



New York State Correctional Officers & Police Benevolent Association, Inc.

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PLEASE POST

September 20, 2001

Dear member:

Due to the terrorist attack of September 11, 2001, President Bush and Governor Pataki have activated Reservists and National Guardsman, respectively. Anticipating that this activation would create a hardship on our members and their families, I have been in constant negotiations with Governor Pataki and the Governor's Office of Employee Relations for the last week to attain benefits for those NYSCOPBA members activated. The enclosed Memorandum of Understanding has been agreed upon with New York State and will preserve a full paycheck and continued health benefits for all NYSCOPBA members activated due to this terrible tragedy. The M.O.U. provides the following:

- An **additional 30 days** of full military leave.
- The **optional usage of accruals** (with the exception of sick leave) only after exhausting the additional 30 days of military leave.
- **Leave at reduced pay.** (Members will continue to receive the equivalent of their full state paycheck; this will be off-set by any military pay received).
- **Continued health coverage.** All activated members will receive full health insurance benefits provided under Article 12.2(b) of the 1999-2003 collective bargaining contract.

Our hearts and prayers are with all our members who are activated and their families. Time away from loved ones is hard enough, and hopefully this new benefit will provide some peace of mind for members and their families while protecting our country.

Brian Shanagher

A handwritten signature in black ink that reads "Brian Shanagher".

President

MEMORANDUM OF UNDERSTANDING

between

THE STATE OF NEW YORK

and

**NEW YORK STATE CORRECTION OFFICERS AND
POLICE BENEVOLENT ASSOCIATION**

This Memorandum of Understanding is entered into by the State of New York (hereinafter "the State") and the New York State Correction Officers and Police Benevolent Association (hereinafter "the union"), representing employees in the Security Services Unit.

In response to the events of September 11, 2001, and the impact on State employees who are federally activated or activated by the Governor of New York State for military service in connection with that emergency situation, the parties hereby agree as follows:

1. SUPPLEMENTAL MILITARY LEAVE

a. The State shall provide a temporary leave category called Supplemental Military Leave at full pay, pursuant to the terms (other than the dates cited therein) of the Memorandum of Understanding between the parties executed September 5, 1990 (a copy of which is attached), to State employees who have been federally activated or activated by the Governor of New York State for military service on or after September 11, 2001.

b. Employees shall be eligible to receive Supplemental Military Leave in accordance with the provisions of that Memorandum of Understanding, through September 10, 2002.

2. LEAVE AT REDUCED PAY

a. Effective September 11, 2001, a leave at reduced pay will be available to employees who were eligible for the Supplemental Military Leave. The leave at reduced pay status shall commence after the employee has exhausted the Military Leave pursuant to Section 242 of the New York State Military Law, Supplemental Military Leave and any leave credits, other than sick leave, which the employee elects to use.

b. Employees in leave at reduced pay status will be paid regular State salary (base pay plus location pay plus geographic differential) reduced by the military pay (base pay plus housing and food allowances). The determination of the rate of payment for the leave at reduced pay will be based upon the employee's regular State 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.

c. Employees eligible for the leave at reduced pay will be credited with vacation bonus days and personal leave days they otherwise would have received, on their vacation and personal leave anniversary dates, should said dates occur during this leave. However, such employees will not be eligible to earn bi-weekly vacation and sick leave accruals or to receive credit for holidays.

d. In no event shall such leave at reduced pay be granted for military service performed after September 10, 2002.

3. **CONTINUED HEALTH INSURANCE COVERAGE**

Employees activated by the Governor in response to the events of September 11, 2001, shall receive the same health insurance benefits provided pursuant to Article 12.2(b) of the 1999-2003 State/NYSCOPBA Agreement for employees who are federally activated.

4. The provisions of this agreement shall not apply to those employees who have voluntarily separated from State service or who are terminated for cause.

FOR THE STATE:

FOR THE UNION:

Joseph Roberti 9-20-01
Governor's Office of Date
Employee Relations

Brian Shoop 9/20/01
New York State Correction Date
Officers and Police
Benevolent Association

Attachment

STATE OF NEW YORK
SECURITY SERVICES AND SECURITY SUPERVISORS UNITS

STATE OF NEW YORK (Governor's Office of
Employee Relations),

-and-

COUNCIL 82, AFSCME, AFL-CIO,

EMERGENCY SUPPLEMENTAL MILITARY LEAVE

The current military emergency in the Middle East is being responded to by Americans nationwide. Included in this military response are New York State employees whose Military Reserve or National Guard units have been called to duty. The Military Law provides a period of 30 days per year during which military personnel on leave from work are entitled to remain on payroll at full pay. Thereafter, appropriate leave credits may be charged to maintain full pay status. However, pursuant to existing laws and rules, after exhaustion of credits employees would be placed on leave without pay status and would discontinue eligibility for various State benefits, including State health insurance coverage for themselves and their families.

It is in response to the current military crisis and the impact upon employees who are federally activated that the parties hereby agree:

1) The State shall create a temporary leave category called Emergency Supplemental Military Leave.

2) State employees who have been federally activated for military service after August 1, 1990, shall be granted Emergency Supplemental Military Leave with pay after the

exhaustion of military leave with pay pursuant to Section 242 of the New York State Military Law.

3) While serving under such leave the eligible employee shall be in full pay status for a period not exceeding 30 calendar days or 22 working days, whichever is greater.

4) In no event shall such Emergency Supplemental Military Leave be granted for military service performed after March 31, 1991; nor shall more than one such grant of Emergency Supplemental Military Leave be credited to any employee during the period from August 1, 1990, to March 31, 1991.

John P. Puma

DATED: 9/5/90

Frank P. King

DATED: 9/5/90

Theodore J. King

DATED: 9/5/90