

KANSAS CITY, MO. POLICE DEPARTMENT		DATE OF ISSUE	EFFECTIVE DATE	NO.
PERSONNEL POLICY		9-2-2003	9-17-03	732-6
SUBJECT			AMENDS	
Policy Series 700: Administration of Leave 732 - Military Leave				
REFERENCE		RESCINDS		
Policies 235, 450, 745		Personnel Policy 732-5 Department Memorandum No. 03-1		

* **I. LEGAL REQUIREMENTS**

In accordance with Title 38 Chapter 43 of the United States Code; Title 5 Section 6323(a)(3) of the United States Code; and Revised Missouri Statute 105.270, the department provides all personnel paid and/or unpaid leave for the purpose of military service and training (voluntary and involuntary), and protects a member's seniority, status, benefits, and pay while on military leave.

II. ADMINISTRATIVE REQUIREMENTS

- * A. All employees who are members (either on active or inactive status) of the National Guard or any reserve component of the Armed Forces of the United States, including members of the Individual Ready Reserve (I.R.R.), upon receiving orders from the federal government for active duty or training, are entitled to a leave of absence without loss of status or benefits. In addition, these employees are entitled to paid leave for all periods of military service during which they are engaged in the performance of duty or training for a period not to exceed fifteen regularly scheduled workdays (120 hours) in any federal fiscal year (October 1 to September 30). The fifteen military leave days do not have to be taken consecutively. Leave without pay will be granted if more leave time is required to meet any military requirements.
- * 1. One day of military leave is recognized by Congress as an 8-hour workday. Therefore, a full-time employee will accrue 120 hours (15 days X 8 hours) of military leave in a fiscal year.
- * 2. All regular days off or holidays which occur within any time scheduled for military leave shall not be included in the fifteen military leave day (120 hours) total. Holiday pay will not result for the excluded holiday workday unless it falls on a regularly scheduled day off. Any regular days off or holidays which occur during any military leave will not be rescheduled.
- * 3. Military leave may be requested in hourly increments.
- * 4. The employee may request vacation leave, extra days, personal leave days, and/or compensatory time to fulfill additional obligations. Regular days will also be used with any additional paid leave.
- B. All employees who are members of the National Guard of any state and are **called to duty** by the Governor of that respective state shall continue to receive full pay and benefits until the military service is completed. Employees will be placed on Paid Leave (EX) days instead of Military Leave (ML) days and are not affected by the fifteen-day (120 hour) provision of military leave.

- C. Employees will report enlistment in any service component of the U.S. Armed Forces or National Guard and give advance notice of military leave.
- D. Anniversary date and salary changes which would be made if the employee was actually working will still occur.
- * E. All military leave will count as continuous service time for promotional eligibility and vacation leave computation. If the employee did not complete the probationary period before the leave began, continuous service time will not be credited until the probationary period has been completed.
- * F. Under The Uniformed Services Employment and Reemployment Rights Act (USERRA), a retirement system member who leaves for military service and returns to the department after such service will have rights to purchase service credits for the member's time in the military, if certain requirements are met. The employee must contact the appropriate Retirement System to determine cost and payment terms.
- G. Sick leave and vacation leave will not be earned during any unpaid military leave.
- H. To qualify for reemployment rights:
 - 1. The cumulative length of an employee's absences for military service may not exceed five years. The annual training sessions and monthly weekend drills are exempt from the five year limitation.
 - 2. The employee's separation from military service must be under honorable conditions. Upon request, the employee will provide a Form DD 214.
 - 3. The employee must return to work within a specific time period:
 - Up to 30 days of military service
Employee must report to work by the beginning of the first regularly scheduled work day that would fall eight hours after completion of military service.
 - 31 to 180 days of military service
Employee must notify Personnel Records Section of intent to return to work no later than 14 days after completion of military service.
 - 181 or more days of military service
Employee must notify Personnel Records Section of intent to return to work no later than 90 days after completion of military service.

- I. Upon return to work, employees will be given a position at the same rank or title, or one of like seniority, status, and pay as before the military leave began, provided they are qualified to perform the duties of the position. For sworn members they will be required to meet the current standards for police officer and be able to perform the full and unrestricted duties of a police officer. They shall also be required to be certified as a peace officer with the State of Missouri under P.O.S.T. standards.
- J. If the employee was disabled while on military leave, the employee's condition will be reviewed by a department authorized physician. If found to be able to perform all the duties and functions of a current job classification, either sworn or non-sworn, the employee will be offered such position. Members desiring reemployment as sworn members must be able to complete the full and unrestricted duties of a police officer and are required to be certified as a peace officer within the State of Missouri under P.O.S.T. standards.

III. PROCEDURE

- A. To report enlistment in any reserve component of the U.S. Armed Forces or National Guard, the employee will write an Interdepartment Communication, Form 191 P.D., and forward through the chain of command to the Chief of Police. The Form 191 P.D. will then be forwarded to the Personnel Records Section.
- B. To request any military leave, the employee will submit an Application for Leave, Form 1 P.D., with a copy of any military orders, through the chain of command. The Form 1 P.D. will then be forwarded to the Personnel Records Section.
- C. In the event an employee is activated on extremely short notice (i.e., members of the National Guard who are activated for emergency duty as a result of a natural disaster, etc.) and can not complete the required Form 1 P.D., the member's immediate supervisor will complete and submit the form.
- D. Employees with a military leave period that incorporates leave without pay of twenty-eight or more calendar days:
 - 1. Will be transferred to the Leave Pool on the first day of the leave.
 - 2. Will complete the separation clearance process.
- E. The employee must contact the Benefits Section to arrange for any payment needed to continue group insurance plan coverage before going on leave without pay.

Richard D. Easley
Chief of Police

Adopted by the Board of Police Commissioners this ____ day of _____, 2003.

Karl Zobrist
President