



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

Mid Hudson Satellite Office
21 North Plank Road - Newburgh N.Y. 12550
Office: 845 863 8704
Fax: 845 863 9077
Cell: 518 441 2036
vetscommittee@yahoo.com



TO: NYSCOPBA Veterans Committee/Membership
FROM: J. Porcaro, Veterans Committee Chairman
SUBJECT: Veterans Committee Report
DATE: February 8, 2010.

The Veterans Committee will hold its next committee meeting on February 16, 2010, in Albany.

- 1) The committee will discuss initial planning for the 2010 Veterans Remembrance Tour.
- 2) The committee will discuss and review the MOU: New York State Special Holiday Work Waiver (See attached reminder to Veteran Members).
- 3) The committee requests that all sectors Please Post a copy of the DD 214 memo (See attached) at all facilities in order for all veteran members to be afforded the opportunity to participate in the above MOU.
- 4) The committee will review payroll bulletin number 963 which deals with the Extension of Military and Leave Benefits and Stipends (See attached copy of MOU, bulletin # 963 and bulletin # 276, Payment of Military Stipends).
- 5) Web-site dedicated to Iraq and Afghanistan Veterans of America; <http://www.iava.org/> lists current issues and information available to our members.
- 6) Care package update: to date the committee has sent 96 packages to members stationed overseas. (See attached list). As always the committee requests that deployment addresses be

forwarded to us as soon as they become available, so that packages can be sent to members in a timely manner. Thank you for your assistance.

- 7) The dates that I will be available in the Mid-Hudson Office (unless I am on the road) to conduct Veteran related business are as follows once they are approved:
March 5th, 12th, 18th, 24th, 30, 2010.
April 2nd, 9th, 16th, 23rd, 30th, 2010.
- 8) Legislative update Bill # NY09RSB 3815 which authorizes an additional ten days military leave for state correction officers who are absent on military duty which failed to advance in 2009 was reintroduced and committed to Senate Finance (See attached).



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

Mid Hudson Satellite Office
21 North Plank Road - Newburgh N.Y. 12550
Office: 845 863 8704
Fax: 845 863 9077
Cell: 518 441 2036
vetscommittee@yahoo.com



TO: NYSCOPBA Veterans Committee/Membership
FROM: J. Porcaro, Veterans Committee Chairman
SUBJECT: Veterans Committee Report
DATE: February 8, 2010.

The Veterans Committee will hold its next committee meeting on February 16, 2010, in Albany.

- 1) The committee will discuss initial planning for the 2010 Veterans Remembrance Tour.
- 2) The committee will discuss and review the MOU: New York State Special Holiday Work Waiver (See attached reminder to Veteran Members).
- 3) The committee requests that all sectors Please Post a copy of the DD 214 memo (See attached) at all facilities in order for all veteran members to be afforded the opportunity to participate in the above MOU.
- 4) The committee will review payroll bulletin number 963 which deals with the Extension of Military and Leave Benefits and Stipends (See attached copy of MOU, bulletin # 963 and bulletin # 276, Payment of Military Stipends).
- 5) Web-site dedicated to Iraq and Afghanistan Veterans of America; <http://www.iava.org/> lists current issues and information available to our members.
- 6) Care package update: to date the committee has sent 96 packages to members stationed overseas. (See attached list). As always the committee requests that deployment addresses be

forwarded to us as soon as they become available, so that packages can be sent to members in a timely manner. Thank you for your assistance.

- 7) The dates that I will be available in the Mid-Hudson Office (unless I am on the road) to conduct Veteran related business are as follows once they are approved:

March 5th, 12th, 18th, 24th, 30, 2010.

April 2nd, 9th, 16th, 23rd, 30th, 2010.

- 8) Legislative update Bill # NY09RSB 3815 which authorizes an additional ten days military leave for state correction officers who are absent on military duty which failed to advance in 2009 was reintroduced and committed to Senate Finance (See attached).



New York State Correctional Officers
& Police Benevolent Association, Inc.
Veterans Committee
Mid Hudson Satellite Office
21 North Plank Road - Newburgh, N.Y. 12250
Office: 845 563 8704
Fax: 845 563 9077
Cell: 518 441 2036



Reminder to Veteran Members

All Veteran members who wish to benefit from the MOU signed between NYSCOPBA and GOER may opt to receive holiday pay or holiday leave (contractual benefit) on Veterans Day, Memorial Day, and July 4th (for reserve or national guard members) should make sure their personnel office at their home facility has them shown as a veteran. Veteran status does not automatically follow from one facility to the next. Check with your current facility to ensure you have veteran status there.

The selection form should be available to individual members in the spring. In order to take advantage of this agreement, veteran members will have to make a selection on this new form. (The election period is from April 1st thru May 15th 2010).

Attached:

1. Copy of MOU, Waiver of Holiday Work Option for Military Veterans.
2. Copy of Attendance and Leave Manual Advisory Memorandum No. 2010-01, Section 21.1 Holidays, January 2010.
3. Copy Special Holiday Waiver for Security Services Supervisors Unit or Security Services Unit Form.
4. Summary of Benefits Under Public Officers Law, Section 63 and Military Law, Section 249.

As always any questions can be forwarded to the Veterans Committee.

Please note that July 4, 2010 is a Sunday and under the General Construction Law, New York State as an employer will observe Independence Day on Monday, July 5, 2010, while the benefit available under Section 249 of the Military Law will continue to be available on Sunday, July 4th, your contractual benefit will be tied to Monday, July 5th.

