

**DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT**

BULLETIN NO. 10

OCTOBER 2006 (New)

ACTIVE MILITARY DUTY

Purpose and Overview

The purpose of this Bulletin is to provide guidance and direction for members called up for active Military Duty.

This Bulletin is not to be construed as a comprehensive all-inclusive resource. Affected employees should seek out counsel from the Human Resource Office of the FEMS Department as well as their respective branch of the military. They should seek to familiarize themselves with the applicable laws, regulations and policies that govern their situation.

Part I of this Bulletin provides a reference to, and a synopsis of the main laws, regulations and policies that establish the legal authority for entitlements provided to members who enter into full time military service. These references provide a framework for the guidelines established in Part II.

Part II of this Bulletin provides guidelines to assist deployed members and their company officers in fulfilling their responsibilities prior to, during and after deployment. It also explains the responsibilities that are incumbent upon the various parties involved.

**PART I: LEGAL AUTHORITY AND ENTITLEMENTS FOR MEMBERS DEPLOYED
INTO ACTIVE DUTY MILITARY SERVICE**

**Section 1. Federal Law - Title 38, Chapter 43, Uniformed Service
Employment/Reemployment Rights Act (USERRA). (Employee Rights)**

USERRA protects the employment rights of individuals who enter into military service. It is intended to minimize the disadvantages to an individual that occur when that person needs to be absent from his civilian employment to serve in this country's uniformed service.

No federal or state law, company policy, union agreement, practice or contract may diminish the rights and benefits provided by USERRA.

**Section 2. District Personnel Manual – DPM Instruction No. 12-29 Dated May 11, 2005
(Health Insurance Benefits, Employment Status, Life Insurance, Retirement and Pension Benefits)**

This issuance provides critically important information and direction for affected employees. It should be read carefully by military service members and their officers. It explains policies and procedures governing employment status, Life Insurance, Retirement and Pension Benefits as well as the retention or cancellation of existing Health Insurance Benefits while on active military duty.

In general, upon reinstatement, deployed members are treated as though they have not experienced a break in service. The time spent in military active duty counts as creditable service towards seniority, within-grade step increases, career tenure, and retirement and leave rate accrual.

Even though military time counts as creditable service towards the rate of leave accrual, employees do not earn sick or annual leave while in a Non Paid Military Furlough status.

Section 3. United States Code, 5 U.S.C. 6323 (a) (Military Leave)

Provides 15 days (120 hours) of paid military leave each fiscal year for active duty, active duty training, inactive duty training and military honors. These days (hours) may be taken incrementally throughout the fiscal year or in its entirety as needed.

Employees may carry over a maximum of 15 days (120 hours) of unused military leave into a new fiscal year. Therefore, potentially they may have a total of 30 days (240 hours) to use in any one fiscal year. This also means that reservists whose military duty spans two fiscal years may potentially use up to 45 days (360 hours) of military leave within that span.

An agency may now only charge military leave under 6323 (a) for hours the employee otherwise would have worked. An employee no longer "loses leave" on weekends and other non-workdays and will be paid his or her full pay for all 120 hours per fiscal year.

**Section 4. DC Act 16-298 - Operation Enduring Freedom Active Duty Pay Differential
Emergency Act. (Pay differential for members mobilized in the ongoing War on
Terrorism)**

The purpose of this Act is to provide a pay differential to members whose basic military pay is less than their basic District government pay.

Basic Pay is defined as follows:

Fire Service Basic Pay - employees scheduled rate of pay plus any technicians pay plus retention incentive.

Military Service Basic Pay - the monthly rate of pay of the grade to which assigned or distributed, as prescribed in section 203 of title 37, United States Code, in accordance with the member's years of service computed under section 205 of title 37, United States Code.

Section 6. DC Personnel Regulations, Chapter 26A (Retirement Benefits)

Members with honorable military service may elect to avoid a reduction in retirement annuity. As prescribed in these Regulations the member can contribute a percentage of the amount of basic military pay received for deposit into the Police and Firefighters Retirement Fund. These contributions would cover the period of time the member was in a NON PAID Military Furlough status

Section 7. DC CODE Section 5-704 (d) (Retirement Benefits)

An employee subject to the Police and Firefighters Retirement Program who is on LWOP for active military duty, or for military furlough, is not considered as separated from his position unless he applies for and receives his retirement contributions or unless the period of unpaid absence for military duty exceeds 5 years.

PART II: GUIDELINES AND PROCEDURES PRIOR TO, DURING AND AFTER DEPLOYMENT.

Section 1. Prior to Deployment

1.1. Deployed Member's Responsibility:

- a. Must provide written or verbal notification of Military Orders to company officer.
- b. Schedule meeting with Fire Department Human Resource Advisor for initial consultation.
- c. The Human Resource Advisor will be a primary point of contact throughout the process and will provide the member with a package of pertinent information, including required forms for member to complete.
(Note: This package will include the "DC Employees Health Benefits Program" form. This form pertains to the important issue of retention or cancellation of existing health benefits while a member is deployed.)
- d. Schedule and Report to PFC for Physical.
- e. Establish e-mail correspondence with company officer to ensure ongoing communication.

