

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2021-02**

**Section 26.3**

**September 2021**

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TO: Manual Recipients  
FROM: Jessica Rowe, Director of Staffing Services  
SUBJECT: Special Enrollment Period: Productivity Enhancement Program  
(PEP) for 2021, PEF Represented Employees Only

The Productivity Enhancement Program (PEP) allows eligible PEF-represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums. The program will be available on a prorated basis effective July 1, 2021. For 2021, the prorated PEP credit will be credited among the State paydays that fall between September 29, 2021 and December 22, 2021. Attached please find the Program Description and the enrollment form for the 2021 PEP Program.

The starting and ending dates of the PEP Program for 2021 are detailed in the Program Description. The enrollment period for 2021 will be open from Monday, September 13, 2021 through Friday, October 1, 2021.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division by calling the HBA Help Line at (518) 474-2780.

Attachments: PEP Program Description  
Enrollment Form

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## **SPECIAL ENROLLMENT PERIOD: 2021 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION – PEF- REPRESENTED EMPLOYEES ONLY**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2021 allows eligible PEF-represented, employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. Employees of the Judiciary, Legislative, and those in the unclassified service of the State University of New York should refer to their respective agencies for information regarding PEP.

**NOTE:** PEF-represented institution teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “**Institution Teachers Appendix**” attached to this document. All other eligible employees will participate as described below.

The program will be available on a prorated basis effective July 1, 2021. For 2021, the prorated PEP credit will be distributed among the State paydays that fall between September 29, 2021 and December 22, 2021. Depending on when an employee’s enrollment is processed, the prorated PEP credit will commence between September 29, 2021 and November 4, 2021. Employees will receive a retroactive credit on the first impacted paycheck after enrollment. The remaining PEP credit will be divided evenly among subsequent paychecks.

Full-time PEF-represented employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 1.5 days (11.25 or 12 hours for 37.5- and 40 hour workweeks, respectively) or 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) of previously accrued annual and/or personal leave at the time of enrollment in return for a credit of up to either \$300 or \$600, respectively, for the 2021 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks that fall between September 29 – December 22, 2021.

Full-time PEF-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 1 days (7.50 or 8.00 hours for 37.5- and 40-hour workweeks, respectively) or 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) of previously accrued annual and/or personal leave at the time of enrollment in return for a credit of up to either \$300 or \$600, respectively, for the 2021 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks that fall between September 29 – December 22, 2021

The 2021 PEP credit will be dependent upon when the enrollment form was received. A retroactive credit will be applied on the first impacted paycheck and the remaining credit will be divided evenly among the remaining pay periods. Impacted paychecks may begin as early as September 29, 2021 and will continue through December 22, 2021.

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2021.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants’ leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage, grade level, or bargaining unit during the program year will have no impact on the health insurance premium contribution credit. The employee will not receive any portion of the credit that exceeds the cost of the employee share of their NYSHIP health insurance premium.

Disputes arising from this program are not grievable. This program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties.

## **ENROLLMENT**

The enrollment period for 2021 will be Monday, September 13, 2021 through Friday, October 1, 2021.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a PEF-represented employee, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Part-time annual-salaried employees who meet the eligibility requirements may participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-

hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

#### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program for 2021 (up to either \$300 or \$600).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2021 program year, the credit that will be applied to participants' biweekly employee share premiums on a prorated basis and will be calculated as follows:

#### Full-Time Employees

The biweekly credit is equal to either \$23.08 (\$300 divided by 13 paychecks) OR \$46.15 (\$600 divided by 13 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### Part-Time Employees

The biweekly credit is equal to either \$46.15 multiplied by the employee's payroll/employment percentage OR \$23.08 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even

when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

Certain PEF-represented Institution Teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP for 2021 in accordance with the preceding program description except as modified below:

### **OVERVIEW**

For program year 2021, eligible full-time Institution Teachers in Salary Grades 1–17 may forfeit 1/2 to 3 days of previously accrued personal leave in exchange for a credit of \$100 per half day to be applied toward the employee share of their NYSHIP premiums. For 2021, the prorated PEP credit will be distributed among the State paydays that fall between September 29, 2021 and December 22, 2021. Depending on when an employee's enrollment is processed, the prorated PEP credit will commence between September 29, 2021 and November 4, 2021. Employees will receive a retroactive credit on the first impacted paycheck after enrollment. The remaining PEP credit will be divided evenly among subsequent paychecks.

Eligible full-time Institution Teachers in Salary Grades 18–24 who enroll in the program will be eligible to forfeit between 1/2 to 2 days of previously accrued personal leave in exchange for a credit of \$150 per half day to be applied toward the employee share of their NYSHIP premiums. For 2021, the prorated PEP credit will be distributed among the State paydays that fall between September 29, 2021 and December 22, 2021. Depending on when an employee's enrollment is processed, the prorated PEP credit will commence between September 29, 2021 and November 4, 2021. Employees will receive a retroactive credit on the first impacted paycheck after enrollment. The remaining PEP credit will be divided evenly among subsequent paychecks.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 25 or equated to a position below Salary Grade 25; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for a PS&T employee in Salary Grade 24;
- Be an employee covered in the PS&T bargaining unit; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Special Enrollment Period: Productivity Enhancement Program for 2021  
Enrollment Form – PEF-represented Employees Only**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# xxx-xx-\_\_\_\_\_

Health Insurance Plan \_\_\_\_\_

Individual or Family Coverage (CHECK ONE)

By signing this document, I elect to participate in the 2021 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>PEF</b>	<b>PEF Institution Teachers</b>
<b>Salary Grade 1–17</b>	Choose 1 <sup>1/2</sup> or 3 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1/2 to 3 days _____ Hrs personal leave _____
<b>Salary Grade 18–24</b>	Choose 1 or 2 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1/2 to 2 days _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2021 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2021 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on October 1, 2021.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2021. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2020. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2020-06**

**Section 26.3**

**November 2020**

**Page 1 of 1**

TO: Manual Recipients  
FROM: Jessica Rowe, Director of Staffing Services  
SUBJECT: Implementation of the Productivity Enhancement Program for 2021

The Productivity Enhancement Program (PEP) allows eligible CSEA-represented, DC-37-represented and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis.

The starting and ending dates of the PEP program for 2021 are detailed in the Program Description. The enrollment period for 2021 will be open Monday, November 2, 2020 through Monday, November 30, 2020.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division by calling the HBA Help Line at (518) 474-2780.

Attachments: PEP Program Description  
Enrollment Form

## **2021 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2021 allows eligible CSEA-represented, DC-37-represented, and Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. Employees of the Judiciary, Legislative, and those in the unclassified service of the State University of New York should refer to their respective agencies for information regarding PEP.

The program will be available for calendar year 2021.

Full-time employees represented by CSEA, and DC-37, as well as M/C employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of earned annual and/or personal leave at the time of enrollment in return for a credit of up to either \$600 or \$1200, respectively, for the 2021 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year of January 1 through December 31, 2021.

Full-time employees represented by CSEA, and DC-37 in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of earned annual and/or personal leave at the time of enrollment in return for a credit of up to either \$600 or \$1200, respectively, for the 2021 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1 through December 31, 2021.

Full-time M/C employees in SG 18–23 (or non-statutory employees equated to SG 18–23, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 23), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of previously accrued annual and/or personal leave at the time of enrollment in return for a credit of up to either \$600 or \$1200, respectively, for the 2021 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year of January 1 through December 31, 2021.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2021 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2021</b>	Administration Lag	1/6/21 through 12/22/21	26
	Administration Current	12/23/20 through 12/8/21	26
	Institution Lag	12/31/20 through 12/16/21	26
	Institution Current	12/17/20 through 12/2/21	26
	Triple Lag	12/31/20 through 12/16/21	26

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2021.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants' leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage, grade level, or bargaining unit during the program year will have no impact on the health insurance premium contribution credit. The employee will not receive any portion of the credit that exceeds the cost of the employee share of their NYSHIP health insurance premium.

Disputes arising from this program are not grievable. This program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties. For non-represented employees, the program will sunset on December 31, 2021.

## **ENROLLMENT**

The enrollment period for 2021 will be Monday, November 2, 2020 through Monday, November 30, 2020.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

To be eligible for the program, employees must meet the following eligibility criteria:

- Employees represented by CSEA and DC-37 must be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;
- M/C employees must be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 23 or below or equated to a position at or below Salary Grade 23 (SUNY M/C employees–NU 13 should refer to SUNY Administration for eligibility);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Part-time annual-salaried employees who meet the eligibility requirements may participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program for 2021 (up to either \$600 or \$1200 for CSEA, M/C, and DC-37 employees).