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE STATE OF NEW YORK

AND

THE NEW YORK STATE CORRECTIONAL OFFICERS AND POLICE


BENEVOLENT ASSOCIATION, INC. (NYSCOPBA)

WAIVER OF HOLIDAY WORK OPTION FOR MILITARY VETERANS

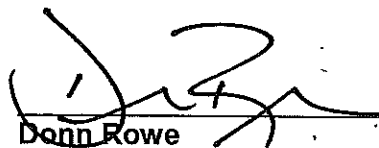
The parties agree to extend, through December 31, 2010, to allow qualified veterans within the Security Services Bargaining Unit to select a different holiday waiver for certain holidays only. Specifically, veterans covered by Public Officers Law 63 may opt to receive pay or time for Memorial Day and Veterans' Day regardless of their election for all other holidays. Additionally, employees who are covered by Section 249 of the Military Law may opt to receive pay or time for Independence Day only, regardless of their election for all other holidays.

A waiver form shall be developed by each agency, and must be filed by each affected employee consistent with Article 16.2 of the Agreement.

This MOU can only be extended by written mutual agreement and shall otherwise expire on December 31, 2010.



Seren A. Hrachian 12/17/09
Associate Director Date
For Governor's Office of
Employee Relations, State of New York



Donn Rowe 14 Dec 09
President Date
For NYSCOPBA

[Home](#)[Search the
Attendance & Leave
Manual](#)

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
Attendance and Leave Manual

[Instructions](#)**Advisory Memorandum No. 2010-01**[Introduction](#)**Section 21.1 Holidays - January 2010**[Attendance \(Part 20\)](#)

P-1

- [20.1 Basic Workweek](#)
- [20.2 Record of Attendance](#)
- [20.3 Tardiness](#)

TO: Manual Recipients

FROM: Blaine Ryan-Lynch, Director of Staffing Services

SUBJECT: Special Holiday Waiver Memoranda of Understanding for Security Supervisors Unit (SSpU) and Security Services Unit (SSU)

[Absence with Pay
\(Part 21\)](#)

The Governor's Office of Employee Relations has signed Memoranda of Understanding (MOUs) with Council 82 and the New York State Correctional Officers and Police Benevolent Association extending the benefits provided for employees in both the Security Supervisors Unit (SSpU) and Security Services Unit (SSU) entitled Waiver of Holiday Work Option for Military Veterans. Questions concerning this benefit, which is described below, may be referred to the Attendance and Leave Unit of this Department at (518) 457-2295.

- [21.1 Sundays & Holidays](#)
- [21.2 Vacation](#)
- [21.3 Sick Leave](#)
- [21.4 Extended Sick Leave](#)
- [21.5 Sick Leave at Half-Pay](#)
- [21.6 Personal Leave](#)
- [21.7 Leave for Extraordinary Weather Conditions](#)
- [21.8 Workers' Compensation Leave](#)
- [21.9 Leave for Subpoenaed Appearance and Jury Attendance](#)
- [21.10 Leave for Civil Service Examinations](#)
- [21.11 Leave for](#)

Eligibility

In order to be eligible for these benefits, an employee must be an eligible veteran as described in Section 63 of the Public Officers Law or an honorably discharged former reservist covered by Section 249 of the Military Law. See the attached SUMMARY OF BENEFITS UNDER PUBLIC OFFICERS LAW, SECTION 63 AND MILITARY LAW, SECTION 249 for a discussion of these law benefits.

Duration of the MOUs

The benefits provided by the MOUs apply to Memorial Day, May 31, 2010, Independence Day, July 5, 2010, and Veterans' Day, November 11, 2010. The MOUs expire December 31, 2010 unless extended by mutual agreement of the parties.

Benefit Description

The MOUs permit certain veterans, who are eligible under Section 63 of the Public Officers Law for holiday benefits (law benefits) in connection with May 31 (Memorial Day) and November 11 (Veterans' Day), to file a different holiday waiver (Special Holiday Waiver) for contractual holiday compensation benefits for those two holidays. Specifically, veterans in either the Security Supervisors Unit or Security Services Unit covered by Public Officers Law Section 63 may

- Quarantine opt to receive holiday pay or holiday leave (contractual benefit) for work on Memorial Day 2010 and Veterans' Day 2010, regardless of their holiday compensation election for all other holidays. The same election must apply to both holidays. (Please note that July 4, 2010 is a Sunday and under the General Construction Law, New York State as an employer will observe Independence Day on Monday, July 5, 2010, while the benefit available under Section 249 of the Military Law will continue to be available on Sunday, July 4. See the attached SUMMARY OF BENEFITS UNDER MILITARY LAW, SECTION 249 for a more detailed discussion.)
- 21.12 Leaves Required by Law or Negotiated Agreement
- 21.13 Leave for Civil Defense Duties

Leaves Without Pay
(Part 22)

The MOUs also permit certain former reservists who are eligible under Section 249 of the New York State Military Law for holiday benefits (law benefits) in connection with the...

- 22.1 Leave of Absence; Duration
- 22.2 Successive Leaves of Absence

P-2

...Independence Day holiday to file a different holiday waiver (Special Holiday Waiver) for contractual holiday compensation benefits for that holiday. In other words, former eligible reservists in either the SSpU or SSU who are covered by Section 249 of the Military Law may opt to receive holiday pay or holiday leave (contractual benefit) for work on Independence Day, July 5, 2010, regardless of their election for all other holidays.

Drawing of Earned Credits Upon Separation
(Part 23)

- 23.1 Payment for Accruals Upon Separation
- 23.2 Payment for Accruals Upon Entry into Armed Forces
- 23.3 Payment for Overtime Accruals Upon Appointment, Promotion or Transfer

An employee who is both an eligible veteran under Section 63 of the Public Officers Law and an eligible former reservist covered under Section 249 of the Military Law may file a Special Holiday Waiver as an eligible veteran and/or as an eligible former reservist.

