CUNY Leaves Of Absence Policy

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5.12 Leaves of Absence

5.12.1 Military Leave

5.12.1.1 Retirement Credit

The Board of Trustees approved for pension service credit the time any member of the Teachers' Retirement System serves in the armed forces of the United States, from the date such person enters upon military duty and until such person has been honorably discharged or has died in such service. (BTM,1943,02-15,076, __)

5.12.1.2 Service in the Organized Reserves

Employees of the Board of Trustees who have tenure and who come within the provisions of Military Law, namely, those ordered into military duty with the organized reserves, will be granted their salary for a period of thirty days and the difference between their military salary and civil salary for the remainder of their absence on military duty. (BTM,1949,02-21,007, __)

Any employee of the Board of Trustees shall be entitled to absent himself or herself with pay for military duty with the organized reserves for a period or periods up to and including thirty days in any one calendar year, notwithstanding the fact that such order may be issued with the consent of the employee. (BTM,1949,02-21,007, __)

The Board of Trustees of The City University of New York authorized the University to make applicable a four-month extension of health benefit and welfare fund coverage for University employees and their dependents covered by the New York City Health Benefits Program who leave the University's payroll as a consequence of being recalled to active service in the armed forces of the United States from the United States Armed Forces Reserves. (BTM,1990,10-22,005, A)

5.12.1.3 Service under the Selective Service Act

Pursuant to the provisions of Military Law as amended, members of the staff having tenure who volunteer for service or who are drafted under the Selective Service Act shall be granted leaves of absence without pay during the period of military service. They shall be entitled to reinstatement to their positions, provided application is made within ninety days after termination of military duty, to protection of pension rights, seniority, increments and other rights and privileges specified in Military Law. (BTM,1949,02-21,007, __)

5.12.1.4 Tenure Credit

A military leave of absence required to be granted pursuant to Military Law shall not create a hiatus in the continuity of service of the individual involved if such person is continuously reappointed to his or her position. (BTM,1949,02-21,007, __)

5.12.2 Special Leave
The President of a college may recommend to the Board of Trustees that it grant to a tenured or certificated member of the instructional staff leaves of absence without pay for purposes consonant with Section 13.5b of the Bylaws of the University for two consecutive years. A final third consecutive year of leave of absence without pay may be recommended by the President to the Chancellor—who shall review the President’s recommendation and, if the Chancellor concurs, submit it to the Board of Trustees for action. (BTM,1985,09-19,007, A)

5.12.3 Temporary Military Leave Categories and Benefits Extension for Service On or After 11 September 2001

The Board of Trustees of the University, in response to the continuing need for employees in the National Guard and Reserves to be activated for Military Service in response to the events of September 11, 2001, and in light of the wider campaign against terror, including military action in Iraq, hereby authorizes the continuation of Military Leave and Health and Welfare benefits for University employees in accordance with the following policies. These policies apply to employees of The City University of New York who are members of the National Guard, Reserve forces, or Reserve components of the armed forces of the United States. (BTM,2007,01-29,004, H)

5.12.3.1 Supplemental Military Leave

The University will provide a temporary leave category called Supplemental Military Leave at full pay. Employees of the University who have been federally activated or activated by the Governor of New York State for military service between 11 September 2001 and 31 December 2007 will be granted Supplemental Military Leave with full pay after the exhaustion of military leave with full pay pursuant to New York State Military Law. While on such Supplemental Military Leave, the eligible employee will be in full pay status for a period not exceeding thirty calendar days or twenty-two working days, whichever is greater, in addition to the leave that had been granted pursuant to New York State Military Law. (BTM,2007,01-29,004, H)

Employees shall be eligible to receive Supplemental Military Leave through 31 December 2007. Supplemental Military Leave shall not be granted for military service performed after 31 December 2007. In no event shall more than one such grant of Supplemental Military Leave be credited to any employee for activation related to the war on terror regardless of the number of times the employee is activated between 11 September 2001 and 31 December 2007. (BTM,2007,01-29,004, H)

5.12.3.2 Military Leave At Reduced Pay

Employees shall be eligible to receive Military Leave at Reduced Pay through 31 December, 2007. Military Leave at Reduced Pay status commences after the employee has exhausted Military Leave pursuant to New York State Military Law, Supplemental Military Leave as set forth in this policy, and any leave credits, other than temporary disability leave or sick leave, which the employee elects to use. (BTM,2007,01-29,004, H)

Employees in Military Leave at Reduced Pay status will be paid their regular University salary (base pay), reduced by military pay—base pay plus housing and food allowances. The determination of rate of payment for Military Leave at Reduced Pay will be based upon the employee's regular University salary as of his or her last day in full pay status and the employee's
military pay on the first day of his or her activation, and shall not be subject to adjustment during the period of leave at reduced pay. (BTM,2007,01-29,004, H)

Employees eligible for Military Leave at Reduced Pay status will not be eligible to earn annual and temporary disability leave/sick leave accruals or to receive credit for holidays. (BTM,2007,01-29,004, H)

In no event shall Military Leave at Reduced pay be granted for military service performed after 31 December 2007. (BTM,2007,01-29,004, H)

5.12.3.3 Continued Health Insurance Coverage

Covered dependents of eligible employees of the University, who are currently enrolled in a health plan with family coverage through the University and who have been federally activated or activated by the Governor of New York State for military service related to the war on terror shall continue to receive health insurance coverage with no employee contribution for a period not to exceed twelve months from the date of activation, less any period in which the employee remains in full-pay status. Contribution-free health insurance coverage will end at such time as the employee's active duty is terminated or the employee returns to University employment or 31 December 2007, whichever occurs first. (BTM,2007,01-29,004, H)

5.12.3.4 Applicability

The provisions of this resolution shall not apply to those employees who have voluntarily separated from University or who are terminated for cause. Furthermore, the provisions of this resolution shall apply only for the period of time that the employee has an appointment with the University. (BTM,2007,01-29,004, H)