

	KANSAS CITY, MO POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NO.
	PERSONNEL POLICY	04/26/2017	04/26/2017	732-8
SUBJECT			AMENDS	
Policy Series 700: Administration of Leave 732 - Military Leave				
REFERENCE		RESCINDS		
PPBM: Re-employment of Department Employees; Separation, Compensation, and Clearance Procedures; Leave without Pay Uniformed Services Employee Rights and Reemployment Act (USERRA)		PPBM: 732-7		

*I. INTRODUCTION

- A. The purpose of this written directive is to establish guidelines for the use of military leave.
- B. The department provides all members paid leave and/or unpaid leave for the purpose of active military service and adheres to all the provisions of the Uniformed Services Employment Rights and Reemployment Act (USERRA).

II. POLICY

- *A. Members who are on active or in an inactive status with 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.
- *B. Members are entitled to paid and/or unpaid leave for all periods of military service during which they are engaged in the performance of duty or training. The member may choose to use any available paid leave or unpaid leave to fulfill any military obligations.
- *C. Members will be entitled to paid military leave not to exceed 15 regularly scheduled workdays (120 hours) in any federal fiscal year (October 1 to September 30).
 - 1. The 15 military leave days do not have to be taken consecutively.
 - 2. One (1) day of military leave is recognized by Congress as an 8-hour workday. Therefore, a full-time member will receive 120 hours (15 days X 8 hours) of military leave in a federal fiscal year.
- *D. Unless otherwise requested, members who are on active military duty extending into the new federal fiscal year will be placed on paid military leave for 15 days (120 hours) effective October 1 and then returned to another paid or unpaid leave status. Leave without pay will be granted if more leave time is required to meet any military requirements.

- *E. While on leave for military service, all regular days off will remain as scheduled.
- *F. If a holiday occurs while a member is on paid military leave, the member will be placed on an H-day and will not receive holiday pay. The member will move the H-day if the regularly scheduled R-day falls on the holiday; otherwise, holidays will not be rescheduled.
- *G. Military leave may be requested in hourly increments. The member may request any available paid leave to fulfill additional obligations. Regular days will also be used with any additional paid leave.
- *H. All members in the National Guard of any state who are called to duty by the Governor of that respective state will continue to receive full pay and benefits until the member is released from their call to duty obligation. Members will be placed on Paid Leave (EX) days instead of Military Leave (ML) days and are not affected by the 15-day (120 hour) provision of military leave.
- I. Anniversary date and salary changes, which would be made if the member was actually working, will still occur.
- J. All military leave will count as continuous service time for promotional eligibility and vacation leave computation. If the member did not complete the probationary period before the leave began, continuous service time will not be credited until the probationary period has been completed.
- K. Under USERRA, a retirement system member who leaves for military service and returns to the department after such service is allowed the opportunity to purchase service credits for the member's time in the military, if certain requirements are met. The member must contact the Kansas City Police Employees' Retirement System to determine cost and payment terms.
- L. Sick leave will not be earned during any unpaid military leave.
- *M. Members returning from military leave will receive:
 - 1. Any unused vacation leave that remained in the member's balance the year the military leave began, and
 - 2. Up to a maximum 12 month accumulation of vacation leave for time earned during the calendar year prior to the member's return.
 - a. The vacation leave for that calendar year has no cash value and cannot be paid out upon termination, separation, or retirement from employment.

- b. Earned vacation leave must be used during the calendar year in which the member returns and cannot be carried over to the next calendar year unless approved by the Chief of Police or designee.
- *N. Members are not permitted to work intermittently or on a reduced work schedule in any capacity for the department while on military leave.
- *O. Members are not permitted to engage in off-duty employment in a law enforcement capacity while on military leave.
- P. The member must be available to return to work within a specific time period:
 - 1. Up to **30** days of military service, the members must report to work by the beginning of the first regularly scheduled work day that would fall eight (8) hours after completion of military service.
 - 2. **31 to 180** days of military service, the members must notify Personnel Records Section (PRS) of intent to return to work no later than 14 days after completion of military service.
 - 3. **181** or more days of military service, the members must notify PRS of intent to return to work no later than 90 days after completion of military service.
- *Q. If a member is in the Military Leave Pool:
 - 1. The department will cover the total premium cost for the member to continue health insurance coverage for the plan in which the member is enrolled at the time of leave for up to five (5) years of cumulative leave. Any continued coverage after five (5) years of cumulative leave will be at the member's expense.
 - 2. Dental and/or life insurance coverage for the member or member's family may be retained at the member's expense. Payment arrangements may be made with the Benefits Section upon returning to work.
- *R. Members in the uniformed services will be eligible for reemployment under USERRA, by meeting the below criteria, unless the department establishes one of the defenses outlined in USERRA.
 - 1. The department had advance notice of the member's service, and
 - 2. The member has five (5) years or less of cumulative leave for service in the uniformed services, and
 - 3. The member timely returns to work or applies for reemployment, and
 - 4. The member has not been separated from uniformed service with a disqualifying discharge or under other than honorable conditions.