Relationship of Regular and Special Holiday Waivers

For purposes of this discussion, a holiday waiver under Article 16.2 of the negotiated agreements continues to be applicable to all holidays (except as modified by a Special Holiday Waiver under the MOUs), and is referred to as a Regular Holiday Waiver option.

- Employees in these units who have a Regular Holiday Waiver option of holiday pay for work on holidays (either by default because they never filed a waiver or because they filed a waiver electing holiday pay) receive holiday pay for all holidays unless they file Special Holiday Waivers as eligible veterans for Memorial Day and Veterans' Day 2010 and/or as eligible former reservists for Independence Day 2010, who elect to receive holiday leave for those special holidays.

Crediting Other Public Service Employment as State Service (Part 24)

- Employees in these units who have a Regular Holiday Waiver option of holiday leave for work on holidays continue to receive holiday leave for all holidays unless they file Special Holiday Waivers as eligible veterans for Memorial Day and Veterans' Day 2010 and/or as eligible former reservists for Independence Day 2010, who elect to receive holiday pay

Suspension of Rules
(Part 25)

- 25.1 Emergency

Required for
Suspension of
Rules

for those special holidays.

Dates for Filing Waivers

The benefits granted by the MOUs are available in calendar year 2010. The benefits are available for Memorial Day, May 31, 2010, Veterans' Day, November 11, 2010, and/or Independence Day, July 5, 2010.

Applicability (Part 26)

- 26.1 To Whom
Rules Apply
- 26.2 Exceptions
- 26.3 Rules
Applicable to
Employees in
Negotiating
Units

Eligible employees may file a Special Holiday Waiver under the MOUs for the Memorial Day, Veterans' Day, and/or Independence Day holidays during the Special Holiday Waiver Election Period from April 1, 2010 through May 15, 2010.

Appointment to State Service

Employees in these units who enter State service after May 15, 2010 may file both a Regular Holiday Waiver and/or a Special Holiday Waiver at time of appointment to State service.

Appendices

P-3

A. Civil Service
Attendance Rules

Transfer From Other Units

For employees who transfer into these units after May 15, 2010, all holidays are governed by the Regular Holiday Waiver (and, in the case of transfer from either the SSpU or the SSU, the Special Holiday Waiver, if any) filed in their previous position and they may not file new Waivers at time of transfer to this unit. If the program is continued in subsequent years, those employees' first opportunity to file a Special Holiday Waiver would occur between April 1 and May 15 of the year following their transfer into either the SSpU or SSU position.

B. Calendar of Legal
Holidays & Religious
Holy Days

C. Alternative Work
Schedules

D. Part-Time
Employment

Of course, employees retain the ability to change their Regular Holiday Pay option each year during the open period between April 1 and May 15 as provided in Article 16.2 of the negotiated agreements.

E. Seasonal
Employment

Impact of Expiration of MOU

The MOUs expire December 31, 2010 unless extended by mutual agreement of the parties.

F. Attendance Rules
for
Managerial/Confidential
Employees

In the event these provisions are not extended by mutual agreement of the parties, Special Holiday Waivers will no longer be in effect beginning with calendar year 2011 and the Regular Holiday Waiver option will apply to all holidays, including Memorial Day, Veterans' Day, and Independence Day.

G. Reciprocal
Agreements

H. Leave Donation

If the parties agree to extend these provisions beyond calendar year 2010, an employee's Regular Holiday Waiver option will again apply to all holidays including Memorial Day, Veterans' Day, and Independence Day, unless the employee files a new Special Holiday Waiver during the next applicable open period.

I. Family & Medical
Leave Act

Disclaimer

Of course, employees retain the ability to change their Regular Holiday Pay

[Top](#)

option each year during the open period between April 1 and May 15 as provided in Article 16.2 of the negotiated agreements.

Special Holiday Waiver Form

A Special Holiday Waiver form for this purpose is attached. Agencies may adapt the form to meet their needs provided it continues to include all the information on the attached form.

Benefits Under Negotiated Agreements

Apart from providing the opportunity to file a Special Holiday Waiver for Memorial Day, Veterans' Day, and/or Independence Day 2010, the MOUs do not modify holiday benefits available under the negotiated agreements.

Employees in the SSpU and SSU continue to add holiday leave to vacation credits subject to applicable vacation maximums, regardless of whether that holiday leave is earned in connection with a Regular Holiday Waiver option or a Special Holiday Waiver.

P-4

Benefits Under Law

The MOUs do not in any way modify benefits available under Section 63 of the Public Officers Law or Section 249 of the Military Law.

Attachments

Summary of Benefits Under Public Officers Law, Section 63 and Military Law, Section 249

Special Holiday Waiver form

[Top](#)

:

**SPECIAL HOLIDAY WAIVER FOR
SECURITY SUPERVISORS UNIT OR SECURITY SERVICES UNIT
For Memorial Day, Veterans' Day, and Independence Day 2010**

*Complete this form only if you wish to have a **different** holiday compensation option (Special Holiday Waiver) for holiday compensation benefits under the collective bargaining agreements for work on Memorial Day, Veterans' Day 2010 and/or Independence Day 2010 than your Regular Holiday Waiver option under Article 16.2 of your contract. **If you do not complete this form, your Regular Holiday Waiver option under Article 16.2 will continue to apply to all holidays, including Memorial Day, Veterans' Day, and Independence Day 2010.***

If you are both an eligible veteran and an eligible former reservist, you may complete A and/or B below.

This form must be completed and submitted to your personnel/payroll office between April 1, 2010 and May 15, 2010.

