

ILLINOIS STATE POLICE DIRECTIVE PER-040, MILITARY LEAVE

RESCINDS: PER-040, 2016-016, revised 02-17-2016.	REVISED: 11-20-2018 2018-023
RELATED DOCUMENTS: EQP-007, PER-001, PER-016, PER-035, PER-036	RELATED CALEA STANDARDS: 22.2.1, 22.2.8

I. POLICY

The Illinois State Police (ISP) will:

- I.A. Honor requests for time off and leaves of absence for military service or training to members of the United States Armed Services and National Guard (regardless of the state) in conformance with state and federal law. An employee may not be denied time away from ISP duties for military service or training.
- I.B. Require an employee serving in military reserve or National Guard units to have secondary employment authorization.
- I.C. Adopt the simplest practical reporting procedures to minimize the time and effort required of all parties and to contribute toward fair and equitable treatment.
- I.D. Determine if an absence from employment for military service or training during the employee's probationary period prevents the employee from successfully completing a training program or prevents the employee from having an adequate training evaluation. Using discretion, the Director may:
 - I.D.1. Extend the probationary period of an officer for a period not longer than the absence.
 - I.D.2. Request that the Illinois Department of Central Management Services extend the probationary period of a code employee for a period not longer than the absence.

II. AUTHORITY

- II.A. 5 ILCS 325/0.01 et. seq., "Military Leave of Absence Act"
- II.B. 820 ILCS 151/1 et. seq., "Family Military Leave Act"
- II.C. 10 U.S.C. Subtitle E "Reserve Components"
- II.D. Illinois Governor's Executive Order 2003-6, "Executive Order on Compensation for Military Personnel"
- II.E. Title 32, U.S.C., "National Guard"
- II.F. Title 38, U.S.C., Chapter 43, "Uniformed Services Employment and Reemployment Rights Act of 1994" (USERRA)
- II.G. 80 Illinois Administrative Code 303.170, "Military Reserve Training and Emergency Call-Up"
- II.H. Applicable collective bargaining agreements

III. DEFINITIONS

- III.A. Active duty (AD) - engaged in full-time service with the United States Armed Services or National Guard.
- III.B. Active duty training (ADT) - active duty that is used for training members of the Reserve Components to provide trained units and qualified persons to fill the needs of the Armed Forces in time of war or national emergency and such other times as the national security requires.

- III.C. Annual training (AT) - the training performed pursuant to 10 USC 12301(b) (exclusive of the 48 scheduled drills) for members of the Federal Reserves or 32 USC 502(a)(2) for members of the National Guard.
 - III.C.1. The words "annual training" are required to be in the body of the related orders.
 - III.C.2. Because of the varied and complex terminology used in military orders, other wording is acceptable if the employee provides a letter from military command stating this duty is "in lieu of annual training."
- III.D. Benefit Time - a prescribed number of days off immediately following release from active duty allowing the employee to receive full pay and benefits without using personal accrued time. Benefit time is awarded in accordance with the guidelines provided by Governor's Executive Order 2003-6 and collective bargaining agreements.
- III.E. Calendar year - the period from January 1 of one year to December 31 of the same year. The calendar year is used to track the number of other training days (ADT) including AT days exceeding the number allowed each employee.
- III.F. Federal fiscal year - the period from October 1 of one year to September 30 of the following year. The federal fiscal year is used to track the number of AT days allowed each employee.
- III.G. Full-Time National Guard Duty – Operational Support (FTNGD-OS) - a tour of active duty for Reserve personnel authorized from military or Reserve personnel appropriations for work on active component or Reserve component programs respectively.
- III.H. ISP Military Advisor - the Chief of Staff, Division of Administration (DOA), will serve as the ISP Military Advisor and will assist employee and family members with issues (military leave benefits, human resources, etc.) that may result from the employee's call to active duty. The Military Advisor can be contacted at telephone number (217) 785-2035.
- III.I. ISP Military Liaison - staff member assigned to the Public Safety Shared Services Center (PSSSC) who is responsible for application of the military benefits.
- III.J. Secondary employment – refer to ISP Directive PER-035, "Secondary Employment."
- III.K. Weekend Drill, Military Unit Training Assembly (MUTA) - required two-day, monthly training generally scheduled over a weekend. Weekend drill may occasionally encompass more than two days.

