

		DIRECTIVE 6.52			
SUBJECT Military Leave and Reintegration Policy		NO. PAGES 7			
DISTRIBUTION All Personnel	AMENDS Directive Dated: 12/14/2010	THIS ORDER REPLACES <ul style="list-style-type: none"> • Directive 6.52 Compensation to Police Personnel for Military Training 			
Admin Board Approved: 11/5/13	DATE OF ISSUE 12/27/13	Applicable Accreditation Standards			
		22.2.3			
ISSUED BY: Chief Christine R. Dunning  Chief of Police Reviewed: 08/5/13					

Military Leave and Reintegration Policy

Directive: **6.52**

Purpose

The purpose of this document is to provide a comprehensive explanation regarding military training, activation, and reintegration as per the Uniformed Services Employee Reemployment Rights Act of 1994 (USERRA); City Code Section 40-338; and the City of Wilmington Bargaining Agreements.

Definitions

As per USERRA, “Armed Forces” is defined to include the Army, Navy, Marine Corps, Air Force and Coast Guard. “Reserve Components” is defined to include the federally recognized National Guard and Air National Guard of the United States, the Officers Reserve Corps, the Regular Army Reserve, the Air Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve and the Coast Guard Reserve.

As per City Code Chapter 40 Section 338, “Military Differential/ Mobilization Pay shall be defined as the employee’s base City pay minus Military pay.

Military pay shall be defined as the employee’s military base pay plus any additional payments, including but not limited to hazardous duty, flight, combat, and temporary assignment pay, but excluding any military housing allowance. The military earnings will be deducted from the employee’s base City pay, provided that the City base pay is greater and the difference shall be considered differential/mobilization pay. At no time will the combination of military and differential/mobilization pay be greater than the employee’s City base pay.

NOTE: Mobilization pay cannot be calculated until proof of military earnings is

provided. Therefore, it is incumbent upon the employee to provide documentation of military earnings in a timely fashion. Upon notifying his immediate supervisor, the employee may choose to utilize accrued vacation and/or compensatory time upon military activation in order to avoid a lapse in pay. The notification must be in the form of a Departmental Information Report and must document the number of vacation and/or compensatory time requested.

The Military Liaison Officer is an active member of the Wilmington Department of Police. This is a voluntary position and the liaison is selected by the Commanding Officer of the Human Resources Division. This officer acts as a point of contact between the deployed member, his/her family and the department.

Benefits

Full service credit shall be allowed to all sworn employees for time spent in military service, provided the employee goes directly from city employment into military service and makes application for reemployment as provided by the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”) which governs duty to notify pre-service employer of intent to return to work. Furthermore, it shall be the policy of the City to guarantee its permanent employees who volunteer or are called for active military service, a position upon their return to civilian life equal to the one they left, providing that the requirements set forth above are fulfilled.

The employee shall be allowed to continue pension contributions based on his or her normal base pay, and vacation and sick leave shall continue to accrue. No employee shall be required to use vacation, compensatory time, or sick leave during military leave. However, the employee shall have the right to use accrued vacation or compensatory time at his or her option during any period of military service. The employee must submit a Departmental Information Report and must document the number of vacation and/or compensatory time requested.

Policy – Military Activation/ Non-Voluntary for 15 Days or Less

Any employee of the city who enters active duty or is called to active duty or who is a member of the National Guard or any reserve component of the armed forces of the United States will be entitled to a military leave of absence during any period in which he or she is engaged in the performance of required training under competent orders for (15) days per year which is normally required of reservists.

Voluntary training is not eligible for Military Differential/Mobilization Pay unless declared so by USERRA.

- A. Any Wilmington Police employee who is ordered to report for active duty/military training for 15 days or less, shall immediately notify his or her immediate supervisor and submit a Departmental Information Report along with the military orders.

Upon reporting back to duty, the employee shall provide certification from his or her military commanding officer of the performance of duty in accordance with the terms

of the orders. The employee must also provide proof of military earnings received during that period of active duty/military training for the 15 days or less. The certification and proof of military earnings shall be given to the immediate supervisor of the employee.

Note: Failure of the employee to provide documentation of earnings will result in the deduction of City of Wilmington Pay for the dates of military absence. Therefore, any employee who is a member of the "Armed Forces" should contact his or her Military Unit Pay Administrator and ensure that his or her documentation of military earnings is readily available.

- B. The immediate supervisor shall forward the Departmental Information Report and military orders to the Division Commander via the chain of command.

Upon the employee's return to duty, the immediate supervisor shall forward the certification of the performance of duty and the proof of military earnings to the Division Commander via the chain of command.

- C. The Division Commander of the employee shall immediately notify the Commanding Officer of the Human Resources Division via e-mail and forward a copy of the military orders to the Human Resources Division.