A. Eligible Veteran Covered by Public Officers Law Section 63

_____ I currently receive holiday pay for all holidays worked. However, I elect to receive holiday leave for work on Memorial Day, May 31, 2010 and Veterans' Day, November 11, 2010.

_____ I currently receive holiday leave for all holidays worked. However, I elect to receive holiday pay for work on Memorial Day, May 31, 2010 and Veterans' Day, November 11, 2010.

B. Eligible Former Reservist Covered By NYS Military Law Section 249

_____ I currently receive holiday pay for all holidays worked. However, I elect to receive holiday leave for work on Independence Day, July 5, 2010.

_____ I currently receive holiday leave for all holidays worked. However, I elect to receive holiday pay for work on Independence Day, July 5, 2010.

Name (please print) _____

Signature _____

Date _____ Work Location _____

Social Security Number (last four digits) _____

BARGAINING UNIT: SSpU SSU

Summary of Benefits Under Public Officers Law, Section 63 and Military Law, Section 249

The following information is provided solely as a reference summary for agency convenience and does not contain any new information.

Benefits Under Section 63 of the Public Officers Law

Section 63 of the Public Officers Law entitles certain veterans to a day off with pay on or in lieu of Memorial Day and November 11, Veterans' Day.

To qualify, an employee must be a veteran who was honorably discharged or who was discharged under honorable conditions and who:

- Served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States (including reservists who served on active duty in these branches) at any time; or
- Served in the Armed Forces of the United States or its allies in time of war, including National Guard members serving on active duty during time of war or national emergency.

There is no New York State residency requirement for the benefit provided by Section 63 nor are employees required to have Attendance Rules coverage in order to be eligible for the benefit provided by Section 63.

When an eligible veteran who has elected holiday pay for holidays worked is required to work on one of these holidays, such employee is entitled to holiday pay pursuant to the negotiated agreement and to holiday leave pursuant to Section 63 of the Public Officers Law. If, on the other hand, such employee waived holiday pay one day of holiday leave satisfies both the contractual entitlement and the legal entitlement under Section 63.

While contractual holiday compensation is limited to 7.5 or 8 hours and is tied to the designated holiday shift, holiday compensation for Memorial Day and November 11 under the Public Officers Law is tied to the 24-hour calendar day period on the date of the holiday and is not capped at 7.5 or 8 hours.

Benefits Under Section 249 of the Military Law

Section 249 of the Military Law entitles honorably discharged former reservists or former National Guard members who served during peace time to a day off with pay on or in lieu of July 4. In order to be eligible, at least one day of this reserve service must have occurred outside time of war as defined in Section 85.1(c) of the Civil Service Law.

To qualify, the reserve duty must have been active reserve duty during which the employee was required to attend drills, not inactive reserve duty where the employee was subject to being recalled but was not required to attend drills. Reservists who were honorably discharged from a period of active reserve duty and who have reenlisted for a subsequent period of reserve duty are eligible for this benefit.

There is no New York State residency requirement; an employee need not have served in a reserve or National Guard unit in New York State. There is no requirement that an employee have Attendance Rules coverage in order to be eligible for this benefit.

July 4, 2010 is a Sunday and, under the General Construction Law, New York State as an employer will observe Independence Day on Monday, July 5, 2010. If required to work on Monday, July 5, an eligible reservist would be entitled, pursuant to the negotiated agreement, to holiday pay or holiday leave depending on his/her holiday waiver. However, the benefit under Section 249 of the Military Law is tied to the calendar date of July 4 and an eligible former reservist required to work on Sunday, July 4, 2010 would be entitled to a day of holiday leave under Section 249 for work on Sunday, regardless of his/her contractual benefit for Monday, July 5.

While contractual holiday compensation is limited to 7.5 or 8 hours and is tied to the designated holiday shift, holiday compensation for July 4 under Section 249 of the Military Law is tied to the 24-hour calendar day period on July 4 and is not capped at 7.5 or 8 hours.



New York State Correctional Officers
& Police Benevolent Association, Inc.
Veterans Committee
Mid Hudson Satellite Office
21 North Plank Road-Newburgh, N.Y. 12250
Office: 845 563 8704
Fax: 845 563 9077
Cell: 518 441 2036



Please POST

All veterans must make their facility aware of their veteran status by submitting a DD 214. It is not necessary to submit a DD 214 yearly. However anytime a veteran changes his/her facility, you should update your new facility with a copy of your DD 214, in order to keep your Veteran status on file. All veterans who wish to take advantage of the MOU; Waiver of Holiday Work Option for Military veterans between NYSCOPBA and GOER, covered by Public Officers Law 63 may opt to receive pay or time for Memorial Day and Veterans Day regardless of their election for all other holidays. Additionally, all veterans who are covered by Section 249 of the Military Law (reservist or national guard members) may opt to receive pay or time for Independence Day only, regardless of their election for all other holidays. Please note that the MOU is renewed on a yearly basis and thus each member must renew his/her election form on a yearly basis, during the yearly election period of April 1st thru May 15th 2010 (note the election form should be available from the facility personnel dept. or time keeper).

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.

It has been the policy of New York State to support its employees in the National Guard and Reserves who are federally activated or activated by the Governor for military service related to the war on terror. In light of the continuing war on terror, including military action in Iraq, the parties hereby agree on the following measures to protect State employees activated for military duty in any aspect of that campaign:

- I. The term of the Memorandum of Understanding between the parties executed December 10, 2008 (a copy of which is attached) is extended through December 31, 2010.

The terms and conditions of that agreement shall remain intact except for the changes or points of clarification noted herein.

