§ 3107. In cities having a population of one million or more, employees of the board of education who are members of the New York city teachers' retirement system shall be granted sick leave due to personal illness. Such sick leave shall be on the basis of at least ten days for each year of service, cumulative to a maximum of two hundred days. Members shall upon application be granted a retirement leave of absence with full pay consisting of one-half of their accumulated unused sick leave, up to a maximum of one school term or the equivalent number of school days.

Members of the New York city teachers' retirement system who are in the employ of the board of higher education and members of the permanent instructional staff of the board of higher education who are members of any other retirement system shall be eligible for retirement leave on the same basis as employees of the board of education, except that such members shall be granted sick leave due to personal illness of twenty days for each year of service cumulative to a maximum of one hundred sixty days. Such members shall upon application to the board of higher education be granted a retirement leave with full pay consisting of one-half of their accumulated unused sick leave, up to a maximum of one semester or the equivalent number of school days.

Members of any retirement system who are members of the permanent instructional staff of any community college in the city of New York shall upon application be granted a retirement leave of absence with full pay consisting of one-half of their accumulated unused sick leave, up to a maximum of one semester or the equivalent number of school days.

Days when school is not in session shall not be counted in the calculation of such retirement leaves. When a vacation period intervenes between the end of a retirement leave and the member's retirement date, such vacation period shall be deemed a period of active service for all purposes including compensation.

A retirement leave of absence shall be cancelled when a member on such leave files an application for immediate retirement or files an application for reinstatement to active service, in which event such

member shall be deemed to have forfeited the future right to the number of days of retirement leave already taken. In the event that a member on retirement leave applies for a sick leave during the period of such retirement leave, he shall thereupon become entitled to his total accumulated unused sick leave minus the number of school days actually taken as retirement leave, provided however, that such retirement leave, exclusive of sick leave, shall not exceed one school term or semester, or the equivalent number of school days. However, members of the instructional staff of the board of higher education or of the community colleges of the city of New York who are entitled to retirement leave of one semester shall not have the right to start a retirement leave during the course of a semester, nor may any member of the instructional staff of the board of higher education or of the community colleges of the city of New York on retirement leave have the right to be reinstated to active service during the course of a semester.

The extent of such leaves shall be included in the number of years of allowable service for retirement purposes.

The duties of members on retirement leave shall be covered in like manner as when members are absent on sick leave.

Any provision of law inconsistent with this section is hereby deemed superseded.