



D A L L A S  
**POLICE & FIRE**  
PENSION SYSTEM



## **Uniformed Services Leave Payback Policy & Procedure**

**As Amended Through October 10, 2018**

# DALLAS POLICE AND FIRE PENSION SYSTEM

## UNIFORMED SERVICES LEAVE PAYBACK POLICY

Effective April 21, 1988  
Amended October 10, 2018

### A. PURPOSE

The Board of Trustees ("Board") of the Dallas Police and Fire Pension System ("DPFP") has established the following policy and procedure to permit Members of the Combined Pension Plan and the Supplemental Pension Plan to pay contributions for certain periods of service with one or more of the Uniformed Services of the United States of America, and receive credit for Pension Service for such periods.

### B. COVERAGE

In general, persons who return to employment with the Dallas Police or Fire Department after a period of service in any Uniformed Service of the United States of America have rights, protected by the Uniformed Services Employment and Reemployment Rights Act ("USERRA") if their return to employment occurs on or after December 12, 1994. Certain persons who returned to employment before December 12, 1994 also have rights to obtain Pension Service for their Uniformed Service under the terms of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and the Combined Pension Plan. For this purpose, "Uniformed Service" means service in: the United States Army, Air Force, Navy, Marine Corps, or Coast Guard, including the reserve components thereof; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency. Uniformed Service includes the time it is necessary to be absent for an examination to determine fitness to perform any of the duties described above.

Persons described in paragraph C(1) below who return to employment with the Dallas Police or Fire Department after a period of service in a Uniformed Service will be entitled to pay the amounts described in paragraph E(3) or (4), whichever is applicable, and receive Pension Service for the period of Uniformed Service leave.

### C. ELIGIBILITY

- (1) The following Members are entitled to pay contributions to receive Pension Service for periods in which they were in a Uniformed Service ("Uniformed Service Leave Payment"):



**C. ELIGIBILITY (continued)**

- (a) Any Member who was inducted into any Uniformed Service;
  - (b) Any Member who enlisted in a Uniformed Service, other than as a reservist, whose Uniformed Service between June 24, 1948 and August 1, 1961, did not exceed four years, or whose Uniformed Service began after August 1, 1961 and did not exceed five years (if the fifth year is at the request and convenience of the United States Government), and who was honorably discharged, is guaranteed, under the provisions of coverage described above, the right to restore Pension Service under this policy and Procedure. The four- and five-year leaves permitted herein apply to all of a Member's employment with the City of Dallas as a Police Officer or Fire Fighter, i.e., service credit established for an enlistment plus any number of re-enlistments or redeployments may not exceed the four- or five-year limitations stated above;
  - (c) Any Member ordered to an initial period of active duty for training in a Reserve Component of any Armed Force of the United States of not less than twelve consecutive weeks;
  - (d) Any Member serving in a Reserve Component of any Armed Force of the United States; and
  - (e) Any Member who served in any Uniformed Service of the United States, whether or not the Member is described in Paragraphs C(1)(a), (b), (c) or (d) above, if such Member returns to employment with the Dallas Police or Fire Department on or after December 12, 1994. Pension Service granted under the authority of this Paragraph C(1)(e), when added to Pension Service granted under Paragraphs C(1)(a), (b), (c), or (d) above, may not exceed five (5) years.
- (2) Except as provided in Paragraph E(7), a Member who desires to participate in DFP's Deferred Retirement Option Plan ("DROP"), will no longer be eligible to make payments in accordance with this policy and procedure as of his or her effective date of participation in DROP.
- (3) The rules governing payment of contributions for any other policy or procedure adopted by the Board are unaffected by this policy and procedure.

**D. REQUIREMENTS FOR PENSION SERVICE CREDIT**

- (1) A Member described in Paragraphs C(1)(a), (b), or (e) above, who desires to pay his or her Uniformed Service Leave Payment under this policy and procedure must have re-applied for reinstatement of employment with the Police or Fire Department of the City of Dallas as a Police Officer or Fire Fighter within 90 days of discharge from the Uniformed Service.
- (2) A Member described in Paragraph C(1)(c) above, who desires to pay his or her Uniformed Service Leave Payment under this policy and procedure must have returned to employment with the Police or Fire Department of the City of Dallas as a Police Officer or Fire Fighter within 31 days of discharge from duty in the Reserve Unit.
- (3) Pension Service is available under this policy and procedure only if the Member was honorably discharged from the Uniformed Service.
- (4) Under no circumstances may the Pension Service granted under this policy and procedure result in a Member having more Pension Service than he or she would have had if there had been no service in the Uniformed Service.

**E. PROCEDURE**

- (1) Any Member who returns to employment with the City of Dallas as either a Police Officer or Fire Fighter within the period prescribed above may, at any time, prior to subsequent termination of such employment, apply to the Board to re-pay his or her Uniformed Service Leave Payment to DPFP. Pension Service may be recovered not only for the period of Uniformed Service but also for up to 90 days after release from the Uniformed Service, or the date the member returns to employment with the Police or Fire Department of the City of Dallas as either a Police Officer or Fire Fighter, whichever is earlier.
- (2) A Member desiring to pay his or her Uniformed Service Leave Payment must submit a written request, which shall include all enlistment papers, uniformed orders, and discharge papers, to the Executive Director of DPFP.

