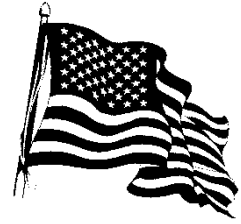




New York State Correctional Officers & Police Benevolent Association, Inc. Veterans Committee



Albany Office
102 Hackett Blvd.—Albany, N.Y. 12209
Office: 518 427 1551 Ext. 303
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vetscommittee@nyscopba.org

TO: J. Harmon, LE VP

FROM: E. Martinez, Veterans Committee

DATE: February 14, 2019

RE: March Agenda

1. The committee will discuss and review our current MOU's with the state in preparation for them being renewed by both parties.
2. Veteran Certifying official issues for new officers with the GI bill on OJT still a problem. Goer is working on appointing the DSA's as well as alternates. Facility Veteran Point of contacts being one of the certifiers.
3. The committee has provided a copy of a DD 214 reminder to be posted at all facilities, so that our veteran members can take advantage of the MOU Holiday Work Waiver, for 2019.
4. Discuss A-8941 which Relates to authorizing additional paid leave for certain employees, 5 additional days for combat veterans. This Bill will become law April 1, 2019.
5. The committee will continue planning our 2019 Veterans Remembrance Tour.
6. Select and confirm the date for our next committee meeting.
7. Open discussion

Cc: J. Harmon, L.E. V.P
E. Martinez, Western Region / Veterans Committee Chair
D. Hale, Southern Region Veterans Committee Member
A. Henderson, L. E. Veterans Committee Member
M. Mashaw, Central Region Veterans Committee Member
C. Perry, Northern Veterans Committee Member
J. Sonko, Mid-Hudson Region Veterans Committee Member
L. Suominen, NYSCOPBA, EOL Coordinator
S. Flanagan, Membership Services
C. Summers, Recording Secretary



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& Police Benevolent Association, Inc.
Veterans Committee**



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Please Post

Reminder to all Veterans

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 2019 (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 CORRECTIONAL OFFICERS AND
POLICE BENEVOLENT ASSOCIATION, INC.**

This Memorandum of Understanding is entered into by the State of New York (hereinafter "the State") and the New York State Correctional Officers and Police Benevolent Association, Inc. (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 18, 2017 (a copy of which is attached) is extended through December 31, 2019.

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, 2019. However, in no event, regardless of the number of times an employee is activated between September 11, 2001 and December 31, 2019, 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, 2019.

- B. Employees are eligible for Training Leave at Reduced Pay in calendar year 2019 following (1) any active military service in calendar year 2019 that is related to the war on terror; and (2) exhaustion of their calendar year 2019 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 2019, 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 2019 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 2019, the rate of reduced pay for the first use of either leave category at any point between January 1, 2019 and December 31, 2019 shall be calculated as follows:
 - a. Those on Training Leave at Reduced Pay or Leave at Reduced Pay on January 1, 2019 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, 2019 reduced by the military pay rate used in calculating the most recent period in either reduced pay status prior to 2019.
 - b. For those whose first use of either reduced pay category occurs between January 2, 2019 and December 31, 2019, 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, 2019 reduced by the military pay rate used in calculating the most recent period in either reduced pay status prior to 2019.
 - 2. For employees who have not utilized Leave at Reduced Pay or Training Leave at Reduced Pay prior to calendar year 2019, the rate of reduced pay for the first use of either leave category at any point between January 1, 2019 and December 31, 2019 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 2019 shall be used for any subsequent period of leave under either category in 2019. 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(a)(2) of the 2009-16 State/New York State Correctional Officers and Police Benevolent Association, Inc. agreement 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, 2019, whichever occurs first.

V. POST-ACTIVATION BENEFITS

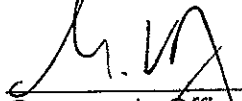
Pursuant to provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Section 243 of the New York State Military Law, eligible employees who have been absent from work to perform ordered military duty for more than 180 consecutive calendar days have up to 90 calendar days 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 2019 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:

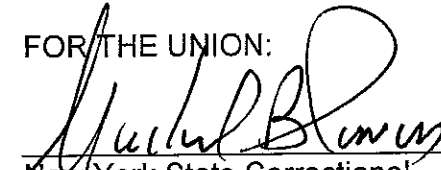


Governor's Office of
Employee Relations

12/3/18

Date

FOR THE UNION:



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

12/20/18

Date

STATE OF NEW YORK

8941

IN ASSEMBLY

January 8, 2018

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the military law, in relation to paid leave for certain employees; and to amend chapter 406 of the laws of 2017, amending the military law relating to authorizing additional paid leave for certain employees, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 5 of section 242 of the military law, as added by chapter 406 of the laws of 2017, is amended to
2 read as follows:

3 (b) Every public officer or employee employed by the state of New York
4 who served in a combat theater or combat zone of operations as documented by a copy of his or her DD214, certificate of release or
5 discharge from active duty, or other applicable department of defense
6 documentation, shall be paid his or her salary or other compensation as
7 such public officer or employee for any and all periods of absence while
8 utilizing any healthcare related services related to such duty, not
9 exceeding ~~eight~~ five working days, in any one calendar year.

10 § 2. Section 2 of chapter 406 of the laws of 2017, amending the military law relating to authorizing additional paid leave for certain
11 employees, is amended to read as follows:

12 § 2. This act shall take effect on ~~[the one hundred twentieth day after it shall have become a law]~~ April 1, 2019.

13 § 3. This act shall take effect immediately; provided however that
14 section one of this act shall take effect on the same date and in the
15 same manner as chapter 406 of the laws of 2017, amending the military
16 law relating to authorizing additional paid leave for certain employees,
17 takes effect.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

LBD00987-08-7