

RESOLUTION NO. 2021-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA PROVIDING FOR CONTINUATION OF PARTIALLY PAID TEMPORARY MILITARY LEAVE OF ABSENCE FOR CITY EMPLOYEES CALLED TO ACTIVE DUTY WITH THE ARMED FORCES AND CONTINUATION OF BENEFITS FOR EMPLOYEE AND THEIR ELIGIBLE DEPENDENTS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1: The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. On October 1, 2001, the City Council of the City of Santa Ana adopted Resolution No. 2001-065 which provided for an additional partially-paid temporary military leave of absence for each full-time officer or employee of the City, with at least one year of City employment, who had been called to active military service with the Armed Forces of the United States in connection with the then ongoing military crisis. That Resolution was extended yearly since its initial adoption in 2001 until June 30, 2017.
- B. The pay and benefits authorized by Resolution No. 2001-065 inadvertently expired on June 30, 2017. However, on August 21, 2018, Resolution No. 2018-064 provided continuation of those benefits authorized in 2001-065 through March 31, 2019, and extended on March 5, 2019, Resolution No. 2019-016 through June 30, 2020 and on April 21, 2020, Resolution 2020-030 through June 30, 2021.
- C. It is the intention of the City Council to continue to help City employees and their families with financial hardships resulting from being called to active duty for more than thirty (30) continuous days in connection with continuing military commitments and to affirm payments of those benefits to affected employees from July 1, 2021 through June 30, 2022, unless extended by further action of the City Council.
- D. Section 9-144 of the Santa Ana Municipal Code ("SAMC") grants members of the reserve forces of the United States, or the National Guard, temporary leave with pay not to exceed thirty (30) calendar days in each calendar year after one year of service with the City, upon proof of orders to and from such

temporary active duty, also required by the California Military and Veteran's Code section 395.02.

- E. However, the normal tour of duty to which a reservist may be ordered to serve, without congressional action, is normally six (6) consecutive months.
- F. Several City employees are currently reservists on active military service.

Section 2: Partial Pay, Benefit Allowances and Group Benefit Coverage for City Officers and Employees on Long-Term Active Military Service.

- A. In addition to the fully paid military leave provided by Section 9-144 of the SAMC, each full-time officer or employee of the City, with at least one (1) year of service with the City, who is called to active military service with the Armed Forces of the United States in connection with continuing military commitments shall be entitled to military leave with partial pay for the period of his or her absence from City employment while on military service in excess of the period covered by Section 9-144, upon presenting satisfactory proof of orders to and from such temporary active duties.
- B. The amount of pay that each employee shall be entitled to receive from the City for the employee's additional period of military leave shall be the difference between the military gross pay and allowances actually received by the officer or employee from the United States for such service and the regular base pay, plus regular pay additives that said employee would have received from the City of Santa Ana if he or she would not have been called to active military duty, subject to all regularly required and voluntary deductions and withholdings.
- C. For each full-time officer or employee of the City who has already been or will be called to active military service with the Armed Forces of the United States in connection with continuing military commitments, the City shall also provide continued health and dental benefits to the employee and the employee's eligible dependents or, for the employee's represented by the Santa Ana Police Officer's Association ("SAPOA"), the City will contribute to the SAPOA that portion of the City's current contribution to the SAPOA designated specifically towards payment of premiums for, health, dental and long-term disability insurance plans administered by the Association for the benefit of the employees represented by the Association, as described in Section 12.0 of the current SAPOA Memorandum of Understanding.

Section 4: the City shall not pay any wage or benefit provided for in this Resolution until and unless the officer or employee who requests such payment provides satisfactory proof such as a copy of military orders and documentation of eligibility to receive payment in accordance with procedures established by the City Manager or his or her designee.

Section 5: This Resolution, and the pay and benefits authorized herein, shall terminate and be of no further force or effect on midnight, June 30, 2022, unless extended by further action of the City Council or otherwise required by law.

ADOPTED this 4<sup>th</sup> day of May, 2021.

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Vicente Sarmiento  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho  
City Attorney

By: Laura A. Rossini  
Laura A. Rossini  
Chief Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSTAIN: Councilmembers \_\_\_\_\_

NOT PRESENT: Councilmembers \_\_\_\_\_

#### CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Daisy Gomez, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2021-\_\_\_ to be the original resolution adopted by the City Council of the City of Santa Ana on May 4, 2021.

Date: \_\_\_\_\_

\_\_\_\_\_  
Daisy Gomez  
Clerk of the Council  
City of Santa Ana