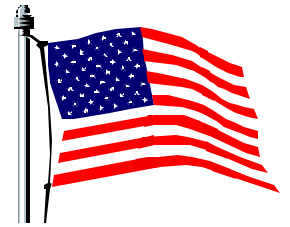


A Handbook for...



**California State
Civil Service Employees
Entering the
Military Service**

*Prepared By:
The State Personnel Board
&
Department of Personnel Administration*



INTRODUCTION

This handbook summarizes the applicable United States Federal Law (US Code: Title 38, Chapter 43, Sections 4301 through 4333), California State Law (California Government Code: Title 2, Chapter 11, Sections 19770 through 19786) and State Personnel Board (SPB) and Department of Personnel Administration (DPA) Regulations as they pertain to a person entering the military service.

The following topics are addressed in this handbook:

- Right To Military Leave
- Salary And Salary Adjustments
- Seniority Rights
- Vacation And Sick Leave Credits
- Health Benefits
- Civil Service Examinations
- Employment List Eligibility
- Reinstatement Upon Completion Of Active Duty
- Retirement Contributions
- Social Security

Also included in this handbook are the special provisions for employees ordered to military service during an event authorized by the President or Congress in support of war or national emergency.

For questions not answered within this handbook, or for more detailed information, consult the central personnel office of your department.



PART I

GENERAL INFORMATION

Both the State Personnel Board (SPB) and the Department of Personnel Administration (DPA) have jurisdiction over certain provisions of the Law and Regulations pertaining to Military Service. The SPB is responsible for the provisions pertaining to appointments, civil service examinations, list eligibility, probationary periods, employee status and reinstatement. The DPA is responsible for provisions related to eligibility for military leave and the affect of the leave on the employee's salary, vacation, sick leave, seniority and health benefits. Retirement benefits fall within the jurisdiction of the Public Employees' Retirement System.

If you were granted a military leave and your entry into the military service is postponed for any reason, you should immediately contact your supervisor or the central personnel office of your department in order to protect your status. You will be returned to work until the new date for your entry into the military service is activated. Failure to contact your department may result in your separation from State service due to absence without leave.

If after going on military leave you decide not to return to State service, you should contact the central personnel office of your department to clarify your status. Failure to return to work or to contact your department within the time allowed for reinstatement, as explained in Part III, may result in your separation from State service due to absence without leave.

If you were required to take a physical examination prior to your entry to active duty, you should have been given time off with pay for that purpose and not charged sick leave, vacation, or overtime credits. (This privilege applies only to physical examinations for immediate entry into active military service.)

If you are a reservist and are required to attend scheduled reserve drill periods to fulfill your reserve obligations, you are entitled to a military leave. This type of military leave is without pay. You must use your own free time or you may elect to use vacation and/or overtime credits to cover your absence in order to receive pay. If such reserve obligations fall on your regular work shift and you give five working days notice to your department, then your department will make every attempt to change your schedule to avoid the necessity of using vacation and/or overtime credits or docking your pay.

If you were a permanent or probationary employee and you chose to resign from your position even though you were eligible for a military leave, it is possible you may still have a right of return. Therefore, if you wish to return to State service upon completion of your active duty, you should immediately contact the central personnel office of your department. That office will be able to explain any return rights and benefits for which you may qualify.

There are four categories of military leave, defined as follows:

Military Leave Definitions

- 1) **Short-term military leave** means a leave for 6 months or less.
- 2) **Long-term military leave** means a leave for more than 6 months.
- 3) **Emergency military leave** means a leave for members of the National Guard during such time as the Governor may have issued a proclamation of a state of extreme emergency or insurrection under the provisions of Section 143 or 146 of the Military and Veterans Code or during such time as the National Guard may be on active duty for one or more situations in Section 146 of the Military and Veterans Code.
- 4) **War or National Emergency** means a leave when the President has determined that it is necessary to augment the active forces for any operational mission, or in time of a national emergency declared by the President or Congress.

General Definition

Military leave means the leave of absence status of an employee who leaves a position to serve in the armed forces, as well as the employee's reinstatement rights after the completion of military service.

The four types of military leave which are granted to State civil service employees, as well as an explanation of the status required to be eligible for military leave, are described in Part II of this handbook.



