

Ordered Military Duty - Employment Benefits

A. Statutory Entitlement

1. Section 242 of the New York State Military Law provides for paid military leave of up to thirty (30) calendar days or twenty-two (22) workdays, whichever is greater, per calendar year or continuous period of ordered duty that spans more than one calendar year.
2. Paid leave for ordered duty will include days spent traveling to and from said duty.

B. Employee/Agency Responsibilities

3. Payment will not be transferred until all required documents have been received. Quarterly Drill Schedules and an Enlistment Contract or Service Agreement must be submitted. Upon return from reserve duty, the employee must provide a Certificate of Attendance or Pay Voucher signed by the Unit Commander or another designated representative.
4. Each agency must designate an Agency Military Liaison Officer who will maintain a roster of agency employees who are current members of the militia or reserves. The Officer is responsible for obtaining the employee-reservist's Enlistment Contract or Service Agreement and all Drill Schedules.

C. Extended Military Benefits Package

5. The Extended Military Benefits Package (EMBP) allows participating employees to continue to receive the difference between their City salary and military pay, where the military pay is less than the City salary. An employee whose military pay is greater than his/her City salary will not receive differential pay.
6. The Period of Coverage for the EMBP will commence immediately upon the expiration of the employee's 30-day statutory entitlement, or, if the employee so chooses, upon the expiration of any available leave balances following the 30-day entitlement. The Period of Coverage will conclude on the next calendar day after ordered military duty ceases.
7. An employee who is serving in a Covered Operation will continue to accrue leave balances and healthcare benefits beyond the 30-day statutory entitlement, even when his/her military pay is greater than his/her City salary.
8. Covered Operations include: Operation Enduring Freedom, Operation Iraqi Freedom, Operation Noble Eagle and all other operations specifically connected with Homeland Security.

D. Declination of the Extended Military Benefits Package

9. Any employee may decline to participate in the EMBP by signing form DP-2531.
10. Upon exhaustion of the 30-day statutory entitlement (and if requested, after using all or any portion of accumulated leave balances), an employee who declines to participate in the EMBP will be placed on Military Leave Without Pay status, which will stop the generation of paychecks and all voluntary contributions deducted from paychecks.
11. An employee who goes on Military Leave Without Pay status can obtain pension credits and maintain pension rights for their period of military leave.
12. An employee who declines to participate in the EMBP will not, after the exhaustion of the 30-day statutory entitlement, accumulate any leave balances.

E. Health Coverage

13. An EMBP participating employee who is serving in a Covered Operation will continue to accrue healthcare benefits beyond the 30-day statutory entitlement.
14. Healthcare insurance deductions for any premiums or optional coverage will continue to be made during the Period of Coverage.
15. An employee who declines to participate in the EMBP can be granted Special Leave of Absence Coverage ("SLOAC"), which provides continuation of health plan coverage for up to four months for those on leave without pay.
16. Upon the conclusion of SLOAC, an employee who declines to participate in the EMBP will be eligible for continuation of health insurance benefits as provided by the Unformed Services Employment and Reemployment Act.
17. The Unformed Services Employment and Reemployment Act requires that health plans offer continuous coverage for up to eighteen (18) months to persons who are absent due to military service. The health plan may not require the person to pay any more than the employee share for that coverage if the period of military service does not exceed thirty-one (31) days. If the period extends beyond thirty-one (31) days, the employee may be required to pay not more than one-hundred and two (102) percent of the full premium under the plan.