



MILITARY CALL-UP OF LAW ENFORCEMENT PERSONNEL

The nation's response to the attacks of September 11, 2001, and the war in Iraq have resulted in the call-up of many members of military reserve and National Guard units. The Michigan Commission on Law Enforcement Standards (MCOLES) continues to receive inquiries regarding the licensing status of law enforcement officers called up for active military duty.

Public Act 203 of 1965, §28.609(3), has been amended to accommodate currently licensed individuals who are obligated to report for military service and assist Michigan police agencies as it applies to the MCOLES licensing process.

The following information is provided in an effort to assist in the understanding of how one's military obligation impacts law enforcement employers, candidates for law enforcement licensing, and currently licensed Michigan law enforcement officers.

Currently Licensed Law Enforcement Officers

An MCOLES licensed law enforcement officer who is a member of any reserve component of the United States armed forces who is called to active duty is **not** considered to have discontinued his or her employment as a Commission licensed law enforcement officer. Law enforcement officers who are called to active military duty should provide evidence of a military call to active duty notification to his or her employer. The law enforcement employer must provide MCOLES with written notification, on agency letterhead, of the individual's active military status. MCOLES will set the employment relationship to "military leave" in the MCOLES Information and Tracking Network.

When a licensed law enforcement officer returns from active duty, the officer will be required to provide a copy of their military DD214 form (or DD220 for activations less than 90 days) to his or her police agency. MCL§28.609(3) requires that officers be honorably discharged from the military in order to take advantage of the exemption to the time frames. The agency must also examine the circumstances for a dishonorable discharge to ensure the officer is eligible to obtain, or retain, a license due to a possible felony conviction as defined in MCL§28.609b(1), or the lack of good moral character in the case of a lapsed license [Administrative Rule 28.14203(e)]. The agency will then forward these documents, along with the officer's oath of office, to MCOLES. (See "Agency Responsibilities" below)

When a licensed law enforcement officer who is a military reservist **voluntarily extends** his or her service past the term identified in the call to active duty notification, credit for military service ceases from that point forward. The individual's law enforcement license will lapse based on the date of the voluntarily extension.

In order for an individual to become eligible for licensure, the individual must apply for entry into the MCOLES Recognition of Prior Training and Experience Program and successfully complete the program. An individual's eligibility to regain licensing after lapsing, is in accordance to his or her length of continued services as a licensed law enforcement officer. The eligibility timelines after a law enforcement license is lapsed are as follows:

- An individual employed 1 year or less will have 1 year of eligibility.
- An individual employed 1 year but less than 5 years will have 18 months of eligibility.
- An individual employed 5 years or more will have 2 years of eligibility.

All individuals that successfully complete the Recognition of Prior Training and Experience Program must meet all MCOLES medical and non-medical standards at the time of license activation.

Individuals Eligible for Licensing with MCOLES, but not Currently Employed

Pre-service candidates for licensing, who are members of any of the reserve components of the United States armed forces and called to active duty, causing them to surpass license eligibility timelines, must apply for the MCOLES Recognition of Prior Training and Experience Program in order to regain licensing eligibility. The pre-service candidate will be required to enroll in the full, week-long program and successfully complete the firearm proficiency assessment before taking the licensing exam. The individual will be required to produce the following required military documents:

- The individual must forward his or her DD214 form (or DD220 for activations less than 90 days) to MCOLES.
- The individual must forward his or her military call to active duty deployment notification letter.
- The DD214 or DD220 should indicate honorable discharge. In the event an individual is dishonorably discharged from military service, MCOLES will review the circumstances of the dishonorable discharge to determine the eligibility of the individual to obtain a license due to a possible felony conviction, or the lack of good moral character.
- The Commission does not impose a time restriction on accessing the Recognition of Prior Training and Experience Program.

Previously licensed Michigan law enforcement officers (inactive, not currently licensed with an agency) who are a member of any reserve components of the United States armed forces called to active duty causing them to surpass license eligibility timelines must apply for and complete the MCOLES Recognition of Prior Training and Experience Program.

Agencies Responsibilities: Employee Called to Active Military Duty

An MCOLES recognized Michigan police agency which employs a licensed law enforcement officer who is a member of any reserve component of the United States armed forces called to active duty must take the following actions:

- The agency must provide MCOLES with written notification, on agency letterhead, of the individual's deployment, identifying the individual by name, MCOLES number, and indicate the last date of active law enforcement employment.
- The agency must require the officer to produce a military call to active duty notification letter and forward it to MCOLES.

The necessity for notification is based in the Law Enforcement Distribution (LED). Public Act 302 of 1982, as amended, only permits LED payments for "paid work hours." Hence, officers on active military duty cannot be counted in the full-time equivalence calculation for LED funding. **Law enforcement agencies should not use the Notification of Employees Separation form.**

Agency Responsibilities: Upon Employee Return from Active Military Duty

The law enforcement agency must take the following actions upon the return of the licensed officers from active military duty:

- The agency must provide MCOLES with written notification, on agency letterhead, of the individual's return from active military service, identifying the individual by name, and MCOLES number.
- The agency must forward a copy of the licensed law enforcement officer's military DD214 form (or DD220 for activations less than 90 days) to MCOLES.
- The agency must forward a copy of the officer's oath of office to MCOLES.
- In the event a licensed officer is dishonorably discharged from military service, time frames may impact on their eligibility.
- The agency should review the circumstances of the dishonorable discharge to determine the eligibility of the officer to obtain, or retain, a license due to a possible felony conviction, or the lack of good moral character in the case of a lapsed license.

Additional Information Regarding Employee and Employee Relationship and Military Service

The Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA) contains additional information that pertains to employee/employer relationship as they apply to an individual's military service obligation and his or her

employment. Also, detailed information concerning military call-ups can be found at the following web sites: www.roa.org and www.esgr.org. Telephone inquiries can be directed to the Reserve Officers Association (ROA) at (800) 809-9448, Ext.713, or the National Committee for Employer Support of the Guard and Reserve (ESGR) at (800) 336-4590.

MCOLES has also received inquiries from law enforcement agencies regarding whether or not uniforms, badges, and issued equipment such as firearms, should be collected from law enforcement personnel who are called-up to active military service. **This is a matter of local policy.**