PART II

SPECIFIC TYPES OF MILITARY LEAVE

SHORT-TERM MILITARY LEAVE

Conditions For Military Leave

Short-term military leave is granted if you are a permanent, probationary, limited-term, or temporary employee and you are ordered to report for active duty in the armed forces, National Guard, or Naval Militia for a period of six months or less. Annual training ordered for the purpose of active military training, encampment, naval cruises, or special exercises qualify for short-term military leave. Inactive duty such as scheduled reserve drill periods also qualify for a military leave of absence, however, it may not be with pay. The length of your military leave is for the period of active duty plus one day for travel going to and returning from such duty, unless other provisions are included in your orders for additional travel time.

In order to receive the rights and benefits of short-term military leave, you must begin your active duty within 10 calendar days after:

- the last day in which you physically worked, OR
- the last day on vacation or compensating time off prior to your active duty date.

"Qualifying Service" Feature

You are entitled to certain benefits provided you have the necessary qualifying service:

Qualifying Service Criteria

- 1) You have not had a break in the continuity of your State service;
AND
- 2) You have 12 qualifying pay periods of State service immediately prior to the effective date of your active duty;
OR
- 3) You have a combination of such State service and military service regardless of when it was served, which equals one year. (Military service is full-time active military duty in the armed forces of the United States as defined in Government Code Section 18540. This includes service with the National Guard since it is a reserve component of the armed forces.)

Conditions For Salary Payment

If the requirements for qualifying service are met, payment of salary is made up to the first 30 calendar days of active duty served during a fiscal year. The actual amount of payment to which you are entitled during your short-term military leave depends on whether your active duty is for more or less than 30 calendar days and whether you have already been paid for a portion of the 30 calendar days in the same fiscal year. If your active duty is for less than 30 calendar days in a fiscal year, you may only be paid for the actual days of active duty. Under no circumstances can you receive more than 30 calendar days pay in any one fiscal year. The beginning date of active duty determines the fiscal year in which the pay is accumulated when the period of active duty extends into a new fiscal year. For additional payment, you may elect to use vacation and/or overtime credits to cover your absence.

LONG-TERM MILITARY LEAVE

Conditions For Military Leave

Long-term military leave is granted if you are a permanent or probationary employee and you are ordered to report for active duty in the armed forces, National Guard, or Naval Militia for a period of more than six months. The length of your military leave is for the period of active duty specified in your orders, plus one day for travel to and from such duty, unless other provisions are included in your orders for additional travel time. Long-term military leave cannot exceed five years.

In order to receive the rights and benefits of long-term military leave, you must begin your active duty within 90 calendar days after:

- the last day in which you physically worked, OR
- the last day on vacation or compensating time off prior to your active duty date.

Conditions For Salary Payment

If you have 12 qualifying pay periods of State service immediately prior to the effective date of your active duty, you are entitled to payment of salary for the first 30 calendar days of active duty served during such absence, providing you have not already been paid for a portion of the 30 calendar days in the same fiscal year. Under no circumstances can you receive more than 30 calendar days pay in any one fiscal year. The beginning date of active duty determines the fiscal year in which the pay is accumulated when the period of active duty extends into a new fiscal year.

When you have completed your active military duty, it is your responsibility to submit a certification of completion signed by your commanding officer. This may be on the form which is given to you by your department at the time your military leave is granted or by a letter from your commanding officer which certifies the dates of your active military duty. The letter should be sent to the central personnel office of the department in which you work. You may elect to be paid for your vacation credits at the time your military leave is granted.

EMERGENCY MILITARY LEAVE

Conditions For Military Leave

Emergency military leave is granted if you are a member of the National Guard and you are ordered to report for active duty in response to the Governor's proclamation of a state of extreme emergency or insurrection under the provisions of Section 143 or 146 of the Military and Veterans Code. This also includes such time as the National Guard may be on active duty for one or more situations in Section 146 of the Military and Veterans Code.

The length of your military leave is for the period of active duty plus one day for travel to and from such duty, unless other provisions are included in your orders for additional travel time.

In order to receive the rights and benefits of emergency military leave, you must begin your active duty within 10 calendar days after:

- the last day in which you physically worked, OR
- the last day on vacation or compensating time off prior to your active duty date.