1.2. Company Officer's Responsibility

- a. Establish e-mail correspondence with member to ensure ongoing communication.
- b. Submit a Special Report with an attached copy of the deployed member's military orders to the Assistant Fire Chief / Operations through the chain of command. This Special Report shall include the following:
 - 1) Effective date of deployment.
 - 2) Date of scheduled physical at the PFC.
 - 3) Date in which the deployed member will go into a non-paid Military Furlough status. (See calculation formula below)
 - 4) Any other pertinent information.
 - 5) The final sentence shall be a request for the Special Report to be "Expedited".

Formula:

Formula for determining the beginning date of deployed members NON PAID Military Furlough Duty Status.

Any unused military leave from previous fiscal year 15 day allowance
(120 hours maximum)

+

Any unused military leave from current fiscal year 15 day allowance
(120 hours maximum)

+

Any accrued annual leave or compensatory time member elects to use
(Note: Members are not required to use any of their accrued annual or compensatory leave)

=

The number of paid hours member is entitled to before being placed in a NON PAID Military Furlough status.

1.3. FEMS Department Responsibility

- a. AFC Operations will provide Human Resource Advisor with a copy of Special Report and military orders.
- b. Human Resource Advisor meets with deployed member to provide initial consultation as well as a package of pertinent information and required forms.
- c. Based on the information provided in the Special Report, the Human Resource Advisor will initiate a Personnel Action Request (SF50) to DC Office of Personnel. This will place the member in a Non Paid Military Furlough status upon exhaustion of members paid leave status.

- d. A copy of the SF 50 will be forwarded to the company officer to be retained in the deployed member's personnel file.
- e. Human Resource Advisor will establish and maintain a file for each deployed member containing all pertinent documentation.

Section 2. During Deployment

2.1. Deployed Member's Responsibility

To the extent possible, maintain contact with Company officer via e-mail.

2.2. Company Officer's Responsibility

When filling out Time and Attendance, carry the member in a paid military leave status for the duration of the entitled time calculated using the described formula. Once the deployed member's paid leave is exhausted, carry the member on LWOP to reflect his non paid Military Furlough status.

If applicable, facilitate the processing of a pay differential check as explained below in Section 3.

2.3. FEMS Department Responsibility

The Human Resource Advisor will ensure the accurate completion of any pay differential documents submitted and forward them to Payroll.

Section 3. Procedures for Processing Pay Differential Check

Some members may be eligible for a pay differential check from the District of Columbia Government (see Part 1, Section 4 of this Bulletin). A deployed member can make application for pay differential at any point in time during his deployment or upon reinstatement. The member may also authorize a member of his immediate family to make application at any point in time during the deployment. To facilitate this process, company officers shall assist the member or his designee in providing the following documents to the Human Resource Advisor:

1. Copy of the military orders.
2. Copy of military pay stubs for the period of time covered by the application.
3. Copy of timesheets for the period covered by the application showing the member in a NON PAID military furlough status. (LWOP)
4. The Pay Differential Application Form, which can be obtained from the Human Resource Advisor or can be printed from *Office Forms Folder* on the LAN.

The Human Resource Advisor will ensure the accuracy of these documents and forward it to Payroll.

Section 4. Return from Deployment

4.1. Member's Responsibility

- a. Provide copy of Military Release Orders to company officer
- b. Schedule appointment with Human Resource Advisor for reinstatement coordination. An important aspect of this meeting will be to explain retirement compensation issues and to ensure processing of the Form DD-214 (Retirement Credit Form) as well as processing of Pay Differential check, if applicable.
- c. Schedule and Report to PFC for return to duty physical examination.
- d. Report to Training Academy for a 40 hour remedial training course as scheduled by Battalion Fire Chief.

4.2. Company Officer's Responsibility

- a. Submit a Special Report with an attached copy of the deployed member's military release orders to the Assistant Fire Chief/ Operations through the chain of command. This Special Report shall include the following:
 - 1) Effective date of military release as well as Fire Department reinstatement date.
 - 2) A request for the endorsing Battalion Fire Chief to schedule a 40 hour remedial training course at the Training Academy, and to include the scheduled date in his endorsement.
 - 3) Date of scheduled physical at the PFC.
 - 4) The appropriate grade and step the member is to be reinstated at.
 - 5) Any other pertinent information. This would include the information and documentation required if the returning member is entitled to a pay differential check (See explanation in Section 3)
 - 6) The final sentence shall be a request for the Special Report to be "Expedited"
- b. Company officers should also anticipate any additional military leave that a member may have become entitled to while deployed. Since United States Code 6323(a) provides 15 days (120 hours) paid military leave each fiscal year, a

member whose deployment extends into a new fiscal year would be entitled to this additional paid leave. If applicable, the returning member may request to take this available leave in part or in its entirety. In this case, the Company officer should coordinate with the Human Resource Advisor so that the deployed member may use this paid Military Leave prior to his military release date.

4.3. FEMS Department Responsibility

- a. Assistant Fire Chief Operations will provide Human Resource Advisor with a copy of the Special Report and attachments
- b. Human Resource Advisor will meet with returning member to coordinate reinstatement issues.
- c. Human Resource Advisor will ensure that the member is reinstated at his appropriate grade/step as well as with the appropriate leave rate accrual rate.