



Alexandria Police Department



Directive 4.20

Military Deployment and Reintegration

Effective Date: 07-01-2011		Cancels: NEW
Updated Date:	Section(s):	SME Review Date:
Updated Date:	Section(s):	2014
Updated Date:	Section(s):	

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4.20.01 POLICY/PURPOSE

This policy shall apply to all military employees who are absent from the Department for a period of 31 days or longer. This shall include any branch of military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and shall be in addition to any benefits as provided by City of Alexandria Administrative Regulation 6-18, Attendance and Leave or other additional benefits as provided by the City of Alexandria.

Nothing in this directive is intended to supersede or replace existing Federal, State, or City laws, ordinances, rules, regulations, policies or procedures. The content of this directive is not legally binding or a substitute for applicable statutes.

4.20.02 DEFINITIONS

Escalator principle – requires each returning service member be placed in seniority at the point the person would have occupied if the person had remained continuously employed.

Military Support Officer (MSO) – An Alexandria Police Department member who has been identified by the military employee to serve as a liaison between the deployed employee and the Department during their absence. The MSO will serve to assist in the care and oversight of the employee's family and personal matters should the need arise during the employee's deployment. This shall not be construed as giving the MSO any legal authority to act in the employee's stead unless it has been otherwise provided for in proper legal documentation. MSO's preferred qualifications include previous military background, deployment experience or knowledge of military deployment matters, and/or previous supervisory experience of a deployed subordinate. The MSO reports directly to the Division Chief of Personnel and Training with information and concerns specific to the deployed employee.

Prompt reemployment – returning service members will be reinstated as soon as practical considering circumstances surrounding each individual case. (ie. Reinstatement may be reasonably delayed until notice to an incumbent employee occupying the service member's position is delivered)

Qualification efforts – employers must make reasonable efforts to qualify returning service members who are not qualified for reemployment positions that they otherwise would be entitled to hold for reasons other than a disability incurred or aggravated by military service.

Reintegration Process – Gradual, pre-determined steps, set by the Department, which are intended to give returning military employees the opportunity to more comfortably, and successfully, reintroduce themselves into their positions with the Department after deployment. This process is designed to afford the employee an opportunity to address issues which may be associated with their deployment, and their Department position.

4.20.03 LEGAL ASPECTS

Uniformed Services Employment and Reemployment Rights Act (USERRA).

The Uniformed Services Employment and Reemployment Rights Act of 1994 guarantees employees the right to take a leave of absence to serve in the uniformed services and to return to their job with accrued seniority and other employment protections. The act prohibits employment discrimination based on past, current or future military obligations and also covers hiring, promotion, reemployment, termination and benefits.

For the purposes of USERRA service, voluntary or involuntary in the uniformed service means:

- ◆ Active Duty
- ◆ Active Duty for Training
- ◆ Initial Active Duty for Training
- ◆ Inactive Duty Training (Weekend Drills or Battle Assembly)

The USERRA generally requires all employers to grant up to five years of leave to employees who are members of or applying for membership in the military. In order to qualify for protection, the employee must notify the employer in advance. As a practical matter, the exceptions to the advance notice requirement are broad enough that an employee rarely will be deemed not to have given sufficient notice.

When employees return from military service, they must be placed in the same position they would reasonable have achieved as if they had never left. This is commonly referred to as the escalator principle. Generally, employees must receive all the rights and benefits they would have received had they not taken military leave. This includes promotion, elevation, health coverage, insurance, retirement plans, etc.

A returned employee is entitled to their job if they meet the following requirements:

- a. Gave advance notice to the Department.
 - b. The cumulative length of service does not exceed five years.
 - c. The employee reports back to work within the allowable time frame.
 - d. The employee was honorably discharged from the uniformed services.
- ◆ This act of Congress provides clear protection for members of the reserve forces, including the National Guard, and is applicable to all employers in the country.
 - ◆ The act is codified in Chapter 38 U.S. Code.
 - ◆ Significant requirements include:
 - An employee need not request permission to be absent for military leave but rather provides notification of pending military service.
 - There is no difference between voluntary and involuntary service.
 - An employee cannot be required to use vacation or similar leave for military leave of absence.
 - ◆ The act also provides for enforcement based on discrimination in hiring, retention, promotion, or other benefits of employment.