Conditions For Salary Payment

You are entitled to payment of salary for the period of active duty and travel time; however, the payment cannot exceed 30 calendar days each time you are granted the emergency military leave. For additional payment, you may elect to use vacation and/or overtime credits.

WAR OR NATIONAL EMERGENCY MILITARY LEAVE

Conditions For Military Leave

War or national emergency military leave is granted if you are a State employee who is a member of the California National Guard or United States military reserve organization and you are ordered to active duty by Presidential or Congressional determination. The length of your military leave is for the period of active duty plus one day for travel to and from such duty, unless other provisions are included in your orders for additional travel time.

In order to receive the rights and benefits of war or national emergency military leave, you must begin your active duty within 10 calendar days after:

- the last day in which you physically worked, OR
- the last day on vacation or compensating time off prior to your active duty date.

"Qualifying Service" Feature

You are entitled to certain benefits if you are called to active duty by Presidential or Congressional determination.

Conditions For Salary Payment

When you are ordered to active military duty for an event authorized by the President of the United States or Congress, you are entitled to be paid by the State, up to 180 calendar days, for the difference between your military pay and your State pay.

If you elect to receive the difference between your military pay and your State pay, you need to prepare a work sheet that is available from your central personnel office at your department.

If you elect to retain your military pay (your military pay may be larger than your State pay), you will also need to prepare a work sheet. Although you will not be receiving a State check, your deductions included in the State-provided benefit package (health, dental, and vision) will be continued at your option. However, you are responsible for paying your health benefit premiums. The State will authorize the continued payment of these premiums via an accounts receivable process.

For additional payment, you may elect to use your vacation and/or overtime credits to cover your absence.

While on military leave, you will qualify for General Salary Adjustments (GEN), Merit Salary Adjustments (MSA), and Special In-grade Salary Adjustments (SISA). If you are receiving pay from the State such as vacation, overtime credits or the difference between your military pay and State pay, your records will be updated and your pay will be changed to reflect the GEN, MSA, or SISA to which you are entitled. Any GEN, MSA, or SISA that you may qualify for while on military leave without pay will be posted to your records upon your reinstatement.



PART III

REINSTATEMENT

REINSTATEMENT AFTER SHORT-TERM MILITARY LEAVE

If you wish to return to your job following the completion of your short-term military leave, you should contact your department upon release from active duty to request reinstatement. You are required to furnish the department with a copy of your military separation document, as this evidence is needed in order for the department to determine whether you have the right of return. This may be a copy of Department of Defense Form 214 or any other correspondence which either identifies your branch of the military service or is printed on the official letterhead of your branch of the military service. The military separation document must provide the condition of your release from the military service (e.g., "honorable," "general," "under honorable conditions" are considered satisfactory discharges), the date you entered active duty, and the date you were released from duty. The military separation document is necessary to ensure that your release was for other than dishonorable or bad conduct conditions as well as to ensure that the time limitations for entry to and release from active duty have not been exceeded. Your reinstatement will not be denied or delayed if the information does not yet exist or is not readily available, however, you are required to provide the information as soon as it becomes available.

The time limitations for a right of return depend on your status at the time you were granted the short-term military leave.

Time Limitations Upon Return

- 1) If you were a limited term or temporary employee and if your military service is less than 30 days, you must return to State service within 10 calendar days after your termination of the military service or within 30 calendar days after any rehabilitation afforded by the United States or the State following such military service; **or**
- 2) If you were a limited-term or temporary employee and your military service is more than 30 days but less than 180 days, you must return to State service within 14 calendar days after the termination of the military service, or within 30 calendar days after any rehabilitation afforded by the United States or the State following such military service; **or**
- 3) If you were a permanent or probationary employee, you must return to State service within 14 calendar days after the termination of your military service, following any period of rehabilitation or after termination of the State military emergency by the Governor.

If you were a limited-term or temporary employee and have no prior permanent civil service status and your position expired or was abolished while you were on military leave, you may be separated as of the date your position expired or was abolished, just as you would have been separated had you not been in the military service.

If you were a permanent employee in a limited-term or temporary position at the time of your military leave and your position expired or was abolished, your right of return will be based on your prior permanent position.

If you were a permanent or probationary employee, your right of return is to your former position which may be the last position you held, a position at substantially the same level to which your department could have assigned or transferred you, or a position to which you could have requested and been granted a transfer within your department.

