

## 3-02/030.17 - Military Leave - Unit Commander's Responsibilities

### Military Activation Committee (MAC)

The MAC is formed at the discretion of the Sheriff when significant numbers of Department members with a military reserve obligation are recalled to active duty with the Armed Forces of the United States. In addition to its assigned duties as specified in this MPP, the committee can also function as a resource to help facilitate workable solutions to reserve duty conflicts that may arise. The chairperson of the committee is a commander of the Department and can be reached through Sheriff's Information Bureau.

### Avoiding Scheduling Conflicts

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 information is intended to clarify the rights and responsibilities of both the Department's unit commander and the reservist member employee.

#### Unit Commander's Responsibilities:

- Shall know which members of their unit have military reserve obligations. Many reservists have skills that are applicable to their Department duties.
- Are strongly encouraged to contact their employee'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 to their unit. However, if the military unit orders the reservist to attend training, you must grant that request.
- May ask their employee with a reserve obligation to provide their weekend training schedule and their 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. (Note: Formal written orders are not normally issued for weekend training drills.)
- May ask their employees to disclose any anticipated training requirements that shall involve their absence from work. Reservists of all ranks have mandatory training courses that, if not attended, shall result in a denial of promotion and possibly retention in the reserve component. These courses vary greatly in terms of length and availability.
- Accept the fact that certain conflicts will arise and maintain an open dialogue with the employee to resolve the conflicts as early as possible and, if needed, consult with the members of the MAC for assistance.
- May not require the employee to find a replacement in order to attend weekend training drills or annual training. Similarly, it is not a good practice to deny another member time off by using an employee's military reserve training duty as an excuse.
- Shall not expect your 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. The most common conflict will be those members who work the early morning shift the

Monday following a weekend training drill. The employee is not precluded from voluntarily returning to work, but if he/she elects to take advantage of USERRA, then normal time-off procedures shall apply.

- Shall request written orders for employees who performed a period of reserve service of 31 days or more. It is important to note that the USERRA provides re-employment protection only to those that serve honorably. In the unlikely situation where an employee receives a dishonorable discharge, bad conduct discharge, or separation under less than honorable conditions, his/her continued employment with the Department may be jeopardized. The standard form denoting the conditions and length of service is the DD-214 form "Report of Separation from Active Duty."

### **Out Processing Employee Called to Active Duty – Unit Commander's Responsibilities**

- Understanding that the employee is likely under serious time constraints, therefore, the Department unit representative shall facilitate as many of the out-processing tasks as possible. Under no circumstances shall the employee be left to complete the process on their own;
- Ensure that the employee and his/her unit of assignment work to ensure that the requirements listed on the Military Leave Check-Out Form (SH-AD 692) are complied with, as soon as possible;
- Shall make every effort to obtain a copy of the employee's military orders. These orders are critical in determining anticipated length of service and as an alternative means of contacting the employee while on active duty;
- Ask the employee for information on military unit family support groups, to ensure the Sheriff's Department is working effectively with and can coordinate our efforts with the military efforts. The majority of military units, active and reserve, have family support groups that provide similar services to the families of activated/deployed service members;
- Verify and/or update the employee's personal information, specifically the emergency contact numbers;
- Shall contact the Pay, Leaves, and Records Unit, Personnel Administration Bureau as soon as they are notified of the employees call to active military duty; and
- Instruct the employee to provide a copy of their Leave and Earnings Statement (LES) form as soon as possible, in order to comply with the requirements set forth by the Board of Supervisors, and to ensure no disruption to the employee's pay.

### **In Processing Employee Returning from Active Duty – Unit Commander's Responsibilities**

The intent of the in-processing procedures (reintegration program) is to facilitate the employee's smooth reintegration back into service with the Department. This program is designed to be tailored to the employee based upon such factors as their length of service with the Department, Department duties, nature of military service, and any other issues specific to the employee or unit. Because several of our employees served up to three years of active duty, the Department has an obligation to prepare them to safely and effectively perform their jobs. There is absolutely no inference in this policy that any employee will resume their duties with the Department in anything less than exemplary service.

### **Separation Paperwork**

This MPP requires an employee to submit his/her "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, an employee may lose their right to reemployment, if the period of service is under dishonorable conditions. The separation papers shall validate the employee's length of service and the conditions of service.

The separation paperwork is also essential to Personnel Administration Bureau's Pay, Leaves, and Records (PLR) Units to ensure the proper timekeeping codes are used in the eHR Human Resources Management Application.

#### Items to Discuss with Employee

The unit of assignment shall ensure that the following items are discussed with the returning employee:

- Work assignment, shift and RDO's;
- Vacation sign-up (if applicable);
- Request for time off (if applicable);
- MPP changes (provide copies);
- Station/unit orders changes (provide copies);
- Field Operations Directives changes (provide copies);
- Job opportunities, station or Department level (e.g., SEB, Narcotics, GET, COPS);
- Promotional exam status;
- Firearms issues—shooting card, ammunition issue, refresher training if needed;
- Driver/STAR training, if needed;
- Other Department training that may be applicable (CPT);
- Equipment issues, assist with Logistics for exchange, new issue, lost equipment;
- Employee Support Services Bureau availability; and
- Identify employee's mentor.

