



KANSAS CITY, MO. POLICE DEPARTMENT
PERSONNEL POLICY

DATE OF ISSUE
04/03/2024

EFFECTIVE DATE
04/03/2024

NO.
732-11

SUBJECT

**Policy Series 700: Administration of Leave
732 – Military Leave**

AMENDS

REFERENCE

P.I. "Timekeeping Procedures"
P.P.B.M.: 702 Regular Days Off
Timekeeping Reference Guide
20 CFR Part 1002 Uniformed Services Employee Rights and
Reemployment Act (USERRA)
Revised Statutes of Missouri, RSMo. Section 105.270

RESCINDS

PPBM: 732-10

I. INTRODUCTION

- A. The Department provides all members paid leave and/or unpaid leave for the purpose of active military service and adheres to all provisions of the Uniformed Services Employment Rights and Reemployment Act (USERRA), Title 20 Code of Federal Regulations, Part 1002 (20 CFR Part 1002).
- B. This written directive provides guidelines for the use of military leave.

II. POLICY

A. Leave Entitlement

- 1. 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.
- 2. 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.
- 3. Members will be entitled to paid military leave not to exceed 15 regularly scheduled workdays in any federal fiscal year (October 1 to September 30).
 - a. One day of military leave is recognized by Congress as an 8-hour workday.
 - b. A member will receive 120 hours (15 days X 8 hours) of military leave in a federal fiscal year as indicated previously.

- B. Members of the National Guard or any reserve component of the Armed Forces of the United States, 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.

- C. Members in the uniformed services will be eligible for reemployment under USERRA by meeting the following 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 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.

- D. Use of Leave
 - 1. Military leave may be requested in hourly increments.
 - a. 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).
 - b. Regular days off (R-days) will also be used with any additional accrued paid leave.
 - 2. The 120 hours a member is entitled for military leave does not have to be taken consecutively.
 - 3. The member may choose to use any available accrued paid leave or unpaid leave to fulfill any military obligation.
 - 4. Commanders/supervisors may use discretion allowing members to move a regular day off (R-Day) to fulfill a military obligation in accordance with the current written directive entitled, "Regular Days Off."

- E. Anniversary date and salary changes, which would be made as if the member was actually working, will still occur.

- F. 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 military leave began, continuous service time will not be credited until the probationary period has been completed.
- G. Sick leave will not be earned during any unpaid military leave.
- H. Restrictions While on Military Leave
 - 1. Members are not permitted to work intermittently or on a reduced work schedule in any capacity for the Department.
 - 2. Members are not permitted to engage in secondary employment in a law enforcement capacity.
 - 3. Members will not check or respond to department emails, nor review department written directives as notified through the computer system.

III. PROCEDURES

- A. In the event a member enlists in any reserve component of the U.S. Armed Forces or National Guard, the member will submit an Interdepartment Communication, Form 191 P.D. (Interdepartment Communication), to their supervisor to be forwarded through their chain of command to the Personnel Records Section (PRS).
- B. 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:
 - 1. Submit a Interdepartment Communication to their supervisor to be forwarded through their chain of command to PRS.
 - 2. Forward a copy of the completed Interdepartment Communication and Discharge Papers and Separation Documents (DD Form 214) indicating the type of discharge directly to PRS.
- C. Military Leave
 - 1. When the need for leave is foreseeable:
 - a. As soon as the member is advised of an advance need for military leave of 28 days or more, the member will meet with PRS to begin the pre-deployment process.

- b. The member will complete an Application for Leave form and attach the appropriate documentation; e.g., orders.
 - (1) The Application for Leave form will only include exception time to be used during the time period covered by the orders.
 - (2) Members will refer to the current written directive entitled, "Timekeeping Procedures" and the Timekeeping Reference Guide for specifics regarding timekeeping codes.
 - c. The completed Application for Leave form and documentation will be submitted to the member's immediate supervisor to be forwarded through the chain of command, without delay, to PRS.
2. When the need for leave is unforeseeable; e.g., activation for emergency duty as a result of a natural disaster:
- a. The member will contact and notify their immediate supervisor to obtain verbal authorization as soon as practical.
 - b. The member's supervisor will:
 - (1) Complete the Application for Leave form.
 - (a) The Application for Leave form will include exception time to be used during the time period covered by the orders.
 - (b) Members will refer to the current written directive entitled, "Timekeeping Procedures" and the Timekeeping Reference Guide for specifics regarding timekeeping codes.
 - (2) Forward the completed Application for Leave form through the chain of command to PRS.
3. Whether foreseeable or unforeseeable, the orders for call-to-duty or training must be reviewed by the PRS.
- a. The member's orders or other official military documentation validating proof of service must be attached to the Application for Leave form.