If the function in which you were serving when you were granted a military leave is transferred to another State agency during your absence, your right of return is to such other agency.

If you are a permanent or probationary employee and your position is abolished while you are on military leave, this may result in a layoff situation upon your return; however, you may or may not be the one to be demoted or laid off as seniority determines who is affected in a layoff situation. The time you are on the military leave is counted, for seniority purposes, as though you had remained in your position.

After reviewing the nature of your former employment and the circumstances of your leave, it may be determined that you do not have a right of return. For example, at the termination of your military service, you may have exceeded the time limitation on returning to work. If it is determined that you do not have a right of return, you should ask your former department about your eligibility for a permissive reinstatement.

REINSTATEMENT AFTER LONG-TERM MILITARY LEAVE

If you wish to return to your job following the completion of your long-term military leave, you should contact your department upon release from active duty to request reinstatement. You are required to furnish the department with a copy of your military separation document, as this evidence is needed in order for the department to determine whether you have the right of return. This may be a copy of Department of Defense Form 214 or any other correspondence which either identifies your branch of the military service or is printed on the official letterhead of your branch of the military service. The military separation document must provide the condition of your release from the military service (e.g., "honorable," "general," "under honorable conditions" are considered satisfactory discharges), the date you entered active duty, and the date you were released from duty. The military separation document is necessary to ensure that your release was for other than dishonorable or bad conduct conditions as well as to ensure that the time limitations for entry to and release from active duty have not been exceeded. Your reinstatement will not be denied or delayed if the information does not yet exist or is not readily available, however, you are required to provide the information as soon as it becomes available.

You must return to State service within six months following the termination of your long-term military service. To be eligible for this right, your military service cannot extend beyond five years except under special circumstances for which an extension may be available.

Your right of return is to your former position which may be the last position you held, a position at substantially the same level to which your department could have assigned or transferred you, or to a position within your department to which you could have requested and been granted a transfer.

If the function in which you were serving when you were granted a military leave is transferred to another State agency during your absence, your right of return is to such other agency.

If you are a permanent or probationary employee and your position is abolished while you are on military leave, this may result in a layoff situation upon your return; however, you may or may not be the one to be demoted or laid off as seniority determines who is demoted or laid off. The time you are on the military leave is counted, for seniority purposes, as though you had remained in your position.

After reviewing the nature of your former employment and the circumstances of your leave, it may be determined that you do not have a right of return. For example, at the termination of your military service, you may have exceeded the 6-month limitation on returning to work. If it is determined that you do not have a right of return, you should ask your former department about your eligibility for a permissive reinstatement.

REINSTATEMENT AFTER EMERGENCY MILITARY LEAVE

If you wish to return to your job following the completion of your emergency military leave, you should contact your department upon your release from active duty. You are required to furnish the department with written evidence from the National Guard of the dates you entered and were released from active duty. These dates are needed to verify that the time limitations before and after active duty have not been exceeded.

The time limitations for a right of return depend on your status at the time you are granted the emergency military leave. If you were a permanent or probationary employee, you must return within 14 calendar days after the termination of your active duty, following any period of rehabilitation afforded by the United States or the State, or after termination of the State military emergency by the Governor.

If you were a limited-term or temporary employee, you must return within 10 calendar days after your termination of active duty, or 30 calendar days after termination of the State military emergency by the Governor.

If you have a right of return, it is to your former position, which may be the last position you held, a position at substantially the same level to which your department could have assigned or transferred you, or a position within your department to which you could have requested and been granted a transfer.

If the function in which you were serving when you were granted a military leave was transferred to another State agency during your absence, your right of return is to such other agency.

If you were a limited-term or temporary employee and your position expired or was abolished while you were on military leave, you will be separated as of the date your position expired or was abolished, just as you would have been separated had you not been in the military service.

If you were a permanent or probationary employee and your position was abolished while you are on military leave, this may result in a layoff situation upon your return; however, you may or may not be the one to be demoted or laid off as seniority determines who is affected in a layoff situation. The time you are on the military leave is counted, for seniority purposes, as though you had remained in your position.

After reviewing the nature of your former employment and the circumstances of your leave, it may be determined that you do not have a right of return. For example, at the termination of your military service, you may have exceeded the time limitation on returning to work. If it is determined that you do not have a right of return, you should ask your former department about your eligibility for a permissive reinstatement.

