

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 4/23/2002

Reference No.: CB-1-2002

Proposer: Hendershot

Draft No.: 2

Sponsors: Hendershot

Item Title: An Act providing for the payment of a salary supplement to employees who are ordered to active duty in the National Guard of the United States or the Reserves in a national emergency, clarifying existing military leave provisions, providing for continuation of fringe benefits, and making amendments to conform to federal law

Drafter: Ralph E. Grutzmacher
Legislative Officer

Resource Carol White
Personnel: Legislative Aide

LEGISLATIVE HISTORY:

Date Presented: 1/22/2002 **Executive Action:** 5/15/2002 US

Committee Referral: 1/22/2002 PSFM **Effective Date:** 7/1/2002

Committee Action: 1 2/7/2002 HELD

Committee Action: 2 3/21/2002 FAV(A)

Date Introduced: 3/26/2002

Public Hearing: 4/9/2002 10:30 A.M.

Council Action: 4/23/2002 ENACTED

Council Votes: PS:A, DB:-, TD: -, JE:A, TH:A, RVR:A, AS:A, MW:A

Pass/Fail: P

Remarks: retroactive provisions

PUBLIC SAFETY & FISCAL MANAGEMENT COMMITTEE REPORT Date: 3/21/02

Committee Vote: Favorable as amended, 3-0, (In favor: Councilmembers Wilson, Dernoga and Hendershot).

This bill will amend the military leave provisions of the Personnel Law by providing military leave with pay for a period of up to twelve months to County employees who serve in the Reserves and the National Guard and have been called to active duty by the President of the United States.

Approximately 100 County employees participate in the National Guard or Reserves training

annually and approximately 30 employees have been called to active duty as of September 11, 2001.

The average salary for the activated employees is about \$40,715 and the majority of the employees serve as enlisted personnel rather than officers. As a result, many take a pay cut when they are called to active duty.

The Office of Law has reviewed the legislation and find it to be in proper legislation form with no legal impediments to its enactment.

The legislation was amended as follows:

1. On page 2, line 20:
Place brackets before "Reserve" and after "or" ;
Insert "of the United States or Reserve" after "Guard"
2. On page 2, line 25:
Delete "(a)(2)" and insert "(a)(4)"
3. On page 2:
Delete lines 11-15:
Insert a section on Salary Supplement not to exceed twelve consecutive months which is equal to the difference between the employee's base rate of pay and the employee's base military pay.
4. On page 3, lines 10-14:
Add Section 2 which will establish a Leave Donation program and require the County Executive to provide funds if sufficient Leave is not donated to the Leave Bank.
5. On page 3, lines 15-17:
Add a Section 3 which makes the legislation retroactive to any employee ordered to active military service after September 11, 2001.

Currently, there are approximately 100 employees eligible for active duty with approximately 30 employees being called to active duty since September 11, 2001. The annual cost to the County for the 30 activated employees will be approximately \$1.2 million for salaries. The annual cost to the County if the 70 remaining employees are activated will be approximately \$3 million for the salaries.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

Under current state law, members of the Maryland National Guard, but not the Reserves or members of the Guard of another state, are entitled to military leave with pay when ordered to extended duty by the Governor. This provision is reflected in the Personnel Law. Members of

the Maryland National Guard ordered to "federal" duty by the President of the United States are not entitled to military leave with pay. The proposed legislation amends the military leave provisions of the Personnel Law to provide military leave with pay for a period of up to 12 months to members of both the National Guard and military Reserve who have been ordered to active duty under a national emergency declared by the President. Approximately 100 County employees participate in training duty with the National Guard or Reserves annually and approximately 35 employees have been ordered to extended active duty in response to the terrorist attacks of September 11. As drafted, the provision of military leave with pay would be retroactively granted to persons ordered to active duty since September 11, 2001.

CODE INDEX TOPICS: