




**Division of State Patrol
Policy and Procedure**

Number
11-14

Subject MILITARY LEAVE	
Author/Originator Office of the Superintendent	Approved by  Superintendent
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I. POLICY

It is the policy of the Division of State Patrol (DSP) to grant employees military leaves of absence in accordance with applicable state and federal law, administrative rule, department policy, and collective bargaining agreements. The Division acknowledges the unique character of military service as recognized under the law.

Personnel activated for military service or otherwise entitled to periods of military leave are granted a number of civil service benefits and rights provided for in state and federal law. It is not the intent of this policy to enumerate all of these provisions. Employees receiving orders or otherwise anticipating periods of military leave should contact their supervisors as soon as possible to arrange to be placed in contact with Human Resources (HR) staff who specialize in military service related issues such as pay and benefits, accrual of leave while on military duty and reinstatement/reemployment matters.

II. BACKGROUND

Both state and federal law provide certain employment and reemployment rights for persons who are members of the active duty or reserve components of the Armed Forces of the United States of America.

III. DEFINITIONS

- A. **Active Duty (AD)** – For purposes of this policy, AD is any period of military service not categorized as inactive duty for training. AD includes, but is not limited to, federal or state call-ups, Annual Training (AT) and, Active Duty for Special Work (ADSW).

- B. **Inactive Duty for Training (IDT)** – Periods of military service, typically but not limited to 2 or 3 consecutive days each month, usually termed Unit Training Assemblies (UTA) or Battle Assemblies (BA).

IV. GENERAL PROVISIONS

- A. All employees, regardless of status, must be *excused from* work for any military service that has been ordered, including but not limited to, active duty, inactive duty, and annual training. Being *excused from* work does not necessarily mean the employee qualifies for paid military leave.
- B. IDT
 1. Employees granted unpaid military leave for less than (3) consecutive calendar days may, as an alternative and with supervisory approval, cover all or a portion of the leave with a voluntary schedule change, exchange shifts with another employee (when mutually agreed upon), and/or work to make up the lost time (flexible time) provided that schedule changes or makeup time does not result in overtime. Supervisors should make reasonable efforts to accommodate such requests consistent with DSP operational considerations.
 2. Supervisors and employees should make reasonable efforts to work collaboratively to arrange for regular days off for UTAs, if this is requested and can be accomplished. Employees may, but are not required to, also utilize accrued vacation, personal holidays, compensatory time, furlough time, or leave without pay for IDT and/or AD absences.
 3. At a minimum, an employee must have enough time after leaving work to travel safely to the military service site and arrive fit for service. For short term service such as weekend training assemblies, the employee must be granted at least (8) hours plus reasonable travel time to the service site. Upon completion of military duty constituting of 1-30 consecutive days of service, the employee shall be allowed at least (8) hours plus reasonable travel time from the service site to their home of record prior to the next scheduled work shift. Any military duty constituting a period of time greater than 30 days shall be accommodated in accordance with applicable law concerning time allowed prior to return to work.
- C. Employees shall provide as much advanced notice of their needs under this policy as practicable. UTA schedules and military orders (as applicable) associated with AT, IDT or other military service should be forwarded to an employee's immediate supervisor in a timely fashion.
- D. 3-day minimum – Paid military leave under s.230.35(3)(a) shall not be granted for periods of less than 3 consecutive calendar days. This pertains to the actual duration of the military duty and not the number of workdays missed. Multiple Unit Training

Assemblies (MUTAs) occurring on at least 3 consecutive days qualify as military leave under s.230.35(3)(a) (See also IV. H. 2. of this policy).