II. SUPPLEMENTAL MILITARY LEAVE

Employees shall continue to be eligible to receive Supplemental Military Leave through December 31, 2010. However, in no event, regardless of the number of times an employee is activated between September 11, 2001 and December 31, 2010, shall more than one such grant of Supplemental Military Leave (i.e., a total of 22 workdays or 30 calendar days) be credited to any employee for activation related to the war on terror.

III. LEAVE AT REDUCED PAY AND TRAINING LEAVE AT REDUCED PAY

- A. Upon exhaustion of paid Military Leave under Section 242 of the New York State Military Law and any leave credits (other than sick leave) that they elect to use, employees shall continue to be eligible to receive Leave at Reduced Pay through December 31, 2010.

- B. Employees are eligible for Training Leave at Reduced Pay in calendar year 2010 following (1) any active military service in calendar year 2010 that is related to the war on terror; and (2) exhaustion of their calendar year 2010 Military Leave entitlement under Section 242 of the New York State Military Law and any leave credits (other than sick leave) that they elect to use. During calendar year 2010, employees may use up to 30 calendar days or 22 workdays of Training Leave at Reduced Pay for any required military duty (including mandatory weekend and summer training or other activation) that is not related to the war on terror.
- C. Leave at Reduced Pay and Training Leave at Reduced Pay used in calendar year 2010 will be calculated in the following manner:
1. For employees who utilized Leave at Reduced Pay or Training Leave at Reduced Pay prior to calendar year 2010, the rate of reduced pay for the first use of either leave category at any point between January 1, 2010 and December 31, 2010 shall be calculated as follows:
 - a. Those on Training Leave at Reduced Pay or Leave at Reduced Pay on January 1, 2010 shall have the calculation of reduced pay for either leave category based on State salary (base pay plus location pay plus geographic differential) as of January 1, 2010 reduced by the military pay rate used in calculating the most recent period in either reduced pay status prior to 2010.
 - b. For those whose first use of either reduced pay category occurs between January 2, 2010 and December 31, 2010, the rate of reduced pay shall be based on State salary (base pay plus location pay plus geographic differential) as of the last day in full pay status prior to first use of Leave at Reduced Pay or Training Leave at Reduced Pay after January 1, 2010 reduced by the military pay rate used in calculating the most recent period in either reduced pay status prior to 2010.
 2. For employees who have not utilized Leave at Reduced Pay or Training Leave at Reduced Pay prior to calendar year 2010, the rate of reduced pay for the first use of either leave category at any point between January 1, 2010 and December 31, 2010 shall be calculated as follows:

The rate of reduced pay shall be based on State salary (base pay plus location pay plus geographic differential) as of the last day in full

pay status prior to first use of Leave at Reduced Pay or Training Leave at Reduced Pay reduced by military pay (defined as base pay plus housing and food allowances) as of the first day in Leave at Reduced Pay or Training Leave at Reduced Pay status.

3. For all employees covered by sections (1) and (2) above, the rate of reduced pay calculated for first use of Leave at Reduced Pay or Training Leave at Reduced Pay in 2010 shall be used for any subsequent period of leave under either category in 2010. There shall be no recalculation of this rate of reduced pay for any reason.

- D. Leave accruals for employees eligible for both Leave at Reduced Pay and Training Leave at Reduced Pay have not changed but are clarified as follows: employees 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 (1) earn bi-weekly vacation and sick leave accruals for any pay period in which they are not in full pay status for at least seven out of ten days; or (2) receive credit for holidays that fall during a period of Leave at Reduced Pay or Training Leave at Reduced Pay.

IV. HEALTH INSURANCE COVERAGE

The provisions of Article 12.2(b) of the 2003-07 State/New York State Correction Officers and Police Benevolent Association agreements shall be extended beyond the negotiated 12-month limit for an employee who continues to be or who will be federally activated or activated by the Governor for military service any time on or after September 11, 2001.

Contribution-free dependent health insurance coverage that has been extended beyond the 12-month limit will end at such time as the employee returns to pay status, or fails to resume State employment in a timely fashion, or December 31, 2010, whichever occurs first.

V. POST-ACTIVATION BENEFITS

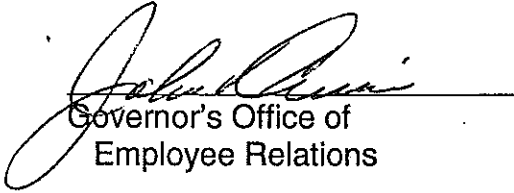
Pursuant to provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Section 243 of the New York State Military Law, eligible employees who have been absent from work to perform ordered military duty for more than 180 consecutive calendar days have up to 90 calendar days from the date of discharge from active duty (hereafter "post-discharge period") to notify their agency that they are ready to return to work.

For employees in the National Guard or reserves who are discharged during 2010 from qualifying military duty (i.e., greater than 180 consecutive calendar days) related to the war on terror, the State and Union hereby agree that the following provisions will govern treatment of employees during this post-discharge period in connection with military service related to the war on terror:

- A. During a post-discharge period in connection with military service related to the war on terror, requests to use appropriate leave credits (credits other than sick leave) shall not be denied by the appointing authority.
- B. During the post-discharge period, if executive branch employees serving in the reserves or National Guard are not receiving pay from any State agency by virtue of working, charging leave credits or being in any paid leave status, the State shall provide contribution-free health insurance coverage for them and their covered dependents. Accordingly, employees will be responsible for employee share contributions for any period of time they are in pay status as a result of utilizing paid leave benefits during the post-discharge period.
- C. During the post-discharge period, employees serving in the reserves or National Guard who receive orders for military duty are entitled to all benefits provided by Section 242 of the New York State Military Law and any special military benefits negotiated with our employee unions to the extent that such benefits are applicable.
- D. Employees who furnish their agency with orders for military duty that occurs during this post-discharge period shall be placed in appropriate paid military leave status to the extent that these orders conflict with their regular work schedule. This applies to such employees regardless of whether or not they are charging leave credits during their absence from work during this post-discharge period. For the purposes of this Agreement, "regular work schedule" shall be defined as an employee's schedule immediately prior to the period of military service that entitled him or her to the post-discharge period in question.
- E. Following completion of any ordered military duty that commences during such post-discharge period and which ends prior to the exhaustion of that period, the employee shall be returned to his/her prior leave status until the expiration of that post-discharge period, unless the employee elects to return to work sooner. The dates of the post-discharge period shall not be altered by virtue of utilizing the benefits provided in this Agreement.

