
	GAITHERSBURG POLICE DEPARTMENT		
	Military Leave		
	GENERAL ORDER	202.7	
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Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE

I. Department Policy

It is the policy of the Department to protect the job rights of employees absent on military leave. In accordance with federal and state law, it is 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 service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately report it via Chain of Command.

II. Definitions

1. Short-Term Military Leave – Within the context of this directive, the term “Short-term military leave” refers to military activation that is a sudden, short-term absence (*Under 30 days*) due to military obligations and could be considered same as regularly scheduled drills or administrative leave.
2. Long-Term Military Leave – Within the context of this directive. The term “Long-term military leave” refers to long-term absence (over 30 days) due to military obligations, such as emergency or scheduled long-term deployments.

III. Eligibility

Any employee who is a member of any United States Military Reserve or National Guard Unit is eligible for benefits noted under this policy. Such military duties include leave for deployment which shall include training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the

applicable laws (Title 38 U.S.C. Section 4312c), these benefits are generally limited to no more than five years of leave of absence.

IV. Pre-Deployment

1. An employee shall provide the Chief of Police or his/her designee with notice of the need for leave as far in advance as is reasonable and possible under the circumstances, including military necessity. Written notice is preferred, but not required, but notice in some form is required and subject to review and verification. To request a Short-Term Military Leave or Long-Term Military Leave of absence, the employee should generally request a Leave of Absence from the Chief of Police, if the leave is for a period of ten (10) days or less. Leave beyond ten (10) days will have to be approved by the City Manager.
2. The Chief of Police or his/her designee shall schedule a pre-deployment interview with the employee to designate a supervisor to serve as a liaison between the employee and a person(s) of the employee's choice. Address, phone numbers and emails shall be exchanged between the designated parties.
3. The deployed employee should provide an email and/or a mailing address as soon as possible. This information will be disseminated to departmental personnel by the Chief of Police or his/her designee to allow continued communications between departmental members and the employee.
4. During the employee's deployment, the liaison will make every effort to keep the employee informed of any transfers, promotions or other significant events. Other employees who have extended military deployment experience should be utilized as an additional resource to meet the employee's needs and concerns.
5. Employees are responsible for scheduling a meeting with Human Resources prior to their absence due to military leave to discuss benefit coverage, benefit premium payments and salary status during deployment.
 - a. A point of contact with Human Resources will be designated to assist the employee with all employment and/or benefits issues while on military deployment.

6. Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.
7. If the employee does not return to work, the Chief of Police or his/her designee will notify Human Resources so that the appropriate action may be taken.
8. All departmental issued serialized equipment, will be turned in to the Quartermaster prior to an employee's deployment lasting 31 days or more. These items will be stored for safekeeping until the employee returns. If the employee does not return or is not re-instituted, all equipment will be re-assigned and all cards will be destroyed per departmental policies and procedures.
9. Upon returning from long-term military deployments, the employee will be required to complete any necessary medical evaluations, MPCTC required initial and/or refresher training, weapons requalification, policy reviews/updates and meet with the Chief of Police or his/her designee for a post-deployment interview. The employee must also meet with the Human Resource Director to complete all necessary open enrollment or other personnel forms, reports or applications.

V. Military Leave

1. An employee is entitled to time off at full pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces. Any full-time or part-time employee is entitled to military leave.
2. A full-time employee working a 40-hour work week will accrue 120 hours (15 days x 8 hours) of military leave in a fiscal year, or the equivalent of three 40-hour workweeks. Military leave will be prorated for permanent part-time employees on the number of hours in the employee's regularly scheduled pay period.
3. Inactive Duty Training is authorized training performed by members of a Reserve or National Guard component not on Active Duty. It is performed in connection with the prescribed activities of the Reserve or National Guard. It consists of regularly scheduled unit training periods, additional training periods, and equivalent training.

