

**COUNTY OF MONROE  
OFFICE OF THE SHERIFF  
ROCHESTER, NEW YORK**

<b>GENERAL ORDER MULTI-BUREAU</b>	<b>DATE OF ISSUE March 28, 2025</b>	<b>EFFECTIVE DATE March 28, 2025</b>	<b>NO. 048-25</b>
<b>SUBJECT: GENERAL ORDER  LEAVE TIME</b>		<b>DISTRIBUTION  ALL PERSONNEL</b>	<b>AMENDS</b>
<b>REFERENCE:</b>			<b>RESCINDS 048-19</b>

**Purpose:** To establish policy and procedure for granting leave time.

**Policy:** It is the policy of the Monroe County Sheriff's Office (MCSO) to grant leaves of absence (either paid or unpaid) on a case by case basis. In instances where Federal or State law authorizes such leave it will be granted in accordance with such law.

**I. Educational Leave**

Educational leave is a paid or unpaid leave of absence for the express purpose of obtaining educational training.

**A. Paid Educational Leave**

1. A written request for paid educational leaves of absence must be submitted to the Sheriff. The Sheriff, Director of Civil Service/Human Resources and the County Executive must approve this request.
2. The employee must sign a promissory statement that they will work for the employer a length of time equal to the length of educational leave with pay after the completion of his/her studies.
3. The employee will not be entitled to earn leave credits (vacation or compensatory) during this period.
4. Civilian employees should adhere to their respective bargaining unit agreement.

**B. Unpaid Educational Leave**

1. A written request for an educational leave of absence must be submitted to the Sheriff. The request cannot be for more than one (1) year.
2. Civilian employees should adhere to their respective bargaining unit agreement.

**\* II. Parental Leave**

Paid Parental Leave is available for full-time employees that birth or adopt a new child.

1. Paid parental leave will be four weeks paid at the employee's regular rate of pay. Roll call, shift differential, Flex, comp time, overtime and other specialized payments or banked time will not be applicable during this time.
2. Parental leave must be utilized by a new parent within the first 12 months of the child's birth or adoption of a child up to age 18, and must be used consecutively. Any unused time will not carry over to a new rolling year.

3. Requests for parental leave shall be made to the supervisor of the employee no less than 30 days in advance of the use of this time. A 105 Change Form must be submitted and approved by a supervisor for use of this bank.

Note: Accommodations will be made in circumstances where the need cannot be determined in advance, such as an early birth or an adoption notification.

4. Paid Parental leave requests that are not immediately following the birth or adoption will require approval to ensure continuity of services and will not be unreasonably denied.
5. Parental leave may be used for travel time that is needed in an adoption, to be present for a surrogate birth or a birth at a specialized medical facility.
6. The birth or adoption of multiple children does not lengthen the leave time.
7. A birth or proof of adoption certificate reviewed and approved by MCSO legal may be required for the use of this bank. Failure to present proper documentation when requested within 30 days will result in the used time being taken out of the employee's vacation bank, comp bank, flex bank, personal bank, or any future banks that may be created that is not a sick bank.
8. Parental Leave will run concurrently with the Family Medical Leave Act (FMLA). **Refer to MBGO 090 Family Medical Leave Act (FMLA).**
9. An employee on paid parental leave will maintain their benefits and accruals based on their applicable collective bargaining agreement.
10. If an employee is out on a paid parental leave during unforeseen temporary building closure (i.e. inclement weather, operational issue) the leave will not be extended.

### III. Leave of Absence

- A. Leave of Absence is unpaid leave granted by the Sheriff on a case by case basis. A request for leave of absence may be denied by the Sheriff and is not an absolute right to the employee. An employee must submit a **MB-003 Intra-Departmental Correspondence** to the Sheriff outlining the following:
  1. Reason for the leave of absence.
  2. Length of time of absence, not to exceed one (1) year.
  3. Any other extenuating circumstances for the absence.
  4. The **MB-003 Intra-Departmental Correspondence** must be submitted at least thirty (30) days prior to the leave date.
- B. All information must be verifiable by either documentation or other supporting circumstances before a leave of absence is considered or granted.
- C. Civilian employees should adhere to their respective bargaining unit agreement.

### IV. Military Leave

- A. Definitions

**Inactive duty training** is training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component.

**Armed Forces or active military service:** Army, Navy, Marine Corps, Air Force, Coast Guard, Space Force and any other organizations which are brought into Federal military service during an emergency or wartime.

**Extended active duty:** That period of time for which an employee is ordered to active military service under the following circumstances:

1. Voluntary enlistment or entry into any of the active military services for four (4) years or less, or all such enlistments or entries made during a declared state of national emergency or during time of war.
2. Call-up or order to Federal active duty or state of emergency for an employee in the National Guard or one of the other Reserve Components.
3. Induction into active military service via Selective Service conscription.

