New York University
UNIVERSITY POLICIES

Title: New York Military Leave and Reemployment Policy
Effective Date: April 3, 2019
Supersedes: December 5, 2016
Issuing Authority: Executive Vice President
Responsible Officer: Human Resources

Statement of Policy

This Policy addresses military leave and reemployment under the New York Military Law and applicable regulations.

To Whom the Policy Applies

This Policy applies to eligible employees of New York University in New York (hereinafter, “NYU” or “the University”).

Policy and Procedures

Eligibility for Leave & Reemployment

In the case of any person who, in order to perform military service, has left or leaves a position with the University, other than a temporary position, and who:

• receives a certificate of completion of military service duly executed by an officer of the applicable force of the armed forces of the United States or by an officer of the applicable force of the organized militia,

• is still qualified to perform the duties of such position, and

• applies for reemployment within ninety days after he or she is relieved from such service,

the University shall restore such person to such position, or to a position of like seniority, status and pay, unless the University’s circumstances have so changed as to make it impossible or unreasonable to do so.

The benefits, rights, and privileges granted to persons in the military service by this Policy shall be extended to and be applicable to any person who:

• in order to participate in assemblies for drill or other equivalent training, reserve duty training, instruction or duties, or annual full-time training duty, active duty for training or other annual training pursuant to any applicable laws or regulations, or in order to attend service schools conducted by the armed forces of the United States, temporarily leaves or
has left his or her position with the University, other than a temporary position, and who, being qualified to perform the duties of such position, applies for reemployment within ten days after completion of such temporary period of service;

• in order to perform initial full-time training duty or initial active duty for training with or in an armed force of the United States under applicable law, temporarily leaves or has left his or her position with the University, other than a temporary position, and who, being qualified to perform the duties of such position, applies for re-employment within sixty days after completion of such period of full-time training duty or active duty for training;

• is or becomes a member of the organized militia or of a reserve component of the armed forces of the United States and who, because of such membership is discharged by the University or whose employment is suspended by the University because of such membership and who, being qualified to perform the duties of such position, applies for reemployment or termination of the period of his or her suspension within ten days after such discharge or suspension, as applicable.

○ These benefits, rights and privileges are not applicable to persons participating in routine reserve officer training corps training except when performing advanced training duty as a member of a reserve component of the armed forces.

Benefits & Job Security

Any person who is restored to a position in accordance with this Policy:

• shall be considered as having been on furlough or leave of absence during his or her period of military service, temporary service (as defined under this Policy), or discharge or suspension (as defined under this Policy);

• shall be so restored without loss of seniority;

• shall be entitled to participate in insurance or other benefits offered by the University pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the University at the time such person entered the military service or commenced such temporary service or was so discharged or suspended; and

• shall not be discharged from such position without cause, within one year after such restoration.

Non-Discrimination/Non-Retaliation

The University shall not discriminate against a person because of his or her membership in the New York state militia, nor shall the University retaliate against any person for exercising any right under this Policy.
**Other University Policies**

Nothing in this Policy shall supersede, nullify or diminish any contract, agreement, policy, plan, practice, or other matter that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person under this Policy.

Leave taken pursuant to this policy will be unpaid. However, a person may be eligible for military leave pay under applicable University policy and may elect to use any other applicable paid leave for which he or she is eligible under another University policy for any of the purposes stated under this Policy. Such paid leave will run concurrently with the leave afforded under this Policy.