

Temporary Military Leave

The Board of Education recognizes the importance of military service and the patriotic, public-spirited and personal commitment that it entails. In accordance with the provisions of USERRA and the New York State Military Law, the Board of Education shall grant employees leaves for obligatory military service, including fulfilling annual Reserve and National Guard training commitments and for voluntary enlisting.

Military leaves shall incorporate the following requirements:

1. Employees performing reserve duty in the organized militia of New York State or reserve forces or components of the armed forces of the United States shall be paid their salary while absent due to any ordered military service for a period of 30 calendar days or 22 work days, whichever is greater, in any calendar year, upon presentation of the official orders, so long as such military service occurs during normally scheduled workdays
2. The Board of Education may, thereafter, provide salary payments to employees on extended involuntarily ordered active military duty for one or more additional periods of 60 days, upon consideration of the following factors
 - the District's financial circumstances;
 - the District's ability to maintain the educational program;
 - the District's ability to provide supplemental educational experiences to students; and
 - the number of employees on a voluntarily ordered active military duty.

Upon receipt of the employee's monthly statement of military pay received, the District will pay the employee the net difference between the gross (or base) military pay and the employee's gross salary.

3. An employee who is engaged in military service and who leaves a position, other than a temporary position, shall be entitled to be restored to such position or to a position of like seniority, status and pay when that individual returns from military service.
4. During periods of ordered military leave when the employee is not paid by the District, such employee shall be entitled to participate at his/her own expense in health insurance or other benefits offered by the District in effect at the time of the leave;
5. An employee called to active duty for more than 90 days cannot be discharged without just cause for a period of one year after re-employment.

An employee on ordered military service shall be entitled to re-employment with the District provided the individual receives a certificate of satisfactory completion of military service and makes an application for re-employment within 90 days after being relieved from such service.

If a teacher is called to active duty, the position vacated will be considered encumbered and will only be filled by a substitute appointment. Such substitute employee shall not acquire any right to permanent appointment or tenure by virtue of service as a substitute and such service may be terminated at any time in the discretion of the Board of Education. The substitute appointment shall terminate upon the return of the former incumbent to the position, or upon the death or permanent total disability of the former incumbent, or upon failure of the former incumbent to return to the position.

For employees whose positions are covered by collectively negotiated agreements, this policy shall not be implemented unless the unit representative agrees in writing.