

MILITARY SERVICE LEAVE	Document Number	GO 508
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1. PURPOSE

The purpose of this policy is to establish the guidelines for members with military obligations while employed with the Hawai'i Police Department.

2. PERSONS AFFECTED

All department personnel on active military duty with the United States Armed Forces, the Hawai'i National Guard, or the Hawai'i National Guard Reserve Unit.

3. POLICY

It shall be the policy of the Hawai'i Police Department that eligible members shall be provided military leave provisions to meet necessary military obligations.

4. RESPONSIBILITIES

4.1. Members shall depart for military training on the date prescribed by their orders and shall return to their police duties immediately upon completion of such military training.

4.2. Application Process

4.2.1. Members ordered to extended military duty who do not wish to resign from the department shall request a Military Leave of Absence Without Pay in writing, by submitting a memorandum concerning the circumstances of the leave along with a completed Application for Leave of Absence form and attaching a copy of their military orders or a letter from an appropriate military official (or selective service official) to the written request which shall be submitted to the Police Chief.

4.2.2. Members ordered to extended military duty who do not intend to return to the department upon completion of their military service shall submit a letter of resignation.

4.2.3. Members ordered to extended military duty shall arrange to turn in their government-issued equipment and be relieved of their official duties at some convenient date prior to the date they are scheduled to report for military duty.

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4.2.4. Members ordered to short training tours of active service with the Hawai'i National Guard or Reserves shall request a Military Leave of Absence With Pay in writing, by submitting a memorandum concerning the circumstances of the leave along with a completed Application for Leave of Absence form and attaching a copy of their military orders or a letter from an appropriate military official to the written request which shall be submitted to the Police Chief.

5. PROCEDURES

5.1. Eligibility of Members - The following employees are covered by military leave provisions:

5.1.1. Employees serving initial probationary appointments.

5.1.2. Regular employees who are serving a permanent or new probationary appointment.

5.1.3. Regular employees who are serving a temporary appointment and who have not forfeited their rights to return to positions in which they last held permanent appointment.

5.1.4. An exempt employee who is serving other than a temporary appointment.

5.2. Military Status Eligibility

5.2.1. Draftees - Members required to perform active military service under the provisions of the Universal Military Training and Service Act shall be entitled to leave of absence from their duties without pay for no more than four (4) years plus a one (1) year voluntary extension of active duty when the request for the extension is for the convenience of the U.S. Government, plus ninety (90) days from the date of honorable discharge.

5.2.2. Reserves - Members ordered to extended active duty with the reserve components of the Armed Forces of the United States shall also be entitled to leave of absence without pay for no more than four (4) years plus a one (1) year voluntary extension of active duty when the request for the extension is for the convenience of

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the U.S. Government, plus ninety (90) days from the date of honorable discharge.

5.2.3. Volunteers - Members who volunteer for service with any of the Armed Forces of the United States, other than any of the Reserve components, shall be entitled to leave of absence without pay for one (1) enlistment period, or in the case of commissioned officers, for the period they are required to serve.

5.3. Reinstatement and Reemployment

5.3.1. Limitations - Members on military leave shall be reinstated and reemployed provided they make application for reemployment within ninety (90) days after they are relieved from service or from hospitalization continuing after discharge for a period of not more than one year.

5.3.2. Rights Upon Reemployment

- a. Members shall be reinstated or reemployed as provided by the Hawai'i Revised Statutes.
- b. Members are protected from termination without cause for one (1) year following their return to service.
- c. Members shall regain all seniority rights upon return to service or are entitled to a position offering the same pay, rank, and seniority.

5.3.3. Request for Reinstatement - Members seeking to be reinstated from military leave status shall submit their request for reinstatement in person to the Personnel Officer, accompanied by a statement in writing signed by an appropriate military or selective service official certifying the dates of such military service.

5.4. Payment for Vacation Leave - Whenever practical, all accumulated and accrued vacation leave shall be compensated for before Military Leave without Pay officially begins.

5.5. Sick Leave Credit - Members on military leave returning to the department within ninety (90) days from the date of their separation from the service

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will retain all sick leave which had accrued to their credit prior to their entrance into military service.

5.6. Health Insurance

5.6.1. Members on military leave without pay can continue their health fund benefits by paying their share of monthly employee contributions to the Finance Division by the tenth (10th) day of each month.

5.6.2. Failure to pay premiums on a timely basis will cancel the employee's health benefits and the employee may not re-enroll until the next Open Enrollment Period.

5.7. Retirement Benefits

5.7.1. During the period of active duty, members shall receive service credit to the same extent as though the member were continuously in the active service of the department in the position the member held immediately prior to the member's entry into the military service.

5.7.2. The period of coverage shall not exceed four (4) years, with all contributions (members and employers) during this period of active service being paid for by the County.

5.7.3. If the member fails to return to active service within ninety (90) days of release from active duty under honorable conditions, the foregoing provisions regarding retirement benefits will not be applicable.

5.7.4. If the member is killed in action, ordinary death benefits will be given to the member's beneficiary, provided that at the time of the death the member had at least one (1) year of credited service for a contributory plan member and ten (10) years of credited service for a non-contributory plan member.

5.8. Union Dues - No union dues will be collected during a member's military leave of absence without pay. Members must make arrangements for the payment of premiums for plans (life insurance, auto insurance, etc.) offered through their unions.

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5.9. Deferred Compensation Plan

5.9.1. The account of an employee who is on a military leave of absence without pay will become inactive for the duration of the leave.

5.9.2. If the leave of absence is for six (6) or more pay periods, the employee must re-enroll in the plan upon return to service to continue active participation.

5.10. Flexible Spending Plan - When on military leave without pay, an employee's participation in the Flexible Spending Plan will be considered to be terminated.

5.11. Military Leave With Pay

5.11.1. Employees who are appointed for at least six (6) months of service shall be entitled, while on active duty or during periods of camps of instruction or field maneuvers as members of the Hawai'i National Guard, air national guard, naval militia, organized reserves, including the officer's reserve corps and the enlisted reserve corps, under the call of the President of the United States or the Governor of the State, to a military leave with pay for a period not exceeding fifteen (15) working days in any calendar year.

5.11.2. If an eligible employee is called to active duty or otherwise required to report for camp training or field maneuvers by official military orders a second time within a calendar year, he may elect to use the fifteen (15) working days of the succeeding calendar year which he is entitled to for such purposes within the current calendar year; provided that he is entitled to such fifteen (15) working days for the succeeding year from which leave was advanced.

5.11.3. Employees who are advanced leave shall reimburse the County an amount equivalent to the days advanced in the event the employee leaves the department prior to completion of a year's service in the succeeding year from which leave was advanced, except in the case of death of the employee.

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- 5.11.4. Any member required to undergo physical examination prior to induction into the armed forces shall be granted leave with pay for that purpose.