IV. RESPONSIBILITIES

- IV.A. Except for weekend drills, an employee seeking to attend military training or to fulfill service obligations is responsible for:
 - IV.A.1. Submitting complete and accurate documentation in the form of military orders supporting this request. Official memorandums may be accepted in lieu of orders until such time orders are available.
 - IV.A.2. Complying with military service obligations in accordance with federal and state laws and the provisions of this directive.
 - IV.A.3. Providing full and complete information about the type of military duty upon request from a superior authority.
 - IV.A.4. Prior to engaging in secondary employment, employees will adhere to ISP Directive PER-035, "Secondary Employment."
 - IV.A.5. Completing an Officer Action Request (OAR), form ISP 2-093/Personnel Action Request (PAR), form ISP 2-039 (available in the ISP Document Library at <http://maphome/documentlibrary/>), that identifies the specific type of military service or training and applicable dates.

- IV.A.6. Completing a time off request form to document use of personal benefit time (i.e., vacation, holiday, personal business, etc.) in lieu of receiving differential pay. Additionally, the employee must complete a time off request form to document use of personal benefit time for drill dates that do not fall on the employee's regularly scheduled day off. An employee may opt to be docked for any service, training, or drill dates, and must complete an authorized dock form to document the docked time.
- IV.B. The employee's chain-of-command is responsible for:
 - IV.B.1. The review of the military leave requests to ensure they are accurate, complete, and in compliance with the provisions of this directive.
 - IV.B.2. Contacting the PSSSC in interpreting or applying the provisions of this directive.
 - IV.B.3. Ensuring applicable documents to include the Secondary Employment Request, form ISP 2-072 (available in the ISP Document Library at <http://maphome/documentlibrary/>) are forwarded through the chain-of-command in a timely manner to avoid transaction delays affecting payroll and insurance adjustments.
- IV.C. The PSSSC is responsible for:
 - IV.C.1. Establishing appropriate controls for the efficient administration and oversight of the provisions of this directive.
 - IV.C.2. Maintaining copies of employees' records (OARs/PARs for military training or service, orders, etc.) and current, signed, and approved secondary employment requests.
- V. PROCEDURES
 - V.A. An employee must submit a completed OAR/PAR identifying time off, with or without pay, for all military service or training EXCEPT weekend drills, through the chain-of-command for approval. Only Military Leave of Absence Without Pay or Benefits requires the Director's signature.
 - V.A.1. When an OAR/PAR is required, it must be accompanied by, or in emergency situations followed by, the military orders. In emergency situations, a letter from a military authority is sufficient documentation to process the transaction; however, orders must be forwarded through the chain-of-command within 30 days of the submission of the OAR/PAR.
 - V.A.2. Leave from the Department will be deemed to begin on the date indicated in the employee's military orders identifying when the employee is required to report for military service or training and will terminate at midnight on the release date. Travel days before or after the training or service dates reflected in the orders cannot be denied and are considered non-military status and not compensable.
 - V.A.3. An employee is required to give as much advance notice as possible (verbal, if necessary) of their military service or training schedule to their supervisors to aid in avoiding schedule conflicts and to plan for operational deficiencies.
 - V.A.4. An employee has the option of utilizing personal accrued benefit (except sick time) or authorized dock time for consecutive dates during any period of military service or training.
 - V.A.4.a. Specific dates and the type of time taken must be identified on the OAR/PAR.
 - V.A.4.b. Time sheets or electronic timekeeping system must identify which codes were actually used on which days consistent with the entitlements contained in this directive. Time off request or authorized dock forms must be submitted if an employee opts to use personal accrued benefit time or receive a dock for military duty or training dates.