REINSTATEMENT AFTER WAR OR NATIONAL EMERGENCY MILITARY LEAVE

If you wish to return to your job after war or national emergency military leave, you should contact your department upon completion of your active duty. You are required to furnish the department with written evidence from the California National Guard or United States military reserves of the dates you entered and were released from active duty. These dates are needed to verify that the time limitations before and after active duty have not been exceeded.

The time limitations for a right of return depend on your status at the time you were granted the emergency military leave. You must begin active duty within 10 calendar days from the effective date of your emergency military leave. If you were a permanent or probationary employee, you must return within 14 calendar days after the termination of your active duty, following any period of rehabilitation afforded by the United States or the State, or after termination of a State military emergency by the Governor.

If you were a limited-term or temporary employee, you must return within 10 calendar days after your termination of active duty, or 30 calendar days after termination of the State military emergency by the Governor.

If you have a right of return, it is to your former position, which may be the last position you held, a position at substantially the same level to which your department could have assigned or transferred you, or a position to which you could have requested and been granted a transfer within your department.

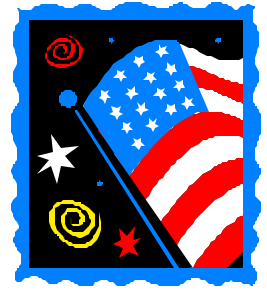
If the function in which you were serving when you were granted a military leave was transferred to another State agency during your absence, your right of return is to such other agency.

If you were a limited-term or temporary employee and your position expired or was abolished while you were on military leave, you will be separated as of the date your position expired or was abolished, just as you would have been separated had you not been in the military service.

If you were a permanent or probationary employee and your position was abolished while you are on military leave, this may result in a layoff situation upon your return; however, you may or may not be the one to be demoted or laid off as seniority determines who is

affected in a layoff situation. The time you are on the military leave is counted, for seniority purposes, as though you had remained in your position.

After reviewing the nature of your former employment and the circumstances of your leave, it may be determined that you do not have a right of return. For example, at the termination of your military service, you may have exceeded the time limitation on returning to work. If it is determined that you do not have a right of return, you should ask your former department about your eligibility for a permissive reinstatement.



PART IV

OTHER RIGHTS AND BENEFITS

SALARY UPON REINSTATEMENT

If you have the right of return to a position within State service, you shall be entitled to any General Salary Adjustments (GEN), Merit Salary Adjustments (MSA), Special In-grade Salary Adjustments (SISA) or range changes you would have received if you had continued on the job.

SENIORITY UPON REINSTATEMENT

If you have the right of return, the time spent on military leave is counted in computing seniority rights in a layoff situation.

VACATION AND SICK LEAVE

If you have the right of return, the crediting of vacation and sick leave is determined by the type of military leave you were granted. The time spent on military leave is counted toward a higher vacation allowance.

After a ***short-term military leave***, your unused vacation, sick leave or overtime balances before you went on military leave will be credited upon your return. In addition, if you met the requirements for qualifying service as explained in Part II, Short-Term Military Leave, you will receive the same vacation and sick leave credits as though you had remained on the job. You do not receive these additional credits if you did not meet the qualifying service requirements.

After a ***long-term military leave***, your unused vacation, sick leave or overtime balances that existed prior to your military leave will be credited upon your return. If you met the condition of Government Code (GC) 19775 Long Term Military Leave, you will also receive

vacation and sick leave, for up to six months, in addition to those unused credits that you receive upon reinstatement. These additional credits will be applied at the same accrual rate that would have applied if you had remained on the job. You are not eligible to receive these additional credits if you did not meet the qualifying service requirements. Immediately upon your return from military leave, you will begin earning vacation and sick leave at the accrual rate you would have received if you had remained on the job. However, you do not receive any vacation or sick leave for the time you were actually on military leave.

After an **emergency military leave**, your unused vacation and sick leave balances prior to your military leave will be credited upon your return. In addition, you will receive the same vacation and sick leave credits as though you had remained on the job.

