

STATE OF CALIFORNIA
OFFICE OF THE ADJUTANT GENERAL
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CAL ARNG Regulation
No. 600-1
CA ANG Regulation
No. 35-1

27 April 1990

Personnel - General
Military Personnel
MILITARY PERSONNEL ON STATE ACTIVE DUTY

SECTION

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*This regulation supersedes CAL ARNGR 600-1/CA ANGR 35-1 dated 7 June 1989.

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SECTION I. GENERAL

1. **PURPOSE.** This regulation prescribes policies and procedures for the administration of personnel appointed to State Active Duty (SAD) under the provisions of Section 142 and/or 167, Military and Veterans Code, State of California and who are assigned to positions identified in the Military Department budget. This regulation is not applicable to personnel called to State Active Duty for emergency purposes under Section 143 and 146, M/VC or to members of the California Military Academy Cadre appointed under Section IV, CAL ARNGR 350-7. All appointments, promotions and other personnel actions are based on equal opportunity to all regardless of race, color, creed, national origin, ancestry, sex, marital status, disability, religious or political affiliation, or sexual orientation.

2. **AUTHORITY.** The Deputy Adjutant General - Resource Management is assigned authority and responsibility for the administration of the State Active Duty program to include manpower allocation and classification authority. Authority is further delegated to the Director, State Personnel Programs for day to day administration, policy recommendations, interagency coordination, labor relations coordination, pay determinations and general supervision of personnel matters related to State Active Duty positions and members.

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SECTION II. POSITIONS

3. **PERMANENT POSITIONS.** Permanent State Active Duty (SAD) positions are established in the Military Department, field level activities, and units of the California Army and Air National Guard based on military functions and requirements.

a. The military grade structure for SAD positions will be based as closely as possible and within budget limitations on military grades established for comparable organizations and positions within the active military services. A State Active Duty Staffing Guide established by the Director of State Personnel Programs and approved by The Adjutant General will be the basis for SAD grades. Exceptions to Grade Levels established by the Staffing Guide require approval by The Adjutant General or Assistant Adjutant General.

b. SAD positions will not be established for classifications and jobs normally filled by State Civil Service personnel unless it can be clearly shown that a military position is necessary to effectively perform the functions of the position.

c. Established permanent SAD positions will be listed in the Military Department State Budget. Incumbents of SAD positions will be limited to the pay and allowances authorized by the State Budget Act.

d. State Active Duty Positions Review Policy.

(1) All State Active Duty positions at the Headquarters and field level activities will be reviewed at least annually and whenever a position becomes vacant to determine if the position is properly classified as a SAD position or if it would be more appropriate to classify and convert the position to State Civil Service.

(2) Annual Review of positions will be conducted in June of each year. Deputy Adjutants General and a representative designated for the Command Section and Special Staff will submit a statement through the Deputy Adjutant General, Resource Management, to The Adjutant General by 30 June of each year certifying that the reviews have been completed. The annual statement will include a recommendation on positions to remain SAD and positions to be converted to State Civil Service. Conversion will normally be accomplished through attrition rather than a reduction in force.

(3) For the purpose of applying position review policy a position will be considered vacant upon an incumbent's retirement, resignation, termination or other attrition.

e. An evaluation based on the following criteria will be used to determine if a position should be State Active Duty. The decision to determine if a position should be established or remain SAD must be based on organizational needs, an overall evaluation of the total requirements of the position, and it clearly meets two or more of the following criteria:

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(1) The duties of the position require military experience and current technical or operational knowledge of military procedures, plans, programs or equipment.

(2) Full qualification in the position requires initial or periodic attendance at Army or Air Force schools limited to military personnel only.

(3) The duties of the position require substantive command or supervision of other military personnel (SAD, military technicians, AGR or ADSW.)

(4) The duties include command and control or supervision of military field organizations or activities.

(5) The duties or nature of the position require, response to emergencies in a military capacity.

(6) The position requires traditional military or ceremonial duties normal to a military organization, post or base activity.

(7) Assignment of a military member in the position will enhance the continuity of operations and effectiveness of the National Guard during military training periods.

(8) The use of a State Civil Service position, at the appropriate classification level would not provide significant cost savings.

(9) There is an appropriate Army Military Occupational Speciality (MOS) or Air Force Speciality Code (AFSC) which includes the duties of the position.

(10) There are federal military security requirements associated with the position.

4. TEMPORARY POSITIONS. Temporary State Active Duty or State Civil Service positions may be established for short term employment subject to the availability of temporary-help funds and personnel year (PY) support authorized in the State Budget. Temporary employment will normally not exceed six months in duration. The grade of a temporary position will be based on the duties and responsibilities required of the positions.