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

## **CALCULATION OF PEP CREDIT**

For the 2021 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

### Full-Time Employees

- For CSEA, M/C, and DC-37 employees, the biweekly credit is equal to either \$23.08 (\$600 divided by 26 paychecks) OR \$46.15 (\$1200 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### Part-Time Employees

- For CSEA, M/C, and DC-37 employees, the biweekly credit is equal to either \$23.08 multiplied by the employee's payroll/employment percentage OR \$46.15 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

## **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

## **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single-family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

## **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program for 2021  
Enrollment Form**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# xxx-xx-\_\_\_\_\_

Health Insurance Plan \_\_\_\_\_

Individual  or Family Coverage  (CHECK ONE)

By signing this document, I elect to participate in the 2021 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>CSEA-DC-37-M/C</b>
<b>Salary Grade 1-17</b>	Choose 3 or 6 days _____ Hrs vacation leave _____ Hrs personal leave _____
<b>Salary Grade 18-24 (to SG 23 for M/C)</b>	Choose 2 or 4 days _____ Hrs vacation leave _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2021 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2021 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 30, 2020.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2021. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2021. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2019-05**

**Section 26.3**

**October 2019**

**Page 1 of 1**

TO: Manual Recipients  
FROM: Jessica Rowe, Director of Staffing Services  
SUBJECT: Implementation of the Productivity Enhancement Program for 2020

The Productivity Enhancement Program (PEP) allows eligible CSEA-represented, DC-37-represented, PEF-represented, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2020 PEP Program.

The starting and ending dates of the PEP program for 2020 are detailed in the Program Description. The enrollment period for 2020 will be open Monday, October 14, 2019 through Tuesday, November 19, 2019.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division by calling the HBA Help Line at (518) 474-2780.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## **2020 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2020 allows eligible CSEA-represented, DC-37-represented, PEF-represented, and Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. Employees of the Judiciary, Legislative, and those in the unclassified service of the State University of New York should refer to their respective agencies for information regarding PEP.

**NOTE:** PEF-represented institution teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “**Institution Teachers Appendix**” attached to this document. All other eligible employees will participate as described below.

The program will be available for calendar year 2020.

Full-time employees represented by CSEA, and DC-37, as well as M/C employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of previously accrued annual and/or personal leave at the time of enrollment in return for a credit of up to either \$600 or \$1200, respectively, for the 2020 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year of January 1 through December 31, 2020.

Full-time employees represented by CSEA and DC-37 in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of previously accrued annual and/or personal leave at the time of enrollment in return for a credit of up to either \$600 or \$1200, respectively, for the 2020 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year of January 1 through December 31, 2020.

Full-time M/C employees in SG 18–23 (or non-statutory employees equated to SG 18–23, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 23), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of previously accrued annual and/or personal leave at the time of enrollment in return for a credit of up to either \$600 or \$1200, respectively, for the 2020 program year to be applied toward the employee share of NYSHIP

premiums deducted from biweekly paychecks during the program year of January 1 through December 31, 2020.

Full-time PEF-represented employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of previously accrued annual and/or personal leave at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2020 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year of January 1 through December 31, 2020.

Full-time PEF-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of previously accrued annual and/or personal leave at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2020 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year of January 1 through December 31, 2020.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2020 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee’s Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2020</b>	Administration Lag	12/24/19 through 12/09/20	26
	Administration Current	12/11/19 through 11/25/20	26
	Institution Lag	01/02/20 through 12/17/20	26
	Institution Current	12/19/19 through 12/03/20	26
	Triple Lag	01/02/20 through 12/17/20	26

As discussed below under “**ELIGIBILITY,**” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2020.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants’ leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in

employment percentage, grade level, or bargaining unit during the program year will have no impact on the health insurance premium contribution credit. The employee will not receive any portion of the credit that exceeds the cost of the employee share of their NYSHIP health insurance premium.

Disputes arising from this program are not grievable. This program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties. For non-represented employees, the program will sunset on December 31, 2020.

## **ENROLLMENT**

The enrollment period for 2020 will be, Monday, October 14, 2019 through Tuesday, November 19, 2019.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

To be eligible for the program, employees must meet the following eligibility criteria:

- Employees represented by CSEA, DC-37 and PEF must be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;
- M/C employees must be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 23 or below or equated to a position at or below Salary Grade 23 (SUNY M/C employees—NU 13 should refer to SUNY Administration for eligibility);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Part-time annual-salaried employees who meet the eligibility requirements may participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program for 2020 (up to either \$600 or \$1200 for CSEA, DC-37 and M/C employees, or up to either \$500 or \$1000 for PEF employees).

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

## **CALCULATION OF PEP CREDIT**

For the 2020 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

### Full-Time Employees

- For CSEA, DC-37 and M/C employees, the biweekly credit is equal to either \$23.08 (\$600 divided by 26 paychecks) OR \$46.15 (\$1200 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.
- For PEF employees, the biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### Part-Time Employees

- For CSEA, DC-37 and M/C employees, the biweekly credit is equal to either \$23.08 multiplied by the employee's payroll/employment percentage OR \$46.15 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.
- For PEF employees, the biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

## **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under

the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until they return to the payroll, only that portion of the employee share of the premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single-family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

Certain PEF-represented Institution Teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP for 2020 in accordance with the preceding program description except as modified below:

### **OVERVIEW**

For program year 2020, eligible full-time Institution Teachers in Salary Grades 1–17 may forfeit 1 to 6 days of previously accrued personal leave in exchange for a credit of \$166.66 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2020.

Eligible full-time Institution Teachers in Salary Grades 18–24 who enroll in the program will be eligible to forfeit between 1 to 4 days of previously accrued personal leave in return for a credit of \$250 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2020.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 25 or equated to a position below Salary Grade 25; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for a PS&T employee in Salary Grade 24;
- Be an employee covered in the PS&T bargaining unit; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2020  
Enrollment Form**

Name: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ SS# xxx-xx-\_\_\_\_\_

Health Insurance Plan: \_\_\_\_\_

Check One:

- Individual   
Family Coverage

By signing this document, I elect to participate in the 2020 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>CSEA-DC-37-PEF-M/C</b>	<b>PEF Institution Teachers</b>
<b>Salary Grade 1-17</b>	Choose 3 or 6 days _____  Vacation leave - _____ Hours  Personal leave - _____ Hours	Choose between 1 to 6 days _____  Personal leave - _____ Hours
<b>Salary Grade 18-24 (to SG 23 for M/C)</b>	Choose 2 or 4 days _____  Vacation leave - _____ Hours  Personal leave - _____ Hours	Choose between 1 to 4 days _____  Personal leave - _____ Hours

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2020 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2020 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 19, 2019.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

## PERSONAL PRIVACY PROTECTION LAW NOTIFICATION

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2020. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2020. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

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### For Agency Personnel Office Only:

Employee's payroll/employment percentage: \_\_\_\_\_

Salary Grade: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation: \_\_\_\_\_

Personal: \_\_\_\_\_

Date: \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### For Health Benefits Administrators Only:

Date Processed: \_\_\_\_\_

Biweekly Health Insurance Premium Contribution Credit: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
**ATTENDANCE AND LEAVE MANUAL**  
POLICY BULLETIN 2019-04

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October 2019

Page 1 of 1

TO: Manual Recipients  
FROM: Jessica Rowe, Director Staffing Services Division  
SUBJECT: Attendance and Leave Item – 2016–2023 State-NYSCOPBA Negotiated Agreement

The following material describes the new or revised attendance and leave provisions contained in the 2016-2023 Agreements between the State of New York and the New York State Correctional Officers & Police Benevolent Association. These provisions were effective on January 24, 2019.

Questions concerning this material should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

**Bereavement/Family Sick Leave**

Employees may use up to 30 days of accumulated sick leave per calendar year for illness or death in the family.

**Use of Other Leave Credits for Bereavement**

Employees may request that an absence that would normally be approved as sick leave pursuant to Article 14.3 be charged against other leave credits if the employee has utilized the full amount of sick leave accruals referenced in Article 14.3(a) or has otherwise exhausted their sick leave accruals. Approval of such requests shall not be unreasonably denied.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2018-05**

**Section 26.3**

**October 2018**

**Page 1 of 1**

TO: Manual Recipients  
FROM: Scott DeFruscio, Director of Staffing Services  
SUBJECT: Implementation of the Productivity Enhancement Program for 2019

The Productivity Enhancement Program (PEP) allows eligible CSEA-represented, DC-37-represented, PEF-represented, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2019 PEP Program.

The starting and ending dates of the PEP program for 2019 are detailed in the Program Description. The enrollment period for 2019 will be open Monday, October 15, 2018 through Friday, November 16, 2018.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division by calling the HBA Help Line at (518) 474-2780.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## **2019 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2019 allows eligible CSEA-represented, DC-37-represented, PEF-represented, and Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. Employees of the Judiciary, Legislative, and those in the unclassified service of the State University of New York should refer to their respective agencies for information regarding PEP.

**NOTE:** PEF-represented institution teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the **“Institution Teachers Appendix”** attached to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2019.

Full-time CSEA-, and DC-37-represented employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$600 or \$1200, respectively, for the 2019 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2019.

Full-time CSEA-, and DC-37-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$600 or \$1200, respectively, for the 2019 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2019.

Full-time PEF-represented, and M/C employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2019 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2019.

Full-time PEF-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2019 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2019.

Full-time M/C employees in SG 18–23 (or non-statutory employees equated to SG 18–23, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 23), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2019 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year January 1–December 31, 2019.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2019 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee’s Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2019</b>	Administration Lag	12/26/18 through 12/11/19	26
	Administration Current	12/12/18 through 11/27/19	26
	Institution Lag	01/03/19 through 12/19/19	26
	Institution Current	12/20/18 through 12/05/19	26
	Triple Lag	01/03/19 through 12/19/19	26

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2019.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants’ leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance

premium contribution credit. The employee will not receive any portion of the credit that exceeds the cost of the employee share of their NYSHIP health insurance premium.

Disputes arising from this program are not grievable. This program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties. For non-represented employees, the program will sunset on December 31, 2019.