Upon receipt of certification of the performance of duty and proof of military earnings, the Division Commander of the employee shall forward same to the Commander of the Human Resources Division.

- D. Upon receipt of Departmental Information Report placing any employee on active duty/military training for 15 days or less, the Commander of the Human Resources or his or her designee shall forward all pertinent documentation to the City Director of Human Resources.

Upon receipt of certification of the performance of duty and proof of military earnings, the Commander of the Human Resources Division shall forward all documentation to the Information Input Specialist (Payroll).

- E. Upon receipt of certification of the performance of duty and proof of military earnings, the Information Input Specialist shall calculate the daily military earnings for the period of absence.

Policy - Military Activation/Non-Voluntary for Greater than 15 Days

Any employee who enters active duty or is called to active duty as a result of a reserve or National Guard obligation shall receive uninterrupted health insurance benefits at the same level as before being called to active duty. The employee shall also receive mobilization pay which is the difference between his or her regular base pay and his or her military pay plus any additional payment (See Chapter 40-338L) provided that the employee's city base pay is greater. The medical benefits and differential shall be paid for a time period up to one (1) year from the date the employee reports to active military service duty. The salary differential shall cease upon termination of the active duty assignment. The Administrative Board will review the military policy referenced in Chapter 40 of the City Personnel Code on a yearly basis and at that time render a decision regarding extension of medical benefits and differential pay beyond one (1) year.

- A. Upon receiving military orders which place an employee on active duty military deployment or assignment for greater than 15 days, the employee will immediately notify his or her immediate supervisor and submit a Departmental Information Report.
- B. Upon receipt of the Departmental Information, the Commanding Officer of Human Resources, or his or her designee, will schedule an appointment with the employee to begin the pre-deployment out-processing procedure.
- C. The Commanding Officer of Human Resources will notify the following:
 - 1. City of Wilmington Director of Human Resources
 - 2. Military Liaison Officer
 - 3. Human Resources Information Input Specialist
 - 4. Firearms Training Unit
 - 5. Support Services and Communications & Technology Division
 - 6. Training Unit
 - 7. Any other section or Unit which may be affected by the employee's military leave of absence.

Pre-Deployment

- A. Commanding Officer of Human Resources/Military Liaison Officer/Information Input Specialist:
 - 1. Upon receiving notification that a department employee will be activated for military duty, the Commanding Officer or his or her designee will schedule an appointment to meet with the employee.
 - 2. The Commanding Officer of Human Resources will notify the above identified units or sections of the activation via e-mail.
 - 3. The Commanding Officer of Human Resources and the Military Liaison Officer, may meet with the employee separately or collectively to explain the out-processing procedure, discuss the employee's and the employee's family's needs during military activation, and answer questions the employee may have.
 - 4. The Information Input Specialist will obtain contact information for the employee and the employee's family, and discuss continuation of pay and benefits during the period of military activation.
- B. Support Services and Communication & Technology Division: Upon receiving notification that an employee will be activated for military duty, the Support Services and Communication & Technology Commanding Officer or his or her designee will ensure the employee's e-mail in box capacity is increased to allow for an unlimited number of messages.
- C. Training Unit: Upon receiving notification a divisional employee will be activated for military duty, the Training Officer will ensure an entry is made in the employee's training record documenting the temporary military related separation.
- D. Deployed Officers

1. When an Officer is made aware of his military deployment, he will notify his immediate supervisor. The supervisor will forward that information to the Human Resources Division.
2. The officer will submit the following documents
 - Departmental Information Report, clearly listing the separation date from the police department.
 - Military Orders
 - Military Leave Earning Statement
 - Military Mobilization Pre-Deployment Checklist

The officer and his supervisor will be responsible for complying with the directions outlined in the Wilmington Department of Police's, Military Mobilization (Pre-Deployment Checklist). The shotgun will be turned over the Range Sergeant. All other equipment will be packaged and turned in to Support Services / Communications & Technology Division.

E. Military Liaison Officer:

1. Upon receiving notification that an employee will be activated for military duty, the Military Liaison Officer will meet with the employee to explain the out-processing procedure, discuss the employee's and the employee's family's needs during military activation, answer questions the employee may have, and if permitted and desired by the employee obtain contact information for the employee and the employee's family. The representative will also assist the employee during the out-processing.
2. During the period of military activation, if desired by the employee, the representative will remain in contact with the employee and/or the employee's family to ensure the employee is kept apprised of divisional events and to monitor the well-being of the employee's family and provide assistance when requested.
3. During deployment, the Military Liaison Officer will attempt to maintain monthly contact with the deployed member. The Military Liaison Officer will apprise the deployed member of any significant divisional events and attempt to assist the deployed member as requested.
4. The Military Liaison Officer will attempt to ascertain the date the deployed member will be available to return to full duty assignment the Division. If deployed abroad, the representative will attempt to ascertain the date the deployed member will return to the United States and any ceremonies or service scheduled to commemorate the return.