5. ESTABLISHING AND/OR RECLASSIFYING POSITIONS. a. Request for new permanent positions and changes to existing positions will be subject to the review described in paragraph 3e above to determine if the positions should be SAD or State Civil Service.

(1) When required, requests to reclassify and fill SAD positions must have Department of Finance approval in accordance with its directives and with provisions of the Budget Act.

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(2) Additions or changes must be accomplished through the Budget Change Proposal (BCP) process established by the Military Department Comptroller (CAST). CAST will also establish BCP submission dates.

(3) OTAG Form 900-13, State Active Duty Position Request, (Appendix A) will be used for establishing, reclassifying or retitling a SAD position. Each request to establish or reclassify a position must be accompanied by a completed OTAG Form 900-13a, State Active Duty Position Description (Appendix B), task listing (Attachment 1 to Appendix B), and an organizational chart of the directorate or office in which the position will be located.

(a) OTAG Forms 900-13 and 900-13a will be submitted through CASS to CAST for review at least 30 days prior to the established BCP submission date.

(b) Each OTAG Form 900-13 must contain a certification that the criteria listed in paragraph 3e has been met as a prerequisite for establishing a SAD position.

(c) The requestor on OTAG Form 900-13 will normally be directorate level supervisors, post commanders, ANG Base/Station Commanders or comparable level managers. The Assistant Adjutant General or appropriate Deputy Adjutant General must approve the request in Item 7 of OTAG Form 900-13. The Deputy Adjutant General, Resource Management, is designated as the approving official for Item 10 of the form.

(d) CASS will review OTAG Form 900-13 for classification, grade level and manpower requirements. If approved, the position request will be forwarded to CAST for fund availability certification. For approved requests, CAST will obtain necessary PBAC, Department of Finance and legislative approval on an as required basis.

(e) Upon receipt of documentation with appropriate approvals, CASS will provide the requesting official, confirmation of the change and an approved position description.

(4) Temporary positions will be requested on OTAG Form 900-13 in the same manner as permanent positions. The employment time limitations for a temporary position will be included on the OTAG Form 900-13. Temporary positions are not normally subject to the BCP process; they do however, require Departmental approvals and PBAC approval.

6. FILLING POSITIONS. a. Permanent or temporary SAD positions can only be filled by current or retired members of the active militia. The active militia is comprised of the California Army and Air National Guard, the State Military Reserve and the Naval Militia. Individuals placed on the California National Guard retired list after completing twenty or more years of creditable military service, active or inactive, are considered as members of the California Army or Air National Guard, as appropriate, for employment purposes.

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b. State Active Duty positions will normally be filled by individuals whose active militia or military grade does not exceed the SAD grade authorized for the position (i.e., a Captain SAD position should only be filled by an individual with the military grade of Captain or lower). Honorary promotions under Sections 228 or 256 of the California Military and Veterans Code do not apply for SAD employment purposes. If an individual is appointed to a position which is graded lower than his or her military grade, the individual will be appointed and paid at the lower grade. Exceptions to permit the appointment of an individual at a lower or higher SAD grade than his or her military grade may be granted by the Adjutant General on a case by case basis.

c. If an individual receives a military promotion after appointment to a SAD position, he or she may be retained in the positions with no change in SAD status. In the event the individual was appointed to a position lower than the authorized SAD grade because of his or her military grade, the individual may be noncompetitively promoted to the next higher grade provided that the SAD grade is not exceeded.

d. All State Active Duty personnel are required to meet military medical standards and physical fitness standards appropriate for their branch of service, be MOS/AFSC qualified, meet military educational standards for their grade, must not have been convicted of a felony, and must not have been released from federal or state active duty for cause.

e. Vacancy announcements for State Active Duty positions.

(1) State Active Duty permanent positions, excluding key staff positions listed on the SAD Staffing Guide, will be announced in California National Guard Circulars and distributed to California Army and Air National Guard organizations and other components of the active militia. The Deputy Adjutant General, Resource Management, may on a limited case by case basis, authorize an exception to the vacancy announcement policy when such exception is fully justified and warranted. Exceptions must be fully documented.

(2) Key staff positions annotated on the SAD Staffing Guide and approved by the Adjutant General are exempt from the vacancy announcement requirement.

(3) In any instance where positions are filled without announcement, key staff and otherwise, the statement "Position filled as an approved exception to announcement procedures under the provisions of paragraph 6e, CAL ARNGR 600-1/CA ANGR 35-1" will be placed in the remarks sections of OTAG Form 900-10 for approval by the Deputy Adjutant General, Resource Management, acting for the Adjutant General.

(4) Requests for position vacancy announcements will be submitted to CASS for review and processing. The request will include position numbers and title, special qualifications, if any, a brief description of specific duties, the proposed closing date, normally 30 days after the position has been officially announced, and the name of the selecting official.

