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|  | <b>Policy &amp; Procedures</b>                       |  |  |  | <b>No. 4.27</b>                      |              |
|                                                                                   | Subject:<br><b>Military Duty &amp; Reintegration</b> |  |  |  |                                      |              |
|                                                                                   | Issuing Authority:<br><b>Chief of Police</b>         |  |  |  | Effective Date:<br><b>12/21/2023</b> | Review Date: |
|                                                                                   |                                                      |  |  |  | References:                          |              |
| <b>Review</b>                                                                     |                                                      |  |  |  |                                      |              |
| Revision                                                                          |                                                      |  |  |  |                                      |              |
| Reissued                                                                          |                                                      |  |  |  |                                      |              |
| Dates:                                                                            |                                                      |  |  |  |                                      |              |
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## STANDARDS: 22.2.1

### Policy

The Canton Police Department is proud to have some of its members as retired or active military service members. The Department has set this policy to help those members who are in active status and have been deployed in the three phases of their deployment – pre-service, service, and post-service or reintegration within the Canton Police Department.

This policy can assist all military employees (sworn and non-sworn) in deployment and training with specific reference to employees with a military leave of absence/activation exceeding 180 days. **22.2.1 (1)** For leave less than 180 days, employees will have the same benefit as if they were working while on leave.

### National Guard and Reserve

Employees do not need authorization of the Chief of Police to join the Massachusetts National Guard, Air National Guard, or Armed Forces Reserve.

The Deputy Chief of Administration will work with the Town's Human Resources Department in assisting the military member in benefits collection and any other services needed by the employee. (S)he will act as a liaison with the employee's family members should they require any assistance during an employee's deployment or training or reintegration back to work for the Canton Police Department. The Deputy Chief of Administration will give the employee written notice that he/she will be their liaison. **22.2.1 (2b c d)**

The employee shall give the Chief of Police oral or written notice of military duty well in advance, if possible, to minimize affecting other employees. In addition, they should provide a hard copy of the deployment order from their branch of service upon receipt of such order. **22.2.1 (2a)** Notice may be waived for military necessity or otherwise unreasonable.<sup>i</sup> Employees may be required to provide the department with a copy of military orders in order to receive pay while engaged in military duty.

Employers may not discriminate against employees because of their membership in the National Guard or Reserves. To do so is a violation of criminal law.<sup>ii</sup> Employers must afford members all rights under statutes adopted by the municipality and other applicable statutes under Chapters 32 and 33 of the Massachusetts General Laws. The Town of Canton has adopted the following statutes:

- Chapter 33: Section 59. Effect of military service on salary or vacation allowance of public employees; and
- Chapter 33: Section 59A. Military service of public employees; work release for drills.
- Employers must afford members all rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 Title 38 of the U.S. Code 4301- 4334.

## **Training and Mobilization**

Because the Town of Canton has adopted MGL c. 33, s. 59, an employee on active duty (for deployment or training) as a member of the Massachusetts National Guard will continue to receive his/her regular pay and benefits and accrue sick and vacation time. An employee on active duty (for deployment or training) as a member of the United States Armed Forces Reserves will continue to receive his/her regular pay and benefits and accrue sick and vacation time.<sup>iii</sup>

Employees may elect to use accrued vacation, compensatory time, or personal time during any additional active-duty days. The Town Manager shall determine any additional benefits or compensation covered by the Town of Canton during an employee's mobilization or deployment.

As a part of the out-processing of the activated military employee certain activities will take place **22.2. (2c e f) -**

1. All deployment paperwork will be collected and filed by the Deputy Chief of Administration. This may also include any documentation that the Department has with the military branch.

2. Employees deployed for longer than 180 days should store all agency issued property (cruisers, lethal and non-lethal weapons, specialty uniforms or specialty equipment, etc.). The Deputy Chief of Administration will house the equipment and keep a list of what the agency has stored. All stored property should be kept in a condition of operational readiness. **22.2.1 (2e).**
3. The Chief of Police or the Deputy Chief of Administration will conduct and document an exit interview with the employee. The interview should include benefits discussing, deployment length, and expectations of when the employee returns. The documentation should reflect a summary of the interview and what benefits the employee is accruing and how pay will be collected by the employee (i.e. direct deposit or will family be picking up paycheck, etc.). **22.2.1 (2f)**

**Employment  
Upon Return  
from  
Mobilization**

As a part of the post service phase, the employee will go through some in-processing activities.

1. The employee is obligated to provide the department advanced notice, once having received a discharge, and must return to work promptly upon discharge.<sup>iv</sup>
2. An interview with the Chief of Police or the Deputy Chief of Administration must be documented with the returning employee. To include but not limited to the trainings, re-qualifications, or recertifications that are to be performed and when they will be completed by and any other services that employee should now require because of their military service. **22.2.1 (2g,h)**
3. The Deputy Chief of Administration should also document that all benefits have resumed their normal distribution to the employee should they have been put into someone else's name during deployment (i.e. paycheck now to the employee, not the family member). A returning member is entitled to seniority and other rights and benefits determined by seniority as if he/she had not been mobilized. This includes but is not limited to:<sup>v</sup>
  - Vacation time;
  - Longevity;
  - Shift Bidding.

4. Employees should be reissued any stored property and should sign for their receipt of such property to ensure that it is operational. If the property is not operational or functioning property, they should be re-issued new property.
5. Documentation of completed required training – qualifications, policy updates, in-service, etc. **22.2.1 (2h)**

The Accreditation Manager should be given copies of all documents from the out-processing activities, the in-processing activities, and documentation that all required training was completed. **22.2.1 (a b e f g h)**

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<sup>i</sup>Sec. 1002.85; The Department of Defense USERRA regulations at 32 CFR 104.3 provide that an "appropriate officer" can give notice on the employee's behalf. An "appropriate officer" is a commissioned, warrant, or non-commissioned officer authorized to give such notice by the military service concerned; 38 U.S. Code 4312(b)

<sup>ii</sup> M.G.L. c. 33, §13.

<sup>iii</sup> M.G.L. c. 33, §59. The municipality for this benefit to apply must adopt this section.

<sup>iv</sup> Uniformed Services Employment and Reemployment Rights Act of 1994, Title 38 of the U.S. Code 4301.

<sup>v</sup> 38 U.S. Code 4316(a).