## **ENROLLMENT**

The enrollment period for 2019 will be Monday, October 15, 2018 through Friday, November 16, 2018.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- For CSEA-, DC-37-, and PEF-represented employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;
- For M/C employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 23 or below or equated to a position at or below Salary Grade 23 (SUNY M/C employees—NU 13 should refer to SUNY Administration for eligibility);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Part-time annual-salaried employees who meet the eligibility requirements may participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health

insurance premium contribution credit allowable under the program for 2019 (up to either \$600 or \$1200 for CSEA and DC-37 employees, or up to either \$500 or \$1000 for PEF and M/C employees).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2019 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### Full-Time Employees

For CSEA and DC-37 employees, the biweekly credit is equal to either \$23.08 (\$600 divided by 26 paychecks) OR \$46.15 (\$1200 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

For PEF and M/C employees, the biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### Part-Time Employees

For CSEA and DC-37 employees, the biweekly credit is equal to either \$23.08 multiplied by the employee's payroll/employment percentage OR \$46.15 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

For PEF and M/C employees, the biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

Certain PEF-represented Institution Teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP for 2019 in accordance with the preceding program description except as modified below:

### **OVERVIEW**

For program year 2019, eligible full-time Institution Teachers in Salary Grades 1–17 may forfeit 1 to 6 days of personal leave standing to their credit at the time of enrollment in exchange for a credit of \$166.66 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2019.

Eligible full-time Institution Teachers in Salary Grades 18–24 who enroll in the program will be eligible to forfeit between 1 to 4 days of personal leave in return for a credit of \$250 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2019.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 25 or equated to a position below Salary Grade 25; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for a PS&T employee in Salary Grade 24;
- Be an employee covered in the PS&T bargaining unit; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2019  
Enrollment Form**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# xxx-xx-\_\_\_\_\_  
 Health Insurance Plan \_\_\_\_\_  
 Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2019 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>CSEA-DC-37-PEF-M/C</b>	<b>PEF Institution Teachers</b>
<b>Salary Grade 1-17</b>	Choose 3 or 6 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 6 days _____ Hrs personal leave _____
<b>Salary Grade 18-24 (to SG 23 for M/C)</b>	Choose 2 or 4 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 4 days _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2019 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2019 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 16, 2018.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2019. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2019. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
 Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
 Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
 Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

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February 2018

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TO: Manual Recipients  
FROM: Scott DeFruscio, Director of Staffing Services  
SUBJECT: Attendance and Leave Items in the 2016-2021 Negotiated Agreements Between the State of New York and CSEA for Employees in the Administrative Services Unit (ASU), Institutional Services Unit (ISU), Operational Services Unit (OSU) and the Division of Military and Naval Affairs (DMNA)

The following material describes the new or revised attendance and leave provisions contained in the 2016-2021 Agreements between the State of New York and CSEA for employees in the Administrative Services Unit (ASU), Institutional Services Unit (ISU), Operational Services Unit (OSU) and the Division of Military and Naval Affairs (DMNA).

Questions concerning this material should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

**Article 4 – Employee Organization Leave (EOL)**

Clarification is provided that granting EOL for the investigation and processing of contract grievances is appropriate at all steps of the grievance process.

**Article 10 – Attendance and Leave**

*Family Sick Leave*

Effective on the date of ratification, August 8, 2017, employees may use up to 25 days of accumulated sick leave per calendar year for death or illness in the family.

*Accounting of Time Accruals and Hours Worked Side Letter*

The agreements are clarified that employees are required to keep daily time records showing actual hours worked on forms, or on an electronic or mechanical timekeeping system, subject to review and approval by the employee's supervisor.

*Productivity Enhancement Program*

The program will be available in calendar years 2017-2021. Effective calendar year 2019, the amount of the credit applied toward health insurance premiums increases from \$500 or \$1,000 to \$600 or \$1,200. The number of days forfeited remains unchanged.

*Time and Attendance Issues Side Letter*

The parties will review discretionary time and attendance policies with the intent to standardize such policies across agencies.

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**Article 11 – Workers’ Compensation Benefit**

*Workers’ Compensation Labor/Management Committee  
Annual Leave Accruals*

Effective April 1, 2019, an employee who is terminated as a result of being found permanently disabled by the State Insurance Fund or pursuant to Civil Service Law Section 71 shall be compensated for all accrued and unused annual leave.

**Article 27 – Distribution of Overtime**

*Compensatory Time for Overtime Worked Side Letter*

The program continues to be available to eligible employees in each year of the Agreement and is no longer a pilot program.

**Article 32 – Workday/Workweek**

*Written Statement of Work Schedule Deviations*

Agencies are no longer required to furnish the Governor’s Office of Employee Relations (GOER) with a list of work schedule deviations.

*Rest Periods*

The agreements were clarified that rest periods shall be administered in accordance with Civil Service Attendance Rule 20.1 as interpreted by the Attendance and Leave Manual Section 20.1.

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**Unit Specific Provisions**

**ISU-specific Provisions**

**Article 46 – Continuous Hours of Work**

In order to address excessive overtime for employees at Office for Persons with Developmental Disabilities (OPWDD) and Office of Mental Health (OMH), effective August 8, 2017, those employees in a direct care title who are mandated to work more than 16 consecutive hours of actual work will receive double time for any such time worked over 16 hours.

*Overtime in Direct Care Titles Side Letter*

In an effort to address persistent overtime:

- Floating clusters will be established for direct care titles in OPWDD and OMH with float staff assigned to clusters in a 25-mile radius to provide staffing relief.
- Per-diem and temporary employees in OPWDD and OMH who are otherwise qualified will be offered permanent employment where needed to alleviate persistent overtime or to fill needed positions.
- A labor/management committee comprised of representatives from GOER, DOB, DCS, CSEA, OPWDD, OMH, OCFS, and SUNY will address and review voluntary, mandatory, and extreme overtime in direct care titles. A plan to reduce and eliminate overtime will be created.

**DMNA-specific Provisions**

*Appendix IV – Attendance and Leave*

Recognizing that the Airport Firefighters have unique schedules that do not lend themselves to easily calculating earned accruals, and for clarification, information relevant to their accrual earnings calculations have been incorporated into Appendix IV.

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POLICY BULLETIN NO. 2018-01**

**Section 26.3**

**January 2018**

**Page 1 of 1**

TO: Manual Recipients  
FROM: Scott DeFruscio, Director of Staffing Services  
SUBJECT: Implementation of the DC-37 Productivity Enhancement Program  
for 2018

The Productivity Enhancement Program (PEP) allows eligible DC-37-represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description and the enrollment form for the 2018 PEP Program.

The starting and ending dates of the PEP program for 2018 are detailed in the Program Description. The enrollment period for 2018 will be open Thursday, February 1 through Wednesday, February 14, 2018.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to the Employee Benefits Division at (518) 474-2780.

Attachments: PEP Program Description  
Enrollment Form

## **2018 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2018 allows eligible DC-37-represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

The program will be available for the entire calendar year in 2018.

Full-time employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than the job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2018 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, March 7 – December 31, 2018.

Full-time DC-37-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2018 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, March 7 – December 31, 2018.

In order to administratively coordinate the PEP credit for DC-37 with introduction of the new health insurance rates, the 2018 PEP program year of January 1, 2018 through December 31, 2018 will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee’s Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2018</b>	Administration Lag	3/7/18 through 12/12/18	21

Retroactive PEP credits owed to an enrollee since January 1, 2018 will be included in the paycheck issued March 7, 2018.

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2018.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If

separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants' leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit. The employee will not receive any portion of the credit that exceeds the cost of the employee share of their NYSHIP health insurance premium.

Disputes arising from this program are not grievable. This program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties.

## **ENROLLMENT**

The enrollment period for 2018 will be Thursday, February 1 through Wednesday, February 14, 2018.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- For DC-37-represented employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO since January 1, 2018.

### *Part-Time Employees*

Part-time annual-salaried employees who meet the eligibility requirements may participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit

of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

#### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 for 2018).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2018 program year, the first credit will include all credits owed since December 27, 2017 through March 7, 2018.

Future credits will be applied to participants' biweekly employee share premiums calculated as follows:

#### *Full-Time Employees*

The biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### *Part-Time Employees*

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program and pay the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

## **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

## **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program for 2018  
Enrollment Form**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# xxx-xx-\_\_\_\_\_  
 Health Insurance Plan \_\_\_\_\_  
 Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2018 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>DC-37</b>
<b>Salary Grade 1-17</b>	Choose 3 or 6 days _____ Hrs vacation leave _____ Hrs personal leave _____
<b>Salary Grade 18-24</b>	Choose 2 or 4 days _____ Hrs vacation leave _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2018 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2018 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **February 14, 2018.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2018. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2018. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
 Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
 Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
 Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
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**Section 26.3**

**October 2017**

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TO: Manual Recipients  
FROM: Scott DeFruscio, Director of Staffing Services  
SUBJECT: Implementation of the Productivity Enhancement Program for 2018

The Productivity Enhancement Program (PEP) allows eligible CSEA-represented, PEF-represented, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2018 PEP Program.

The starting and ending dates of the PEP program for 2018 are detailed in the Program Description. The enrollment period for 2018 will be open Monday, October 2, 2017 through Monday, November 6, 2017.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division by calling the HBA Help Line at (518) 474-2780.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

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## **2018 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2018 allows eligible CSEA-represented, PEF-represented, and Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. Employees of the Judiciary, Legislative, and those in the unclassified service of the State University of New York should refer to their respective agencies for information regarding PEP.