State Codes

Just as the USERRA delineates the protections afforded military reserve members at the Federal level, the Commonwealth of Virginia has similar regulations. The applicable regulations are contained in Title 44 – Military and Emergency Laws. Like the President’s authority to call reservists to active duty, the Governor of Virginia can call on

members of the Army and Air National Guard to assist with emergencies within the Commonwealth. Title 44 allows the Governor to call up the necessary assets to assist local authorities with fire fighting, civil disturbances, etc. It should be noted that the USERRA does not apply to members of the National Guard if called to State Active Duty (SAD). State regulations essentially provide the same protections.

In the case of employees ordered to State Active Duty by the Governor, they must be granted the leave of absence. Very often, as is the case with fire fighting, the reservist may only receive verbal orders and will receive the written order sometime after call – up. The verbal order has the same force as a written order, and any reservist who receives such an order is lawfully bound to obey the order.

4.20.04 ACTIVE DUTY AND MILITARY TRAINING NOTIFICATION

USERRA requires military employees to provide their employers with advance notice of military service. This notice may be either written or oral. Upon receiving notification of military mobilization or orders to active duty, the employee is strongly encouraged to provide a copy of their orders to their immediate supervisor and to the Division Chief of Personnel and Training. However, no notice is permitted if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable.

The primary reason for conflicts between employees with a reserve obligation and the Department is due to a lack of understanding of the applicable laws by both the Department and the reserve members themselves. The following tips listed below are intended to clarify the rights and responsibilities of both the Department and the reservist member.

Supervisors should know which of their subordinates have military reserve obligations. Many reservists have skills that are applicable to their Department duties.

Supervisors are strongly encouraged to contact the member's military unit commander. Under federal law it is permissible to contact the military unit commander and ask if the military training duty can be rescheduled. This should, however, be done only in those cases where the absence of the reservist would create a genuine and significant hardship. If the military unit orders the reservist to attend training, supervisors must grant the request.

Employees with a reserve obligation should provide supervisors with their weekend training schedule and annual training schedule as soon as they are published. Most units publish these schedules well in advance of the actual training to minimize scheduling conflicts. Formal written orders are not normally issued for weekend training drills.

Employees should share with supervisors any anticipated training requirements that will require their absence from work. Reservists of all ranks have mandatory training courses that if not attended, will result in a denial of promotion and possibly, retention in the reserve component. These courses vary greatly in terms of length and availability.

Supervisors should accept the fact that certain conflicts will arise. Maintain an open dialogue with the employee to resolve the conflicts as early as possible.

Supervisors cannot require employees to find a replacement in order to attend weekend training drills/battle assemblies or annual training. Similarly, it is not good practice to routinely deny another employee time off by using another employee's military reserve training duty as an excuse.

Supervisors should expect employees to return from their weekend training drills in a timely manner. Where this time frame most often comes into play is during weekend training drills and annual training. For weekend training drills and annual training, USERRA requires an employee to report back to work at the next regularly scheduled shift on the day following release from military duty, plus safe travel home and eight hours rest. Employees are not precluded from voluntarily returning to work but if they elect to take advantage of USERRA, then normal time off procedures will apply.

Supervisors may request written orders for employees who perform a period of reserve service of 31 days or more. It is important to note that the USERRA provides reemployment protection only to those that serve honorably. The standard form denoting the conditions and length of service is the DD 214 "Report of Separation from Active Duty".

4.20.05 RESPONSIBILITIES

- A. During the deployed employee's absence, the Department shall provide support to the employee and family through the approved MSO. The type of support will be assessed and determined on a case by case basis.
1. Pre-deployment, the MSO shall:
 - a. Facilitate a meeting with the deploying employee and the Training Supervisor to ascertain information regarding:
 - Current department certifications;
 - Employee's training record;
 - Any other relevant information which may aid in later reintegration.
 - b. Ensure the deploying employee has completed the Military Deployment Processing Checklist (Out-Processing) specifically verifying:
 - The employee has attended an appointment with the City of Alexandria Human Resources Benefits Division Chief, or designee.
 - The employee has completed and submitted the City of Alexandria, Virginia Military Reservist Data Form required by the Human Resources Department.

