

HONOLULU POLICE DEPARTMENT

POLICY HUMAN RESOURCES AND TRAINING

October 7, 2016

Policy Number 3.50

MILITARY LEAVE

POLICY

The Honolulu Police Department (HPD) protects the job rights of employees who are members of the Reserves or National Guard when absent on military leave in accordance with applicable federal, state, and local laws.

PROCEDURE

I. DEFINITIONS

- A. Active duty: Full-time military service in the Reserves or National Guard, to include state active duty service (Title 32, U.S.C.) and federal active duty service (Title 10, U.S.C.).
- B. Deployment: A mission-oriented movement or placement of military personnel into a strategic or tactical location for military action, presence, posture, or other military service (e.g., combat operations, support operations, disaster relief operations, humanitarian support operations, etc.).
- C. Employee: Employees of the HPD who are enlisted in a reserve component or the National Guard.
- D. National Guard: A component of the Army and Air Force comprised predominantly of part-time service members performing military duty under both state (Title 32, U.S.C.) and federal (Title 10, U.S.C.) jurisdiction.

- E. Reserve components: The reserve components of the Air Force, Marine Corp, Navy, Army, and Coast Guard. It does not include the Army and Air National Guard.
- F. Reservist: Employees of the reserve components. It does not include members of the Army and Air National Guard.
- G. Military leave: The type of leave application that an employee shall submit when ordered to report for active duty service. For purposes of the policy, military leave and active duty may be used interchangeably.

II. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

Employees of the HPD shall act in accordance with the USERRA as well as all applicable federal, state, and local laws governing employees in the Reserves or National Guard.

III. RESPONSIBILITIES

A. Out-Processing

1. Human Resources Division (HRD)

The HRD shall be the department's point of contact for all employees in the Reserves and National Guard. The HRD shall facilitate an employee's processing (in/out) with the assistance of the Human Services Unit (HSU), the respective division/element commanders, and other divisions, elements, or units that the HRD deems appropriate.

- a. For employees who will be on active duty for more than 30 calendar days, the HRD shall:
 - (1) Process the employee's leave e-form for military leave, paid or unpaid; and
 - (2) Conduct an exit interview in which the HRD will explain departmental, city, and state benefits that may be affected and answer any department-related questions the employee may have.
- b. For employees who will be on active duty for periods of less than 30 calendar days, the HRD shall process the employee's leave e-form for military leave, paid or unpaid.
- c. The HRD shall monitor the status of employees on military leave to ensure that the employees' leave status adheres to dates specified in the military order.
- d. The HRD shall verify the completion of service date and ensure that employees adhere to return or reemployment dates.

2. Division/Element Commanders

The division/element commanders shall:

- a. Be responsible for ensuring that employees submit their military orders and appropriate leave e-forms prior to departing for their military leave or within five working days upon return;
- b. Upon receipt, forward military orders to the commander of the HRD;

- c. Establish a liaison that will facilitate communication and information between employees on military leave and the HRD;
- d. Make arrangements to retrieve and store department-issued equipment as determined by the Chief of Police; and
- e. Serve to sworn employees a Notice of Restriction of Police Authority when deemed necessary by the Chief of Police.

B. In-Processing

1. HRD

The HRD shall:

- a. Ensure that the required military documents releasing the employee from active duty are submitted before placing the employee back on active status with the department;
- b. Be guided by the dates on the military orders for leave and reinstatement purposes;
- c. Schedule a return to work meeting with the Chief of Police or designee; and
- d. Create a notification to return the employee to full-duty status.

2. Division/Element Commanders

Upon an employee's return to the HPD, the commander shall coordinate with the Training Division any required training, as specified in Policy 3.47, TRAINING REQUIREMENTS FOR RETURNING OFFICERS.

3. Training Division

The Training Division commander shall determine the type and length of training for an employee returning from active duty service based on Policy 3.47, TRAINING REQUIREMENTS FOR RETURNING OFFICERS.

4. HSU

The HSU shall:

- a. Maintain a program to support and assist employees activated for military service and their families; and
- b. Develop and maintain a structured, reintegration program to assist employees upon their discharge from active duty service and provide a referral service to address the employees' needs.

IV. APPLYING FOR MILITARY LEAVE

Employees shall submit their request for military leave prior to their departure for military service. In the event an employee is called to service without a copy of his or her military orders, the employee shall make verbal notification to his or her command and shall submit a hard copy of the orders as soon as practicable.