**NOTE:** PEF-represented institution teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “**Institution Teachers Appendix**” attached to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2018.

Full-time employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2018 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2018.

Full-time CSEA- and PEF-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2018 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year.

Full-time M/C employees in SG 18–23 (or non-statutory employees equated to SG 18–23, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 23), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2018 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2018 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2018</b>	Administration Lag	12/27/17 through 12/12/18	26
	Administration Current	12/13/17 through 11/28/18	26
	Institution Lag	01/04/18 through 12/20/18	26
	Institution Current	12/21/17 through 12/06/18	26
	Triple Lag	01/04/18 through 12/20/18	26

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2018.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants' leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit. The employee will not receive any portion of the credit that exceeds the cost of the employee share of their NYSHIP health insurance premium.

Disputes arising from this program are not grievable. This program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties. For non-represented employees, the program will sunset on December 31, 2018.

## **ENROLLMENT**

The enrollment period for 2018 will be Monday, October 2, 2017 through Monday, November 6, 2017.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- For CSEA- and PEF-represented employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;

- For M/C employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 23 or below or equated to a position at or below Salary Grade 23 (SUNY M/C employees—NU 13 should refer to SUNY Administration for eligibility);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

#### *Part-Time Employees*

Part-time annual-salaried employees who meet the eligibility requirements may participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

#### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 for 2018).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2018 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### *Full-Time Employees*

The biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### Part-Time Employees

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays

taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program (PEP)  
Institution Teachers Appendix**

Certain PEF-represented Institution Teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP for 2018 in accordance with the preceding program description except as modified below:

**OVERVIEW**

For program year 2018, eligible full-time Institution Teachers in Salary Grades 1–17 may forfeit 1 to 6 days of personal leave standing to their credit at the time of enrollment in exchange for a credit of \$166.66 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2018.

Eligible full-time Institution Teachers in Salary Grades 18–24 who enroll in the program will be eligible to forfeit between 1 to 4 days of personal leave in return for a credit of \$250 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2018.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

**ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 25 or equated to a position below Salary Grade 25; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for a PS&T employee in Salary Grade 24;
- Be an employee covered in the PS&T bargaining unit; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2018  
Enrollment Form**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# xxx-xx-\_\_\_\_\_  
 Health Insurance Plan \_\_\_\_\_  
 Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2018 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>CSEA-PEF-M/C</b>	<b>PEF Institution Teachers</b>
<b>Salary Grade 1-17</b>	Choose 3 or 6 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 6 days _____ Hrs personal leave _____
<b>Salary Grade 18-24 (to SG 23 for M/C)</b>	Choose 2 or 4 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 4 days _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2018 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2018 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 6, 2017**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2018. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2018. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
 Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
 Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
 Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2016-02**

**Section 26.3**

**October 2016**

**Page 1 of 1**

TO: Manual Recipients  
FROM: Scott DeFruscio, Director of Staffing Services  
SUBJECT: Implementation of the Productivity Enhancement Program for 2017

The Productivity Enhancement Program (PEP) allows eligible CSEA-represented, DC-37-represented, PEF-represented, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2017 PEP Program.

The starting and ending dates of the PEP program for 2017 are detailed in the Program Description. The enrollment period for 2017 will be open Tuesday, November 1, 2016 through Friday, December 2, 2016.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

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Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## **2017 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2017 allows eligible CSEA-represented, DC-37-represented, PEF-represented, and Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. Employees of the Judiciary, Legislative, and those in the unclassified service of the State University of New York should refer to their respective agencies for information regarding PEP.

**NOTE:** PEF-represented institution teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the **“Institution Teachers Appendix”** attached to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2017.

Full-time employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2017 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2017.

Full-time CSEA-, DC-37-, and PEF-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2017 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year.

Full-time M/C employees in SG 18–23 (or non-statutory employees equated to SG 18–23, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 23), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2017 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2017 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
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	Institution Lag	01/05/17 through 12/22/17	26
	Institution Current	12/22/16 through 12/07/17	26
	Triple Lag	01/05/17 through 12/22/17	26

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2017.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants’ leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit. The employee will not receive any portion of the credit that exceeds the cost of the employee share of their NYSHIP health insurance premium.

Disputes arising from this program are not grievable. This program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties. For non-represented employees, the program will sunset on December 31, 2017.

## **ENROLLMENT**

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## **ELIGIBILITY**

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- For M/C employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 23 or below or equated to a position at or below Salary Grade 23 (SUNY M/C employees—NU 13 should refer to SUNY Administration for eligibility);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

#### *Part-Time Employees*

Part-time annual-salaried employees who meet the eligibility requirements may participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

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#### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 for 2017).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2017 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### *Full-Time Employees*

The biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### Part-Time Employees

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays

taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program (PEP)**  
**Institution Teachers Appendix**

Certain PEF-represented Institution Teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP for 2017 in accordance with the preceding program description except as modified below:

**OVERVIEW**

For program year 2017, eligible full-time Institution Teachers in Salary Grades 1–17 may forfeit 1 to 6 days of personal leave standing to their credit at the time of enrollment in exchange for a credit of \$166.66 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2017.

Eligible full-time Institution Teachers in Salary Grades 18–24 who enroll in the program will be eligible to forfeit between 1 to 4 days of personal leave in return for a credit of \$250 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2017.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

**ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 25 or equated to a position below Salary Grade 25; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for a PS&T employee in Salary Grade 24;
- Be an employee covered in the PS&T bargaining unit; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2017  
Enrollment Form**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# xxx-xx-\_\_\_\_\_  
 Health Insurance Plan \_\_\_\_\_  
 Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2017 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>CSEA-DC-37-PEF-M/C</b>	<b>PEF Institution Teachers</b>
<b>Salary Grade 1-17</b>	Choose 3 or 6 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 6 days _____ Hrs personal leave _____
<b>Salary Grade 18-24 (to SG 23 for M/C)</b>	Choose 2 or 4 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 4 days _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2017 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2017 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **December 2, 2016.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2017. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2017. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
 Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
 Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
 Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2015-03**

**Section 26.3**

**December 2015**

**Page 1 of 1**

TO: Manual Recipients  
FROM: Scott DeFruscio, Director of Staffing Services  
SUBJECT: Implementation of the Productivity Enhancement Program for  
2016 – PEF

The Productivity Enhancement Program (PEP) allows eligible PEF-represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2016 PEP Program.

The starting and ending dates of the PEP program for 2016 are detailed in the Program Description. The enrollment period for 2016 will be open Monday, December 7, 2015 through Friday, January 8, 2016.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division by calling the HBA Help Line at (518) 474-2780.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## **2016 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION – PEF**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2016 allows eligible PEF-represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. Employees of the Judiciary, Legislature, and those in the unclassified service of the State University of New York should refer to their respective agencies for information regarding PEP. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

**NOTE:** PEF-represented institution teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “**Institution Teachers Appendix**” to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2016.

Full-time employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2016 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2016.

Full-time employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2016 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2016 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2016</b>	Administration Lag	12/30/15 through 12/28/16	26
	Administration Current	12/16/15 through 12/14/16	26
	Institution Lag	01/07/16 through 01/04/17	26
	Institution Current	12/24/15 through 12/21/16	26
	Triple Lag	01/07/16 through 01/04/17	26

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2016.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants' leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit. The employee will not receive any portion of the credit that exceeds the cost of the employee share of their NYSHIP health insurance premium.

Disputes arising from this program are not grievable. This program will sunset on December 31, 2016.

### **ENROLLMENT**

The enrollment period for 2016 will be Monday, December 7, 2015 through Friday, January 8, 2016.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 for 2016.)

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

## **CALCULATION OF PEP CREDIT**

For the 2016 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

### *Full-Time Employees*

The biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### *Part-Time Employees*

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

## **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

## **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

Certain PEF-represented Institution Teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP for 2016 in accordance with the preceding program description except as modified below:

### **OVERVIEW**

For program year 2016, eligible full-time Institution Teachers in Salary Grades 1–17 may forfeit 1 to 6 days of personal leave standing to their credit at the time of enrollment in exchange for a credit of \$166.66 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2016.

Eligible full-time Institution Teachers in Salary Grades 18–24 who enroll in the program will be eligible to forfeit between 1 to 4 days of personal leave in return for a credit of \$250 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2016.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 25 or equated to a position below Salary Grade 25; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for a PS&T Unit employee in Salary Grade 24;
- Be an employee covered in the PS&T bargaining unit; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2016  
Enrollment Form – PEF**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# xxx-xx-\_\_\_\_\_  
 Health Insurance Plan \_\_\_\_\_  
 Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2016 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>PEF</b>	<b>PEF Institution Teachers</b>
<b>Salary Grade 1–17</b>	Choose 3 or 6 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 6 days _____ Hrs personal leave _____
<b>Salary Grade 18–24</b>	Choose 2 or 4 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 4 days _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2016 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2016 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **January 8, 2016.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2016. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2016. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
 Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
 Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
 Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2015-02**

**Section 26.3**

**October 2015**

**Page 1 of 1**

TO: Manual Recipients  
FROM: Scott DeFruscio, Director of Staffing Services  
SUBJECT: Implementation of the Productivity Enhancement Program for 2016

The Productivity Enhancement Program (PEP) allows eligible CSEA-represented, DC-37-represented, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. **NOTE: For PEF-represented employees, the program will end on December 31, 2015.**

Attached please find the Program Description and the enrollment form for the 2016 PEP Program.

