



GENERAL ORDER

DURHAM POLICE DEPARTMENT
DURHAM, NC

NUMBER:

2034 R-1

MILITARY LEAVE

Effective Date: 07/06/2015

Revision Dates: R-1 02/10/2020

INTRODUCTION

The Durham Police Department (DPD) supports members who provide service in the United States Military and North Carolina National Guard. This policy provides guidelines for supervisors and members who receive activation orders that will exceed 180 days for service-related obligations, to include pre-deployment, deployment, and post-deployment activities. It supplements city Policy [HRM-603 Military Leave](#) and requirements established by the Uniformed Services Employment and Reemployment Rights Act and NCGS [§127A, Article 16](#).

CITY POLICY [HRM-603](#) – MILITARY LEAVE

The City Human Resources department (HR) is the primary point of contact for processing all relevant paperwork regarding military leave. DPD Employee Services personnel and the affected member's supervisors will coordinate with HR to ensure that necessary department documentation and processes are addressed.

Supervisors and affected members will refer to the City's military leave policy for the following procedures:

- Submission of orders to HR;
- Receipt of benefits during leave;
- Short term deployment and training (less than 180 days); and
- Payment processes during leave.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA) AND NCGS [§127A, ARTICLE 16](#)

USERRA is a federal law that establishes rights and responsibilities for members of the Armed Forces of the United States and their civilian employers to:

1. Encourage service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers which can result from service;
2. Minimize disruption to the lives of the service members and their employers by providing prompt reemployment upon completion of military service; and
3. Prohibit discrimination against persons because of their service in the Armed Forces.

Similar to USERRA, NCGS [§127A, Article 16](#) sets forth the reemployment rights of members of the North Carolina National Guard.

Supervisors and Employee Services personnel working with a member of the Armed Forces or National Guard should be familiar with USERRA and NCGS [§127A, Article 16](#), to ensure that members' rights are being upheld.

PRE-SERVICE OBLIGATIONS

When a member is notified that they are being ordered to active duty, they will immediately notify their supervisor, who will, in turn, notify Employee Services and the chief of police through their chain of command. Once the member has received their written orders, they are responsible for providing copies of the orders to their immediate supervisor and Employee Services for placement in their personnel file. The member's supervisor is responsible for ensuring appropriate department personnel are notified of the member's service obligations.

Employee Services will identify the HR contact that is responsible for processing the leave paperwork and ensure that the member is given their contact information without delay.

The member will communicate with their HR contact and provide all the paperwork that is requested. The HR contact will assist in determining the member's use of leave time and pay adjustments. Once all necessary paperwork has been provided, the member will inform their supervisor that this task has been completed.

The member will also schedule a meeting with the chief of police or their designee. During the meeting, the following topics should be discussed:

- Anticipated length of service obligation, if known.
- Support the department may provide to the member during their absence.
- Establish a communication and reintegration plan to assist the member when they return from deployment. In addition to the HR contact, a member of the department will be selected as a point of contact. The department's point of contact may be the member's immediate supervisor; however, a different employee may be selected depending on the length of the service obligation.

Members are not required to turn in uniforms, leather gear, department identification cards, or building access cards. The employee must store these items in a safe location to reduce the possibility of theft. The following equipment will be turned in to the department prior to leaving for active duty:

- Assigned take-home cars will be turned over to the executive officer to the field operations deputy chief.
- All weapons, including less-than-lethal weapons, will be turned over to the department armorer or supply, depending on the weapon.
- Radios, laptops, body-worn cameras, department cell phones, and any other piece of electronic equipment will be turned into supply or the Information Technology Division depending on the item.

Members will document the required pre-service activities mentioned above on the appropriate military leave pre-service form ([sworn members](#) or [non-sworn members](#)). Supervisors are responsible for ensuring all pre-service obligations have been met and that the completed form is submitted to Employee Services for retention in the member's personnel file.

RETURN TO THE DEPARTMENT

Before the member's release from service obligations, they should begin communicating with their department and HR contacts to coordinate their return to work. Members are responsible for notifying their department contact of any changes to their return date as soon as reasonably possible. Communication with their department contact may be dependent on the member's assignment and location.

When a member is ready to return to work, their HR contact will assist in the completion of all paperwork and HR actions in accordance with city policy. Upon returning to work, the member will schedule a meeting with the training division commander and their bureau major, who have been designated by the chief of police as the points of contact to coordinate the member's return. Aspects of the employee's return to the department will be reviewed and, if deemed appropriate, referred to the employee assistance program or other appropriate support services based on the individual needs of the returning member.

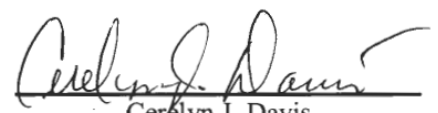
The training commander, or their designee, will determine what refresher training and certification requirements are needed for the member to return to full duty status, and coordinate with the member to ensure that the required training is completed in a reasonable amount of time. If a returning member's certification as a sworn officer is no longer current, they will be placed in an administrative assignment until such time that they have completed the necessary training and qualifications, and their certification becomes current.

Training staff and the bureau major will document the required return to duty obligations on the [military leave return to service form](#). Employee Services is responsible for ensuring that this form is completed and placed in the employee's personnel file.

As a general rule, a member should return to the same assignment they had prior to leaving for a service obligation. This may not be possible, depending on the operational necessity of their assignment. If an assignment is in a critical position, the department may need to fill it during the member's absence. If this happens, the department will make a reasonable effort to place the returning member in an assignment equivalent to the one they held prior to their leave. If they cannot return to their same assignment, the new assignment will be made in accordance with [GO 2014 Assignments & Transfer](#).

For promotional purposes, if a member is on leave due to service obligations while they are on an active promotional eligibility list, their placement on the list will remain. If while on such leave they are selected for promotion, they will be promoted immediately upon their return to duty, at which time their assignment will be made in accordance with [GO 2010 Promotions & Appointments](#). If a member is on leave due to a service obligation during the testing phase of a promotional process, the department will make reasonable accommodations, allowing the member to participate in the process either while on leave or after return from service.

Upon their return to the department, members are responsible for inspecting all of their issued equipment that they stored to ensure that it is operationally ready. Any equipment that members turned in to the department during their leave will be reissued.


Cerelyn J. Davis
Chief of Police