

**The Glens Falls Police Department
Law Enforcement
Policies and Procedures**

Subject: Leaves of Absence for Military Duty	Policy Number: 7.17
Issue Date: 12/30/2010	Revision Date: 03/03/2021
Approval Authority Title and Signature: Chief Joseph Boisclair	

POLICY:

Section 242 of the New York State Military Law provides paid leave for an employee-reservist who performs "ordered military duty" on normally scheduled work days. "Ordered military duty" is defined as:

1. Any military duty performed as a member of the organized militia of the State or of a reserve component of the armed forces of the United States, pursuant to orders issued by competent state or federal authority, with or without the consent of the employee.
 - a. A City employee is entitled to a leave of absence while engaged in the performance of "ordered military duty" as defined in the State Military Law, while going to and returning from such duty, and where otherwise required by law.
 - b. A City employee is entitled to receive his/her City salary while on leave for "ordered military duty." This includes travel to and from such duty. The total number of days that the employee may continue to receive his/her salary while on "ordered military duty" is not to exceed 30 calendar days or 22 normally scheduled work days (whichever is greater) in any one calendar year and not to exceed 30 calendar days or 22 normally scheduled work days (whichever is greater) in any one continuous period of absence.
 - c. To the extent practicable, an employee's normal work schedule should be drafted to avoid conflicting with drills scheduled during an employee's working hours.
 - d. In accordance with any applicable leave regulations and in the discretion of the agency head, an employee who has exhausted his/her statutory entitlement to be paid salary during a period or periods of authorized military leave may be granted use of accumulated annual leave balances during any additional period or periods of "ordered military duty." An employee wishing to exercise this option must make this request in writing to the agency head.

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- e. Time during which a public officer or employee is absent pursuant to the provisions this section shall not constitute an interruption of continuous employment and, notwithstanding the provisions of any general, special or local law or the provisions of any city charter, no such officer or employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence, or be prejudiced, by reason of such absence, with reference to continuance in office or employment, reappointment to office, re-employment, reinstatement, transfer or promotion.

PROCEDURE:

The Assistant Chief of Police will be designated the Military Liaison Officer and notification of such designation will be made to the City Personnel Director promptly, in writing. The name of the designee and his/her telephone number should be included in the notification. The same procedure is to be followed whenever the Military Liaison Officer is replaced.

Military Liaison Officers must adhere to the following procedures:

1. A separate roster must be maintained of agency employees who are currently members of the organized militia or of one of the reserve components of the Armed Forces of the United States. All appropriate records must be kept and are subject to audit by the City Personnel Director.
2. The roster must be organized by reserve unit and include the name, rank, Social Security number and expiration date of current enlistment for each employee.
3. The Military Liaison Officer must also obtain a copy of each employee-reservist's Enlistment Contract from each non-commissioned employee-reservist, and its equivalent (a Service Agreement) from each employee-reservist who is a commissioned officer. This contract or agreement specifies the number of drills the employee is obligated to participate in, and the duration of the contract or agreement.
4. The Military Liaison Officer must also obtain from the employee-reservist a copy of his/her quarterly drill schedule. Quarterly drill schedules are usually prepared two months in advance. If the employee fails to provide quarterly drill schedules, an Enlistment Contract or Service Agreement, then the Military Liaison Officer should inform the employee that payment of his/her salary for periods of ordered military duty will not be granted until all the relevant required documents have been submitted. Employee-reservists who apply for leave to perform military duty that occurs on a date different from the date(s) set forth in the quarterly drill schedule must submit a copy of the order issued by the state or federal authority requiring such service.