The starting and ending dates of the PEP program for 2016 are detailed in the Program Description. The enrollment period for 2016 will be open Monday, October 26, 2015 through Friday, November 27, 2015.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division by calling the HBA Help Line at (518) 474-2780.

Attachments: PEP Program Description  
Enrollment Form

## **2016 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2016 allows eligible CSEA-represented, DC-37-represented, and Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis.

Employees of the Judiciary, Legislative and those in the unclassified service of the State University of New York should refer to their respective agencies for information regarding PEP. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

The program will be available for the entire calendar year in 2016.

Full-time employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2016 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2016.

Full-time CSEA- and DC-37-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2016 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. In cases where the payroll percentage of a part-time employee results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Full-time M/C employees in SG 18–23 (or non-statutory employees equated to SG 18–23, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 23), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2016 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. In cases where the payroll percentage of a part-time employee results in a leave forfeiture that is not a quarter-hour

increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2016 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2016</b>	Administration Lag	12/30/15 through 12/28/16	26
	Administration Current	12/16/15 through 12/14/16	26
	Institution Lag	01/07/16 through 01/04/17	26
	Institution Current	12/24/15 through 12/21/16	26
	Triple Lag	01/07/16 through 01/04/17	26

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2016.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants' leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit. The employee will not receive any portion of the credit that exceeds the cost of the employee share of their NYSHIP health insurance premium.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties. For non-represented employees, the pilot program will sunset on December 31, 2016.

## **ENROLLMENT**

The enrollment period for 2016 will be Monday, October 26, 2015 through Friday, November 27, 2015.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- For CSEA- and DC-37-represented employees, be a classified or unclassified service employee in the Executive branch in a title at SG 24 or below or equated to a position at or below SG 24;
- For M/C employees, be a classified or unclassified service employee in the Executive branch in a title at SG 23 or below or equated to a position at or below SG 23 (SUNY M/C employees–NU 13 should refer to SUNY Administration for eligibility);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 for 2016).

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

## **CALCULATION OF PEP CREDIT**

For the 2016 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

### *Full-Time Employees*

The biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### *Part-Time Employees*

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

## **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

## **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program for 2016  
Enrollment Form**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# xxx-xx-\_\_\_\_\_  
 Health Insurance Plan \_\_\_\_\_  
 Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2016 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>CSEA-DC-37-M/C</b>
<b>Salary Grade 1-17</b>	Choose 3 or 6 days _____ Hrs vacation leave _____ Hrs personal leave _____
<b>Salary Grade 18-24 (to SG 23 for M/C)</b>	Choose 2 or 4 days _____ Hrs vacation leave _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2016 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2016 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 27, 2015.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2016. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2016. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
 Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
 Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
 Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2014-02**

**Section 26.3**

**October 2014**

**Page 1 of 1**

TO: Manual Recipients  
FROM: Scott DeFruscio, Director of Staffing Services  
SUBJECT: Implementation of the Productivity Enhancement Program for 2015

The Productivity Enhancement Program (PEP) allows eligible CSEA, DC-37, PEF-represented employees, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2015 PEP Program.

The starting and ending dates of the PEP program for 2015 are detailed in the Program Description. The enrollment period for 2015 will be open Monday, October 20, 2014 through Friday, November 28, 2014.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## **2015 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2015 allows eligible CSEA-represented, DC-37-represented, PEF-represented, and Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

**NOTE:** PEF-represented institution teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “**Institution Teachers Appendix**” to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2015.

Full-time employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5- and 40-hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2015 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2015.

Full-time CSEA-, DC-37-, and PEF-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2015 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Full-time M/C employees in SG 18–23 (or non-statutory employees equated to SG 18–23, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 23), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5- and 40-hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5- and 40-hour workweeks, respectively) of annual and/or personal leave standing

to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2015 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2015 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2015</b>	Administration Lag	12/31/14 through 12/16/15	26
	Administration Current	12/17/14 through 12/2/15	26
	Institution Lag	12/25/14 through 12/10/15	26
	Institution Current	12/11/14 through 11/26/15	26
	Triple Lag	1/8/15 through 12/25/15	26

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2015.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants’ leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties. For non-represented employees, the pilot program will sunset on December 31, 2016.

**ENROLLMENT**

The enrollment period for 2015 will be Monday, October 20, 2014 through Friday, November 28, 2014.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- For CSEA-, DC-37-, and PEF-represented employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;
- For M/C employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 23 or below or equated to a position at or below Salary Grade 23 (except SUNY M/C employees–NU 13);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 for 2015). In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2015 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### *Full-Time Employees*

The biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### *Part-Time Employees*

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

## **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

## **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

In accordance with the 2011-2015 State/PEF collective bargaining agreement, certain PEF-represented Institution Teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP in accordance with the preceding program description except as modified below:

### **OVERVIEW**

For program year 2015, eligible full-time Institution Teachers in Salary Grades 1–17 may forfeit 1 to 6 days of personal leave standing to their credit at the time of enrollment in exchange for a credit of \$166.66 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2015.

Eligible full-time Institution Teachers in Salary Grades 18–24 who enroll in the program will be eligible to forfeit between 1 to 4 days of personal leave in return for a credit of \$250 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2015.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 25 or equated to a position below Salary Grade 25; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in Salary Grade 24 as specified in “Appendix I Salary Schedules” in the 2011-2015 State/PEF Collective Bargaining Agreement;
- Be an employee covered by the 2011-2015 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2015  
Enrollment Form**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# xxx-xx-\_\_\_\_\_  
 Health Insurance Plan \_\_\_\_\_  
 Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2015 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>CSEA-DC-37-PEF-M/C</b>	<b>PEF Institution Teachers</b>
<b>Salary Grade 1-17</b>	Choose 3 or 6 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 6 days _____ Hrs personal leave _____
<b>Salary Grade 18-24 (to SG 23 for M/C)</b>	Choose 2 or 4 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 4 days _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2015 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2015 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 28, 2014.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2015. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2015. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
 Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
 Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
 Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2014-01**

**Section 26.3**

**June 2014**

**Page 1 of 1**

TO: State Departments and Agencies  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Implementation of Productivity Enhancement Program for 2014 –  
DC-37

The Productivity Enhancement Program (PEP) allows eligible DC-37-represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description and the enrollment form for the 2014 PEP Program.

The starting and ending dates of the PEP program for 2014 are detailed in the Program Description. The enrollment period for 2014 will be Friday, June 27, 2014 through Friday, July 18, 2014.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Enrollment Form

## **2014 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2014 allows eligible DC-37-represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

The program will be available beginning on or after July 1, 2014.

Due to timing, PEP credit for 2014 will be included in the paychecks beginning on or after July 3, 2014 for Administration Lag payroll employees.

Full-time employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 1.5 days (11.25 hours for 37.5 hour workweeks) or 3 days (22.5 hours for 37.5 hour workweeks) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$250 or \$500 for the 2014 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, July 3–December 31, 2014.

Full-time employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 1 day (7.5 hours for 37.5 hour workweeks) or 2 days (15 hours for 37.5 hour workweeks) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$250 or \$500 for the 2014 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2014 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>
<b>2014</b>	Administration Lag	7/16/14 through 12/17/14

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2014.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants' leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties.

## **ENROLLMENT**

The enrollment period for 2014 will be Friday, June 27, 2014 through Friday, July 18, 2014.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- For DC-37-represented employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;
- Be a full-time employee with an annual salary within the applicable salary range, at the time of enrollment OR be a part-time employee whose biweekly salary is within the salary range, at the time of enrollment;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit

of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

#### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to \$500 for 2014). In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2014 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### *Full-Time Employees*

The biweekly credit is equal to either \$19.23 (\$250 divided by 13 paychecks) OR \$38.46 (\$500 divided by 13 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### *Part-Time Employees*

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

## **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

## **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program for 2014  
DC-37 Enrollment Form**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# xxx-xx- \_\_\_\_\_  
 Health Insurance Plan \_\_\_\_\_  
 Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2014 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>DC-37</b>
<b>Salary Grade 1-17</b>	Choose 1.5 or 3 days _____ Hrs vacation leave _____ Hrs personal leave _____
<b>Salary Grade 18-24</b>	Choose 1 or 2 days _____ Hrs vacation leave _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2014 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2014 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **July 18, 2014**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2014. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2014. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
 Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
 Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
 Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

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**TO:** Manual Recipients  
**FROM:** Blaine Ryan-Lynch, Director of Staffing Services  
**SUBJECT:** Impact of Deficit Reduction Plan on Attendance and Leave Benefits:  
Professional Services Negotiating Unit (BU 68)

**Introduction**

The following material has been prepared to assist you in implementing the attendance and leave provisions contained in the 2011-2016 Agreement between the State of New York and the United University Professions (UUP) for employees in the Professional Services Negotiating Unit (PSNU) (BU 68) (Lifeguards), as it relates to the Deficit Reduction Plan (DRP). All employees in lifeguard titles who are members of this bargaining unit in annual salaried, non-annual salaried (hourly) year-round, and non-annual salaried (hourly) seasonal positions between September 1, 2013 and August 31, 2015 are subject to the provisions of this Program regardless of Attendance Rules coverage.

