

TEXARKANA POLICE DEPARTMENT

GENERAL ORDERS MANUAL

SUBJECT	Military Leave		
NUMBER	1101.22	EFFECTIVE DATE	
Scheduled Review Date	August 1, 2021	ISSUE DATE	December 09, 2014
Date Reviewed	August 1, 2019	REVISION DATE	
APPROVED BY		(Reserved for Expansion)	

I. Purpose and Scope

- A. Under the guidelines contained within the *Uniformed Services Employment and Reemployment Rights Act of 1994* (USERRA), employees who are members of the Uniformed Services, to include members of the military Reserves and National Guard, are guaranteed certain civilian job protections. This General Order addresses the Texarkana Police Department's policy as it applies to the mandates contained within USERRA, and it is binding upon all members of the department.

II. Policy

- A. It shall be the policy of the Texarkana Police Department to support its employees who perform duty within the Uniformed Services. As specified within federal and state law, it shall remain the Department's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform services for any of the Uniformed Services. Specifically, no person will be denied employment, reemployment, reinstatement, promotion, or any other benefit on the basis of such membership.
- B. All members of the Department shall recognize and adhere to the guidelines contained within this policy.

III. Definitions

- A. Uniformed Services — This term includes the Armed Forces, the Army National Guard, and the Air National Guard, when engaged in active duty for training, inactive duty for training, or full-time National Guard duty; the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

IV. Procedures

- A. Advance Notification of Military Duty
1. Any employee seeking a military leave of absence must provide the Department with advance notice of their intent to take a military leave of absence unless advance notice is precluded by military necessity or is otherwise impossible or unreasonable, considering all relevant circumstances.

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- a. While the guidelines contained within USERRA do not specify how far in advance notice must be given to an employer, the employee should provide notice as far in advance as reasonable under the circumstances. Unless prevented by reasons of military necessity or by reasons beyond the control of the affected employee, the affected employee should provide written notification of his or her impending military assignment to his or her supervisor in the following manner:
 - (1) Within ten (10) days prior to a weekend training session or as soon as the employee receives proper notification from his or her military unit. In the alternative, the employee may provide a comprehensive list of all weekend military training sessions scheduled during the federal fiscal year which will be attended by the employee.
 - (2) Within thirty (30) days prior to the two-week annual training period or as soon as the employee receives proper notification from his or her military unit.
 - (3) Within thirty (30) days prior to any other military training requirement or as soon as the employee receives proper notification from his or her military unit.
 - (4) If immediately ordered to active duty on a non-scheduled basis, or if the employee is mobilized for any reason, to include a declared state of emergency, the employee should make every attempt to provide his or her supervisor with proper notification as soon as practical.
 - (5) As specified within the guidelines presented within USERRA, exemptions from the minimum notice requirement will be granted when non-scheduled military duty is required (alert, mobilization, declaration of an emergency) or during times in which proper notice is prevented by military necessity. An officer of the uniformed service in which military duty will be performed may also provide notice on behalf of the employee.
2. Due to the critical nature of the employee's relationship with the Texarkana Police Department, as a formality, the affected employee should provide certain information to his supervisor and / or division commander. The following information should be provided at the time of hire, when an employee joins the armed forces, or when the employee changes reserve units. This information should be forwarded to the Personnel and Training Officer for inclusion within the employee's personnel file:
 - a. The name of the employee's reserve unit commander;
 - b. The location of the employee's reserve unit; and
 - c. A phone number where the commander of the military unit may be reached by the employee's supervisor and / or division commander.
3. The employee will be solely responsible to ensure a copy of his or her official military orders are provided to his or her supervisor as soon as practical. Copies of all official military orders and other correspondence should be forwarded to the Personnel and Training Officer for inclusion within the employee's personnel file.

B. Military Leave of Absence

1. Military leave will be authorized when employee is ordered to active duty for training, inactive duty for training, annual training or when ordered to active duty in times of emergency or under any other circumstance. Appropriate military authority must issue all orders that affect the employee's military assignment.