Post Deployment

- A. Immediately upon the conclusion of the active duty military assignment, the employee will notify his or her Division Commander and provide the commander with an estimated date of return to duty with the Division. This notification may be verbal or written and will serve as confirmation that the employee wishes to retain employment with the City of Wilmington. Employees are to adhere to the U.S.E.R.R.A. guidelines regarding the reporting back to work, specifically Section 1002.115. Once an actual date of return to duty with the Division has been

determined, the Officer's Division Commander will notify the Commanding Officer of the Human Resources Division.

- B. The Human Resources Commander will notify the following of the anticipated return of the employee:
 - 1. Chief's Office
 - 2. Military Liaison Officer
 - 3. Human Resources Information Input Specialist (Payroll)
 - 4. Firearms Training Sergeant
 - 5. Training Officer
 - 6. Critical Incident Stress Management Team
 - 7. Court Liaison Officer
 - 8. Any other section or unit deemed appropriate
 - 9. Director of Human Resources

- C. The Military Liaison Officer will maintain contact with the employee to determine the precise date of return to duty with the Division. The Military Liaison Officer will meet with the employee on the employee's first day of return to duty with the Department. The representative may meet with the employee in conjunction with the Human Resources Division Commander. The MLO will assist the employee throughout the reintegration process.

- D. Upon return to duty, employees will be placed on special assignment within the Human Resources Division to complete the reintegration process. The reintegration process will include the following:
 - 1. Report to the City of Wilmington's Medical Dispensary for clearance.
 - 2. If the returning member is a sworn employee, meet with a representative of the Support Services and Communication & Technology Property Unit to retrieve any newly assigned equipment.
 - 3. If the returning member is a sworn employee, meet with a member of the Firearms Training Unit to participate in proficiency and tactical firearms training.
 - 4. Meet with the Training Officer to complete all mandated training missed during the period of activation. The Training Officer will review the activated employee's training record for the period of time the employee was activated and deployed. Once the training is completed, the Training Officer will modify the training record to reflect completion of the training.
 - 5. Meet with a member of Planning/Accreditation Unit to receive any Departmental Policy or Standard Operating Procedures changes.
 - 6. If the employee is assigned to the Uniformed Services Division, the Commanding Officer of the Uniformed Services Division will schedule a re-acclimation period during which the returning employee will partner with a designated officer of the platoon to which he or she will be returning. During this period of time, the designated officer will discuss relevant policies and SOPs with the returning member while allowing the returning member time to re-acclimate to the duties of law enforcement.

a. The employee will complete the ‘Post Military Deployment and/or Extended Leave Check List and submit as noted.

7. Upon making notification of intent to return to City employment, the employee may utilize accrued leave/ combined leave as specified in the City of Wilmington and F.O.P. Bargaining Agreements. In order to be eligible for accrued/ combined leave, the employee must contact the Commander of the Human Resources Division and submit the appropriate documentation, FMLA paperwork or departmental leave of absence forms. If the employee fails to request leave following military release, the employee will not be compensated by the City of Wilmington.
8. The employee shall not be eligible to receive mobilization pay during that period of time after he or she has left active military duty. Per USERRA, “upon completing service in the uniformed services, the employee must notify the pre-service employer of his or her intent to return to the employment position by either reporting to work or submitting a timely application for reemployment.” Whether the employee is required to report to work or submit a timely application depends upon the length of service, as specified in USERRA. Where immediate return to work is not mandated, the employee may make application to return to work either verbally or in writing.

Should notification not be made upon completing military service, any differential pay paid to the employee upon completion of military service will be required to be repaid to the City. Also, overpayment as a result of Leave and Earnings Statement (LES) not reported in a timely manner will be required to be repaid to the City.

Post Military Deployment and/or Extended Leave Check List

1. ____ Respond to Support Services Property Unit and retrieve any equipment issued during your absence and/or equipment turned in prior to your absence.
2. ____ Meet with a member of the Firearms Training Unit to participate in proficiency and tactical firearms training.
3. ____ Meet with the training officer to schedule the completion of any mandatory training that was missed during your absence.
4. ____ Meet with a member of the Planning and/or Accreditation Unit to receive any bulletins, divisional policy or Standard Operating Procedure changes that took place or were issued in your absence.
5. ____ If assigned to the Uniform Services Division plan to be scheduled for a re-acclimation period with another officer. Coordinate this through your platoon staff.
6. ____ When completed initial each of the above and return to the Human Resources Division Commander. (#5 upon scheduling of re-acclimation period)