This DRP consists of two sections: Section I addresses employees who work year-round either as annual salaried employees or non-annual salaried (hourly) employees; Section II addresses summer seasonal employees who are non-annual salaried (hourly) employees who work during the summer season only. Each section has two installments.

The DRP for annual salaried employees and non-annual salaried (hourly) employees who work year-round shall exist for 52 payroll periods in two separate 26 payroll period installments that span three State Fiscal Years (SFYs): 2013-14, 2014-15, and 2015-16.

The DRP for non-annual salaried (hourly) employees who work during the summer season shall exist in two separate installments in SFY 2014-15 and SFY 2015-16.

**Section I – Year-Round Employees (Annual Salaried and Hourly) First Installment**

The DRP reduces compensation by the equivalent of 1.923% of 26 pay periods of compensation, to be withheld from employees' checks paid beginning September 25, 2013 and ending September 10, 2014 for Administration Lag payroll, and October 3, 2013 through September 18, 2014 for Institution Lag payroll in the 2013-2014 and 2014-2015 SFYs. A maximum of two days salary will be reduced and granted as Deficit Reduction Leave (DRL) for PSNU employees in BU 68 effective September 2013. The salary reductions between payroll period 12 and payroll period 22 will correspond to the value of these two DRL days. Reductions made during this period shall **not** result in repayment. Specifically:

- Up to two days of DRL will be granted to annual salaried and non-annual salaried (hourly) year round position employees. These two DRL days must be taken as directed by the appointing authority and need not be the same two days for all employees at an agency. Appointing authorities will be encouraged to schedule the two directed DRL days as soon as practicable upon implementation of this DRP; however, such leave shall be granted no later than August 2014.

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- Employees who work less than full-time or on an hourly basis will be granted the appropriate pro-rata share of DRL which will be taken as directed by the appointing authority. Agencies should contact the Attendance and Leave Unit for guidance in determining the pro-rata share of DRL days to be granted for these employees.

<b>TEMPORARY REDUCED COMPENSATION RATE</b>					
<b>Section I – Year-Round Employees (Annual Salaried and Hourly)</b>					
<b>First Installment: 26 payroll periods</b>					
<b>SFY</b>	<b>RATE</b>	<b>PAYROLL CYCLE Administration Lag (A)</b>	<b>AMT OF DRL GRANTED</b>	<b>PAYROLL CYCLE Institution Lag (I)</b>	<b>AMT OF DRL GRANTED</b>
2013-14	1.923%	11 payroll periods: (A) PP 12 (paid 9/25/13) through PP 22 (paid 2/12/14)	2 days*	11 payroll periods: (I) PP 12 (paid 10/3/13) through PP 22 (paid 2/20/14)	2 days*
2013-14	1.923%	3 payroll periods: (A) PP 23 (paid 2/26/14) through last day of PP 25 (paid 3/26/14)	0 days**	2 payroll periods: (I) PP 23 (paid 3/6/14) through last day of PP 24 (paid 3/20/14)	0 days**
2014-15	1.923%	12 payroll periods: (A) PP 26 (paid 4/9/14) through last day of PP 11 (paid 9/10/14)	0 days**	13 payroll periods: (I) PP 25 (paid 4/3/14) through last day of PP 11 (paid 9/18/14)	0 days**

\*Determined at the discretion of each appointing authority and shall be taken as directed by the appointing authority between September 2013 and August 2014, and shall **NOT** be repaid.

\*\*Reductions shall be repaid.

**Section I – Year-Round Employees (Annual Salaried and Hourly) Second Installment**

The DRP reduces compensation by the equivalent of 1.538% of 26 pay periods of compensation, to be withheld from employee's checks paid beginning September 24, 2014 and ending September 9, 2015 for Administration Lag payroll, and October 2, 2014 through September 17, 2015 for Institution Lag payroll in the 2014-15 and 2015-16 SFYs.

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<b>TEMPORARY REDUCED COMPENSATION RATE</b>					
<b>Section I – Year-Round Employees (Annual Salaried and Hourly)</b>					
<b>Second Installment: 26 payroll periods</b>					
<b>SFY</b>	<b>RATE</b>	<b>PAYROLL CYCLE Administration Lag (A)</b>	<b>AMT OF DRL GRANTED</b>	<b>PAYROLL CYCLE Institution Lag (I)</b>	<b>AMT OF DRL GRANTED</b>
2014-15	1.538%	14 payroll periods: (A) PP 12 (paid 9/24/14) through last day of PP 25 (paid 3/25/15)	0 days*	14 payroll periods: (I) PP 12 (paid 10/2/14) through last day of PP 25 (paid 4/2/15)	0 days**
2015-16	1.538%	12 payroll periods: (A) PP 26 (paid 4/8/15) through last day of PP 11 (paid 9/9/15)	0 days*	12 payroll periods: (I) PP 26 (paid 4/16/15) through last day of PP 11 (paid 9/17/15)	0 days**

\*Reductions shall be in lieu of, and not in addition to, the previous 1.923% rate in SFYs 2013-14 and 2014-15. \*\*Reductions shall be repaid.

**Section II – Summer Seasonal Employees (Hourly) First Installment**

No deductions will be made for non-annual salaried (hourly) employees who work during the SFY 2013-14 summer season.

The first installment of the DRP shall begin with SFY 2014-15 payroll period 5 or when the employee joins the payroll for the 2014 summer season, and conclude when the employee leaves the payroll for the 2014 summer season.

<b>TEMPORARY REDUCED COMPENSATION RATE</b>					
<b>Section II – Summer Season Employees (Hourly)</b>					
<b>First Installment: 4 pay periods plus any additional based on employee's schedule</b>					
<b>SFY</b>	<b>RATE</b>	<b>PAYROLL CYCLE Admin and Admin Extra Lag</b>	<b>AMT OF DRL GRANTED</b>	<b>PAYROLL CYCLE Institution Lag</b>	<b>AMT OF DRL GRANTED</b>
2014-15	1.923%	4 payroll periods: (A) PP 5 (paid 6/18/14) through PP 8 (paid 7/30/14)	.5 days*	4 payroll periods: (I) PP 5 (paid 6/26/14) through PP 8 (paid 8/7/14)	.5 days*
2014-15	1.923%	(A) PP 9 (paid 8/13/14) until employee leaves payroll for 2014 Summer Season	0 days**	(I) PP 9 (paid 8/21/14) until employee leaves payroll for 2014 Summer Season	0 days**

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\*Determined at the discretion of each appointing authority and shall be taken as directed by the appointing authority between September 2013 and August 2014, and shall **NOT** be repaid.

\*\*Reductions shall be repaid.

**Section II – Summer Seasonal Employees (Hourly) Second Installment**

The second installment shall begin when the employee joins the payroll for the 2015 summer season and conclude when the employee leaves the payroll for the 2015 summer season.

<b>TEMPORARY REDUCED COMPENSATION RATE</b>					
<b>Section II – Summer Season Employees (Hourly)</b>					
<b>Second Installment: 2015 Summer Season</b>					
<b>SFY</b>	<b>RATE</b>	<b>PAYROLL CYCLE Administration and Administration Extra Lag</b>	<b>AMT OF DRL GRANTED</b>	<b>PAYROLL CYCLE Institution Lag</b>	<b>AMT OF DRL GRANTED</b>
2015-16	1.538%*	Begins when employee joins 2015 summer payroll and concludes when employee leaves 2015 summer payroll	0 days**	Begins when employee joins 2015 summer payroll and concludes when employee leaves 2015 summer payroll	0 days**

\*Reductions shall be in lieu of, and not in addition to, the previous 1.923% in the 2014 summer season. \*\*Reductions shall be repaid.

The following guidelines describe the way in which leave provisions of the Attendance Rules, negotiated agreements, and related laws and policies are impacted by the DRP.

**DEFICIT REDUCTION PLAN  
 ATTENDANCE AND LEAVE GUIDELINES**

**Eligibility**

All employees in lifeguard titles in BU 68 who are represented by PSNU [either annual salaried or non-annual salaried (hourly) who work year-round, or hourly who work during the summer season only] will be subject to this DRP regardless of coverage under the Attendance Rules.

Notwithstanding, PSNU-represented employees in BU 68 who have an hourly rate of less than \$7.39 in pay periods 12 through 25 of the 2013-14 SFY and pay periods 26 through 11 in the 2014-15 SFY, shall not be subject to the DRP in the 2013-14 and 2014-15 SFYs; employees represented by PSNU in BU 68 who have an hourly rate of less than \$7.36 in pay periods 12 through 25 for Administration payroll and 12 through 24 for Institution payroll of the 2014-15 SFY, and pay periods 26 through 11 for Administration payroll and 25 through 11 for Institution payroll of SFY 2015-16 shall not be subject to the DRP.

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State Fiscal Year	Payroll Periods	Hourly Rate
2013-2014	12 – 18 (A)	\$7.39
	12 – 18 (I)	
2013-2014	19 – 25 (A)	\$7.39
	19 – 25 (I)	
2014-2015	26 – 11 (A)	\$7.39
	26 – 11 (I)	
2014-2015	12 – 19 (A)	\$7.36
	12 – 18 (I)	
2014-2015	20 – 25 (A)	\$7.36
	19 – 24 (I)	
2015-2016	26 – 11 (A)	\$7.36
	25 – 11 (I)	

**Joining or Rejoining State Service During the DRP**

Employees who join or rejoin State service as members of BU 68 during the DRP shall be subject to the DRP’s Temporary Reduced Compensation Rate applicable on the employee’s respective start date.

