

ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

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INTRODUCTION

The Asheville Police Department is committed to supporting employees in the Uniformed Services. Employees called to take part in their duties as a member of Uniformed Services should be part of active communication with the agency. This policy provides an outline of rights and expectations.

POLICY STATEMENT

In accordance with federal and state law, it is the policy of the Asheville Police Department (APD) that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership or obligation to perform services for any of the Uniformed Services. This policy is not intended to supersede, modify or conflict with the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA") or any other federal or state law.

DEFINITIONS

Short-Term Military Leave: any military leave up to thirty (30) days or for any length for the purpose of a fitness examination. The thirty (30) days may involve consecutive days or may be fragmented (for example, monthly training exercises).

Extended Military Leave: any military leave for any period over thirty (30) days and up to five (5) years.

Notice: when the employee is required to give advance notice of service, means any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service, or by the uniformed service in which the service is to be performed.

Uniformed Services: the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service. This includes the Reserve or National Guard components and any other category of persons designated by the President in time of war or national emergency.

Service in the Uniformed Services: the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority. Service in the Uniformed Services includes:

- Active duty
- Active and inactive duty for training
- National Guard duty under federal statute
- Service as an intermittent disaster-response appointee upon activation of the National Disaster Medical System
- To perform funeral honors duty as authorized by law
- Absence for an examination to determine the fitness of the person to perform such duties

PROCEDURES

2005.1 NOTICE TO THE DEPARTMENT

- A. An employee who has received written or verbal military orders or an appropriate officer authorized to give such notice **must** notify his/her direct supervisor and [City of Asheville](#) Human Resources as soon as practicable after such orders have been received.
- B. The employee should notify his/her direct supervisor if such orders are anticipated by the employee.
- C. No advance notice is required if such notice is precluded by military necessity or under circumstances in which the giving of such notice is otherwise impossible or unreasonable.
- D. Employees are not responsible for arranging coverage of their departmental duties before taking military leave.

2005.2 BENEFITS DURING MILITARY LEAVE

- A. Employees are responsible for establishing contact with a City of Asheville Human Resource Benefits Specialist to discuss salary, benefits, leave usage and other similar items prior to taking military leave. [22.1.9 b]

2005.3 SHORT-TERM MILITARY LEAVE

- A. Employees may return to work the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and expiration of eight (8) hours after a period allowing for safe transportation from the place of service to the employee's residence.
 - 1. If reporting at that time is impossible or unreasonable through no fault of the employee, he or she must report to work as soon as possible after the expiration of the eight hour period.
 - 2. If the employee is hospitalized for, or convalescing from an illness or injury incurred in or aggravated during the performance of service, he or she must report to work at the end of the period necessary for recovering from the illness or injury.

2005.4 EXTENDED MILITARY LEAVE

- A. Employees who will be absent for military leave for more than thirty (30) days will return all requested equipment to the Logistics Unit no less than twenty-four (24) hours before the beginning of the military leave, if feasible. [22.1.9 c,d]
- B. Prior to extended military leave, every effort will be made for an interview between the employee and the Chief of Police or designee. [22.1.9 c]
- C. The employee's Unit or Section supervisor will be responsible for ensuring a means of communication is established with the employee during deployment. If the employee's duty assignment will allow, communications should occur every other month and are to include agency updates and promotions or promotional opportunities. [22.1.9 a, g]
- D. Employees returning to work having served thirty-one (31) to one hundred and eighty (180) days must submit the notice of return to his/her supervisor or the Special Services Division Captain not later than fourteen (14) days after completion of military service. If it is impossible or unreasonable to give notice within fourteen (14) days through no fault of the employee, he or she must give notice not later than the next full calendar day after it becomes possible to do so.

- E. Employees returning to work having served one hundred and eighty-one (181) days or more must submit the notice of return to his/her supervisor or the Special Services Division Captain no later than ninety (90) days after completion of service.
- F. If the employee is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of service, he or she must report to work at the end of the period necessary for recovering from the illness or injury.
- G. The Chief of Police or designee [will](#) conduct a return interview with the employee before the resumption of duties. After meeting, arrangements will be made for re-issuance of equipment, assessment of required training, and to address any necessary accommodations. [22.1.9 e, f]
- H. Unless an exception applies pursuant to USERRA, if the employee has been absent from his/her position with the department by reason of service in the uniformed services, he or she will be eligible for reemployment by meeting the following criteria:
 - 1. The department had advance notice of the employee's service as stated in Section [2005.1\(A\)](#).
 - 2. The employee has five (5) years or less of cumulative service in the uniformed services in his or her employment with the City.
 - 3. The employee returns to work in a timely manner or applies for re-employment.
 - 4. The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.
- I. If the period of service exceeds thirty (30) days, if requested, the employee must provide documentation to establish that:
 - 1. The notification is timely.
 - 2. The employee has not exceeded the five (5) year limit on the duration of service (subject to exceptions).
 - 3. The employee's separation or dismissal from service was not disqualifying.

2005.5 ADDITIONAL RESOURCES

- A. This directive provides an outline of basic expectations. Additional details and information on benefits and rights for employees on military leave may be obtained by contacting the [City of Asheville](#) Human Resources Department. [22.1.9 b]

BY ORDER OF:

A handwritten signature in black ink, appearing to read "Wood", with a stylized, flowing script.

Wade Wood
Interim Chief of Police