2. Post-deployment, the MSO shall:

a. Keep up-to-date status on the employee, and provide the information to the Division Chief of Personnel and Training. Information shall include:

- Current status
- Active needs
- Family needs
- Changes to status
- Changes to orders

Active needs and family needs will be considered on a case by case basis with respect to the best interest of the employee and the Department.

b. Provide current e-mail and address information to the Training Supervisor.

c. Provide birthdates and other significant dates (anniversary, graduation, expected births, etc.) for the employee's family, with permission from the deployed employee.

c. Make available e-mail, social network, and physical address information for other Department colleagues to maintain contact, with permission from the deployed employee,

NOTE: Department colleagues are encouraged to maintain active contact with the deployed employee and family.

d. Keep the deployed employee "plugged in" by forwarding significant notifications (retirement announcements, serious illness situations, weddings, deaths, etc.)

e. Make every effort to be present and greet the returning employee upon their return ("off the bus" greeting)

f. Facilitate the completion of the Military Deployment Processing Checklist (In-Processing) and Re-Acclimation Plan

2. The Training Supervisor shall:

a. Maintain a current file on the deployed employee, including:

1. The status of any VA DCJS and other certifications
2. Applicable Department training missed

b. Provide oversight of the reintegration of military employees into the Department.

3. The Supervisor of the military employee:
 - a. shall complete an employee evaluation on the deploying employee if the previous evaluation completed was more than three months prior
 - b. should be sensitive to the need for deploying employee to take leave to satisfy family and personal logistics of deployment
 - c. shall be aware of EAP and CISM resources
 - d. is strongly encouraged to contact the Employer Support of the Guard and Reserve (ESGR) to become informed regarding the rights and responsibilities of the service member and the Department under the USERRA
 - e. is strongly encouraged to become familiar with Post Traumatic Stress Disorder (PTSD) warning signs

NOTE: For the purpose of this directive, the Supervisor of the military employee at the time of active duty deployment will remain consistent for the duration of the employee's absence. Reassignment, transfer, or promotion will not impact the responsibilities of the Supervisor, unless otherwise directed by the Chief of Police.

4.20.06 OUT-PROCESSING MEMBERS CALLED TO ACTIVE DUTY

As soon as members are notified of their recall to active duty, they will notify their supervisor and the Division Chief of Personnel and Training.

The deploying employee will be given the opportunity to select members from a team of pre-qualified colleagues as their primary and alternate Military Support Officer (MSO).

The Training Supervisor will serve as the Department's default liaison officer if an MSO is not selected.

The member will work with their MSO to ensure the requirements listed on the Military Deployment Processing Checklist (Out-Processing) are complied with as soon as possible.

In order to minimize possible disruption in employee pay and benefits, it is essential that members recalled to active duty notify their supervisor as soon as they receive their orders, or verbal notification of a report date. Increased notification equates to fewer problems during the transition to active duty and the eventual return to the Department.

In the event that an employee is called to active duty suddenly and is not able to comply with the normal check-out procedures, the deploying employee will advise their supervisor of a proxy (family member, friend, associate etc.) who will act on their behalf.

Prior to deployment, the employee shall complete a modified out-processing as follows:

Meet with the Personnel and Training Division for completing necessary documents.

Meet with the City Human Resources Department for completing necessary documents and making benefit selections.

An employee evaluation will be completed by the supervisor of the deploying employee only if the previous evaluation was completed more than three months prior.

Issued equipment surrendered or turned in to the Property Section for re-issue:

- Assigned vehicle
- Police Radio
- MDB
- Shotgun or M-4
- Specialized unit equipment as applicable

Issued equipment turned in to the Technical Support Unit for re-issue:

- Laptop

Equipment turned in to the Property Section for storage until the veteran returns:

- Issued Handgun

Equipment retained by the deploying employee:

- Identification cards
- Badge
- Uniforms
- Duty gear
- Email access

Voice mailboxes will be deactivated unless otherwise requested by the deploying employee.

4.20.07 REEMPLOYMENT APPLICATION PROCESS

The USERRA allows the employer the right to request a person who is absent for a period of military service of 31 days or more to provide documentation showing that:

- the person's application for reemployment is timely;
- the person has not exceeded the five-year service limitation; and
- the person's separation from service was other than disqualifying.

Time limits for returning to work depend on the duration of a person's military service as follows:

- Service of 31 to 180 days: an application for reemployment must be submitted no later than 14 days after completion of a person's service. If submission of a timely application is impossible or unreasonable through no fault of the person, the application must be submitted as soon as possible.
- Service of 181 days or more: an application for reemployment must be submitted no later than 90 days after completion of a person's military service.
- Disability incurred or aggravated: application deadlines are extended for up to two years for persons who are hospitalized or convalescing due to a disability incurred or aggravated during the period of military service.