- *S. Upon returning to work, the member will provide documentation of military service directly to the PRS.
 - 1. The member 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 essential functions of the position.
 - 2. Sworn members must also be certified as a peace officer with the State of Missouri under P.O.S.T. standards and be able to perform the full and unrestricted duties of a sworn member.

- *T. If the member was physically injured or suffered a mental illness while on military leave and is eligible for reemployment, the member's condition will be reviewed by a department authorized physician and/or psychologist.
 - 1. If the member is able to perform the essential functions of the employment position, in which the member would have been employed if the continuous employment of the member had not been interrupted by the member's service, the member will be offered such position.
 - 2. If the member is unable to perform the essential functions of such employment position, then reasonable efforts will be made to accommodate the member in a position that is equivalent in seniority, status and pay to such position or to a position that is the nearest approximation to the equivalent position consistent with the circumstances of the member's case.

***III. PROCEDURES**

A. Enlistment/Discharge Procedure

- 1. To inform the supervisor of their enlistment in any reserve component of the U.S. Armed Forces or National Guard, the member will submit an Interdepartment Communication, Form 191 P.D. (Form 191 P.D.), to their supervisor to be forwarded through their chain of command to the PRS.
- 2. When discharging from any component of the U.S. Armed Forces or National Guard, the member will:
 - a. Submit Form 191 P.D. to their supervisor to be forwarded through their chain of command to PRS.
 - b. Submit a copy of the Form 191 P.D. and a Form DD 214 indicating the type of discharge directly to PRS.

B. Pre-Deployment Procedure

1. The member will give advance notice of any military leave.
 - a. To request military leave, the member will submit an Application for Leave, Form 1 P.D. (Form 1 P.D.), with a copy of any military orders, or other documentation if no orders are available, to their supervisor/commander.
 - b. The Form 1 P.D. and documentation will be forwarded to the PRS.
2. When the military leave is known in advance, the member will meet with the PRS to begin the pre-deployment procedure.
3. In the event a member 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 is unable to complete the required Form 1 P.D., the member's immediate supervisor will complete and submit the form through their chain of command to PRS.
- *4. Members with a military leave period of 28 or more calendar days (paid or unpaid):
 - a. Will be transferred to the Military Leave Pool on the first day of the leave.
 - b. Will complete a partial separation clearance process beginning with the PRS.
5. The member must contact the Benefits Section regarding the continuation of insurance coverage before going on military leave.

*C. Reintegration Procedure

1. Upon receiving notification of their release from active military duty, and their return home, the deployed member will notify the PRS.
2. The PRS will inform the member's bureau of their return date and ascertain the member's assignment.
3. For sworn members, the PRS will contact the Training Unit who will determine if any training or certifications are needed to be completed prior to the sworn member returning to full duty.
 - a. If extended training is required, the sworn member may be assigned to the Training Unit upon their return from military leave.

- b. Sworn members may also be assigned to a Field Training Officer (FTO) for patrol elements or a Training Officer in investigative or specialized units when they report to their assignment.
 - c. Sworn members are not permitted to engage in off-duty employment in a law enforcement capacity while assigned to the Training Unit for extended training or while assigned to a trainer (e.g., FTO, training detective, training sergeant, etc.) in their present assignment.
- 4. Non-sworn members may be assigned to a trainer, if applicable, to assist with the re-acclimation process.
 - 5. The member must report to the PRS prior to reporting to their assignment on their first day back to work.

Cheryl Rose
Acting Chief of Police

Adopted by the Board of Police Commissioners this ____ day of _____, 2017.

Leland Shurin
Board President

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