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(5) Applications received by CASS in response to a vacancy announcement will be reviewed for correctness and a determination that the applicant meets the basic qualifications for the position. CASS will forward the applications of qualified applicants to the Deputy Adjutant General submitting the request or Chief, Programs and Special Staff, as appropriate, for appointment of a Merit Selection Board to evaluate the applications as described below.

(a) Merit Selection Boards will consist of three members, other SAD, SCS, Military/Civilian Technicians or AGR personnel may be appointed to the board. The board members must be higher in grade than the position to be filled. Higher grade determinations for civilians appointed to the board will be based on a comparison of the maximum salary of the civilian position versus the maximum salary including allowances of the SAD position being considered. The civilian salary must be greater than the SAD salary to qualify for board membership.

(b) A Merit Selection Board will be established for each announced vacancy and will normally include one member, other than the selecting supervisor, from the Section/Branch/Directorate or field level activity where the position will be assigned.

(c) The board will review the applications, conduct interviews, and rank the applicants in recommended selection order. The board will interview the top five applicants personally or by telephone if it is impractical for an applicant to appear in person before the board. If there are fewer than five applicants all will be interviewed. Interviews must be conducted unless a written waiver of this requirements is granted by the Deputy Adjutant General, Resource Management.

(d) After completion of the board process, the Merit Selection Board will return the applications, together with their recommended selection order, to CASS for further action. CASS will review the board results and forward the documents to the selecting official for action.

(e) The selecting official will review the board's recommendations and select from the top three ranked individuals. The selection determination will be forwarded through CASS to the Deputy Adjutant General, Resource Management for final approval. (SPECIAL NOTE: It is essential that announcement of the name of the selectee, either formal or informal, not be made until other applicants have been advised of their non-selection.) CASS will advise both the selected and non-selected applicants of the decision after the Deputy Adjutant General, Resource Management has concurred in and approved the selection.

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SECTION 111. PERSONNEL ACTIONS

7. **APPOINTMENTS.** a. Individuals appointed to permanent State Active Duty positions will be ordered to State Active Duty for an indefinite period, but will be required to serve six months probation. At the end of six months, after an objective performance evaluation, and upon recommendation of their supervisors individuals appointed to State Active Duty will be granted permanent tenure unless obligations to absent members with reinstatement rights preclude granting tenure. CASS will advise supervisors, in advance, of the completion of six months State Active Duty service by their subordinates.

b. If it becomes necessary to assign a current SAD member to a position established at a grade lower than that member is currently appointed, the request for assignment with full justification will be forwarded to the AG for approval. Such assignments will be considered as temporary and mitigated as soon as possible but not longer than two years. The appropriate DAG will insure one of the following actions are taken not later than two years from date of assignment:

- (1) Reassign the individual out of the overgrade assignment.
- (2) Reevaluate the overgrade assignment for continuance.
- (3) Achieve reclassification of the position.

(4) Take such other action necessary to alleviate the overgrade assignment situation.

c. Appointments will be accomplished by the submission of State Active Duty Personnel Action Request Form 900-10 (Appendix C) to CASS at least five working days prior to the proposed effective date. The OTAG Form 900-10 must be accompanied by the following additional documents as appropriate:

- (1) OTAG Form 900-8, SAD Appointment Application (Appendix D).
- (2) OTAG Form 900-15, Statement of Service, (Appendix E). List all creditable service (para 10101, Department of Defense Military Pay and Allowance Entitlements Manual) and attach copies of appointments and discharges from all services except the California National Guard.
- (3) OTAG Form 900-12, Certificate of Dependents. Military Personnel, (Appendix F). Submit 1 copy only. Attach copies of marriage license and birth certificates as appropriate.
- (4) Form W-4, Employee Withholding Allowance Certificate. (Appendix G). Social Security Number and the exact name as shown on the Social Security Card must be included.

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(5) State Form 689, Oath of Allegiance. (Appendix I). Must be executed and dated on or before the first day of duty and the signature must be witnessed by a person to whom written authorization to witness oaths has been executed by the appointing power. All commissioned and warrant officers and all Branch level and higher supervisors are authorized to witness the oath.

(6) State Standard Form 243, Designee of Person Authorized to Receive Warrants. (Appendix I). Must be completed and transmitted to this headquarters in duplicate. The duplicate copy will subsequently be returned to the employee for delivery to the designee.

(7) Standard Form 93, Report of Medical History. (Appendix J). Only items 1 through 24 and the individual's signature need be accomplished.

(8) Proof of flight status for those individuals being appointed to State Active Duty positions for which flight pay is authorized.

(9) OTAG Form 900-7, State Active Duty Emergency Information Form (Appendix K).

(10) OTAG Form 900-17, Federal Privacy Act Information Statement (Appendix L).

(11) OTAG Form 900-27, Statement of State Active Duty Status (Appendix M).