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5. If, in the judgment of the Military Liaison Officer, an employee-reservist is regularly volunteering to be ordered to duty at unscheduled times solely in order to maximize absence from City employment to the detriment of the public interest, and a request that the employee desist from this practice is unsuccessful, the matter should be brought to the attention of the appropriate military commander in an attempt to obtain a more satisfactory and mutually acceptable schedule of "ordered military duty" for the employee.
6. The Military Liaison Officer must obtain a Certificate of Attendance and/or Pay Voucher from each reserve member upon the employee's return from reserve duty. This document must be signed by the Unit Commander, or his/her designated representative, in order for payment of salary to be authorized by the agency.
7. The Military Liaison Officer should notify employee-reservists that, except where it is unreasonable to do so, military leave must be applied for as far in advance as possible.
8. The Military Liaison Officer must maintain a file on each employee-reservist's attendance records and requests for military leave. On each authorization for paid military leave, the Military Liaison Officer must affirm that the procedures contained in this bulletin have been complied with, and that all required documents have been received.

COMPUTATION OF LEAVE ENTITLEMENT:

1. The 30-calendar day entitlement is computed and charged against the annual balance on a day for day basis. However, due to differences in normally scheduled work days in a number of City agencies, the 22 work day entitlement for normally scheduled work days will be converted into an hourly bank against which charges will be made on an hour for hour basis.
2. Every day of ordered military duty in a calendar year, whether or not there was absence from any part of the work day's scheduled duties, is to be charged against the employee's 30 calendar day annual balance. However, only those hours the employee is actually absent during the normal work day are to be charged against the hourly bank for purposes of computing the 22 work day entitlement.
3. Ordered military duty will be charged against the annual balances on both a calendar day and work day basis until the 30 calendar day entitlement and the 22 work day entitlement have both been exhausted.
4. In order to make charges against the 22 work day entitlement, an hourly bank must be established by multiplying the 22 work days by the number of hours in the normally scheduled work day of each employee-reservist.

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Example: An employee whose normally scheduled work day is 8 hours, or whose normally scheduled work week is 40 hours, would have an hourly bank of 176 hours (22 x 8) established at the beginning of the calendar year. An employee with a 24 hour work day and a 40 hour work week would have 528 hours (22 x 24) at the beginning of the established calendar year.

SAMPLE COMPUTATIONS:

The following is an example of the method of computation to be used to charge paid military leave under Section 242 of the New York State Military Law. The example is based on a normally scheduled eight-hour work day with Saturday and Sunday as days off. Other work schedules should be dealt with in an analogous manner.

1. An employee-reservist's charge to his/her military leave in June is 12 calendar days. Four of the calendar days are work days. When subtracting from the 30 calendar day and 22 work day balances (which have been converted to an hourly bank), the resulting balance is recorded as follows:

	Calendar Days	Hourly Bank
Starting Balances:	30	176
Used to Date:	-12	-32
Resulting Balances:	18	144

2. The same employee-reservist is ordered to two continuous weeks of training in July. Ten of the calendar days are work days. Paid military leave is charged as follows:

	Calendar Days	Hourly Bank
Starting Balances:	18	144
Used to Date:	-14	-80
Resulting Balances:	4	64

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3. The same employee-reservist is ordered to a three-day drill (Friday through Sunday) in August. Paid military leave is charged as follows:

	Calendar Days	Hourly Bank
Starting Balances:	4	64
Used to Date:	-3	-8
Resulting Balances:	1	56

4. The same employee-reservist is ordered to a three hour meeting during a work day in September. Paid military leave is charged as follows:

	Calendar Days	Hourly Bank
Starting Balances:	1	56
Used to Date:	-1	-3
Resulting Balances:	0	53

This employee-reservist should now be charged for paid military leave only against the remaining work day balance of 53 hours, which has now become the greater balance. When balances calculated by both methods reach zero, the employee-reservist is no longer entitled to paid military leave. Any further leave granted should be without pay or may be charged against the employee's accrued annual leave balances at the employee's written request.

If the employee-reservist returns to work from ordered military duty before the end of the calendar year with either a calendar day or work day balance and is not ordered to military duty until the next calendar year, neither balance remains to the employee-reservist's credit. At the beginning of the new calendar year paid military leave entitlement once again becomes 30 calendar days or 22 normally scheduled work days, converted to the appropriate hourly bank, to be charged against these balances in accordance with the policy set forth above.

Authority:



Joseph Boisclair
Chief of Police

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