Reemployment rights are not automatically forfeited if the returning employee fails to report to work or to apply for reemployment within the required time limits. However, the returning employee will be subject to the employer's rules governing unexcused absences.

The position into which a returning employee is placed is based on the duration of military service. Returning employees will be promptly reemployed with consideration given to the escalator principle and qualification efforts as defined by the USERRA.

Seniority rights and benefits will be administered in compliance with the USERRA.

4.20.08 REINTEGRATION PROCESS

The intent of the reintegration process is to facilitate the returning employee's smooth transition back into service with the Department. This process is designed to be tailored to the employee based upon such factors as their length of service with the Department, duties, nature of military service, and any other issues specific to the employee or their function. The goal of this process is to acclimate the employee back to work as if they had never left. The Department has an obligation to prepare and retrain the returning employee to safely and effectively perform their assignments. There is absolutely no inference in this policy that any employee will resume their duties with the Department with anything less than exemplary military service.

In addition to the Military Deployment Processing Checklist (In-Processing), a Re-Acclimation Plan will be developed by the MSO, the Training Supervisor, and the Supervisor of the returning employee. Although re-acclimation plans will be individualized, all re-acclimation plans will include the following:

- The returning member will meet with the Chief of Police, or the Deputy Chief of the Bureau to which they are assigned.
- Notification of available resources to include EAP and CISM
- Veterans returning from deployment will be offered a voluntary, one session, confidential psychological debriefing with a qualified and credible professional (preferably someone with understanding of combat and Post Traumatic Stress

Disorder (PTSD) issues) to assess any individual or family support needs. This debriefing is provided to the veteran at the expense of the Department.

NOTE: *“USERRA and other laws prohibit a blanket fitness-for-duty evaluation or any mandated medical assessment of the returning veteran officer as a prerequisite for return to duty. Instead, agencies should develop an approach that depends upon a range of programs designed to assist all returning veteran officers, with a strategy that relies on the proposition that returning officers may manifest counterproductive behavior during the reintegration programs. If such counterproductive behavior arises that is suspected to be the result of a medical condition, agencies can properly pursue an assessment that is compliant with the law.”*

(Source: IACP Police Psychological Services Section – April 2010)

- Training on critical skills before the returning employee is cleared for full duty. This training may include but is not limited to:
 - Weapons familiarization and qualification (lethal and less-lethal)
 - Use of Force policy review
 - MILO Use of Force judgment system
 - Driver training refresher
 - Mandated in-service training missed during the deployment
 - Reintroduction to reporting procedures

- Reissuing of Department equipment

NOTE: Obtaining handgun from being stored in the Property Section will be determined by the Training Supervisor, the MSO, the returning employee's supervisor, and the returning employee. Decisions will be based on range availability for qualification, and the returning employee's preference. The Department recognizes the uniqueness of each deployment experience, whereas the needs of each individual will differ even in similar circumstances.

- Policy changes
- Legal updates
- Other training requirements not previously cited
- Recertification requirements
- Logistical, procedural, administrative, or any other information considered crucial to the employee's reintegration.
- On-the-job field or refresher training. When feasible, such on-the-job refresher training should be conducted by an experienced officer or supervisor who has previously been called to active military service.

- Sworn employees assigned to a Patrol function will be assigned to the Field Training Unit for a time period of one to three weeks, or as determined by the Training Supervisor or the Division Chief of Personnel and Training, to facilitate the employee's successful transition. Every effort will be made to ensure the FTO is of at least equal rank and seniority to the returning employee. This component is designed to provide an incremental and phased re-entry progression and will include:
 - Geographical reorientation
 - Traffic stops
 - Traffic direction and control
 - Scenario based “shoot, don’t shoot” situations
 - Scenario based situations dealing with the civilian population

Returning military employees will not be officially reassigned to full duty status until the Military Deployment Processing Checklist (In-Processing) and Re-Acclimation Plan are successfully completed. The Re-Acclimation Plan will define the temporary assignment of the returning employee, which will generally be to the MSO or the previously assigned unit, section, or division.