- V.A.5. An employee engaged in military service or training is required to assume a five-day workweek, unless the employee is assigned a six-day workweek that awards inconvenience pay for the sixth day worked.
 - V.A.5.a. The timekeeper at an employee's unit of assignment must request the PSSSC Payroll Section, the week prior to the military service or training, to modify the work schedule of an employee currently working a four-day workweek to a five-day workweek.
 - V.A.5.b. The five-day workweek will begin the Sunday preceding the military service or training.
 - V.A.5.c. The timekeeper at an employee's unit of assignment must request the PSSSC Payroll Section to return an employee to a four-day workweek effective the Sunday following the release date from military service or training.
 - V.A.5.d. If an employee is allotted benefit time after returning from active duty, he/she will not be returned to a four-day workweek until the Sunday following the use of all benefit time.

- V.A.6. An employee earning a differential rate from the Department while engaged in military service or training, because the employee's compensation from the military is less than compensation as a state employee, must submit a Leave Earning Statement (LES) to the PSSSC Payroll Section. Unique circumstances may allow for a memorandum or pay scale indicating pay level from the employee's military commander to be accepted in lieu of an LES.
 - V.A.6.a. Differential rate equals regular state compensation minus the amount of military base pay.
 - V.A.6.b. Pay differential adjustment will begin the pay period in which the necessary documentation is received.
 - V.A.6.c. Current deferred compensation, insurance, and other deductions must remain intact unless modified by the employee prior to dates of service or training.
 - V.A.6.d. It is the responsibility of the employee to forward a current LES to the Payroll Unit reflecting any increase of military wages that may occur during the time frame the employee is receiving differential pay while engaged in military service or training.

- V.B. Employees called to military service or training for more than 30 continuous days will turn in all state-issued equipment prior to military deployment.
 - V.B.1. The supervisor will use the Leave of Absence Reference Check List, form ISP 2-679, (available in the ISP Document Library at <http://maphome/documentlibrary/>), to ensure all required tasks are completed.
 - V.B.2. Within the employee's last 10 working days prior to military deployment, the supervisor will:
 - V.B.2.a. Ensure access to ISP facilities and networks are suspended while the employee is deployed.
 - V.B.2.b. Meet with the employee to review the employee's inventory records (Quartermaster, property management, specialty unit, etc.), confirm all issued items have been collected and issue a receipt, form ISP 1-011, (available in the ISP Document Library at <http://maphome/documentlibrary/>), to the employee.
 - V.B.2.b.1) If the military deployment will not exceed 60 days, collected items may be stored at the work location. The Property Custodian of the work location will sign the ISP 1-011 and be responsible for the collected items.
 - V.B.2.b.2) If the military deployment will exceed 60 days, items should be transferred to the work unit from which they were originally issued (e.g., Quartermaster, Firearms Training Unit, Telecom Section, DoIT).
 - V.B.2.c. If extenuating circumstances prevent the collection of issued items prior to deployment, the supervisor will document such circumstances and ensure all issued items are collected as soon as practicable.

- V.C. Employees called to military service or training for 90 or more continuous days shall meet with their work unit commander, or designee, prior to deployment concerning the circumstances of the military activation. Topics of discussion shall include:
 - V.C.1. Services available to the employee's family through the Employee Assistance Program (EAP) (see ISP Directive SRV-016, "Human Services," for additional information) and the Peer Support Advisor (PSA) Program (see ISP Directive PER-001, "Peer Support Program," for additional information).
 - V.C.2. Contact information for the ISP Military Advisor and the ISP Military Liaison.
 - V.C.3. Establishing a process for communication between the employee and the Department during the leave of absence.
- V.D. The Department will accommodate an employee's request to participate in the promotional rating process if the employee has been ordered to military service or training.
 - V.D.1. The employee must contact the Illinois State Police Merit Board to arrange to participate in the promotional testing process if the employee has been ordered to military service or training.
- V.E. Release from military service or training
 - V.E.1. An OAR/PAR will be submitted through the chain-of-command for signature when applicable.
 - V.E.2. The employee will provide a copy of the release or amended orders when applicable.
 - V.E.3. Employees returning from military service or training of 90 or more continuous days shall meet with their work unit commander, or designee, to develop a plan of reintegration for refresher training (if required) and required training including weapons requalification (see ISP Directive, ORD-002, "Firearms Training and Qualification," for additional information).
 - V.E.4. The work unit commander shall also remind the employee of service available through the EAP and PSA programs.
 - V.E.5. An employee granted leave for military service or training will return to the same rank and the same or similar duties immediately upon return. A sworn employee may be promoted to a higher rank or title while on leave.
 - V.E.6. Necessary equipment will be reissued to employees returning from military service or training.
- V.F. Active Duty
 - V.F.1. Employees called to active duty by order of the President of the United States or Governor of the state of Illinois will:
 - V.F.1.a. Be entered 508C for sworn personnel or Leave, Military Service for code personnel in the timekeeping system and be compensated at the differential rate of pay.
 - V.F.1.b. Have the option of utilizing personal accrued benefit or authorized dock time in lieu of differential pay.
 - V.F.1.c. Be entered 509 in the timekeeping system, holiday taken, on all state holidays (sworn personnel only).

