

**ARIZONA DEPARTMENT OF CORRECTIONS  
DIRECTOR'S OFFICE**

**MEMORANDUM**

**TO:** Distribution

**FROM:** CHARLES L. RYAN, DIRECTOR

**DATE:** October 29, 2010

**SUBJECT:** Director's Instruction # 297, National Disaster Medical System (NDMS) Leave

This Director's Instruction is effective immediately and will remain in effect until incorporated into Department Order #512, Employee Pay, Work Hours, Compensation and Leave.

**1.0** **POLICY**

- 1.1 Any employee who has enrolled with the National Disaster Medical System (NDMS) as a civilian medical specialist is granted a leave of absence to be engaged in NDMS training duty or NDMS employment.
- 1.2 Time spent by an employee on NDMS training duty or NDMS employment is considered continuous state employment.
- 1.3 An employee who is on NDMS training duty:
  - 1.3.1 Is entitled to be absent with pay for the number of hours regularly scheduled to work on all days the employee is on training duty.
  - 1.3.2 (If in a position and status that are leave and benefits-eligible) Continues to accrue annual and sick leave if in pay status for at least one-half the employee's scheduled work hours each pay period and remains benefits-eligible if in pay status for at least 20 hours per work week.
- 1.4 An employee who is called into NDMS employment by the U. S. Department of Health and Human Services (HHS):
  - 1.4.1 Is entitled to an additional leave of absence until released from NDMS employment.
  - 1.4.2 Continues to receive the employee's salary or compensation, less the amount of all pay and allowances while on NDMS employment for the continuous duration of the order to NDMS employment, in accordance with the Arizona Department of Administration, Personnel Rules. An employee who receives NDMS differential pay:
    - 1.4.2.1 Does not accrue annual or sick leave during the period of active duty.

- 1.4.2.2 Is required to provide, within 60 days of receiving differential pay, proof of honorable service while on active duty during which the employee received the differential pay; the Department may recover any differential pay from an employee who cannot provide proof of honorable service.
- 1.4.3 Has employment and reemployment rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

## **2.0 PROCEDURES**

### **1.1 LEAVE FOR NDMS TRAINING DUTY**

- 1.1.1 An employee who is required to attend NDMS training should notify the officer's or employee's supervisor of the need for the leave with as much advance notice as possible.
- 1.1.2 All leave for NDMS training duty is charged to pay code 355, attendance code ND.
- 1.1.3 At the conclusion of the NDMS training duty, employee is returned to the same position as that occupied at the start of the leave.

### **1.2 LEAVE FOR NDMS EMPLOYMENT**

- 1.2.1 An employee who is activated for NDMS employment should:
  - 1.2.1.1 Notify the employee's supervisor of the activation with as much advance notice as possible; and,
  - 1.2.1.2 Contact the agency's benefits liaison to determine if the officer's or employee's health insurance benefits will be impacted by the NDMS employment.
- 1.2.2 If the employee is eligible for differential pay, all leave for NDMS employment is charged to pay code 385, attendance code ND.
- 1.2.3 At the conclusion of the NDMS employment, the employee's reemployment rights are governed by USERRA.

## **DEFINITION(S)**

"National Disaster Medical System (NDMS)" means the federally coordinated system that augments the United States' medical response capability to major emergencies and disasters. The U. S. Department of Health and Human Services (HHS), Office of Preparedness and Emergency Operations (OPEO), has operational responsibility for HHS functions related to the NDMS.

"NDMS training duty" means required NDMS training courses and other training duty certified by NDMS or NDMS's federal partner agencies (the U.S. Department of Veterans' Affairs, the U.S. Department of Health and Human Services, and the U.S. Department of Defense) to be necessary for professional development or skill training/retraining.

"NDMS employment" means service performed during time of national emergency or for other critical homeland security missions/contingencies (for NDMS members) requirements.

"Employee" means:

- For the purposes of NDMS training duty, any employee, whether covered or uncovered
- For the purposes of NDMS employment, any employee:
  - Whose state employment is covered by the state merit system or
  - Who is exempt (uncovered) from the state merit system pursuant to A.R.S. § 41-771(A)(1), (2), (3), (4), (5), (7), (8), (9), (10), (11), (12) or (13) or (B)(1), (2), (3), (4), (5), (7) or (8)

**AUTHORITY**

38 U.S.C. 4301 et seq. Uniformed Services Employment and Reemployment Rights Act (USERRA)

A.R.S. § 41-771 Exemptions.

A.R.S. § 38-610 Leave of absence for certain federal training; definition.

A.R.S. § 38-610.02 Leave of absence and compensation for national disaster medical system employment.

{Original Signature on File}