(12) PERS-ADM-42, Acknowledgment of Receipt of Retirement Information (Appendix N).

(13) 300-1070, State Employee Race/Ethnicity Questionnaire, (Appendix O).

(14) USAFAC 5274-R, VHA Certificate with supporting documents (Appendix P).

(15) 1-9 Employment Eligibility Verification, completed the first day of duty. (Appendix Q).

d. The following additional forms must be submitted within the time limits indicated:

(1) HBD Form 12, Health Benefits Plan Enrollment Form. (Appendix R). HBD Form 12 is required for employment of more than six months only and must be completed even if the individual declines coverage. This form may be submitted any time up to 60 days after appointment; however, individuals being appointed should be advised of health benefit plans available at the first opportunity. See Section V for additional Health Benefits information. Failure to submit an HBD Form 12 by the 60th day following employment will result in the employee being denied coverage until the next OPEN PERIOD of enrollment, or through the submission of a Health Statement Request HBD Form 38 which is forwarded directly to the insurance carrier by the employee.

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(2) Standard Form 692, Dental Plan Enrollment Authorization (Appendix S). This form must be submitted any time up to 60 days after appointment. See Section V for additional information on Dental Insurance.

(3) PERS-ADM-42c, Two-Tier Information Election Package (Appendix N). Must be submitted within 120 days of appointment.

(4) Standard Form 700, Vision Plan Enrollment Authorization (Appendix T).

e. CASS will review the submitted documents, obtain necessary approvals, and have State Orders issued. One copy of the OTAG Form 900-10 will be returned to the requesting official. Orders will be provided separately as published. Supervisors are reminded that an individual cannot be directed to report to work until an approved OTAG Form 900-10 has been received, orders have been received or telephone verification of the appointment has been made by CASS.

f. It is the employee's responsibility to insure that CASS is informed of any changes in dependency status which would affect pay or health/dental/vision entitlements and submit the appropriate updated forms when these changes occur.

g. Information pertaining to various optional payroll deductions will be provided the individual upon completion of appointment documents.

8. APPOINTMENT OF TEMPORARY STATE ACTIVE DUTY PERSONNEL. a. Individuals selected for appointment to State Active Duty in a temporary position or State Active Duty as a temporary replacement in a permanent position for less than six months duration are entitled to the following:

(1) Pay and allowances of the grade to which appointed.

(2) Annual leave at the rate of 2.5 days per month if the appointment is for 30 days or more. Annual leave accrued during the temporary appointment must be used during that period. Lump Sum Leave payments will not be made.

(3) Workers Compensation Benefits for job related injuries.

b. Individuals ordered to temporary SAD for six months or more as a replacement in a permanent position will be eligible for hospitalization benefits and must participate in the State Retirement System which includes coordination with and participation in Social Security.

c. The same documents are required for the appointment of temporary State Active Duty personnel as those outlined in paragraph 6 above except that HBD Form 12, STD Form 692, STD Form 700 and PERS-ADM-42 and 42c are not required for individuals appointed for less than six months. Individuals ordered to SAD for less than 30 days do not earn leave.

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9. **PROMOTION.** a. Promotion of a SAD employee may occur as a result of selection for a higher graded position as outlined in paragraph 6 above or through reclassification and upgrading of an individual's current position because of job enlargement and greater responsibility.

b. Promotion will be accomplished by the submission of OTAG Form 900-10 from the requesting official through the next higher supervisor to CASS not later than five working days prior to the proposed effective date. When the promotion is a result of reclassification, that fact should be so indicated in item 6 of the OTAG Form 900-10.

c. CASS will process the OTAG Form 900-10 in the same manner as for appointments outlined in paragraph 6 above.

10. **SEPARATION.** a. Voluntary Separation.

(1) Individuals requesting to be separated from SAD will complete OTAG Form 900-11 (Appendix U), and forward the form through their respective supervisors. Supervisors will sign the form and forward it to CASS. Supervisors desiring to comment on the reason given by the employee for his separation may do so by submitting their comments on a separate sheet of paper.

(2) Voluntary separation requests must be signed by the employee or must contain a statement from the supervisor indicating why the request is not signed and the reason the employee gave for requesting separation.

(3) It is important that the information required by item 5 of the OTAG Form 900-11 be completed in order to insure separation documents and unpaid compensation checks are mailed to the correct address.

(4) A final Report of Duty, OTAG Form 900-16, (Appendix Z), will be completed, signed by the supervisor and forwarded to CASS.

b. Involuntary Separation.

(1) Involuntary separation may be initiated by the immediate supervisor or by the Director of State Personnel Programs depending on the reason for separation. Separation of temporary employees upon completion of a definite time limit is not considered involuntary and will be initiated by the Director of State Personnel Programs.

