defense.gov/>)

Army Reserve (<http://www.usar.army.mil/Pages/default.aspx>)

Air Force Reserve (<http://afreserve.com/>)

California Air National Guard (<http://www.ca.ang.af.mil/>)

California Army National Guard (<http://www.calguard.ca.gov/>)

Marine Corps Reserve (<http://www.marforres.marines.mil/>)

Navy Reserve (<http://www.navyreserve.com/>)

Coast Guard Reserve (<http://www.uscg.mil/reserve/>)

National Guard Association (<http://www.ngaus.org/>)

IMPORTANT LINKS

Veterans' Reemployment Rights (<http://www.dol.gov/dol/topic/termination/veterans.htm>)

MISCELLANEOUS LINKS

Employer Support of Guard/Reserve (<http://www.esgr.mil/>)

Department of Labor (<http://www.dol.gov/>)

Reserve Officers Association (<https://www.roa.org/>)

CONCLUSION

The purpose of this handbook is to assist supervisors and the general membership in understanding the needs of our members with military obligation. It is our hope that it addresses the majority of the questions that may arise concerning these members. Finally this handbook offers confidence to allow each member the ability to continue to serve both the City of Los Angeles and the Nation. The Los Angeles Fire Department thanks you for your commitment in ensuring our collective freedom.

Los Angeles Fire Department Military Leave Time Off/Compensation Form

FORM F-96ML (<http://lafdlibrary.ad.lafd.ci.la.ca.us/Library/images/7/7f/F-96ML.pdf>)

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