Returning employees must submit their “Separation from Active Duty” papers upon return to the Department for periods of military service over 30 days. It is important to note that under USERRA, employees **may** lose their right to reemployment if the period of service is under dishonorable conditions. The separation papers will validate the employee’s length of service and the conditions of service. The separation paperwork is also essential to the City Human Resources Department.

Upon completing the process outlined above, the Training Supervisor will notify the Division Chief of Personnel and Training.

The Division Chief of Personnel and Training shall generate a memo indicating the employee has received all necessary training and equipment, completed the re-acclimation process, and recommend the employee's return to full duty status. This memo shall be forwarded to the Chief of Police for approval and official assignment.

4.20.09 RESOURCES AND REFERENCES

SERVICE LINKS

Department of Defense	www.defenselink.mil
Air Force Reserve	www.afreserve.com
Army Reserve	www.army.mil/usar
Virginia National Guard	www.vko.va.ngb.army.mil/VirginiaGuard

Marine Corps Reserve www.marforres.usmc.mil
Navy Reserve www.navres.navy.mil
Coast Guard Reserve www.uscg.mil/hg/reserve/reshmpg.html

MISCELLANEOUS LINKS

ESGR (Employer Support for Guard/Reserve) www.esgr.org
Department of Labor www.dol.gov
Reserve Officers Association www.roa.org

National Guard Association www.ngaus.org

Uniformed Services Employment and Reemployment Rights Act (USERRA)
<http://www.dol.gov/compliance/laws/comp-userra.htm>

RESOURCES

The IACP Website on Employing Returning Combat Veterans as Law Enforcement Officers
<http://www.theiacp.org/PublicationsGuides/Projects/EmployingReturningCombatVeterans/tabid/494/Default.aspx>

Double Duty: A Guidebook for Families of Deployed Law Enforcement Officers
<http://www.theiacp.org/LinkClick.aspx?fileticket=rEhfS6FviR0%3d&tabid=494>

Combat Veterans & Law Enforcement (Veteran's Guidebook)
<http://www.theiacp.org/LinkClick.aspx?fileticket=%2bWGOMj4Gy1U%3d&tabid=494>

Law Enforcement Leader's Guide on Combat Veterans
<http://www.theiacp.org/LinkClick.aspx?fileticket=XvLdjAN44S4%3d&tabid=494>

BY AUTHORITY OF:

Earl L. Cook
Chief of Police



Alexandria Police Department



Directive 4.20

Military Deployment Processing Checklist

This Military Deployment Processing Checklist is to be implemented in the event of an Alexandria Police Department employee called to active duty. Employees out-processing will use page one, and in-processing will use page two. Items that are not applicable shall be marked N/A and initialed. ***This checklist will be facilitated by the Military Support Officer (MSO), completed in ink, and returned to him/her after completion.*** The deploying employee will be allowed one *Permissive Workday* to complete the checklist.

OUT PROCESSING

Please initial

	Employee	City Rep.	Date
Notification to the Alexandria Police Department of active duty			
Verbal or written notification is given to supervisor			
Verbal or written notification is given to P&T			
Copy of mobilization orders are submitted to P&T if available			
Selection of primary and alternate MSO is completed			
Primary: _____			
Alternate: _____			
Employee Evaluation			
Supervisor completes employee evaluation if previous evaluation is more than three months prior			
Meeting with Training Supervisor			
Current department certifications are reviewed			
Employee training record is reviewed and updated as necessary			
Meeting with City Human Resources Department			
Military Reservist Data Form is completed			
Military Reservist Data Form is submitted			
Continuation of benefits are discussed and selections made			
Equipment:			
Assigned Vehicle is turned into appropriate Division Commander			
Police Radio is turned into the Property Section			
Shotgun or M-4 is turned in to the Property Section			
MDB is turned into the Tactical Computers Unit			
Laptop is turned into the Technical Support Unit			
Specialized unit equipment turned in (if applicable) List items:			

Issued handgun is stored in the Property Section			
Meeting with the Chief of Police or Deputy Chief of assigned Bureau			
Discussion of any concerns			
Formal acknowledgement of the employee's pending absence			

NOTE: *Deploying employees are permitted to retain their ID cards, Badge, Uniforms, and Duty Gear. Voicemail boxes will be deactivated unless otherwise requested. Email access will remain active during the employee's absence*

I have read and completed the above, and hereby certify that this checklist is complete and all entries are true and accurate to the best of my knowledge.

NAME

SIGNATURE

DATE