- V.F.1.d. Accrue vacation, holiday, sick, and personal business time at the prescribed earning rate.
 - V.F.1.d.1) No previous time earned, nor time earned during the period of active duty that may exceed allowable totals, will be permanently deducted from the employee's time balances.
 - V.F.1.d.2) Upon return, the PSSSC Payroll Section will restore time that would have otherwise been lost into an account in the timekeeping system to be used within one year from the employee's return. The employee and respective supervisor will be notified when time balance adjustments have been approved by the Director.
 - V.F.1.d.2)a) An officer using time from this account will be entered as 505A.
 - V.F.1.d.2)b) BVET is the appropriate timekeeping code used when a code employee uses time from this account.
 - V.F.1.d.3) An employee will continue to accrue seniority for the duration of their tour of active duty.
- V.F.1.e. Submit an OAR/PAR and release orders (DD214) through the chain-of-command for signature.
- V.F.1.f. Have the option of physically returning to work with the Department during military leave time taken at the conclusion of their tour of active duty.
 - V.F.1.f.1) To do so, the employee is required to submit a copy of the "Request for Leave" military form identifying military leave dates, along with the OAR/PAR and DD214 or release orders.
 - V.F.1.f.2) An employee has the additional option of utilizing personal accrued benefit time on military leave dates.
- V.F.1.g. Be awarded benefit time mandated by Governor's Executive Order 2003-6 and collective bargaining agreements upon return from active duty associated with Operation Iraqi Freedom, Operation Noble Eagle, or assignments related to the War on Global Terrorism.
 - V.F.1.g.1) Qualifying stateside active duty allows for five benefit days.
 - V.F.1.g.2) Qualifying duty outside the continental United States allows for ten benefit days.
 - V.F.1.g.3) Benefit time must be taken immediately and consecutively following the employee's DD214 release date with dates taken indicated on the return OAR/PAR.
 - V.F.1.g.4) Timekeepers will enter code 508A or ML in the timekeeping system to indicate benefit time.
 - V.F.1.g.5) Any or all benefit time due may be forfeited by an employee through the submission of a memorandum indicating the number of days forfeited with the knowledge days forfeited may not be recouped in the future. The memorandum must accompany the OAR/PAR and DD214.
 - V.F.1.g.6) Have necessary equipment reissued upon return from active duty.
- V.F.2. An employee belonging to a National Guard or Reserve Unit associated with a state other than Illinois who is activated by an Executive Order issued by the foreign state's Governor, will be placed on a military leave without pay or benefits.
 - V.F.2.a. Seniority will continue to accrue.
 - V.F.2.b. Full active duty benefits will begin immediately if a Presidential Executive Order supporting activation follows.

V.F.2.c. An employee may opt to utilize personal accrued benefit time in lieu of a military leave of absence without pay or benefits.

V.G. Annual Training

V.G.1. An employee fulfilling military reserve or National Guard annual training requirements is entitled to a leave with full pay and without a loss of accrued benefits for 15 calendar-days within the federal fiscal year, regardless if a day is a normally scheduled work day or day off.

