RESOLUTION NO. 7697

A RESOLUTION introduced by Councilmember Brett Blackburn amending the provisions of the Personnel Rules and Regulations relating to the benefits provided to employees on military leave.

WHEREAS, THE COUNCIL OF THE CITY OF TOPEKA by Ordinance 16404 effective January 6, 1992, adopted the Personnel Rules and Regulations (Personnel Rules) of the City of Topeka, Kansas; and

WHEREAS, the Council of the City of Topeka (Council) wishes to amend the provisions of the Personnel Rules relating to the benefits provided to employees on military leave; and

WHEREAS, Topeka City Code § 106-2 specifically provides that the Council may amend the Personnel Rules in whole or in part by Resolution approved by the Council.

NOW THEREFORE, BE IT FURTHER RESOLVED, Personnel Rules and Regulations, Article VII Benefits, Section 4, Leaves Of Absence, subsection C. Military Leaves is hereby amended to read as follows:

C. Military Leaves.

1. Temporary Training Period.

   a. General. Temporary training periods: An employee who is a member of a military reserve organization or national guard unit shall be entitled to a paid leave as hereinafter provided. If such assignment would substantially interfere with execution of duties in the public interest, the employee may be encouraged to request a rescheduling of any such training/assignment. The employee shall provide appropriate documentation...
of orders to attend any training, citation of the training and any related
information as may be required to fully clarify the absence.

b. Reimbursements. The maximum reimbursement for any
military leave shall be the difference between the base pay less special
allowances which an employee would normally receive in one pay period and
the amount received from the military. There shall be no City reimbursement
if the military pay is equal to or greater than City pay. For a typical forty-hour
employee, for the purpose of calculating the maximum allocation, the pay
period would be a maximum of ten (10) fifteen (15) working days of either
eight (8) hours per day excluding any overtime consideration; and for twenty-
four hour employees, a maximum of six (6) nine (9) shifts of base pay, less
the military pay; provided, however, these maximum amounts shall be less
than the full possible allocation in the event the individual is assigned to less
training proportionately. Employees shall be reimbursed only for those days
they would normally have been assigned to work during the time of the
military assignment.

2. Active or Extended Involuntary Military Assignment.

a. Reimbursements. The maximum reimbursement allowed for
any person involuntarily ordered or called to active military service shall be
the difference between the base pay less special allowances which an
employee would normally receive in one pay period and the amount received
from the military. There shall be no City reimbursement if the military pay is
equal to or greater than City pay. Computation of the pay differential shall be
in accordance with the provisions for temporary training periods in subsection
C.1.b. above.

23. Active or Extended Voluntary Military Assignment.
   
a. Reimbursement. No City compensation shall be allowed or any
persons called to voluntarily entering active or extended military service,
provided that in the event of a natural disaster or civil disorder within the City
limits of Topeka, the Governing Body may authorize City reimbursement for
the duration of such active service not to exceed the difference between City
and military pay.

b. Military Leave as Leave of Absence without Pay. Employees
may have entitlement to a position with the City following completion of an
active or extended military voluntary assignment, pursuant to applicable state
and/or federal laws governing such leave. The absence is considered a leave
of absence without pay, and employees will be allowed to continue in
employment following completion of such service unless, within thirty (30)
days of completion, they opt to resign formally from a position or fail to notify
the City of their intention to continue in employment, at which point all
obligations with the City would cease. Benefits do not accrue during this
leave of absence without pay. It should be noted that the intent of this
provision, unless superseded by state or federal law, is not to encourage a
different career opportunity. Employees shall provide appropriate
documentation of orders and complete a leave agreement prior to
commencement of the leave.
BE IT FURTHER RESOLVED that: said original subsection C Military Leaves is hereby rescinded.

ADOPTED and APPROVED by the City Council October 11, 2005.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY

DATE 10/12/05 BY