(2) Separation of temporary employees for lack of funds or lack of work prior to the end of a scheduled appointment period will be initiated by the supervisor utilizing OTAG Form 900-11 indicating the reason in item 4b.

(3) Separation of permanent employees due to reduction in staff or funding will be accomplished in accordance with the Reduction in Force procedures in Section XIV.

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(4) Requests for disciplinary separation will be initiated by the supervisor and forwarded to CASS. The requirements outlined in Section IX must be followed when requesting disciplinary separation.

c. **Mandatory Separation.** SAD members on permanent SAD other than the AG, Assistant AG or General Officers and other than those physically disqualified or separated for cause may remain on SAD until age 60. Unless earlier separation is requested by the member, separation will be effected on the last day of the month the member turns age 60. CASS will advise SAD members at least 90 days in advance of separation for maximum age.

d. An Employee Clearance Form, OTAG Form 900-28 (Appendix V) must be completed for all separating employees.

11. OTHER PERSONNEL ACTIONS. a. Other personnel actions such as reassignment (transfer) not involving pay changes or promotion, will be initiated by the supervisor and forwarded to CASS utilizing the OTAG Form 900-10. Entitlement to moving expenses may result in transfers, including promotions, involving relocation of 25 miles or more from the current work site. Commitments to a reassignment involving relocation allowances will not be made without approval from CASS.

b. Ordinary pay rate changes due to change in years service will be automatically accomplished by CASS; however, when due to budget limitations, salaries are limited to a pay grade and specific years of service on orders, supervisors must submit an OTAG Form 900-10 initiating the requested change and explaining funding source or other justification for the change.

SECTION IV. RETIREMENT

12. PERS RETIREMENT. a. Permanent State Active Duty personnel become members of the Public Employees Retirement System (PERS) and retirement eligibility is governed in accordance with PERS rules and laws.

b. Specific information pertaining to retirement ages and annuity amounts can be determined by using the formula provided in the PERS pamphlet titled "PERS Benefits for Miscellaneous Members" which is provided to each eligible employee upon appointment, or by contacting CASS.

c. Application for retirement under PERS is made by the individual to the PERS utilizing forms provided by CASS.

13. DEFERRED COMPENSATION. The Internal Revenue Service has approved a plan for State of California employees permitting them to contribute to Deferred Compensation retirement plan and have that amount of the monthly contribution considered non-taxable income at the time it is earned. Taxes on designated Deferred Compensation contributions are paid on the full amount (contribution plus investment earnings) when the funds are withdrawn. Funds are available for withdrawal only upon retirement or leaving State service. Contributions to the Deferred Compensation program are limited to 25% of an individual's salary or \$625.00 per month, whichever is smaller. Interested SAD members can obtain additional information on the program from CASS.

SECTION V. HEALTH/DENTAL/VISION BENEFITS

14. HEALTH BENEFITS. a. **Eligibility.** All SAD employees are eligible for health benefits if they are appointed for more than six months. Employees have 60 days from the appointment date to elect to enroll or not to enroll in a health benefits plan. The effective date of coverage is the first day of the month following receipt of HBD Form 12 in the employees personnel office. Available plans and costs are provided in the PERS Health Plans Booklet which is available to employees at all activities. Supervisors or other designated individuals at work sites must explain the various plans, coverages and costs to employees. Additional information and assistance may be obtained from CASS.

b. **Premium Costs.** The State contributes a major portion of the premium costs for State-sponsored health insurance programs. The actual employee costs vary by policy coverage and number of covered dependents. Actual rates for all policies are distributed by CASS to supervisors on a continuing basis.

15. DENTAL BENEFITS. a. All SAD employees are eligible if they are appointed full time and the appointment is for at least one day more than six months. SAD employees have 60 days from the appointment date to elect to enroll or not to enroll in a dental benefits plan. The effective date of coverage is the first day of the month following receipt of the dental plan STD Form 692 in the personnel office in Sacramento. Supervisors or other designated individuals at work sites must explain the available plans and coverages to employees. Additional information and assistance may be obtained from CASS.

b. **Premium Costs.** As with health benefits, the State contributes a major portion of the premium costs for the State-sponsored dental insurance programs. Actual costs may vary by plan and by the number of covered dependents. Actual rates for all policies are distributed to supervisors by CASS on a continuing basis.

16. VISION BENEFITS. All employees who are eligible for PERS membership are also eligible for vision insurance benefits. The State will make full premium contributions to the appropriate carrier. SAD employees have 60 days from the appointment date to elect to enroll or not to enroll in a vision benefit plan. The effective date of coverage is the first day of the month following receipt of the vision plan STD Form 700 in the personnel office in Sacramento. Supervisors or other designated individuals at work sites must explain the available plan and coverage to employees. Additional information and assistance may be obtained from CASS.

SECTION VI. WORK RELATED INJURIES/ILLNESS.

