

**DEPARTMENT OF PUBLIC WORKS MANAGEMENT MANUAL**

**Personnel  
Directive**

**Subject: LEAVES OF ABSENCE FOR DUTY  
WITH NON-MILITARY  
DEPARTMENTS OF THE  
FEDERAL GOVERNMENT**

***ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES***

June 20, 2007

PERSONNEL DIRECTIVE NO. 4

When employees are ordered to active duty but satisfy their military obligation by serving with non-military departments of the federal government, the employees are not entitled to military leave, either with or without pay. According to a July 12, 1966 City Attorney's Opinion, the California Military and Veterans Code does not apply to service in agencies which perform civilian rather than military functions and which are not branches of the armed forces.

The granting of leaves of absence to such employees is not mandatory but shall be the responsibility of management. Considering the City's best interests and the employee's wishes, personal leaves without pay may be granted.

A City Attorney's opinion rendered on this matter with specific regard to service in the United States Public Health Service Commissioned Corps (PHSCC) under the United States Department of Health and Human Services and in the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA Corps) under the United States Department of Commerce:

Commissioned officers of the Public Health Service and of the National Oceanic and Atmospheric Administration can be militarized by the President of the United States. Statutory authorization to militarize the Public Health Service is under Title 42 U.S.C. An employee who leaves the service of the City to enter active duty in the Public Health Service Commissioned Corps or in the Commissioned Corps of the National Oceanic and Atmospheric Administration shall not be granted a military leave of absence unless the President of the United States has issued, in time of war or emergency, an executive order declaring the commissioned corps of these agencies to be a military service. If such an order were in effect, the Public Health Service Commissioned Corps and the Commissioned Corps of the National Oceanic and Atmospheric Administration would constitute branches of the land and naval forces of the United States with wartime responsibilities in direct support of the military forces, and a City employee would be entitled to military leave for active duty in its corps.

Supersedes: PERSONNEL DIRECTIVE NO. 4 issued May 27, 1983 (First issued 8/3/66)