V.G.2. An employee may exceed the 15-day allotment with full pay and without a loss of accrued benefits:

V.G.2.a. If the number of days beyond the 15-day allotment can be verified by the employee's military Commanding Officer and

V.G.2.a.1) If the dates are consecutive within one set of orders, i.e. May 5 through June 2 or

V.G.2.a.2) If more than one set of orders contains consecutive dates with the exception of two days off between each set of orders, i.e. May 8 through May 12, May 15 through May 19, May 22 through May 26, and May 29 through June 2.

V.G.2.b. Current collective bargaining agreements may influence the number of additional days allotted for annual training.

V.G.3. Sworn officers will be entered 508A and code employees will be entered ML in the timekeeping system to indicate full pay and benefits.

V.G.3.a. An employee may receive differential rate, use authorized dock days without loss of benefits, or personal accrued benefit time, except sick time, for annual training after exceeding the 15-day allotment. Additional dates will be considered other training and will be deducted from the number of additional training days allotted to each employee.

V.G.3.b. An OAR/PAR is not required when an employee returns from annual training. If the ending date of the training has been modified, a copy of the revised orders identifying the correct ending date must be submitted to the PSSSC.

V.G.4. ADT orders that identify the training is in lieu of annual training within the text of the orders or accompanied by documentation from a military authority identifying the ADT is in lieu of annual training will be processed as annual training. If the time-frame of the orders is greater than the 15-day annual training benefit, the employee must provide additional documentation from a military authority identifying which of the dates contained within the orders are considered annual training.

V.H. Active Duty Training

V.H.1. An employee fulfilling military reserve or National Guard active duty training requirements is entitled to leave with differential pay and without a loss of accrued benefits in accordance with the Military Leave of Absence Act.

V.H.2. Active duty training related to the War on Global Terrorism will receive the same benefits assigned to active duty with the exception of benefit time upon return. No benefit time is allotted to an employee returning from active duty special training.

V.H.3. Sworn officers will be entered 508C and code employees will be entered LMS in the timekeeping system to indicate differential pay.

V.H.4. An employee may opt to use personal accrued benefit time or authorized dock days without the loss of benefits, in lieu of differential pay or when the annual allotment has been expended.

- V.H.5. An OAR/PAR is not required when an employee returns from active duty training. If the ending date has been modified, a copy of the revised orders identifying the correct ending date must be submitted to the PSSSC.
- V.H.6. An employee will continue to accrue seniority during their tour of active duty training.
- V.I. Full-Time National Guard Duty – Operational Support
 - V.I.1. An employee fulfilling FTNGD-OS does so without pay or benefits; however, seniority will continue to accrue. The employee may opt to use personal accrued time excluding sick time.
 - V.I.2. FTNGD-OS related to the War on Global Terrorism will receive the same benefits assigned to active duty with the exception of benefit time upon return. No benefit time is allotted to an employee returning from FTNGD-OS.
 - V.I.3. Sworn officers will be entered 508C and code employees will be entered LMS in the timekeeping system to indicate differential pay when applicable.
 - V.I.4. Non-compensable R assignments will be entered as an authorized dock if the employee does not opt to use personal accrued benefit time.
 - V.I.5. An employee will continue to accrue seniority during their tour of FTNGD-OS work.
 - V.I.6. An OAR/PAR is not required when an employee returns from FTNGD-OS. If the ending date has been modified, a copy of the revised orders identifying the correct ending date must be submitted to the PSSSC.
- V.J. Weekend Drills
 - V.J.1. For the Department to meet its legal obligation and to ensure all employees are provided the opportunity to fully comply with their personal military commitments, employees will be allowed to change regularly scheduled days off to attend weekend drill, provided that:
 - V.J.1.a. At least 15 days prior notice is given to the chain-of-command.
 - V.J.1.b. Employees are expected to fulfill the required work week and not incur overtime.