- E. Option to use accrued leave before reporting back to work – Employees who are eligible to receive pay and benefits pursuant to s.230.315, Wis. Stats. (extended military leave without loss of pay and benefits due to activation into certain federal service) may use up to (160) hours of accrued leave between the time the employee completed his/her military tour of duty and the date the employee reports back to their position of employment within the Division.
1. Any such leave must be used not later than 30 calendar days after completion of military service.
 2. Accrued leave that may be used includes annual leave, sabbatical leave, personal holidays and floating legal holidays. It does not include sick leave.
- F. Personnel actions during leave – The Deputy Superintendent/Colonel or his/her designee shall be consulted prior to commencing any classification, disciplinary, promotion/demotion, or other administrative personnel matter for employees on a military leave.
- G. Work unit shift and vacation selections – Refer to DSP Information Memorandum 5-01.
- H. Probationary employees
1. If an employee has such absence from employment totaling more than 174 work hours or the prorated portion for part-time employees, the probationary period shall be extended by the length of the time absent, except that up to 174 work hours or prorated portion for part-time employees may be waived by the appointing authority. [ER-MRS 13.05]. Any extension of the probationary period under this provision shall be provided to the employee in writing.
 2. While probationary employees must be *excused from* work for ordered military duty, they are not eligible for the 30 days of military leave without loss of pay and benefits (i.e., paid military leave) pursuant to s.230.35(3)(a), Wis. Stats. (See also IV. D. of this policy).
 3. Consistent with other provisions of this policy, state law, and negotiated agreements, probationary employees may utilize other leave time (except sick leave) or leave without pay for this purpose.

Note: *The above refers only to those employees on initial probationary status as an employee of the State of Wisconsin.*

- I. Issued equipment – Personnel on military leave should generally retain uniforms and personally issued gear. For leave in excess of 30 days, employees shall turn in organizational gear/equipment such as patrol rifles/shotguns, pistols, tint meters, night vision devices, electronic control devices (ECDs), density meters, air cards, mobile data computers (MDCs), state-issued cell phones, etc.
- J. State-issued vehicles – Employees shall turn in personally assigned vehicles for military related leave in excess of 30 days.
- K. Sick leave – Employees may not use sick leave during military leave with or without loss of pay.

V. PROCEDURE**A. Employee**

- 1. Whenever possible, employees shall provide notice in advance to their supervisor of their military obligation in accordance with federal law, including dates and projected duration of duty.
- 2. Provide payroll and benefits specialist with a copy of military orders or other pertinent documentation if necessary to facilitate calculations of pay differential.
- 3. If the employee desires to receive regular correspondence (such as unit newsletters, etc.), furnish first-line supervisor with contact information.
- 4. Keep the Division apprised of return to work dates, changes to military orders, and use of leave between release from military duty and return to work (if applicable).
- 5. Complete necessary forms/documentation and provide to HR staff.

B. First-Line Supervisor

- 1. Work with assigned employees to meet the scheduling needs of the employee/service member and the work unit.
- 2. Keep region/section leadership aware of pending military leave as well as anticipated return dates to Division service.
- 3. Coordinate any required return to work training.
- 4. Serve as a liaison between the service member and the Division.

5. Ensure that employee is allowed sufficient opportunity to coordinate with HR staff regarding necessary forms/documentation related to military leave of absence as applicable.

C. Region Commander/Wisconsin State Patrol Academy Commander/Section Chief

1. Ensure that any required return to work training is conducted and documented.
2. Keep respective bureau director apprised of extended leaves and any return to work issues or limitations.
3. Consult with the Deputy Superintendent/Colonel or his/her designee and the Bureau of Human Resource Services (BHRS) with regard to any personnel actions pertaining to employees on military leave.
4. Make determinations concerning extension of probationary periods in accordance with DSP Information Memorandum 5-01.
5. Notify the Wisconsin State Patrol Academy of pending military deployments and anticipating return to work dates so that training assessments may be made in a timely fashion.
6. Ensure the employee returning from military service is not discriminated against based on such service in matters related to, but not limited to, vehicle and equipment issue, duty scheduling, and assignments.

D. Wisconsin State Patrol Academy

1. Develop and publish uniform requirements for remedial or supplemental training for employees absent for lengthy periods of military leave.
2. Provide course materials of annual in-service training presentations for later viewing by personnel absent because of military leave.

VI. REFERENCES

Chapter 230, Wisconsin Statutes
Uniformed Services Employment and Reemployment Rights Act (USERRA)
OSER Bulletin, OSER-0019-CLR/LR
Negotiated Agreement--State of WI & the WI Law Enforcement Association (WLEA)
DOT Employee Handbook
Transportation Administrative Manual (TAM) HR 119
DSP Information Memorandum 5-01 (Manual Section 11)