**B. General Guidelines**

1. Military leave(s) of absence will be granted consistent with **Chapter 43, Title 38, United States Code**. Paid military leave will be granted consistent with **Sections 242 and 243 of the New York State Military Law**.
2. A paid military leave of absence will not exceed thirty (30) working days per calendar year. Time off for military leave will not be paid time off unless the employee submits the **MB-99 Paid Military Leave Request Form** and a signed or stamped copy of **MB 190 Military Leave Attendance Verification Form**.
3. Employees are eligible, but are not required to use existing time credits such as vacation or compensatory time for military duty in excess of thirty (30) days. Employees may elect to utilize "No Pay" in lieu of existing credits when military leave time is exhausted. Sick time will not be utilized as existing time credits.
4. Employees required to attend Annual Training (AT) or Unit Training Assembly (UTA) will be excused as follows:
  - a. 1<sup>st</sup> Platoon (2200 hours to 0600 hours for the Police Bureau and 2300 hours to 0700 hours for the Jail Bureau). Excused from duty that evening for the next duty day. For example, if an employee has AT or UTA on a Saturday during the day time hours, that employee will be excused Friday for Saturday. Further, no 1<sup>st</sup> Platoon employee will be required to report for duty following AT or UTA prior to the beginning of the first full regularly scheduled work shift on the first full calendar day following the completion of the period of service plus transportation time plus eight (8) hours.

Note: If an employee has AT or UTA on Sunday from 0800-1600 hours and then drives two (2) hours home, that employee will not report to work before 0200 hours. In these situations, 1<sup>st</sup> Platoon personnel will be excused for their entire shift rather than reporting for work at 0200 hours.

- b. 2<sup>nd</sup> Platoon (0600 hours to 1400 hours for Police Bureau and 0700 hours to 1500 hours for Jail Bureau). No excused time from their shift the day before drill assembly or annual training commences.

- c. 3<sup>rd</sup> Platoon (1400 hours to 2200 hours for Police Bureau and 1500 hours to 2300 hours for Jail Bureau). Employees will be excused four (4) hours prior to completion of their shift the day before drill assembly or annual training commences.
- d. Excused time noted in a, b, and c above will be coded as military time. In the event that an employee exceeds his or her allotment of military leave time, the employee may elect to use compensatory time, vacation time, or no-pay. At the discretion of the employee, comp., vacation, or no-pay may be substituted for military time.

Note: The employee will be excused to allow sufficient time for rest and preparation for military duty and for their subsequent return to work. After an employee is excused for military leave, they would not be required to report back to work on the same calendar day.

C. Paid Military Leave

Pay for military leave will be withheld without official documentation.

1. Employee Responsibilities

- a. For instances of active military duty, the employee will submit a copy of both his/her military orders and **MB-99 Paid Military Leave Request Form** to his/her immediate supervisor. Employees will submit all orders prior to military duty upon receipt. If orders are unavailable prior to the commencement of military duty due to extenuating circumstances, they will be provided no later than by the end of the next full pay period following the return of duty.

Note: For instances of an extended deployment, an employee must contact Sheriff's Budget and Personnel to provide a copy of his/her military orders and to complete paperwork for supplemental benefits.

- b. For inactive military duty, a copy of the drill/meeting schedule and the **MB-99 Paid Military Leave Request Form** will be completed and provided to his/her immediate supervisor upon receipt. If a drill/meeting schedule is not published, the employee will be required to submit alternative proof of his/her obligation. Employees will be responsible for notifying their supervisor of any changes made to the drill/meeting schedule prior to the affected date/time.
- c. Upon completion of military duty, members need to provide their immediate supervisors with a **MB 190 Military Leave Attendance Verification Form** that is signed or stamped and/or initialed by their Commanding Officer. Proof of attendance will be submitted no later than by the end of the next full pay period following the return of duty.
- d. If no pay is being utilized for Military Leave the **MB-099 Paid Military Leave Request Form** is not required.

2. Supervisor Responsibilities

- a. Grant paid leave of absence up to a maximum of thirty (30) working days per calendar year.

Note: Requests for extended military leave and a copy of the

employee's military orders must be sent to the Sheriff's Budget and Personnel Office (not Labor Relations) so that the employee can be placed on a leave of absence and complete required paperwork.

- b. Maintain a copy of the documentation at the unit/zone level.
  - c. Approve paid military leave as outlined by current directives.
  - d. All questions regarding the application of this order will be directed to the Commander of Staff Services.
3. Personnel and Budget Office Responsibilities

Complete paperwork on extended military leave to place employee on a "no pay" leave of absence once the thirty (30) day military allotment has been depleted.

D. Extended Military Leave

1. Members who wish to store department issued equipment or uniforms while on extended military leave may do so. Arrangements will be made with the Quartermaster for safe-keeping.
2. The Commander of Staff Services shall be the agency point of contact with the employee.
3. All deployed employees shall complete an exit interview with the Bureau Chief or his/her designee prior to deployment.
4. Communication is encouraged throughout deployment via email, voice mail, phone, text, etc. Members are encouraged to communicate through their Lieutenant. Command Staff is encouraged to communicate through their direct Supervisor.

E. Reintegration of Department Personnel

1. Thirty-one (31) calendar days or more.

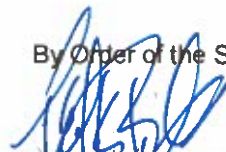
Employees shall advise their supervisor as soon as possible of their date of return. The employee shall complete an interview with their Bureau Chief, or their designee, prior to returning to duty.

2. Ninety-one (91) calendar days or more.

Employees returning from ninety-one days or more of military leave will be required to receive, at a minimum, the following training prior to returning to duty:

- a. Use of force to include Deadly Physical Force
- b. Defensive Tactics and recertification of all weapons
- c. Legal updates
- d. Policy changes/updates
- e. Any additional training as determined by the Commander of Staff Services or the employees Bureau Chief.

By Order of the Sheriff,



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Todd K. Baxter

\* Indicates significant changes from the previous Order.