Agencies should contact the Attendance and Leave Unit for guidance in determining the appropriate amount of DRL to be granted for employees who join or rejoin State service as members of BU 68 during the DRP.

**Amount of DRL Granted by the Appointing Authority**

See appropriate charts above.

**Using DRL**

All DRL granted will be taken at the discretion of each appointing authority and shall be taken between September 2013 and August 2014. Questions concerning an employee exceeding the vacation balance cap should be directed to the Attendance and Leave Unit.

DRL may be granted in quarter-hour increments. Employees are directed to take DRL at the discretion of the appointing authority and cannot choose when to take the DRL.

Time directed to be taken as DRL is considered full pay status for the purpose of earning biweekly accruals, eligibility for holidays, calculation of overtime, and Health/Dental/Vision insurance.

Agencies retain discretion as to whether time directed to be taken as DRL will or will not count for purposes of completing employee probationary periods.

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**Promotion or Reassignment Within an Agency or Within a Facility or Institution**

Employees who are promoted or reassigned within an agency or within a facility or institution will take DRL as directed by the appointing authority; however, such leave shall be granted no later than August 2014.

**Movement From One Agency to Another or Between Facilities or Institutions Within an Agency**

Employees who move from one agency to another or between facilities or institutions within an agency shall take DRL as directed by the appointing authority, prior to movement.

**Movement Under a Reciprocal Agreement**

Employees who move to an entity covered by a reciprocal agreement shall take DRL as directed by the appointing authority, prior to movement.

**Sick Leave at Half-Pay**

DRL must be taken as directed by the appointing authority prior to employees being placed on sick leave at half-pay.

Annual-salaried employees or seasonal hourly employees who go on sick leave at half-pay after the start of the DRP will be directed to take DRL by the appointing authority proportionate to the reduction in salary that will be taken under the DRP. Therefore, an agency should consult the Attendance and Leave Unit before it places an individual on sick leave at half-pay to ensure that the employee has been directed to take the appropriate amount of DRL.

When granting DRL, in these instances, agencies should round down to the nearest quarter-hour.

**Workers' Compensation Benefits**

Agencies should contact the Attendance and Leave Unit for guidance in determining the appropriate amount of DRL to be granted for employees who are out or go out on Workers' Compensation Leave at the start of or during the DRP.

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**Military Leave**

Agencies should contact the Attendance and Leave Unit for guidance in determining the appropriate amount of DRL to be granted for employees who are out or go out on Military leave at the start of or during the DRP.

**Leave Donation**

Employees must be directed to take DRL by the appointing authority prior to being eligible for the Leave Donation Program. DRL may not be donated.

**Family and Medical Leave Act (FMLA)**

A day of DRL taken as directed by the appointing authority in relation to an approved period of FMLA will count against the employee's 12 weeks of entitlement.

**Disciplinary Suspension**

Employees eligible to charge accruals during a period of disciplinary suspension may be directed to take DRL to cover this period at the discretion of the appointing authority.

DRL directed to be taken for this purpose will only be restored to the employee following an arbitrator's decision in the employee's favor and only if the decision is rendered prior to the end of the DRP period which corresponds to the time the DRL was taken.

Questions concerning this Program should be directed to the Attendance and Leave Unit of this Department at 518-457-2295.

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**Section 26.3**

**October 2013**

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TO: Manual Recipients  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Implementation of the Productivity Enhancement Program for 2014

The Productivity Enhancement Program (PEP) allows eligible CSEA, PEF-represented employees, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2014 PEP Program.

The starting and ending dates of the PEP program for 2014 are detailed in the Program Description. The enrollment period for 2014 will be open Monday, October 21, 2013 through Friday, November 29, 2013.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## **2014 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2014 allows eligible CSEA-represented, PEF-represented, and Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

**NOTE:** PEF-represented institution teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “**Institution Teachers Appendix**” to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2014.

Full-time employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2014 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2014.

Full-time CSEA- and PEF-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5 and 40 hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2014 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Full-time M/C employees in SG 18–23 (or non-statutory employees equated to SG 18–23, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 23), who enroll in the program will be eligible to forfeit a total of either 2 days (15 or 16 hours for 37.5 and 40 hour workweeks, respectively) or 4 days (30 or 32 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2014 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour

increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2014 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2014</b>	Administration Lag	1/1/14 through 12/17/14	26
	Administration Current	12/18/13 through 12/3/14	26
	Institution Lag	12/26/13 through 12/11/14	26
	Institution Current	12/12/13 through 11/26/14	26
	Triple Lag	1/9/14 through 12/25/14	26

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2014.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants' leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties. For non-represented employees the pilot program will sunset on December 13, 2016.

## **ENROLLMENT**

The enrollment period for 2014 will be Monday, October 21, 2013 through Friday, November 29, 2013.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- For CSEA- and PEF-represented employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;
- For M/C employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 23 or below or equated to a position at or below Salary Grade 23 (except SUNY M/C employees–NU 13);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 for 2014). In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

## **CALCULATION OF PEP CREDIT**

For the 2014 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

### *Full-Time Employees*

The biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### *Part-Time Employees*

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

## **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

## **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

In accordance with the 2011-2015 State/PEF collective bargaining agreement, certain PEF-represented Institution Teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP in accordance with the preceding program description except as modified below:

### **OVERVIEW**

For program year 2014, eligible full-time Institution Teachers in Salary Grades 1–17 may forfeit 1 to 6 days of personal leave standing to their credit at the time of enrollment in exchange for a credit of \$166.66 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2014.

Eligible full-time Institution Teachers in Salary Grades 18–24 who enroll in the program will be eligible to forfeit between 1 to 4 days of personal leave in return for a credit of \$250 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2014.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 25 or equated to a position below Salary Grade 25; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in Salary Grade 24 as specified in “Appendix I Salary Schedules” in the 2011-2015 State/PEF Collective Bargaining Agreement;
- Be an employee covered by the 2011-2015 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2014  
Enrollment Form**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# \_\_\_\_\_  
 Health Insurance Plan \_\_\_\_\_  
 Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2014 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>CSEA-PEF-M/C</b>	<b>PEF Institution Teachers</b>
<b>Salary Grade 1-17</b>	Choose 3 or 6 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 6 days _____ Hrs personal leave _____
<b>Salary Grade 18-24 (to SG 23 for M/C)</b>	Choose 2 or 4 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 4 days _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2014 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2014 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 29, 2013.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2014. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2014. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
 Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
 Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
 Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2012-06**

**Section 26.3**

**October 2012**

**Page 1 of 1**

TO: Manual Recipients  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Implementation of the Productivity Enhancement Program for  
2013

The Productivity Enhancement Program (PEP) allows eligible CSEA, PEF-represented employees, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2013 PEP Program.

The starting and ending dates of the PEP program for 2013 are detailed in the Program Description. The enrollment period for 2013 will be open Monday, October 22, 2012 through Friday, November 30, 2012.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators (HBAs). Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

HBAs are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## **2013 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) for 2013 allows eligible CSEA-represented, PEF-represented, and Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

**NOTE:** PEF-represented institution teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “**Institution Teachers Appendix**” to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2013.

Full-time employees in Salary Grades (SG) 1–17 (or non-statutory employees equated to SG 1–17, or employees with an annual salary rate no greater than job rate of SG 17) who enroll in the program may elect to forfeit a total of either 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2013 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year, January 1–December 31, 2013.

Full-time CSEA- and PEF-represented employees in SG 18–24 (or non-statutory employees equated to SG 18–24, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 24), who enroll in the program will be eligible to forfeit a total of either 2.25 days (17 [rounded up from 16.875] or 18 hours for 37.5 and 40 hour workweeks, respectively) or 4.5 days (33.75 or 36 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2013 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Full-time M/C employees in SG 18–23 (or non-statutory employees equated to SG 18–23, or employees with an annual salary exceeding the job rate of SG 17 but with an annual salary no greater than the job rate of SG 23), who enroll in the program will be eligible to forfeit a total of either 2.25 days (17 [rounded up from 16.875] or 18 hours for 37.5 and 40 hour workweeks, respectively) or 4.5 days (33.75 or 36 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2013 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the

program year. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2013 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2013</b>	Administration Lag	1/2/13 through 12/18/13	26
	Administration Current	12/19/12 through 12/4/13	26
	Institution Lag	12/27/12 through 12/12/13	26
	Institution Current	12/13/12 through 11/27/13	26
	Triple Lag	1/10/13 through 12/26/13	26

As discussed below under “**ELIGIBILITY**,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2013.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. (Note: If separated from service due to layoff and placed on a preferred list, the former employee will continue to participate.) Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants' leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31 of the last year of the negotiated contract agreement unless extended by mutual agreement of the parties. For non-represented employees the pilot program will sunset on December 13, 2016.