#### Reintegration Program

The reintegration program requires the unit of assignment to facilitate several mandatory events to ensure the employee transitions seamlessly back into the Department, including:

- **Day One:**
  - The unit of assignment (UOA) shall assign the employee a reporting time and an interview period with the unit commander to discuss the exact nature of the program with the employee.
  - The UOA shall then schedule the employee to meet with Personnel Administration Bureau's Pay, Leaves, and Records (PLR) Units, and the Employee Service Center (ESC).
- **Day Two:**
  - The UOA shall schedule the employee to meet with Logistics (if necessary).
  - The UOA shall ensure a comprehensive duty weapon qualification and policies update (Department and/or unit-level) is completed.
- **Day Three:**
  - The UOA shall schedule a services availability meeting for the employee with a representative from Employee Support Services Bureau (ESSB). This meeting may take place at either the UOA or ESSB, whichever the employee prefers.
  - Additional return to work needs, updates, or training should be completed during the third day or

prior to the employee resuming normal Department duties.

- **Day Four:**

- The UOA shall schedule the employee to attend "Tactics 1", an eight-hour training day at the Tactics and Survival Training Center.

### Mentoring

It is essential that the unit commander designate a mentor for the returning employee. The mentor should be a valued, reliable employee who will be in position long enough to assist the employee's transition, including;

- Facilitating the transition back to the Department, regardless of job classification;
- Explaining the process, using the list above as a guide; and
- Continually monitoring the employee's progress and, if needed, contacting other returned reservists or members of the MAC for assistance and support.

### Employee Support Services Bureau Information Only Briefing

The unit of assignment shall schedule an informational only briefing for the employee from Employee Support Services Bureau (ESSB). This briefing is not to be confused with a counseling session or the equivalent of a post shooting interview. Rather, the intent of the briefing is to provide the employee with an update on the services available to him/her and their families during the return to civilian life. Should the employee choose to avail him or herself of the ESSB services, the normal confidentiality restrictions shall be followed.

### Glossary

- Active Duty for Special Work (ADSW): A tour of duty for reservists to work on reserve or active duty programs. By policy, tours are limited to 179 days or less per fiscal year. Any tour exceeding 180 days is counted as active duty.
- Additional Flight Training Period (AFTP): A minimum four-hour period designed to maintain aviator proficiency between weekend drills and for the purposes of USERRA is considered the same as a weekend drill.
- Adjutant General: The Commander of a State Army/Air National Guard. Acts as a cabinet level advisor to the Governor for military affairs.
- Annual Training (AT): The minimal period of training a reservist must perform each year in their assignment. Traditionally the annual training period is 15 days long.
- Employer Support of the Guard and Reserve (ESGR): An agency within the Assistant Secretary of Defense for Reserve Affairs. It is charged with promoting cooperation and understanding between Reserve component members and their employers.
- Inactive Duty Training (IDT): Commonly referred to as "Weekend Drill." The weekend drill is traditionally Saturday and Sunday, but many units also require a Friday evening drill session.
- Individual Mobilization Augmentee (IMA): An individual reservist who is pre-assigned to an active component unit. The reservists may perform up to 48 Unit Training Assemblies per fiscal year.
- Individual Ready Reserve (IRR): A manpower pool consisting of trained individuals who have served on active duty or in the Selected Reserve.
- Initial Active Duty for Training (IADT): the entry level training required of all reservists who have not

previously served on active duty. Typical courses are at least 12 weeks and are conducted at bases throughout the country. These courses are not optional and are a requirement to remain in a reserve component assignment.

- Military Occupational Specialty (MOS): The reservist's job in the military.
- State Active Duty (SAD): The call up of Army and/or Air National Guardsmen to assist with state-level emergencies. The Guardsmen remain under the control of the Governor of the state and have protections similar to those provided for in the USERRA in the California Codes.
- Uniform Code of Military Justice (UCMJ): Federal law enacted by Congress that establishes the rules and procedures of military law. Members of the reserve components are subject to the UCMJ while performing military duty, including weekend drills. The members of the Army/Air National Guard are subject to the UCMJ only when in federal service.
- Unit Training Assembly (UTA): A period of IDT weekend drill training that is from four (4) to twenty-four (24) hours in length. By policy, no more than two UTAs may be performed in one day. A typical weekend drill shall consist of four UTAs.

## **References**

### **SERVICE LINKS**

Department of Defense	<a href="http://www.defenselink.mil">http://www.defenselink.mil</a>
Army Reserve	<a href="http://www.armyreserve.army.mil">http://www.armyreserve.army.mil</a>
Air Force Reserve	<a href="http://www.afreserve.com">http://www.afreserve.com</a>
California Air National Guard	<a href="http://www.calguard.ca.gov/air/">http://www.calguard.ca.gov/air/</a>
California Army National Guard	<a href="http://www.calguard.ca.gov/army/">http://www.calguard.ca.gov/army/</a>
Marine Corps Reserve	<a href="http://www.marforres.marines.mil/">http://www.marforres.marines.mil/</a>
Navy Reserve	<a href="http://www.navyreserve.com">http://www.navyreserve.com</a>
Coast Guard Reserve	<a href="http://www.gocoastguard.com/">http://www.gocoastguard.com/</a>

### **MISCELLANEOUS LINKS**

ESGR (Employer Support for Guard/Reserve)	<a href="http://www.esgr.org">http://www.esgr.org</a>
Department of Labor	<a href="http://www.dol.gov">http://www.dol.gov</a>
Reserve Officers Association	<a href="http://www.roa.org">http://www.roa.org</a>
National Guard Association	<a href="http://www.ngaus.org">http://www.ngaus.org</a>

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