

Buffalo & Erie County Public Library

PERSONNEL POLICIES AND PROCEDURES MANUAL

SUBJECT: Military Leave

CHAPTER: VII

SECTION: 12

EFFECTIVE DATE: 1/81

REVISION DATE: 8/06, 4/10, Modified for the B&ECPL effective 1/1/15

I. STATEMENT OF POLICY

In accordance with Sections 242 and 243 of the Military Law, and the Uniformed Services Employment and Reemployment Rights Act of 1994, any Buffalo & Erie County Public Library employee who enters active military duty is entitled to receive a leave of absence with and/or without pay, as applicable, from his/her position while engaged in and while going to and returning from such duty. The maximum period for which military leave may be granted is five (5) years during employment with the B&ECPL.

II. GUIDELINES

A. Types of Military Leave

1. An employee who enlists for active duty in the Armed Forces is entitled to military leave without pay for a period not exceeding five (5) years while employed by the B&ECPL.

2. An employee who is called to active duty as a member of the National Guard or any reserve force is entitled to receive his B&ECPL pay for a period not to exceed thirty (30) calendar days or twenty-two (22) work days (whichever is greater) in any one calendar year, and not exceeding thirty (30) calendar days or twenty-two (22) working days, whichever is greater, in any one continuous period of such absence.
3. Attendance at monthly Reserve meetings is also considered “ordered military duty”.

B. Entitlement to Leave

1. The granting of military leave is not within the discretion of the appointing officer; the employee is entitled to military leave as a matter of right.
2. Part-time employees scheduled to work a fixed number of hours per week are entitled to military leave with or without pay, as applicable.
3. Temporary and provisional employees are also entitled to military leave.
4. Employees covered by a collective bargaining agreement should refer to that agreement for additional information regarding military leave.

C. Requesting Military Leave

1. Unless military necessity prevents it or it is otherwise impossible or

unreasonable, an employee should provide his/her department and the Erie County Personnel Department with notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but is not required.

2. To request military leave of absence, the employee should complete a Request for Leave of Absence Form (PO-18) and submit it to Human Resources. This can be done before the leave commences and must be done no later than upon the employee's return to work.
3. In order to justify the payment of wages, the B&ECPL and Erie County Personnel Department requires documented proof that the employee has actually attended the scheduled sessions for which pay is requested. This documentation must be submitted as soon as practicable after the employee's return to work in order to verify the need for the leave and ensure prompt and accurate payment of wages.
4. The employee must attach a copy of military orders to his/her leave request.

D. Health Insurance

The B&ECPL will continue to maintain the health and dental insurance benefits of those employees called to active duty in the Armed Forces, National Guard, or any reserve force that they would otherwise be entitled to if they were still active B&ECPL employees.

E. Returning from Military Leave

1. Upon completion of military duty and depending upon such factors as length of military service, qualifications, and disability, the employee will be returned to one of the following:
 - a. His/her pre-service position;
 - b. A position that reflects the pay, benefits, seniority, and other perquisites he or she would have attained if not for the period of service; or
 - c. The nearest approximation to one of these positions.

2. A permanent employee on a military leave of absence shall be reinstated to permanent B&ECPL service provided he/she makes application for such reinstatement within ninety (90) days after the termination of his/her military duty.

3. At the discretion of the appointing officer, an employee may be reinstated at any time after such ninety (90) day period up to one (1) year after the termination of his/her military duty. This period may be extended for up to an additional year if the employee is hospitalized or convalescing from an illness or injury incurred or aggravated during the performance of service.

4. An employee restored to his/her position after the termination of his/her military duty is entitled to the rate of compensation he/she would have received had he/she remained in his/her position continuously during such period of military duty.

5. In addition, such employee is not to be subjected directly or indirectly to any loss of time service, increment, or any other right or privilege or to be prejudiced in any way with regard to promotion, transfer, reinstatement, etc.

6. Further details on the rules governing work reinstatements are outlined in the Uniformed Services Employment and Reemployment Rights Act of 1994.