After a **war or national emergency military leave**, any unused vacation, sick leave or overtime balances that existed prior to your military leave will be credited upon your return. If you met the condition of (GC) 19775 Long Term Military Leave or GC 19775.1, Short Term Military Leave or Emergency Military Leave, you will also receive vacation and sick leave for up to six months, in addition to those unused credits that you receive upon reinstatement. These additional credits will be applied at the accrual rate that would have applied had you remained on the job. You are not eligible to receive these additional credits if you did not meet the qualifying service requirements. In this case, you will start earning vacation and sick leave immediately upon your return at the rate you would have received had you remained on the job. However, you do not receive any vacation or sick leave for the time you were actually on the military leave.

PROBATIONARY PERIOD

If you were serving a probationary period when you went on military leave, the time remaining to be served in that probationary period must be completed upon the return to your former position.

EMPLOYMENT ELIGIBILITY LISTS

If your name appeared on an employment eligibility list at the time you entered the military service and becomes high enough on that list to be certified for a permanent position while you are on military leave, you will retain your place on the list for three years following the date of your release from military service, or for six months following a state military emergency, whichever is earlier. Your name will be retained and certified ahead of the names on more recent lists, however, your name cannot remain on the list for longer than eight years after the list was originally established. If your name is retained on an employment eligibility list ahead of the names on more recent lists, and, if after your release from the military service you refuse an offer for appointment to a permanent position, your name will be removed from the list. It is your responsibility, when you enter

and are released from the military service, to notify the department administering the examination that you wish to exercise your right to maintain eligibility on the employment eligibility list.

If your name is retained on a promotional or general reemployment list and becomes reachable for appointment while you are on military leave, you will be certified for positions that become vacant during that time. If the department chooses, it may appoint you to the vacant position effective upon your reinstatement to State service.

You shall be given the opportunity to complete any necessary requirements for appointment to a higher position upon your reinstatement to State service, if all of the following conditions are met:

- Your name was certified for appointment to a higher position before entering military service, and
- The department intended to appoint you to the higher position, and
- The department was unable to complete the appointment process because of your entry into the military service, and
- You have a right of return to your former position.

If you satisfactorily complete the requirements for appointment to a higher position, you will be appointed to the position effective the earliest date of any appointment from that certification list. Your military leave shall be considered as having been on leave from that higher position as of the effective date of the appointment.

If you have mandatory reinstatement rights pursuant to the provisions described in Part III of this handbook, your military service will be accumulated in the class in which you were appointed. If your name becomes reachable for appointment from either a subdivisional or departmental reemployment list, and your name is certified to fill a vacancy, you will be appointed effective the date of your mandatory reinstatement. If the appointment is from a departmental reemployment list, such appointment will be made to the first vacant position in any of the locations in which you indicated you wished to work. For this reason, it is imperative that you carefully select the work locations that are of interest to you. You may request a change in location preference after your return from the military leave; however, this is subject to the approval of the respective department.

If your name does not become high enough on an employment eligibility list to be considered for a permanent position while you are on military leave, your eligibility will terminate when the employment eligibility list expires or is abolished.

CIVIL SERVICE EXAMINATIONS

In general, if you are in the military service, you may take civil service examinations on the same basis as other qualified candidates but must appear at the regularly scheduled examination date, time and location.

Incomplete Examinations

If you have the right of return to State service and your application for an examination was submitted and accepted prior to entering the military service, you may complete the examination process when you return from military leave if your entry into the military service precluded you from competing in the examination process.

Your request to complete an examination must be made within six months after being released from military service. However, an examination cannot be re-opened after five years from the date of the initial examination.

If you pass the examination with a score high enough to have been included on a certification for appointment while you were in the military service, your name will be retained on the list until the list is abolished or for a period of three years from the date of your termination from the military service, whichever is later. If your name is retained on the list after all other names have been removed, your name will be removed if you refuse to accept any offer to a permanent position in the class following completion of your military leave.

Deferred Examinations

If a promotional examination for which you qualify is held while you are on military leave, you may take that same examination if you apply within six months after reinstatement. You may also be able to take an open examination for a class in your normal line of promotion. However, an examination cannot be reopened after five years from the date of the initial examination.

If you pass a deferred examination with a score that would have resulted in your name being certified for appointment had you been on the original list, your name will be retained on that list until it is abolished or for a period of three years from your military release date, whichever is later. If your name is retained on the list after all other names have been removed, your name will be removed if you refuse to accept any permanent position following completion of your military leave.

