

PERSONNEL SERVICES BULLETIN

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PSB No.

Subject: Leaves of Absence with Pay Granted to Veterans and Certain Civilians for the Observance of Memorial Day, Veterans Day, and July 4

Supersedes: Personnel Services Bulletin No. 440-9R

Source: Public Officers Law, Section 63; Military Law, Section 249

Date: April 20, 2012

Policy

A. Leaves of Absence with Pay Granted to Veterans and Certain Civilians for the Observance of Memorial Day and November 11 (Veterans Day)

Section 63 of the Public Officers Law provides for leaves of absence with pay for the observance of Memorial Day and November 11 (Veterans Day) to all employees who:

1. Served on active duty in the Army, Navy, Marine Corps, Air Force or Coast Guard of the United States and were honorably discharged or separated from such service under honorable conditions; or
2. Served on active duty in the Armed Forces of the United States, or a foreign country allied with the United States, during any of the periods of conflict listed below and have been honorably discharged or separated from such service under honorable conditions. Periods of conflict listed in Section 63 of the Public Officers Law include:
 - a. World War I or World War II;
 - b. The Korean conflict between June 27, 1950 and January 31, 1955;
 - c. The Vietnam conflict between February 28, 1961 and May 7, 1975;
 - d. The Persian Gulf conflict between August 2, 1990 to the end of such conflict; or
3. Served on active duty in the Armed Forces of the United States and received an Armed Forces Expeditionary Medal, Naval Expeditionary Medal or Marine Corps Expeditionary Medal for participating in operations listed below and have been honorably discharged or separated from such service under honorable conditions. Operations listed in Section 63 of the Public Officers Law include:
 - a. Lebanon between June 1, 1983 and December 1, 1987;
 - b. Grenada between October 23, 1983 and November 21, 1983;
 - c. Panama between December 20, 1989 and January 31, 1990.

"Armed Forces of the United States" means the Army, Navy, Marine Corps, Air Force and Coast Guard, including all components thereof, and the National Guard when in the service of the United States pursuant to call as provided by law.

Section 63 of the Public Officers Law also provides for leaves of absence with pay for the observance of Memorial Day and November 11 (Veterans Day) to certain civilians who assisted in the war effort during World War II. For more information as to whether you qualify, please consult Section 63 of the Public Officers Law or contact your agency's HR representative.

When, in the judgment of the head of an agency or department, granting such leaves of absence on the day prescribed by law would endanger public safety, another day in lieu thereof shall be granted.

B. Leaves of Absence for Observance of July 4 for Certain Reservists or National Guard Members

Section 249 of the Military Law entitles those employees who were honorably discharged Reservists or National Guard members who served during peace time to a day off with pay on July 4. In order to be eligible, at least one day of this service must have occurred outside "time of war" as defined in Section 85.1(c) of the Civil Service Law and also outlined above on page 1 in sections A.2 and A.3.

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.

A former Reservist or National Guard member having satisfied the conditions described above may also receive this benefit if he or she has re-enlisted for a subsequent period of reserve duty.

C. Additional Notes

Employees entitled to leaves of absence with pay, pursuant to Section 63 of the Public Officers Law or Section 249 of the Military Law, are not entitled to additional compensation or time off by virtue of the fact that these holidays are also paid holidays under existing employment contracts.

An agency may require employees taking leave pursuant to Section 63 of the Public Officers Law or Section 249 of the Military Law to provide documentation that the employee is entitled to such leave.

Edna Wells Handy
Commissioner