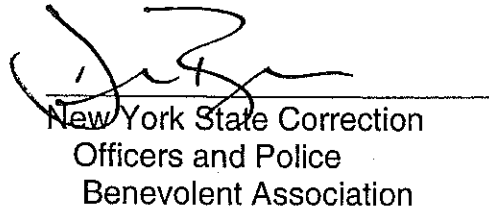
VI. The provisions of this agreement shall not apply to those employees who have voluntarily separated from State service or who are terminated for cause.

FOR THE STATE:


Governor's Office of
Employee Relations

11/3/09
Date

FOR THE UNION:


New York State Correction
Officers and Police
Benevolent Association

10 NOV 09
Date



Payroll Bulletin

Office of the State Comptroller

Bureau of State Payroll Services

Date: January 5, 2010

Bulletin Number: 963

- Subject** Extension of Military and Training Leave Benefits and Stipends
- Purpose** To explain the extension of Military and Training Leave Benefits and Stipends and OSC's process for the Military Stipend recalculation effective January 1, 2010.
- Affected Employees** All salaried (full and part-time), hourly, and per diem employees in CSEA, PEF, DC-37, Council 82, NYSCOPBA, UUP, GSEU, PBA and NYSPIA, and those employees designated Management/Confidential.
- Effective Date(s)** The extension of benefits is effective 1/1/2010 for all eligible employees.
These recalculations will be entered by OSC in Pay Period 21L (Administration) and 22L (Institution).
- Background** A Memorandum of Understanding between each of the parties listed above and New York State has extended the Military Leave Benefits through December 31, 2010 in response to the continuing need for New York State employees in the National Guard and Reserves to be activated federally or by the Governor for military service related to the war on terror.
The MOU's also call for a recalculation of Military Stipends on January 1, 2010.
For information regarding Military Leave benefits agencies may refer to the applicable bargaining unit's MOU.
- OSC Actions – Recalculation of Military Stipends** OSC will review all employees who are on Military Stipend on 1/1/10, with or without pay, and recalculate the biweekly stipend. If the employee had a salary change in calendar year 2009, the new biweekly wage amount will be used. The military wages on record for a pay period will be compared to the employee's new biweekly State salary. If an increased amount for the Military Stipend is due or an employee now becomes eligible to receive a stipend, OSC will update the employee's record to reflect the increase.
Any new salary not reflected in the employee's history will be entered in the General Comments page.
The new stipend amount will be entered on the Job Data page using the Action/Reason code of **Pay Rt Chg/MSC** (Pay Rate Change/Military Stipend

Change).

These recalculations will be entered by OSC in Pay Period 21L (Administration) and 22L (Institution).

Agencies will be notified by an electronic Correction Sheet of any biweekly stipend changes or employees who are now eligible to receive a biweekly stipend.

For any Military Leaves under this benefit that first occur after 1/1/2010, the salary at the time of the Leave will be used. The extension does not authorize a subsequent adjustment (after the 1/1/10 recalculation or after an initial calculation for a Military Leave occurring after 1/1/10) to be made to the Military Stipend to reflect raises, Longevity Pay, or other types of pay that might otherwise apply to the employee's salary. Those changes will be reflected in the employee's salary upon return to State service.

Refer to Payroll Bulletin No. 276 for information regarding procedures for processing Military Stipend leaves and payments.

Questions

Questions about the benefit may be directed to the Department of Civil Service.

Questions about this bulletin may be e-mailed to the Military Stipends mailbox.



Payroll Bulletin

Office of the State Comptroller
Bureau of State Payroll Services

Date: October 23, 2001 Bulletin No. 276

Subject	Payment of Military Stipend for Events of September 11, 2001
Purpose	To notify Executive Branch agencies of the procedures for processing Military Stipend payments
Eligible Employees	Salaried (full and part-time), hourly, and per diem employees in CSEA, PEF, DC-37, Council 82, NYSCOPBA, UUP, GSEU, PBA, NYSPIA, and those designated Managerial/Confidential who are federally ordered, or ordered by Governor Pataki, to active military duty related to the events of September 11, 2001
Effective Date	Immediately
Specifics	<p>The State Attendance Rules have been amended, effective September 11, 2001, to provide additional military benefits to employees in Executive Branch agencies who are federally ordered, or ordered by the Governor, to active military duty related to the events of September 11, 2001.</p> <p>Agencies should refer to the NYS Department of Civil Service Attendance and Leave Manual Advisory Memorandum No. 01-06, dated September 25, 2001. This memorandum provides an explanation of the military benefits for eligible employees as related to the events of September 11, 2001. These benefits include the following:</p> <ul style="list-style-type: none"> ■ Military Leave under Section 242 of the State Military Law, ■ Supplemental Military Leave Benefit at Full Pay, ■ Leave with pay while charging existing leave credits, except sick leave, if applicable, ■ Military Leave at Reduced Pay (Military Stipend).
Calculation of Military Stipend	Employees eligible for a military stipend are to be paid regular State salary (including Location and Geographic pay, if applicable) on the employee's last day in full pay status reduced by the amount of military pay (including housing and food allowance) in effect on the employee's first date of activation during the period September 11, 2001 through September 10, 2002.