If you are a member of the active reserve and are ordered to report for a drill on the date of an examination for which you have applied, you may contact the examining department to make arrangements to take the examination on a different date.

Credit For Military Experience In Examinations

Your service in the military will be credited as State service experience on exactly the same basis as if you had remained in the position you held at the time you entered the military service. Any specialized experience you acquire in the military may be counted toward a similar specialty in State service.

VETERANS PREFERENCE

Veterans preference points are provided in the case of open civil service examinations for classifications that do not require both college graduation and two or more years of experience. You are entitled to veterans preference points if you meet one of the following conditions:

- 1) You had 30 calendar days or more of active duty in the armed forces between September 16, 1940, and January 31, 1955; or in any other war or in time of peace in a campaign or expedition for which a medal has been authorized by the Government of the United States; **or**
- 2) You served 181 or more consecutive calendar days of active duty in the armed forces of the United States after January 31, 1955; **or**
- 3) You are the widow or widower of a veteran who met the criteria of 1 or 2 above.

In order to be eligible for veterans preference points, your discharge from the military must have been classified as other than dishonorable. Veterans and widows or widowers of veterans, as well as spouses of 100 percent disabled veterans, are entitled to a 10-point preference on open examinations as specified above. Disabled veterans are entitled to a 15-point preference on open examinations as specified above.

To apply for veterans preference points, you should send a completed State Personnel Board (SPB) Form 1093 with the necessary documentation as described on the back of the form to the State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010. SPB Form 1093 can be obtained from your Personnel Office or by contacting the SPB at the above address. Once eligibility for veterans preference has been established, veterans preference points will be added automatically in all future examinations which allow for veterans preference points and for which you have checked yes in the appropriate box on your application. If you are a disabled veteran seeking a 15-point preference and your disability was determined to be "temporary," you must apply to the SPB for each examination and you must re-establish proof of at least 10 percent disability each time.

RETIREMENT BENEFITS

While you are on military leave, you may retain your membership in the Public Employees' Retirement System. You also have the option of withdrawing your accumulated contributions after your State salary has ended.

If you return to State service following your military leave within the time limitations specified for reinstatement, you will receive credit toward retirement for the time that you were on such military leave.

While you are on military duty for war or national emergency and receiving the difference between your military pay and State pay, your State pay is not subject to retirement contributions. You will receive CALPERS service credit for military duty under the provisions of GC Section 20990 and 20997. The State is responsible for the payment of both the employer and employee contributions as prescribed in GC Section 20997.

If you desire additional information regarding your rights under the retirement system while on military leave, please contact the Membership Division, Public Employees' Retirement System, P.O. Box, Sacramento, CA 94229-2704.

SOCIAL SECURITY BENEFITS

If you have served in active military duty or active duty for training as a member of the uniformed services of the United States after 1956, your service counts toward social security protection for you and your family. In this case, your base pay and the noncash value of room and board are credited to your social security record. If your employment with the State is also covered under social security, then your coverage will continue uninterrupted while on military duty. For further details, please contact your local social security office.

HEALTH BENEFITS

Your health benefits will continue while you are receiving military leave with pay. You are required to continue paying the premium portion(s) of your health benefits in order for your coverage to continue.

While you are on military leave during war or national emergency, you will continue to receive State paid health, dental, and vision care benefits for up to 180 calendar days. Employees enrolled in the FlexElect Program with the Cash Option in lieu of health and/or dental coverage will continue to receive the cash option, regardless of whether they receive an adjusted State warrant, or opt to retain their military pay.

If you are enrolled in a health benefits plan, in order to protect your right to continue your enrollment or reenroll upon your return from military service, you must complete a health benefits Form 21 prior to going on leave and indicate whether you wish to continue or discontinue your benefits while in the military service.

If you elect to continue your health benefits coverage while on military leave without pay, you will have to assume the entire monthly premium; the State will make no contribution. You will be responsible for making payments directly to the health benefit carrier by the 10th of each month, in advance, during the term of your military leave.

If you had elected to discontinue your health benefits while on military leave, you must re-enroll within 60 days of reinstatement to State service or you will have to wait until an open enrollment period or apply by Health Statement application, which requires certification of approval by the health benefit carrier.

Please contact the Health Benefits Division, Public Employees' Retirement System, P.O. Box 942704, Sacramento, CA 94229-2704, if you have any questions.

