

Opinion of Counsel to the Education Department

TEACHERS (salary)—EDUCATION LAW, §505

No. 126

You requested my opinion as to the authority of a board of education to withhold salary of a teacher for the period such teacher is absent from his appointed duties because such teacher is attending the annual convention of members of the New York State Teachers Retirement System as an elected delegate to such meeting.

Section 505 of the Education Law provides for the selection of delegates to the annual convention of members of the New York State Teachers Retirement System, which convention elects certain members of the New York State Teachers Retirement Board.

It would be my view that since the statute requires this convention, if a teacher is elected as a delegate that reasonable time for such teacher to attend would be deemed official business and such teacher would be deemed on duty for such period. For this reason, the teacher would be entitled to full salary for such period, and no deduction could be made from any sick leave or any leave credit and no deduction could be made for such period from the salary due such teacher.

Dated October 23, 1963

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