Once an employee has received the military stipend, there is no recalculation of stipend when new and separate sets of orders commence, even though the employee may have returned to full pay status between such intermittent periods of ordered military duty and the employee's State salary and/or military salary have changed.

**Agency and
OSC
Procedures**

Following exhaustion of military leave under Section 242 of the Military Law, the supplemental military leave, and if the employee opts to use available leave credits (except sick leave), after exhaustion of such credits, the agency must remove the employee from the payroll by placing her/him on a leave without pay.

If the employee is eligible to receive a military stipend payment because the State salary exceeds the military salary, the employee's status will be changed to Leave With Pay, the pay basis code will be changed to BIW (biweekly), and the biweekly amount of military stipend will be added to the employee's Job Data panel. The changes made to the employee's record will provide the employee continuous automatic biweekly stipend payments.

The following identifies agency and OSC procedures regarding Military Stipend:

- Agency must report the Action of LOA and Reason of MLS (Mil Stip) on the employee's Job Data panel using the appropriate effective date and must also fax a copy of the military orders to OSC (Attn: Chris Nolette) at (518) 474-2601. The cover sheet should identify the agency contact person, phone number, and if available, e-mail address. Note: The orders must state that the activation is related to the events of September 11, 2001.

- After the military orders are received, OSC will contact the Division of Military and Naval Affairs to obtain the military rate of pay that was in effect on the first date of activation and will calculate the amount of the military stipend, if any.

- If the employee is not due a military stipend (military salary exceeds State salary), no further action is required.

- If the employee is due a military stipend (State salary exceeds military salary), OSC will perform the following actions:

1. OSC will update the position attributes on the Position Management panels to change the employee's pay basis code to BIW (biweekly) and the earn program to MST, using the same effective date as the LOA/MLS action.
2. The employee's Job Data panel will automatically be updated to reflect the change in position

attributes using the Action of POSN CHG and Reason of MLS. The effective date will be the same as the LOA/MLS action.

3. To change the employee's pay status from leave without pay to leave with pay, OSC will insert a row on the employee's Job Data panel using the Action of Paid LOA and Reason of MLS using the same effective date.

4. OSC will insert the biweekly rate of the military stipend in the Comp Rate field on the Paid LOA row. The system will automatically pro-rate the earnings based on the effective date of the Paid LOA/MLS action. Refer below to Retroactive Military Stipend Payments when the effective date of the Paid LOA action is retroactive.

5. OSC will advise the agency of the biweekly stipend amount and any additional information via e-mail or an Auditor Correction Report.

***Retroactive
Military
Stipend
Payments***

When the agency submits the military orders to OSC and reports the LOA action on the Job Data record, OSC will make every effort to pay the employee timely to ensure the employee's pay status remains uninterrupted.

However, if an employee does have a break in pay status (e.g.: timing issue or the agency removing the employee from the payroll and not submitting military orders to OSC), the system will not automatically pay the retroactive stipend for the previous period when the employee was not paid on the payroll.

A new earn code, MSP (Military Stipend Payment), has been created to pay the retroactive stipend due. OSC will enter the earn code MSP in the Time Entry panel and complete the following fields:

Earnings Begin Date
Earnings End Date
of Days
Amount

***Agency and
OSC
Procedures for
Processing a
Return from
Leave Action***

The following procedures are required when an employee must be reinstated to full pay status:

If the employee's current status on the Job Data 1 panel is "Leave of Absence":

- The agency must select the Action of Return-LV on the employee's Job Data panel and use the Reason of RLV (Rein Leave).
- If necessary, the agency must request a Pay Rt Chg on the Job Action Request panel effective the date of reinstatement using the appropriate Reason code.
- The agency must restart the appropriate earnings on the Additional Pay panel, if applicable, using the

appropriate Earnings Code.

If the employee's current status on the Job Data 1 panel is "Paid Leave of Absence":

- The agency must notify Chris Nolette, via e-mail or the Position Data form, to update the employee's position to reflect the appropriate pay basis code and earn program effective the date of the reinstatement.

- OSC will update the position and the employee's Job Data panel to reflect the change in the position attributes using the Action of POSN CHG and the Reason of RLV (Rein Leave).

- After OSC updates the employee's position and Job Data record to reflect the change in pay basis code and earn program, the agency must select the Action of Return-Lv on the employee's Job Data panel and use the Reason of RLV (Rein Leave).

- The agency must request a Pay Rt Chg on the Job Action Request panel effective the same date as the reinstatement action, using the appropriate Reason code.

- The agency must restart the appropriate earnings on the Additional Pay panel, if applicable, using the appropriate Earnings Code.

Deductions

If the employee is receiving a stipend, all payroll deductions in effect prior to the Military Stipend will be deducted, except Health Insurance, if there is sufficient gross salary.

The Department of Civil Service will automatically stop Health Insurance deductions based on transactions reported from Agency Health Benefit Administrators. The Employee Benefits Division of the Department of Civil Service has issued instructions to State Agency Health Benefit Administrators for reporting of military leave transactions and continued health insurance coverage for employees impacted by the events of September 11, 2001.

Questions

Questions regarding the payroll procedures identified in this bulletin may be directed to your payroll auditor.

Questions regarding military benefits should be directed to the Attendance and Leave Unit at the Department of Civil Service at (518) 457-2295.