17. **BENEFITS.** State Active Duty members receive benefits under the State Worker's Compensation Insurance Fund programs for State workers. Benefits are provided for on-the-job injuries and include:

- a. Payment of all doctor, hospital and related medical care costs.
- b. Payment of lost wage benefits once an individual is off sick leave status. (See paragraph 22 below)
- c. Permanent disability payments when permanent disability has been established by appropriate medical personnel.
- d. Vocational rehabilitation, if required.

18. **PROCEDURES.** a. In the event of an on-the-job illness or injury the employee will:

- (1) Report any work related injury to his/her supervisor immediately but not later than 24 hours after the incident.
- (2) Obtain first aid for minor injury and return to work.
- (3) Accept examination and treatment arranged by supervisor, if required.
- (4) Tell doctor about the cause or injury.
- (5) Return to work unless doctor advises otherwise.
- (6) If off work, keep supervisor informed of any change in status of condition including a return to work date, if known.

b. In the event of an on-the-job illness or injury the supervisor will:

- (1) Accept the report of work injury and take action considering the following:
 - (a) Employee's wounds, pain, suffering and urgency for treatment.
 - (b) Employee's physical limitation and transportation need to home, doctor or emergency facility.
 - (c) Employee's need for medical service.
- (2) Assure that first aid is administered for minor injury and determine if employee is able to return to work.
- (3) Provide professional medical treatment when necessary.

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(4) SCIF Form 67, (Appendix W) will be prepared and submitted by appropriate supervisors to CASS. (In extreme emergency, get the injured to any available doctor, hospital, etc., and follow up later with SCIF Form 67). Submit completed STD Form 620 to CASS no later than one day after injury or illness occurs. CASS does not make any determination for eligibility. State Compensation Insurance Fund will make the eligibility determination and notify CASS who will in turn advise the supervisor.

SECTION VII. LEAVE AND HOURS OF WORK

19. SAD members are normally required to work a minimum of 40 hours per week, usually 8 hours per day but are considered to be on duty 24 hours per day.

20. **ORDINARY LEAVE.** a. Ordinary Leave is authorized all fulltime personnel on SAD whose appointment exceeds 30 days. Ordinary Leave is earned at the rate of 2.5 days per month. No leave is earned during periods of leave without pay. When individuals on SAD are not performing duty and are away from their workplace for periods of time between duty hours or on weekends or holidays, they are considered as being "on pass". Full days of absence from work other than weekends or holidays and except as outlined in Paragraph 38 will be charged as ordinary leave, sick leave, leave without pay, personal holiday or military leave, as appropriate.

b. The use of Ordinary Leave and leave without pay must be approved in advance by appropriate supervisors.

c. Leave taken and leave accrued will be accounted for on a calendar year (1 Jan - 31 Dec) basis. All ordinary leave accrued in excess of 60 days will be forfeited on 31 December of each year. Ordinary leave which commences during one calendar year and is completed in the following calendar year will be charged in the calendar year in which each portion falls. Managers and supervisors are responsible for insuring the use of leave during periods most suitable to their activities, mission and consistent with member's desires when possible; they must also insure scheduling of leave in such a manner so as to preclude loss of leave by their subordinates.

d. Weekends and holidays falling within a period of ordinary leave must be charged as leave unless an individual is at his or her normal worksite commute area and is ready and able to perform duties, if called.

e. The day of departure, regardless of the hour, is the first day of leave unless the individual performs duty for all or nearly all of their normal working hours (at least three-fourths). If duty is performed for all or nearly all of the normal working hours on the day of departure, the following day will be counted as the first day of leave.

f. The day of return, regardless of the hour, is the last day of leave unless the individual performed duty for all or nearly all of the normal working hours (at least three-fourths), or it is a non-duty day. If duty is performed for all or nearly all of the normal working hours on the day of return or the day of return is a non-duty day, the preceding day will be counted as the last day of leave.

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g. Payment for unused Ordinary Leave in the event of death will be made to the individual's designated beneficiary.

h. Lump Sum Leave payments will be made to permanent employees separating from SAD who have remaining accrued Ordinary Leave at the time of separation. Lump Sum Leave payments are limited to a lifetime maximum of 60 days and consist of base pay only for each day of accrued leave.

21. **PERSONAL HOLIDAY.** State Active Duty personnel are authorized to take a personal holiday consisting of one day off without charge to leave during the calendar year if they are appointed for more than six months. The Personal Holiday may not be carried forward from one calendar year to the next.

22. **LEAVE WITHOUT PAY.** Leave without pay will be granted to State Active Duty personnel under exceptional circumstances when no other leave is available. When granted, such leave will be without pay and allowances. Attendance at a service school after military and ordinary leave have been totally utilized is considered an "exceptional circumstance". Neither ordinary nor military leave will accrue when in a leave without pay status.