- A. Employees shall submit the Application for Leave of Absence e-form and attach a copy of the military orders showing the applicable dates.
- B. All employees are eligible for vacation or compensatory time while serving on active duty to the extent that vacation or compensatory time has accrued. Vacation or compensatory time need not be exhausted before being placed on leave without pay when leave without pay results from serving on active duty.

- C. An eligible employee shall be entitled to military leave with pay for a period not to exceed 15 working days in a calendar year.
- D. An eligible employee may use up to 15 days of military leave with pay from the succeeding year if he or she is called to active duty by official military orders a second time within a calendar year and has exhausted his or her 15 days from the current year. Advancement of military leave for two consecutive years is not allowed.
- E. An employee shall notify his or her commander and the HRD when there is an extension or change to the original orders. Any changes to orders shall be submitted to the employee's commander and the HRD within three working days of returning to duty with the HPD.
- F. Element commanders shall submit all completed e-forms for military leave to the HRD for processing.
 - 1. When a commander is notified of any change to an employee's military orders, the commander shall immediately notify the HRD in writing to ensure that appropriate changes to the employee's personnel record can be made.
 - 2. Any changes made to the original e-form must be amended within three working days of returning to work with the HPD.

V. EQUIPMENT

Employees who will be on military leave for a period exceeding 180 calendar days shall turn in their issued police equipment to their command, unless otherwise authorized by the Chief of Police. The issued equipment to be turned in includes (but is not limited to):

- A. Identification and access cards;
- B. Keys;
- C. Police badge and cap shield;

- D. Firearms and electric gun;
- E. Ammunition and magazines;
- F. Chemical agent;
- G. Handcuffs;
- H. Mobile data computer (refer to Policy 4.16, MOBILE DATA COMPUTERS);
- I. Automated external defibrillator;
- J. Blue lights;
- K. Portable radio (and radio pack if motorized) and accessories (includes carrying case, speaker microphone, charger, and batteries); and
- L. Cellular telephone.

VI. TRAINING

Employees returning from military leave shall be guided by Policy 3.47, TRAINING REQUIREMENTS FOR RETURNING OFFICERS, to determine the type of training and certifications required.

VII. ROTATION

For rotational purposes, employees who are assigned to a nonpatrol division/element (e.g., Traffic Division, Narcotics/Vice Division, etc.) shall continue to have their time in the division/element accrue when they are on military leave.

VIII. PROMOTIONS

Employees who are eligible for promotion shall be afforded an opportunity to participate in a promotional process if they were on military leave.

A. An employee who is on military leave during a promotional process shall notify the HRD immediately upon his or her return to duty with the HPD and provide documentation showing that he or she was on military leave during the time of the actual promotional process.

B. Upon receiving notification that an employee would like to participate in a missed promotional process, the HRD shall verify the following:

1. The employee provided proper documentation showing the dates of military leave; and
2. The employee met the minimum qualifications for promotion during the actual recruitment period.

C. Upon verifying that the employee meets the requirements stated above, the HRD shall:

1. Notify the Department of Human Resources for promotions to the ranks of corporal to lieutenant and coordinate the written examination for the employee.

If the employee obtains a qualifying score for a promotional interview, the HRD shall arrange a promotional interview; and


2. Coordinate the written assessment (for the rank of captain) and interviews for promotions to the ranks of captain and above.

IX. HPD ACTIVITIES, SPECIAL DUTY, AND COURT ATTENDANCE

- A. Employees on active duty will not be allowed to work their regular HPD assignment or perform any overtime or standby work.
- B. Employees on active duty shall not work any special duty assignment, paid or voluntary.
- C. HPD officers on active duty shall not appear in HPD uniform for HPD-related court cases or collect overtime. However, applicable witness and mileage fees will apply.

X. PROTECTION FROM DISCRIMINATION

- A. A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in the uniformed services shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by the department on the basis of that membership, application for membership, performance of service, or obligation.
- B. The department may not discriminate in employment against or take an adverse employment action against an employee because the employee has taken an action to enforce a protection afforded the employee under the provisions of the USERRA, has testified or otherwise made a statement in or in connection with any proceeding under the USERRA, has assisted or otherwise participated in an investigation under the USERRA, or has exercised a right provided for by the USERRA.


LOUIS M. KEALOHA
Chief of Police

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