4. Eligible employees may use up to 15 calendar days per year for Active Duty, Active Duty Training, and Inactive Duty Training. An employee can carry over a maximum of 15 days into the next fiscal year.
5. Up to 22 workdays of military leave may be granted per calendar year for emergency duty as ordered by the President or a State Governor. This can be for law enforcement or the protection of life and property.
6. Reserve and National Guard Technicians are entitled to 44 workdays of military leave for duties overseas under certain conditions as authorized pursuant to Section 12315 of Title 10, under section 12301(b) or 12301(d) of Title 10 (other than active duty during a war or national emergency declared by the President or Congress). The use of this leave is for participation in operations outside the United States, its territories, and possessions.
7. Military leave should be credited to a full-time employee on the basis of an 8-hour/10-hour workday. The minimum charge to leave is one hour. An employee may be charged military leave only for the hours that the employee would otherwise have worked and received pay.
8. Employees who request military leave for Inactive Duty Training (which generally is two, four, or six hours in length) will be charged only the amount of military leave necessary to cover the period of training and necessary travel.
9. An employee's pay remains the same for periods of military leave; however, the employee's pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave in order to retain both city pay and military pay.
10. When the employee requests military leave, they must make an appropriate request and provide copies of their military orders.

Employers are required to provide time-off to employees who are serving in the military. Employers of all sizes are included in this mandate, and the rules governing employees' rights are set forth in both federal and state law.

VI. Military Family Leave

1. Under amendments to the Family and Medical Leave Act (FMLA), employers with 50 or more employees must allow up to 26 weeks of leave for eligible family members of certain military personnel to care for

service members. In addition, under qualifying exigencies, employers must allow 12 weeks of leave for the spouse, son, daughter, or parent of an eligible service member.

VII. Information on Federal Military Leave Laws

1. Any employee who is called to military service, training, reserve duty, etc., who is not a temporary employee is covered by protection under federal law, which are minimum protections that may be exceeded by the above Department Policy, Federal protections extent to employees on probationary status and employees who have been with their employer for only a few days.
2. Employees are required to give advance notice to employers of military leave. Notice may be either written or oral and may be provided by the employee or the military. However, no notice is required if military necessity prevents it or the giving of notice is otherwise impossible or unreasonable.
3. Employees will be granted leave for active duty military leave. The employee will be reinstated to the position held before taking military leave upon successful completion of active military duty. Active duty leave is usually for an undetermined but potentially long period of time and is caused by a state or national emergency, state of war, or actual war. Active duty may also be required for certain military training programs. Active duty leave will be granted for voluntary or involuntary service. In addition to active duty leave, annual leave will be granted to attend reserve or National Guard encampment, maneuvers, drills, training, or any other duty of a short-term nature.
4. While they are engaged in military service, the employee may receive the difference between civilian pay and military pay. The employee may, however, choose to use paid vacation time where military leave is not paid.
5. Reservists will be paid during the period they are on active duty and may receive the difference between their regular salary and their military pay. Reservists must give advance notice prior to leaving for active duty, except if military necessity prevents them from doing so.
6. Unless military medical coverage becomes the primary, employees and their dependents will continue to receive all benefits provided. The City will continue to contribute to the cost of benefits for employees while the employees are on military leave.

7. Employees who return from military leave will be reinstated to his or her original position or a similar position.
8. In many cases, especially when the employee has been away on active duty for a fairly long period of time, in order to be reinstated the employee must be honorably discharged, must be able to perform the job, and must notify the Department of the intent to return to work.
9. ***The Uniform Services Employment and Reemployment Rights Act (USERRA).*** *The Uniform Services Employment and Reemployment Rights Act (USERRA), provides for military leave and reemployment rights for veterans and reservists and bars discrimination and retaliation based on an employee's military service.*
10. ***The Veterans Benefit Improvement Act of 2004.*** *The Veterans Benefit Improvement Act of 2004, requires employers to provide a notice informing their employees of their rights, benefits and obligations under the Uniform Services Employment and Reemployment Rights Act (USERRA). The notice requirement can be met by posting a notice where employers customarily provide notices for employees. The Veterans Benefit Improvement Act of 2004 also requires employers to extend to employees in military service the option of maintaining employer-sponsored health insurance coverage for a two year period.*