23. **SICK LEAVE.** a. A classification of leave has been developed by the department for statistical and accounting purposes and for administering the pay of State Active Duty personnel during periods of personal illness. It does not provide additional leave but is established to indicate status only.

b. Sick leave due to illness or injury of the employee will be coded on a full day basis. The first full day of absence will be considered as the first day of sick leave. The day of return, regardless of the hour will be considered a day of duty.

c. When the period of absence due to illness or injury exceeds 30 consecutive days, or exceeds 60 days in a 12 month period, a written request for additional or extended sick leave will be forwarded to CASS for appropriate action. One of the following actions will be taken after receiving the Deputy Adjutant General - Resource Management concurrence:

(1) Authorize or deny continuation of sick leave status.

(2) Convene a Board of Officers, to include at least one medical officer, to evaluate the circumstances and provide recommendations to the AG.

(3) Process for separation from SAD when it is clearly indicated by a Board of Officers that the individual will not be able to return to work or the period of illness/injury will be of such a length that it is impractical to return the member in an SAD status.

d. Absences required because of family illness or injury will be in an ordinary or leave without pay status.

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24. MATERNITY LEAVE. a. Absences from duty in a sick leave status are authorized for maternity care for members who become pregnant while on State Active Duty and who remain on State Active Duty during the period of their pregnancy.

b. Members will continue to perform duties during the prenatal period except when their physical condition incident to pregnancy precludes performing duty. Limited duty tasks may also be designated during this period. Supervisors will obtain confirmation from the members attending physician regarding inability to perform duties.

c. Sick Leave during the postpartum period will be granted as determined necessary by the attending physician to meet the members medical needs. Sick leave for postpartum care will terminate when the attending physician determines the member can return to duty or 30 days after the birth of the child whichever is earlier. Any additional absence requirements for either the care of the member or child will be in either an ordinary leave or leave without pay status.

d. The 30 day postpartum sick leave authorization may be extended under unusual circumstances when approved by the Deputy Adjutant General Resources Management. Requests for such extensions will be submitted through CASS and must include justification.

25. MILITARY LEAVE. a. Entitlement to military leave begins when an individual has completed one year of continuous service in a State position. Recognized military service may be combined with State service to meet the one year requirement. For this purpose, recognized military service is defined as full time federal service in the US Armed Forces prior to 14 September 1976 or during a State military emergency as proclaimed by the Governor.

b. Individuals who qualify for military leave are authorized a maximum of 30 calendar days military leave each calendar year (1 Jan - 31 Dec). With the exception of Inactive Duty Training, each day of active duty, including weekends and holidays, for which federal military pay is received will be charged to military leave and then to other leave when the military leave has been exhausted. When an individual has exhausted all military leave and performs additional military duty, ordinary leave will be charged for days active federal duty is performed. Military leave must be exhausted before ordinary or leave without pay can be charged for military duty.

c. State Active Duty personnel will receive full SAD pay and allowances while on military leave.

d. If an individual is not entitled to military leave or accrued ordinary leave, absences on federal military duty will be charged as leave without pay.

e. Indefinite military leave is a military leave granted to an individual ordered to extended federal active military duty. If the individual is eligible, the first 30 days of such duty will be in a paid

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military leave status less any military leave previously used during the calendar year. In cases where an active duty tour will exceed 180 days individuals will be separated from SAD and placed on military furlough. Military furlough status indicates the employee is separated for the purpose of entering on active military duty, is expected to return to his or her SAD position and may be entitled to reinstatement rights.

f. Upon termination of federal active military service, State Active Duty personnel on military furlough up to four years with reinstatement rights may be reinstated to their former position or a comparable position of like seniority and pay. Application for reinstatement must be made within 90 days of release from active duty.

SECTION VIII. UNEMPLOYMENT INSURANCE

26. **PURPOSE.** This policy provides for administering and managing the Unemployment Insurance (UI) Program for state employees in the Military Department.

27. **RESPONSIBILITY.** The State Department of Employment Development (EDD) has overall responsibility for administering the UI Program for all state and private sector employees. Within the Military Department the Director of State Personnel Programs is designated as the administrator of the Departmental Unemployment Insurance Claims Management Program. The dual responsibility of the Director of State Personnel Programs as administrator of the program is to insure employees and supervisors are informed of their rights under the Unemployment Insurance Code and to develop and maintain an internal administrative procedure for monitoring and reviewing UI Claims. Supervisors have responsibility for following the Claims Management Program and to assist in reducing the department's unemployment.

