



Title: Military Leave for Employees Policy	Policy Category: Human Resources
Issuing Authority: Administration & Finance	Responsibility: Human Resources
Publication Date: 11/18/2022	Next Review Date: 11/18/2025

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

Policy Statement/Background:

None

Policy:

State Employees

New York State employees serving as members of the United States Armed Forces, or of Reserve Forces of the United States Armed Forces, or National Guard members, shall be granted a military leave of absence when ordered to military duty. Written military orders must be provided to the University in advance of all required leaves of absence. In extraordinary situations, military leave will be granted subject to subsequent verification of written orders. A military leave will not extend an appointment beyond its normal termination date unless the University is specifically required by law to grant the extension.

Leave with Full Pay

Under Section 242 of the New York State Military Law, Leave with Full Pay, without charge to accruals, will be granted in any calendar year for 30 calendar days or 22 workdays, whichever provides the greater benefit to the employee. This leave may be used in one continuous period of military service or in shorter periods, as necessary. Upon request, the employee will ordinarily be granted the use of leave credits (other than sick leave) after the 30 calendar days or 22 workdays are exhausted.

Supplemental Military Leave

The State will provide an additional 30 calendar days or 22 workdays of paid leave without charge to accruals, called "Supplemental Military Leave", for employees who receive Federal orders or are activated by the Governor for military service in connection with the war on terror. Employees shall continue to be eligible to receive Supplemental Military Leave at full pay through December 31st. Beginning January 1, 2003, this will also apply to employees activated for reasons other than "initial active duty training". Please note: regardless of the number of times an employee is activated between September 11, 2001 and December 31st, an employee will be entitled to no more than one grant of Supplemental Military Leave at full pay.

Military Leave at Reduced Pay

Employees who have exhausted military leave with pay under Section 242 of the Military Law and Supplemental Military Leave with full pay, are deemed to be on Military Leave at Reduced Pay without charge to credits for military duty related to the war on terror. If eligible, employees may request to use available leave credits, other than sick leave, subject to supervisory approval before being placed on Military Leave at Reduced Pay. This includes employees who are eligible but do not receive any income supplement from the State because their military income equals or exceeds their State salary. Employees will be paid their basic annual State salary plus location pay and geographic differential as of the time of being activated, reduced by the military salary (base pay plus food and shelter allowances) received from the United States government. Military Leave at Reduced Pay is available to eligible employees between September 11, 2001 and December 31st.

Training Leave at Reduced Pay

Employees have one window of opportunity per calendar year to charge leave credits before being placed on Training Leave at Reduced Pay. This opportunity exists only when ALL of the following conditions are met: employees exhausted their total entitlement to paid leave under Section 242 of the NYS Military Law in the current calendar year, has previously performed active duty related to the war on terror in the current calendar year, and has not been placed on Training Leave at Reduced Pay in the current year. Employees who meet all of these conditions may elect to charge leave credits (except sick leave) for military absences unrelated to the war on terror. Once the employee stops charging leave accruals and uses Training Leave at Reduced Pay they may not charge leave credits for

military absences for which Training Leave at Reduced Pay would apply for the remainder the current calendar year.

Leave without Pay

After exhausting leave with pay, the employee is entitled to Leave without Pay in accordance with New York State Regulations.

Research Foundation Employees

Employees of the Research Foundation who are called to active military duty must consult with Human Resource Services as to the policies regarding status and benefits.

Definitions:

None

Contact:

Additional information about this policy is available here:

Human Resource Services

West Campus, Health Sciences, and School of Medicine

390 Administration Building
Stony Brook, NY 11794
(631) 632-6181

Stony Brook University Hospital

31 Research Way, Suite 200
East Setauket, NY 11733
(631) 444-4700

Long Island State Veterans Home (LISVH)

100 Patriots Road
Stony Brook, NY 11790
(631) 444-8617

Relevant Standards, Codes, Rules, Regulations, Statutes and Policies:

- [NYS Military Law, Article 11, Section 242](#)
- [NYS Department of Civil Service: Memoranda of Special Note Regarding Military Leave](#)
- [Stony Brook Human Resource Services Website, Military Leave for State Employees](#)