

**DRAFT****RESOLUTION xxxx****RESOLUTION APPROVING THE ENHANCED  
MILITARY LEAVE POLICY FOR ALL CLASSIFIED  
AND UNCLASSIFIED EMPLOYEES THROUGH  
MARCH 31, 2021**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

**WHEREAS**, Section 75 of the Port Act authorizes the District to adopt rules and regulations for the administration of its personnel system; and

**WHEREAS**, on October 23, 2001 the Board of Port Commissioners (BPC) adopted Resolution 2001-236 approving a Military Leave Policy for all classified and unclassified District employees; and

**WHEREAS**, the Policy became known as the “Enhanced Military Leave Policy” which commenced September 14, 2001 and originally extended through March 31, 2002, and since that time, has been approved every two years, through March 31, 2019; and

**WHEREAS**, the District’s Military Leave policy memorializes the rights due an employee under the Military and Veterans Code and grants all employees that qualify for military leave full pay for up to 22 work days (based on an 8 hour day) per salary year; and

**WHEREAS**, employees who are members of the reserve corps of the Armed Forces of the United States or the National Guard or the Naval Militia who have been ordered to active military duty are eligible for paid military leave under Military and Veterans Code Section 395.02; and

**WHEREAS**, the leave is provided as a temporary relief from financial hardship due to loss of pay and benefits for employees on active military duty as a result of the terrorist attacks; and

**WHEREAS**, this paid leave commences on the date which *Military and Veterans Code* benefits are exhausted and is equal to the employee’s normal biweekly gross pay (excluding any overtime pay), offset by the amount of gross military pay for such duty, including all military allowances paid to the employee; and

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**WHEREAS**, neither federal nor state law requires an employer to continue payment for health insurance coverage for employees who are on military leave, however, the military provides health coverage to those on active duty and the District will continue providing health insurance for dependents while an employee is on paid military leave; and

**WHEREAS**, District employees will continue to receive other benefits, including annual leave, as provided under USERRA; and

**WHEREAS**, staff requests the BPC approve to extend the duration of the Enhanced Military Leave Policy through March 31, 2021.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director or her designated representative is hereby authorized to approve the Enhanced Military Leave Policy for all classified and unclassified employees through March 31, 2021.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12<sup>th</sup> day of March 2019, by the following vote: