

## KCPERS Policy

### **Policy #010 – Military Leave of Absence**

Adopted: October 9, 2001

Amended: September 12, 2006

Amended: May 12, 2015

The Board of Trustees of the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City, Missouri adopt the following policy applicable to members that incur an interruption in creditable service towards retirement as a result of periods of unpaid leave due to military service. This policy will apply to periods of uniformed military service as defined under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

The provisions of this policy will apply to members that return to active service with the Police Department within the time periods specified in the table below. In all cases the member must complete the period of military service under **honorable conditions**.

<b>For military service of:</b>	<b>Member must:</b>
1 to 30 days	Return to work on next regularly scheduled shift after completion of military service
31 to 180 days	Return to work within 14 days after completion of military service
181 days to 5 years	Return to work within 90 days after completion of military service

### Federal Law - USERRA

The applicable federal law (USERRA) is contained in 38 U.S.C. 43. Section 4318. **The Retirement Board intends to fully comply with the applicable provisions of USERRA.** Under Section 4318, a member of a defined benefit plan is entitled to the benefits that would have accrued during a period of uniformed service only to the extent the person makes payment to the plan of the amount of any employee contributions that would have been required during that same time period. The amount of required employee contributions shall be calculated without interest using the rate of compensation the member would have received but for the period of uniformed service. Payment of any required member contributions must be made within a period equal to three times the period of uniformed service, not to exceed five years from the date of return to active service with the Police Department. In all cases, payment must be completed prior to commencement of benefits to the member from the Retirement System.

### Missouri Law – Chapter 86 RSMo.

Under the provisions of Section 86.1110-3 (Police) or 86.1500-3 (Civilian), a member who returns to service from a leave of absence for military service and who meets the requirements under USERRA, shall be entitled to service credit for the time spent in such military service only to the extent such member pays any required member contributions for such time. The amount of required member contributions shall be calculated on the base compensation the member would have received during such leave period.

A member who returns to service from a period of **active duty** military service and who provides duty orders under Title 10 or Title 32 U.S.C. and discharge from active duty documentation in the form of a DD214 (Member-4 copy) or NGB23 may make application to the Retirement Board requesting that the member contributions required above be waived for a period not to exceed three years of creditable service.

Creditable service will only be granted for the amount of military service shown on the documentation submitted with the member's application that corresponds with the current period of military leave, but will not exceed the amount of service lost due to that specific eligible period of leave. Determination of eligibility for creditable service will be made on a case by case basis.

#### Member Responsibility

A member who returns from a period of unpaid leave due to military service must make application to the Retirement Board requesting that creditable service be granted for their period of unpaid leave. At the member's request, the Retirement office will prepare a **Military Leave of Absence worksheet** and forward to the member along with the **Application for Creditable Service due to Period of Active Duty Military Service**. The member will submit the completed application, the worksheet, and the required documentation directly to the Benefits Coordinator at the Retirement Office. No creditable service will be granted without the required documentation or if the application packet is incomplete.

#### Military Leave Review Committee Responsibility

The Retirement Board shall appoint a committee to review requests from members to have creditable service granted under the provisions of USERRA, Section 86.1110-3 (Police) or Section 86.1500-3 (Civilian). Requests will only be reviewed by the committee after the Retirement office has received the completed application and required documentation. The committee shall have five members appointed by the Retirement Board and include at least one member of the Retirement Board and two members of the Retirement Systems that serve in the uniformed service, one from the Reserves and one from the National Guard. If approval is recommended, the Military Leave Review Committee will make a recommendation to the Retirement Board, based on the documentation submitted, of the amount and type of service to grant. If the committee does not recommend approval, the application will be returned to the member and the reason will be documented on the application. Applications that are recommended for approval will be added to the agenda for the first available Retirement Board meeting.

#### Retirement System Staff Responsibility

At the member's request, staff will prepare a **Military Leave of Absence worksheet** showing the amount of creditable service and member contributions affected by a specific period of unpaid leave due to military service. Upon receipt of an application packet from a member, staff will review and document any amounts of creditable service previously granted for military service. Based on the documentation submitted with the application packet, staff will present to the Military Leave Review Committee the amount and type of creditable service specific to the member's current request. If approval is granted by the Retirement Board, staff will notify the member of such along with the amount of member contributions that are due, if any, and the date on which those contributions must be paid in full.