**E. PROCEDURE (continued)**

- (3) Except as described in Paragraph E(4) below, DPFPP's administrative office shall then determine the amount of the Member's Uniformed Service Leave Payment by determining the amount the Member would otherwise have paid had the Member not been in a Uniformed Service (the "Principal Amount") together with the interest (if required) the Member must pay to DPFPP ("Accumulated Interest"). The Accumulated Interest shall be computed at a daily rate that will equal the rate of return used in DPFPP's actuarial assumptions for the period of time from the date the Member last returned to the Police or Fire Departments of the City of Dallas as a Police Officer or Fire Fighter after the Uniformed Service until such date as a written request to make the Uniformed Service Leave Payment (Principal Amount and Accumulated Interest) is made.
- (4) To the extent that the Member makes the required contributions within the period prescribed by this Paragraph E(4), no interest shall be required on the contributions. The contributions must be made before the end of the period that begins on the date of return to employment and whose duration is the greater of (a) three times the length of Uniformed Service during that break or (b) December 31 of the year following the end of each break, but in no event may such repayment period exceed 5 years. To the extent that contributions are made pursuant to this Paragraph E(4) for a period that is more than three times the length of Uniformed Service during a break, then all such breaks for which contributions are being made shall be aggregated for the period referenced in subsection (b) of the preceding sentence. The amount of contributions required under this Paragraph E(4) shall be based on the Computation Pay (and Supplemental Computation Pay, if applicable), the Member would have earned but for the period of Uniformed Service. The City of Dallas, not the Member, shall be responsible for funding the part of the contributions that would have been paid by the City but for the Uniformed Service. If the Member makes some, but not all, of the contributions allowed under Paragraph E(4), Pension Service for which the contributions have been made shall be provided and the Member will be entitled, but not required, to acquire the remaining pension service credit in accordance with Paragraph E(3).

**E. PROCEDURE (continued)**

- (5) It is intended that the total amount of the Uniformed Service Leave Payment be paid in a lump sum; however, solely to accommodate the wishes of a Member, installment payments will be accepted and separately accounted for by DPFP. Upon receipt of each installment payment, DPFP's administrative office shall determine the amount of any remaining Principal Amount together with any Accrued Interest owed by the Member.
- (6) No Pension Service for any period of Uniformed Service will be granted to a Member under Paragraph E(3) until such time as the Uniformed Service Leave Payment is paid in full, and the Board approves the grant of credit for Pension Service to the Member.
- (7) A Member who is or would have become eligible to enter the DROP program during a period of Uniformed Service, and who returns to employment with the Police or Fire Department on or after December 12, 1994, shall be entitled to enter DROP effective on or after the date the Member could have entered DROP but for the Uniformed Service by paying the Member contributions, which would have been made but for the Uniformed Service, within the period specified in Paragraph E(4). DPFP will retroactively adjust the Member's DROP entry date and DROP account to reflect the entry date selected by the Member.
- (8) The fact that a Member has made full payment of his or her Uniformed Service Leave Payment will be placed on the Board's monthly or special agenda for Board's approval, and upon the Board's approval, the Member will receive credit for Pension Service attributable to such payment for periods of Uniformed Service.
- (9) If payment of the entire amount of the Uniformed Service Leave Payment is not received by DPFP before a Member leaves employment with the City of Dallas as a Police Officer or Fire Fighter, all amounts (Principal Amount and Accumulated Interest) that were paid by the Member after the period described in Paragraph E(4) expired, and separately accounted for by DPFP, shall be refunded to the Member. In the event a Member dies before the Board receives payment for the entire amount of his or her Uniformed Service Leave Payment, all such amounts paid by the Member shall be refunded to his or her Qualified Survivors, or if none, to his or her estate.

**E. PROCEDURE (continued)**

- (10) Except as provided above in Paragraph E(4), the entire amount of the Uniformed Service Leave Payment must be received by DPFP before the effective date of a Member's participation in DROP; otherwise, all amounts (Principal Amount and Accumulated Interest) paid by the Member and separately accounted for by DPFP shall be refunded to the Member.
- (11) If a Member decides to revoke his or her election to make the Uniformed Service Leave Payment under the terms of this policy and procedure prior to payment in full, all amounts (Principal Amount and Accumulated Interest) paid by the Member pursuant to Paragraph E(3) and separately accounted for by DPFP shall be refunded to the Member.
- (12) DPFP will not pay interest on the Principal Amount or Accumulated interest as paid by a Member and separately accounted for, whether or not such payments are refunded to the Member for any reason.

**F. EFFECTIVE DATE**

APPROVED on October 10, 2018 by the Board of Trustees of the Dallas Police and Fire Pension System.

/s/ William F. Quinn

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William F. Quinn  
Chairman

**Attested:**

/s/ Kelly Gottschalk

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Kelly Gottschalk  
Secretary

