

POLICY

No. 4702

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Military Leave

Employees of the Capital Region BOCES who meet the following requirements are eligible to receive a leave of absence to perform ordered military duty:

Definitions:

Eligible Employee: All employees of BOCES are eligible except employees holding positions in the exempt class or temporary positions, under New York State Civil Service Law.

Military Duty: Military duty is active duty in the Armed Forces or the National Guard which includes full time training duty or attendance at service schools conducted by the Armed Forces or the National Guard.

Ordered Military Duty: Ordered military duty is military duty performed pursuant to orders issued by a competent authority with or without the consent of the employee.

Military Leave of Absence An eligible employee shall be entitled to a military leave of absence during a period of ordered military duty plus the time necessary to travel to and from such duty. The total of all periods of military leave that any employee can receive during employment with BOCES shall not exceed five (5) years.

Advance Notice Advance notice of ordered military duty must be given to BOCES. Such notice should be given as far in advance as possible and should specify the beginning and ending date of the leave. A copy of the orders for military duty shall be furnished to BOCES prior to the commencement of the leave.

Compensation Persons on military leave shall receive compensation at the regular rate during the period of leave up to a maximum of 30 calendar days or 22 working days, whichever is greater. The right to receive compensation shall be available only once during any calendar year or during a continuous period of military leave.

Adopted: November 16, 1998

Ratified: December 21, 1998

Amended:

Accruals Military leave shall be counted as time served as an employee of BOCES for purposes of seniority, salary increments and leave accruals. It shall also be counted toward the completion of the probationary period, provided however, if the probationary period ends during the military leave, the probationary period may be extended by BOCES.

Health Insurance Persons on military leave may elect to continue health insurance coverage for up to 18 months during such leave if they pay the employee's share of the premium for leaves up to 30 days or the full premium for leaves that are longer than 30 days.

Other Benefits Persons on military leave shall be entitled to receive all the rights and benefits not determined by seniority which are provided by BOCES to employees having similar seniority, status and compensation who are on a leave of absence.

Reemployment Persons on military leave shall be entitled to reemployment if the military duty is completed on honorable terms. If the leave is completed within 90 days, the person shall be reemployed in the same position held at the beginning of the leave. If the leave is for more than 90 days, the person is entitled to be reemployed in a similar position of like status, pay, and seniority and with duties that the person is qualified to perform.

Limitation on Discharge A person who is reemployed after a military leave shall not be discharged from such employment except for cause. Such limitation on discharge shall be for a period of 180 days if the military leave was more than 31 days but less than 181 days, and for a period of one year if the military leave was more than 180 days.

References:
30USCS 4301-4318
Military Law 242