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2. Employees who are members of the National Guard or any of the Armed Forces, or the reserve branches of the Armed Forces, will be granted paid leave at the rate of fifteen (15) days per calendar year for annual training requirements or other duties performed in an official duty status.
 - a. In accordance with USERRA guidelines, employees who are affected by military training requirements or other duties performed in an official duty status service will be afforded an appropriate amount of additional leave necessary to travel safely to the uniformed service site and arrive fit to perform the service. The employee may elect to use regular vacation leave to satisfy the employee's need for additional leave. If the employee elects not to use vacation leave, the employee will be placed on leave without pay.
 - (1) The appropriate amount of additional leave shall remain dependent upon an analysis of the circumstances of the employee's scheduled military commitment. These circumstances include the following:
 - (a) the duration of military service commitment;
 - (b) the amount of notice received;
 - (c) the reporting location of the military service commitment;
 - (d) the amount of additional rest time required to arrive fit to perform the service; and
 - (e) The amount of time necessary to arrange personal affairs and report to duty.
 - b. Employees who require additional leave in conjunction with military training requirements or other duties performed in an official duty status service must request this leave through his or her chain-of-command. All requests for additional leave must be appropriately justified utilizing the criteria contained in the above section.
3. The City Policy Manual Section 4.08 and Federal Law under Title 38 U.S.C., Chapter 43- (USERRA), and Arkansas (A.C.A. 21-4-102) LEAVE OF ABSENCE FOR CERTAIN TRAINING cover Military Leave. In times of national emergency, National Guard or Reserve Components are governed by **USERRA**. National Guard personnel, who are called to duty by the Arkansas Governor, are covered under Arkansas State Law.
 - a. Military leave pursuant to this policy will be granted in addition to and completely separate from regular vacation time and sick leave. Following the completion of his or her military requirement, the employee will be eligible to apply for reemployment in the same position or a position similar to the one he or she occupied at the time of entry into military service. The right of reemployment will conform with all federal government regulations.
4. Employees who are drafted, called to active duty in the armed forces of the United States, or those who volunteer for military service will be placed on military leave without pay.
5. During any military leave of absence, the employee will be entitled to all seniority rights, promotional status, retirement privileges, life and health insurance benefits and any other rights, privileges and benefits to which he or she may be entitled.
 - a. Should the employee choose to continue his or her health insurance benefits pursuant to the guidelines contained within USERRA, it will remain the employee's responsibility to contact City Hall and coordinate the continuation of care.
 - b. Upon re-employment, it will remain the employee's responsibility to contact the LOPFI retirement system to properly coordinate all requirements as they apply to the employee's individual retirement account and the employee's periods of military leave.

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7. Employees are reminded the Department reserves the right to adjust work schedules to accommodate military training in a manner that least affects the Department's ability to operate efficiently.
8. All employees who are placed on extended military leave in excess of sixty (60) days will be transferred to the Services Division pending their return employment with the Department. The transfer to the Services Division is administrative in nature and is aimed at consolidating information concerning the employee's absence. While not mandated within USERRA, employees who are away on extended military leave should, as a formality, remain in contact with the Services Lieutenant regarding pertinent information.

C. Reemployment Following Military Leave

1. To be eligible for reemployment with the Texarkana Police Department following the completion of his or her military leave, the employee must meet the following criteria:
 - a. The employee must have served honorably in the Armed Forces;
 - b. The employee must be mentally and physically fit for duty;
 - c. The employee must return to duty with the City of Texarkana, Arkansas within the following time limits:
 - (1) An employee, who as a member of a Reserve or National Guard unit is ordered to active duty by the President of the United States for an indefinite period of time, has ninety (90) days to request reinstatement with the City of Texarkana, Arkansas upon expiration of his or her active duty service.
 - (2) An employee, who as a member of the Reserve or National Guard is involuntarily ordered to active duty for training for a period of thirty-one (31) to one hundred eighty (180) days, has thirty-one (31) days to request reinstatement with the City of Texarkana, Arkansas upon expiration of his or her active duty service.
 - (3) An employee, who as a member of the Reserve or National Guard is ordered to active duty for fifteen (15) days summer encampment, weekend drills, disaster duty, or other similar duties, must return to his or her regular duties the next scheduled working day following his or her release.
 - (4) Employees who have not completed their probationary period when they enter the military service will, upon their return, resume their probationary period at the point it was interrupted by military service.
 - d. The employee's cumulative length of absence and of all previous absences from a position of employment with the City of Texarkana, Arkansas by reason of their military service generally cannot exceed five (5) years. As provided within the guidelines of USERRA, any employee who enlists or reenlists for military duty for more than the five (5) year limit forfeits his or her reemployment rights. The five (5) year cumulative total excludes the following military service:
 - (1) Mandated National Guard and reserve training requirements as well as service performed on active duty during times of war or national emergency.
 - e. Following a military deployment lasting longer than thirty (30) days, all members who request reemployment must provide the Texarkana Police Department the following documentation:

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- (1) A copy of a military discharge certificate or other evidence of release from active duty that documents the employee's separation or dismissal from the uniformed service does not disqualify him or her from reemployment; and
 - (2) Documentation that demonstrates the employee has not exceeded the five (5) year limit on the duration of service.
- f. For the purposes associated with the requirements in *Paragraph e* above, acceptable forms of documentation include the following:
- (1) DD (Department of Defense) Form 214 Certificate of Release or Discharge from Active Duty;
 - (2) Copy of duty orders prepared by the facility where the orders were fulfilled carrying an endorsement indicating completion of the described service;
 - (3) Letter from the commanding officer of a Personnel Support Activity or someone of comparable authority;
 - (4) Certificate of completion from military training school; and
 - (5) Discharge certificate showing character of service.

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