

## **M E M O R A N D U M**

December 13, 2002

TO: **ALL SUPERINTENDENTS, EXECUTIVE DIRECTORS  
AND PERSONNEL DIRECTORS**

FROM: Lawrence E. Becker

SUBJECT: Continuation of Extended Rights and Benefits for Military Leave

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The Mayor has issued Personnel Order No. 2002/1 issued October 14, 2002, extending the provisions of the City's Extended Military Benefits Package, and the Chancellor has concurred to the policy.

In providing these extended benefits, the intent is to give credit to those Department of Education (DOE) employees who interrupt their careers to serve their country in time of national need but intend to resume their employment on release from military duty.

- **Eligibility**

All appointed, provisional, regular substitute and seasonal employees who are members of the organized militia, reserve forces or reserve components of the armed forces of the United States who serve on ordered military duty in Operation Enduring Freedom on or after September 11, 2001 are eligible.

- **Duration of Leave**

Any military leave granted under the extended benefit will commence at the expiration of the thirty calendar days or twenty-two workdays of military leave provided by New York Military Law and will be issued for up to one year with an automatic extension if the employee is eligible and continues to be in active military service. Staff who are not appointed and who were hired for a specific period, e.g., covering a leave of absence or being hired for one school term or one school year only, are entitled to military leave of absence but not beyond the time the employee's services would have been terminated had the employee remained in his/her position.

- **Extended Benefits**

In addition to the rights and benefits provided by New York Military Law to receive salary up to a maximum of thirty calendar days or twenty-two work days, eligible DOE employees will continue to remain on payroll in active pay status for as long as they are on military leave of absence serving in Operation Enduring Freedom or other ordered military duty in connection with the events of September 11, 2001. During this time, they will receive their full DOE salaries and will continue to accrue sick leave and annual leave, where appropriate, which will be credited upon their return to service. They will continue to receive their full health insurance benefits and the City will continue to make welfare fund contributions on their behalf. However, in accordance with the attached Military Pay Reimbursement Agreement, the employee must remit to the DOE an amount equal to the amount received in military pay for any days in excess of the statutory entitlement of thirty calendar days or twenty-two work days. For purposes of this memorandum, military pay includes the amount of base pay plus allowances for food and shelter. An employee whose military pay is greater than his/her DOE salary must remit to the City an amount equal to his/her DOE salary. The employee must agree in writing to this reimbursement, using the attached form, before any extended paychecks may be released. Nothing in this memorandum will preclude the City from utilizing any lawful remedy to recover the above sum.

- **Probationary Period**

If an employee enters military service before completing a probationary period or is appointed or promoted to another position while on military duty, the time the employee is absent on military duty is considered satisfactory service during probation. An important note concerning probationary service credit: A probationary pedagogical employee cannot complete probation during military duty. The amount of service required to complete probation will be computed upon the return of the employee to his/her DOE position.

- **Civil Service Rights**

Civil service employees who have promotion rights by virtue of being reached on an eligible list during military leave or who either miss promotion examinations or are unable to apply for civil service examinations because of their military service will be covered by special provisions based on these extended benefits.

- **Processing Military Leaves**

For pedagogical employees or employees paid on B-cycle, e.g., school aides, or P-cycle, e.g., educational paraprofessionals, the application for military leave, the Military Pay Reimbursement Agreement and a copy of the military orders or letter from the Commanding Officer must be forwarded to the Military Leave Unit, 65 Court Street, Room 505, Brooklyn, New York 11201. Upon notification that the military leave has been approved, the district/school must enter the leave into EIS utilizing code SMP.

For administrative (non-pedagogical) employees, a letter of request for a leave for military purposes, the Military Pay Reimbursement Agreement, a copy of the military orders or letter from the Commanding Officer and a 9902 must be forwarded to the Military Leave Unit as indicated above.

- **Questions**

Questions concerning extended rights and benefits for military leave should be addressed to Joseph LoSchiavo at (718) 935-2282.

LEB:ers  
Attachment