



KANSAS CITY, MO POLICE DEPARTMENT

**PERSONNEL POLICY**

DATE OF ISSUE

6/8/2022

EFFECTIVE DATE

6/8/2022

NO.

732-10

SUBJECT

Policy Series 700: Administration of Leave  
732 - Military Leave

AMENDS

REFERENCE

PPBM: Re-employment of Department Employees; Separation, Compensation, and Clearance Procedures; Leave without Pay  
Uniformed Services Employee Rights and Reemployment Act (USERRA)  
105.270 RSMo.

RESCINDS

PPBM: 732-9

## 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). Title 20, Chapter IX – Part 1002 of the US Code of Regulations under the Uniform Services Employment and Reemployment Rights Act of 1994.

## 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. Commanders/supervisors may use discretion allowing members to move a R-day to fulfill a military obligation. Members will refer to the written directive entitled, "Regular Days Off."
- \*D. Members will fill out an Application for Leave, Form 1 P.D. (Form 1), when requesting paid Military Leave or unpaid Military Leave. The timekeeping codes (ML) Military Leave and (LM) Leave Military will be used. ML and LM can only be used to fulfill military obligations for dates contained in the supporting documentation. The Form 1 will include exception time to be used during the time period covered by the orders.
- \*E. When a member requests the use of exception time prior to, but in conjunction with a period of military leave, it will be documented on a separate Form 1 P.D.

- \*F. The member's orders or other official military documentation validating proof of service must be attached to the Form 1. If orders or official military documentation are unavailable to the member prior to the use of military leave, a Leave of Earnings Statement (LES) covering the period of service should be provided to Personnel Records Section (PRS) as soon as it is available to the member.
- G. 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).
- H. The 15 military leave days do not have to be taken consecutively. One 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.
- I. 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.
- \*J. If a holiday occurs while a member is on paid military leave, the member will be placed on an H-day. The H-day will be the day the department observes the holiday. The only time the H-day will be moved is if the holiday falls on the member's scheduled R-day, then the H-day will be moved to the next paid work day.
- K. Military leave may be requested in hourly increments. The member may request any available paid leave to fulfill additional obligations (i.e., preparation and/or travel for dates not covered by active orders). Regular days (R-days) will also be used with any additional paid leave.
- L. Members of the National Guard or any reserve component of the Armed Forces of the United States:
  - 1. Who during periods of military services which members are engaged in the performance of duties or training in the service of their respective state, at the call of the governor and as ordered by the adjutant general, may qualify for full pay and benefits until the member is released from this duty or training.

2. The orders for call to duty or training must be reviewed by the PRS for recommendations to the Administration Bureau Commander on whether a member is afforded under Missouri law, full pay and benefits during this leave of absence. If authorized by the Administration Bureau Commander, 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.
- M. Anniversary date and salary changes, which would be made as if the member was actually working, will still occur.
- N. Military leave may 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.
- O. 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.
- P. Sick leave will not be earned during any unpaid military leave.
- Q. 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.
- R. Members on military leave are not permitted to work intermittently or on a reduced work schedule in any capacity for the Department.

- S. Members are not permitted to engage in off-duty employment in a law enforcement capacity while on military leave.
- T. 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 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.
- U. 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.
- V. 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 has advanced 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.
  - \*3. Involuntary active duty in wartime.
  - \*4. Involuntary active duty during a national emergency for up to 24 months.
- W. 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.
- X. 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, and continuous employment 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.
- \*Y. Members are restricted from checking or responding to department emails as well as reviewing department written directives as notified through the computer system.

### **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 the member receives a change in order status, or the member is discharged from any component of the U.S. Armed Forces or National Guard, the member will:

- a. Submit a 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. Military Leave

1. The member will give advanced notice of any military leave.
  - \*a. When military leave is known in advance, the member will meet with PRS to begin the pre-deployment process.
  - \*b. The Form 1 P.D. and documentation will be forwarded to the PRS.
  - \*c. The timekeeping codes Military Leave (ML) and Leave Military (LM) will be used for official military leave.
  - \*d. A member's element of assignment will be responsible for their timekeeping until the member is transferred to the Military Leave Pool (i.e., any exception time taken prior to a period of extended military leave) or the members military leave is less than 28 calendar days.
  - \*e. PRS is responsible for timekeeping when the member transfers into the military leave pool.
2. 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.
3. 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 effective date of the orders.
  - \*b. Members must respond to PRS before their military leave begins.

- c. The member must contact the Benefits Section regarding the continuation of insurance coverage before going on military leave.

C. Return from Military Leave

1. Upon receiving notification of their release from active military duty, and their return home, the deployed member will notify the PRS.
- \*2. The member must report to the PRS prior to reporting to their assignment on their first day back to work.
- \*3. The PRS will handle all business related to the member returning from Military Leave. PRS will inform the member's bureau regarding instructions on return date, assignment and any training that is necessary. If any other element contacts the member, they will be referred to PRS.
4. 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, in compliance with Missouri POST and Department requirements.
  - 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.

5. Non-sworn members may be assigned to a trainer, if applicable, to assist with the re-acclimation process.



Joseph E. Mabin Jr.  
Chief of Police

Adopted by the Board of Police Commissioners this 24<sup>th</sup> day of May, 2022.



Mark C. Tolbert  
Board President

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