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

Mid Hudson Region Satellite Office
Veterans Committee

21 North Plank Road - Newburgh, N.Y. 12550
(845) 563-8704 - (845) 563-9077 (Facsimile) - (518) 441-2036 (Cell)
www.nyscopba.org



Packages sent by Vets Comm. As follows:

- | | | |
|---------------------|----------------------|-----------------------|
| 1.) CO J. LOEWKE | 41) CO A PANDO | 81) CO K EGAN |
| 2.) CO C. SEGER | 42) CO S DOLE | 82) CO R WHISNER |
| 3.) CO J. THOMAS | 43) CO D MUNIZ | 83) CO S Diffenderfer |
| 4.) CO R. FORD | 44) CO M TOLEMAN | 84) CO P Praschunus |
| 5.) CO R. BARBER | 45) CO S FORYNA | 85) CO M Weaver |
| 6.) CO J. GIRVIN | 46) CO M DRAVECKY | 86) CO M BOLTON |
| 7.) CO J. WEISBROD | 47) CO R COLLINS | 87) CO J GIBSON |
| 8.) SGT T. PLUMMER | 48) CO I LEGGE | 88) CO C EDWARD |
| 9.) CO D. SCHRADER | 49) CO R WALTERS | 89) CO J MEARA |
| 10) CO J. CONSTABLE | 50) CO G BRASSARD | 90) CO M BAILEY |
| 11) CO E. MCENROE | 51) CO C PERREA | 91) CO E HARTMAN |
| 12) CO J. JASTRZAB | 52) CO D VENNE | 92) CO D SCHRADER |
| 13) CO J. STANFORTH | 53) CO C ROBERTS | 93) CO D SARGENT |
| 14) CO T. MALARE | 54) CO L OLLERENSHAW | 94) CO M THOMAS |
| 15) CO P. KINGSBURY | 55) CO T TRAVIS | 95) LE D ZAUTNER |
| 16) CO J. KESTER | 56) CO A MCCLAIN | 96) CO D Sarratori |
| 17) CO FARRELL | 57) CO S VANHORN | |
| 18) CO KAZCOR | 58) CO D GRANT | |
| 19) CO RODDY | 59) CO P EVANS | |
| 20) CO KNUTSEN | 60) CO D MELENDEZ | |
| 21) CO WENIG | 61) CO M BENWARE | |
| 22) CO KIRKHAM | 62) CO R KIEFL | |
| 23) CO J MCCARTHY | 63) CO T RICE | |
| 24) CO C YACKEREA | 64) CO J BECKER | |
| 25) CO P WEAVER | 65) CO K HANNA | |
| 26) CO S ASHLINE | 66) CO D HARRIS | |
| 27) CO E RICE | 67) CO M LYONS | |
| 28) CO B FARRELL | 68) CO M WEAVER | |
| 29) CO E BUSH | 69) CO A ELLIMAN | |
| 30) CO C MONIN | 70) CO E GRANT | |
| 31) CO J THOMAS | 71) CO D BROWN | |
| 32) CO J MURNANE | 72) CO J COREANO | |
| 33) CO L BARRIGAR | 73) CO T CONKLIN | |
| 34) CO K HOLDEN | 74) CO K READY | |
| 35) CO T SMITHERS | 75) CO D TORRES | |
| 36) CO J FERRY | 76) CO D RENAUD | |
| 37) CO D WALL | 77) CO T IRVING | |
| 38) CO D COONRADT | 78) CO W AQUINO, Jr | |
| 39) SGT D SANCHEZ | 79) CO S DEERY | |
| 40) CO K HOLDEN | 80) CO S HILLIKER | |

From: Chris Leo <cleo@nyscopba.org>
To: Chris Leo <cleo@nyscopba.org>
Subject: Two NYSCOPBA bills voted out of committee
Date: Tue, Jan 26, 2010 2:50 pm

Two NYSCOPBA bills (listed below) were passed from their respective Senate committee's earlier today. They each still need to be scheduled for a full floor vote.

01-26-2010 - 14:44:39

Bill Number: NY09RSB 3815 **Sponsor:** Adams

By Adams. Authorizes an additional ten days military leave for state correction officers who are absent on military duty.

Bill History

House	Description of Action	Date	Stat
S	Introduced and referred to committee on <u>Senate Veterans Affairs & Homeland Security</u>	4- 1-09	-
S	Meeting set for 11:30 a.m., 711-A LOB – Senate Veterans Affairs & Homeland Security	5-12-09	-
S	Reported and committed to <u>Senate Finance</u>	5-12-09	-
S	Failed to advance	1- 6-10	-
S	Referred to <u>Senate Veterans Affairs & Homeland Security</u>	1- 6-10	-
S	Meeting set for 10:00 a.m. STORY – Senate Veterans Affairs & Homeland Security	1-26-10	-
S	Reported and committed to <u>Senate Finance</u>	1-26-10	-

Bill Information and History

01-26-2010 - 14:45:51

Bill Number: NY09RSB 3284 **Sponsor:** Adams

By Adams. Relates to binding arbitration in negotiations with members who are designated as security services or security supervisors.

Bill History

House	Description of Action	Date	Stat
S	Introduced and referred to committee on <u>Senate Civil Service and Pensions</u>	3-13-09	-
S	Failed to advance	1- 6-10	-
S	Referred to <u>Senate Civil Service and Pensions</u>	1- 6-10	-
S	Meeting set for 1:00 p.m., 512 LOB STORY – Senate Civil Service and Pensions	1-26-10	-
S	First report calendar	1-26-10	-

Chris Leo
 Legislative Director
 New York State Correction Officers & Police Benevolent Assoc.
 NYSCOPBA
 518-427-1551 Ext.245