NOTE: Employees may also, at their option, use accrued personal time (except sick time) or authorized dock time without any loss of other benefits.
 - V.J.2. Employees are encouraged to submit annual weekend drill schedules to their supervisor when available to allow for future operational planning. This does not negate the requirement to submit a request 15 days prior to drill dates for schedule changes.
- V.K. Family Military Leave Act
 - V.K.1. An employee is entitled to up to 30 days of unpaid family military leave of absence during the time federal or state deployment orders are in effect, provided that the employee:
 - V.K.1.a. Is the spouse or parent of a person called to military service lasting longer than 30 days.
 - V.K.1.b. Has been employed for at least 12 months and worked a minimum of 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
 - V.K.1.c. Has exhausted all accrued personal benefit time including vacation, compensatory, holiday, and personal business.
 - V.K.1.d. Has given at least 14 days' notice of the intended date upon which the family military leave of absence will commence if the leave will consist of 5 or more consecutive work days.
 - V.K.1.e. Has given advanced notice as practical if the family military leave of absence is for less than five consecutive days.

- V.K.2. The employer may require certification from the proper military authority to verify the employee's eligibility for family military leave of absence.
- V.K.3. An OAR/PAR form requesting a family leave of absence must be submitted through the chain-of-command for signature.
- V.K.4. The employer shall make it possible for the employee to continue health insurance benefits at the employee's expense.
- V.K.5. An employee will continue to accrue seniority while on a family military leave of absence; however, vacation and holiday time will not be earned during the leave.
- V.L. Enlistment
 - V.L.1. Employees electing to enlist in a National Guard or Military Reserve Component will receive:
 - V.L.1.a. Differential pay and benefits for the duration of required basic training
 - V.L.1.b. Annual training benefits
 - V.L.1.c. Additional training benefits
 - V.L.2. Employees enlisting in a National Guard or Military Reserve Component may continue to report to work while in non-military status following an enlistment date prior to onset of training.
 - V.L.3. Employees enlisting for service in a branch of the military will be placed on a military leave of absence:
 - V.L.3.a. Without pay or benefits
 - V.L.3.b. Will continue to accrue seniority for the duration of the leave of absence
- V.M. Re-employment and Reinstatement Rights
 - V.M.1. USERRA sets a five year cumulative limit on the amount of military leave an employee can perform and retain re-employment rights. Exceptions include:
 - V.M.1.a. Employee is unable to obtain release or if service required to complete an initial period of obligated service extends beyond five years (i.e. enlistment).
 - V.M.1.b. Hospitalization or convalescence from illness or injury incurred or aggravated during military service constituting a two-year extension.
 - V.M.1.c. Drills, annual training, involuntary active duty and extensions, and recalls due to a war or national emergency are not included in the five-year cumulative total.
 - V.M.2. Reinstatement time frames following military service are strictly based on the duration of the service.
 - V.M.2.a. For periods of military service up to 30 days, an employee must report back to work on the next regularly scheduled shift on the day following release from the military duty, allowing for travel home and eight hours rest which are not compensable.
 - V.M.2.b. For periods of service of 31-180 days, an employee must report back to work within 14 days following release from military duty and utilization of the Governor's Executive Order 2003-6 and collective bargaining agreements benefit time, if applicable.
 - V.M.2.c. For periods of service of 181 days or more, an employee must report back to work within 90 days following release from military duty and utilization of the Governor's Executive Order 2003-6 and collective bargaining agreements benefit time, if applicable.
 - V.M.2.d. An employee who does not return to work upon release from military duty is required to use the Governor's Executive Order 2003-6 and collective bargaining agreements benefit time immediately following the release date.

V.M.2.e. If an employee does not return to work immediately following release date and use of the Governor's Executive Order 2003-6 and collective bargaining agreements benefit time, the employee will be placed on a military leave of absence and will:

- V.M.2.e.1) Provide an anticipated return date
- V.M.2.e.2) Not receive pay or benefits for the duration of the leave of absence
- V.M.2.e.3) Accrue seniority for the duration of the leave of absence

| Indicates new or revised items.

-End of Directive-