- b. 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 PRS as soon as it is available to the member.
 - c. PRS will:
 - (1) Determine if the member is afforded full pay and benefits during this leave of absence under state and federal law.
 - (2) Submit recommendations to the Administration Bureau Commander.
 - d. 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.
- 4. In the event 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 Application for Leave form.
 - 5. If the military leave is expected to extend beyond 28 calendar days (paid or unpaid):
 - a. Prior to going on military leave, the member must:
 - (1) Respond to PRS.
 - (2) Contact the Benefits Section regarding the continuation of insurance coverage while on leave.
 - b. The member will be transferred to the Military Leave Pool on the effective date of the orders.
 - c. Refer to Section E, "Military Leave Pool."

D. While on Military Leave

- 1. While on military leave less than 28 calendar days, the member's element of assignment will be responsible for their timekeeping.

2. If a holiday occurs while a member is on paid military leave, the member will be placed on a holiday (H-day).
 - a. The H-day will be the day the department observes the holiday.
 - b. The only time the H-day will be moved is if the holiday falls on the member's scheduled regular day off (R-day), then the H-day will be moved to the next paid work day.
3. Unless otherwise requested, members who are on active military duty extending into the new federal fiscal year will:
 - a. Be placed on paid military leave for (120 hours) effective October 1 and then returned to another paid or unpaid leave status.
 - b. Be granted leave without pay if more leave time is required to meet any military requirements.

E. Military Leave Pool

1. When a member's military leave is expected to extend beyond 28 calendar days (paid or unpaid), the member will be transferred to the Military Leave Pool on the effective date of the orders.
2. PRS is responsible for timekeeping when the member transfers into the military leave pool.
3. While the member is in the Military Leave Pool:
 - a. 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 5 years of cumulative leave. Any continued coverage after 5 years of cumulative leave will be at the member's expense.
 - b. 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.

F. 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 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.

G. 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. Upon returning to work, the member will provide documentation of military service directly to the PRS.
 - a. 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.
 - b. Sworn members must also be certified as a peace officer with the State of Missouri under Missouri Peace Officers Standards and Training (P.O.S.T.) standards and be able to perform the full and unrestricted duties of a sworn member.
3. The member must report to the PRS prior to reporting to their assignment on their first day back to work.
4. PRS Responsibilities
 - a. The PRS will handle all business related to the member returning from Military Leave.
 - b. PRS will inform the member's bureau regarding instructions on return date, assignment and any training that is necessary.
 - c. If the member contacts any other element, the member will be referred to PRS.
 - d. For sworn members, the PRS will contact the Training Unit who will determine if any training or certifications are to be completed prior to the sworn member returning to full-duty, in compliance with P.O.S.T. and Department requirements.

- (1) If extended training is required:
 - (a) 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.
- (2) Sworn members are not permitted to engage in secondary 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 or training sergeant.
 - e. For non-sworn members, a trainer may be assigned, if applicable, to aid in the re-acclimation process.
5. Members returning from military leave will receive:
 - a. Any unused vacation leave that remained in the member's balance the year the military leave began, and
 - b. Up to a maximum 12-month accumulation of vacation leave for time earned during the calendar year prior to the member's return.
6. 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.
7. The vacation leave for that calendar year has no cash value and cannot be paid out upon termination, separation, or retirement from employment.
8. 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.

- H. 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.



Stacey Graves
Chief of Police

Adopted by the Board of Police Commissioners this 19th day of March, 2024.



Cathy J. Dean
Board President

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