

University of Central Florida's Procedures for Considering Military Reservists & Guardsmen* in the Police Department's Promotional Processes

Issue: To ensure compliance with the Uniformed Services Employment & Reemployment Act (USERRA) while considering activated military reservists and guardsmen in the Police Department's promotional processes.

Background: Military reservists who are deployed during the timeframe that the promotional exam and the Corporal and Sergeant promotional processes are underway could be impacted in their opportunities for promotion. An examination of the requirements of USERRA, discussions with two state veterans' agencies (Florida Department of Veterans' Affairs and the Department of Labor's state Veterans' Employment & Training Services Division) and discussions with numerous universities within the state university system (SUS) as well as with several area law enforcement agencies were completed to ensure that the procedures adopted by UCF for dealing with this situation are in compliance with USERRA, do not discriminate against the service member and reduce liability for the university.

A key consideration in establishing procedures for deployed service members to participate in the promotional exam is the fact that currently there are no alternatives for testing dates and locations other than those established by the SUS exam coordinator. Currently, a primary test date and makeup exam date are established system-wide and the exams may be administered at university locations only.

Another important consideration in this matter should be the past practices at the police department regarding the requirement for face-to-face interviews for promotion to corporal or sergeant positions. Past practice at the police department has involved face-to-face interviews of the employees selected for promotion. Past practice in the promotional process to corporal and sergeant has consisted of: requests being made of eligible employees to submit an application and optional supplemental information for review by the selection committee; selection committee review of the information submitted by the eligible employees; interviews conducted by the selection committee and by the police department's command group.

Several key points in the USERRA requirements and in the Reserve Officers' Association Case Law Review offered by the Department of Defense's Employer Support for Guard and Reserve Association that potentially impact reservists and guardsmen in promotional opportunities should be considered. They include:

- Returning reservists should be incorporated into the promotional process as quickly as possible upon their return;
- Military members should be afforded the same opportunities to compete for promotions as their peers. They should be kept whole and not be penalized for their military service;
- Reservists and guardsmen should be free from distractions from their civilian jobs in order to remain fully focused on their military responsibilities.

Procedures:

Promotional exam: All eligible employees, including deployed service members, will be notified in writing of the scheduled test date, time and location. Notification will be sent to each eligible employee's official address of record on file with the UCF Human Resources Office. Employees must have a valid test score on record to be considered for promotional opportunities. If a deployed service member is unable to take the primary or makeup exam, but took the exam in the previous test cycle, that prior test score will be calculated along with the points from the collective bargaining agreement to determine a score for placement on the new promotion eligibility list.

Corporal and Sergeant Promotional Processes: All employees with passing scores from the current promotion eligibility list, including deployed military servicemembers, will be notified in writing of upcoming promotional opportunities and the deadline for submitting an application and optional supplemental information for consideration by the selection committee. The selection committee will review the material submitted by the eligible employees and will conduct interviews of those with the top five scores. Employees must be present for all face-to-face interviews required during the selection process. Any employee unavailable for interview will be ineligible for promotion to that specific vacancy but may be eligible for future vacancies if in the top five scores and available for interview. The selection committee will refer the top two candidates to the Chief of Police for further consideration by the police department's command group. Face-to-face interviews will be conducted by the command group with the top two candidates resulting in a recommendation for selection.

*Guardsmen is a term of art which refers to the men and women serving in the Army and Air National Guard.