28. **UNEMPLOYMENT BENEFITS AND ELIGIBILITY.** a. UI benefits are available to former employees, to employees who are unemployed temporarily (including intermittent employees) and to employees whose work during a given week has been reduced. Such employees may be entitled to part or full UI benefits provided they are:

- (1) Unemployed or working part-time through no fault of their own.
- (2) Able to and available for work.
- (3) Actively seeking work as directed by EDD.
- (4) Meeting all requirements of the law.
- (5) Complying with regulations in regard to filing claims.

b. A claimant may be disqualified for unemployment insurance under any of the following conditions:

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- (1) Left most recent work without good cause.
- (2) Discharged for misconduct connected with his or her most recent work.
- (3) Left work because of a trade dispute.
- (4) Not available for work, not able to work, or not seeking work.
- (5) Refused to accept suitable employment when offered.
- (6) Made a false statement or withheld a material fact, with full knowledge of such act, in order to obtain unemployment insurance benefits.

29. EMPLOYEE CLAIMS PROCEDURES. a. Claims must be filed with EDD by eligible employees in accordance with EDD rules.

(1) Claimant files for unemployment insurance benefits in person at an EDD field office. A written statement of the reason for unemployment is taken by the claims examiner and a copy of the claimant-completed initial claim notification (Form DEIIOIC) is mailed to the claimant's last employer to verify the facts surrounding the claimant's separation. The claim notice is sent to the address provided by the claimant which should be OTAG, ATTN: CASS.

(2) After completing a one-week waiting period, the claimant reports in person to claim payment for the first compensable week. During this time, the claimant's last employer may have responded to the initial claim notice (DEIIOIC) within the prescribed 10 days and challenged the claimant's eligibility if the separation was due to anything other than lack of work. If the last employer did respond with information, the claimant is scheduled for a determination interview. The field office adjudicator will prepare a written record of the interview, where an employer representative may also be present. If the employer challenged the claimant's eligibility within the 10 days period, the employer will receive a written notice of determination (Form DE-1080). If employer does not challenge the claimant's eligibility within the initial 10 day time period, the claimant will be interviewed about job prospects and his/her attempts to find work.

(3) If the claimant is found eligible for benefits as a result of the interview addressed above, the claimant receives payment and enters into a regular continued claim status. During this time, the claimant mails a self-completed form to the field office every two weeks to certify entitlement for biweekly benefits. If the answers on the form raise no eligibility issues, and if the employer has not challenged the claimant's eligibility during this time, the field office interviewer authorizes payment biweekly, and a check is mailed to the claimant. If during this time the employer has challenged the claimant's eligibility and the determination has been issued, either the claimant or the employer may want to appeal the determination of eligibility.

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(4) The claimant continues to receive checks biweekly upon certification until a periodic eligibility interview is scheduled. At this interview, the claimant reports in person and completes a form recording his/her efforts to find work. The field office interviewer will review this form and any other claim documents on file, and question the claimant on specific work-seeking efforts. The claimant, if found still eligible, continues on a regular continuous claim status until the next periodic eligibility interview or until the claimant exhausts his/her 26 weeks of benefits.

b. Since the state must pay the cost of full or partial unemployment insurance benefits paid to employees and former employees, the department must reimburse the EDD for funds paid under the above procedures.

30. SUPERVISOR/DIRECTOR OF STATE PERSONNEL PROGRAMS PROCEDURES:

a. Supervisor, whenever possible, should conduct an interview with departing employee to either inform employee why they are being terminated or to determine why the employee is leaving. At the time of the interview or sometime prior to employee's departure the employee should be provided and requested to sign a STD Form 600 (Appendix X), Unemployment Insurance Claims Record. The original copy of the form should be forwarded to CASS and one copy provided the employee. It is also suggested that supervisors retain one copy of the form. Additionally STD Form 660 (Appendix Y), Unemployment Compensation Notice should be provided to the employee. The STD Form 660, if not preprinted, should indicate Military Department, ATTN: CASS, P.O. Box 214405, Sacramento, CA 95821-0405 in the address box for state agency address.

b. The DE IIOIC (U1 Claim) will be the initial notification to the department that a claim has been filed, and the EDD field office sends these notices to the address provided by the claimant. Ideally, if the employee is given and refers to the STD Form 660 with the address of the Director of State Personnel Programs stamped in the box, the claim form will go to CASS, and worksite supervisor will not receive the notice. If the claim notice is sent to the worksite, time may not permit sending the notice to CASS, and the notice will have to be completed by the supervisor or designated representative at the worksite. The DE IIOIC must be returned to the EDD office of origin within 10 calendar days of the mailing date on the form if there is any disqualifying information to report. If this information is not provided to EDD within the 10 days time limit, the Military Department cannot prevent the claimant from initially receiving benefits. Disqualifying information to report back to EDD on the DE IIOIC would include, but not limited to:

- (1) Employee terminated for misconduct,
- (2) Employee terminated for medical reasons,
- (3) Employee voluntarily resigned,
- (4) Employee is not able to work,