## **ENROLLMENT**

The enrollment period for 2013 will be Monday, October 22, 2012 through Friday, November 30, 2012.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- For CSEA- and PEF-represented employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 24 or below or equated to a position at or below Salary Grade 24;
- For M/C employees, be a classified or unclassified service employee in the Executive branch in a title at Salary Grade 23 or below or equated to a position at or below Salary Grade 23 (except SUNY M/C employees–NU 13);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 for 2013). In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

## **CALCULATION OF PEP CREDIT**

For the 2013 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

### Full-Time Employees

The biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### Part-Time Employees

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

## **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

## **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

## **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

In accordance with the 2011-2015 State/PEF collective bargaining agreement, certain PEF-represented Institution Teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP in accordance with the preceding program description except as modified below:

### **OVERVIEW**

For program year 2013, eligible full-time Institution Teachers in Salary Grades 1–17 may forfeit 1 to 6 days of personal leave standing to their credit at the time of enrollment in exchange for a credit of \$166.66 per day to be applied toward the employee share of their NYSHIP premiums. This credit will be evenly divided among State paydays between January 1 and December 31, 2013.

Eligible full-time Institution Teachers in Salary Grades 18–24 who enroll in the program will elect to forfeit between 2 and 4.5 days of personal leave. This leave will be calculated as follows: January–March either 1 day or 1.5 days for a credit of \$166.66 or \$250, respectively; **and** April–December either 1, 2, or 3 days of personal leave for a credit of \$250 per day. All of these credits will be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the 2013 program year.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 25 or equated to a position below Salary Grade 25; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in Salary Grade 24 as specified in “Appendix I Salary Schedules” in the 2011-2015 State/PEF Collective Bargaining Agreement;
- Be an employee covered by the 2011-2015 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2013  
Enrollment Form**

Name \_\_\_\_\_ Salary Grade \_\_\_\_\_ SS# \_\_\_\_\_  
 Health Insurance Plan \_\_\_\_\_  
 Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2013 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet all the eligibility criteria as set forth in the program description in order to participate.

I understand that, in accordance with the program description, I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

	<b>CSEA-PEF-M/C</b>	<b>PEF Institution Teachers</b>
<b>Salary Grade 1-17</b>	Choose 3 or 6 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose between 1 to 6 days _____ Hrs personal leave _____
<b>Salary Grade 18-24 (to SG 23 for M/C)</b>	Choose 2.25 or 4.5 days _____ Hrs vacation leave _____ Hrs personal leave _____	Choose 2, 2.5, 3, 3.5, 4, or 4.5 days _____ Hrs personal leave _____

In exchange for forfeiting this accrued leave I will receive a credit as set forth in the program description to be applied against the employee share cost of 2013 plan year NYSHIP health insurance. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2013 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 30, 2012**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2013. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2013. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_ Salary Grade: \_\_\_\_\_ Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
 Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
 Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
 Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2012-05**

Sections 21.12 & 26.3

September 2012

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TO: Manual Recipients  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Impact of Deficit Reduction Plan on Attendance and Leave Benefits: Security Services Unit (BU-01)

### **Introduction**

The following material has been prepared to assist you in implementing the attendance and leave provisions contained in the 2009–2016 Agreement between the State of New York and the New York State Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA) for employees in the Security Services Unit with a bargaining unit designation of 01 (BU-01), as they relate to the Deficit Reduction Plan (DRP) and Deficit Reduction Leave (DRL). All employees who are members of BU-01 on or after July 23, 2012 are subject to the provisions of this program regardless of Attendance Rules coverage.

Specifically:

- Employees hired before March 26, 2012 and on payroll July 23, 2012 shall be credited with 9 days of DRL.
- Employees hired on March 26, 2012 and on payroll July 23, 2012 shall be credited with 4 days of DRL.
- Employees hired after March 26, 2012 and before March 7, 2013 for employees on the Institution Lag payroll calendar or before March 14, 2013 for employees on the Administration Lag payroll calendar shall be credited with 4 days of DRL, prorated to reflect the number of DRP pay periods the employee will participate in.
- Employees who work less than full-time or on a per diem basis, or who perform extra time or extra service, will receive the appropriate pro-rata share of DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for these employees.
- The State will ensure that each employee who requests to use their entire allotment of DRL prior to September 30, 2014 will be permitted to do so. Time off is at employee election, subject to supervisory approval.

The following guidelines describe the way in which leave provisions of the Attendance Rules, negotiated agreements, and related laws and policies are impacted by the DRP.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2012-05**

Sections 21.12 & 26.3

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**DEFICIT REDUCTION PLAN  
ATTENDANCE AND LEAVE GUIDELINES**

**Eligibility**

All employees who are represented by NYSCOPBA (BU-01) will be subject to this DRP regardless of coverage under the Attendance Rules. Except that, NYSCOPBA (BU-01)-represented employees hired before March 26, 2012 who have an hourly rate of less than \$7.39 in the 2011–12 SFY or an hourly rate of less than \$7.36 in the 2012–13 SFY shall not be subject to the DRP in that respective year. Additionally, NYSCOPBA (BU-01)-represented employees hired after March 26, 2012 who have an hourly rate of less than \$7.37 in the 2012–13 SFY shall not be subject to the DRP.

Full-Time Annual-Salaried Employees

Full-time annual-salaried employees are credited with DRL pursuant to the chart below as of July 23, 2012 and are allowed to begin charging DRL on July 23, 2012, subject to supervisory approval.

**NYSCOPBA BU-01 DRL Groups**

	<b>Hired before 3/26/12</b>	<b>Hired 3/26/12</b>	<b>Hired after 3/26/12 and before 3/7/13 (Inst.) or before 3/14/13 (Admin.)</b>
Hours Credited to 75 hour per pay period employees	67.5	30	30, prorated for number of DRP pay periods employee will participate in (see note below).
Hours Credited to 80 hour per pay period employees	72	32	32, prorated for number of DRP pay periods employee will participate in (see note below).
Biweekly Calculation for 75 hour per pay period employees	2011-12: 1.44 2012-13: 1.15 *Rates only for calculating Extra Service and Extra Time Worked	1.20 *Rate only for calculating Extra Service and Extra Time worked	1.20 hrs. x number of DRP pay periods employee will participate in (see note below).
Biweekly Calculation for 80 hour per pay period employees	2011-12: 1.54 2012-13: 1.23 *Rates only for calculating Extra Service and Extra Time Worked	1.28 *Rate only for calculating Extra Service and Extra Time worked	1.28 hrs. x number of DRP pay periods employee will participate in (see note below).

**NOTE:** For employees hired on or after 3/26/12 and before 3/7/13 for employees on the Institution Lag payroll calendar, or before 3/14/13 for employees on the Administration Lag payroll calendar, the number of DRP pay periods in which an employee could potentially participate in, are as follows:

Institution Lag - 25 payroll periods: SFY 2011–12 payroll period 26 (paid 4/19/12) through SFY 2012–13 payroll period 24 (paid 3/21/13).

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Administration Lag - 25 payroll periods: 25 SFY 2012–13 payroll period 1 (paid 4/25/12) through SFY 2012–13 payroll period 25 (paid 3/27/13).

Part-Time Annual-Salaried Employees

Part-time annual-salaried employees are credited with prorated days of DRL, based on their employment percentage and based on the chart above.

Example 1: A part-time annual-salaried employee hired on January 1, 2012 whose 50% schedule requires them to work 40 hours in a biweekly pay period will be credited with 36 hours of DRL at the start of the program.

Example 2: A part-time annual-salaried employee on the Institution Lag payroll calendar hired on August 2, 2012 whose 50% schedule requires them to work 40 hours in a biweekly pay period will be credited with 10.00 hours of DRL at the start of the program (see formula below).

$(1.28) \times (15.5 \text{ pay periods based on date of hire}) \times .5 = 9.75 \text{ hours (rounded down from 9.92)}$

Employees entering BU-01 on or after March 26, 2012

For employees hired after March 26, 2012, to determine the amount of DRL to be credited to such employees, the Agency should make the following calculation (rounded down to the nearest quarter-hour):

**80 hour per pay period employees**

$((1.28) \times (\text{Remaining Pay Periods in DRP that employee is expected to participate in}) \times (\text{Employee's FTE equivalent}))$

**75 hour per pay period employees**

$((1.20) \times (\text{Remaining Pay Periods in DRP that employee is expected to participate in}) \times (\text{Employee's FTE equivalent}))$

Extra Time Worked

Part-time annual-salaried employees will also be credited with a proportionate amount of additional DRL on a pay period to pay period basis, prorated based on additional hours worked beyond their set payroll percentage which do not exceed the employee's basic workweek of 37.5 or 40 hours. The exact amount of DRL will vary based on the actual time worked.

For example, an agency requires a part-time annual-salaried employee hired on January 1, 2012 whose normal schedule is 50% (40 hours in a biweekly pay period) to work full-time (100%) during three biweekly pay periods during the 2012–13 SFY. The employee has already been credited with DRL for these pay periods in connection with the 50% work schedule. To calculate the additional DRL earned in connection with this work, take the appropriate biweekly DRL value (1.23 hours per pay period) and multiply by 0.5 to prorate for the difference between the regular 50% work schedule and the full-time work performed. Then multiply the result (.615 hour) by the number of pay periods (three) and round the product down to the nearest quarter-hour, yielding an additional DRL credit of 1.75 hours. Agencies will

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need to make adjustments, both positive and negative, as the program proceeds to ensure individuals are credited with the correct amount of DRL.

**NOTE:** Agencies will have to provide additional DRL for extra time worked on all days which have been or will be paid within the 2011–12 and 2012–13 SFYs. The biweekly DRL value for SFY 2011–12 that should be used is 1.44 hours per pay period for 75 hour per pay period employees and 1.54 hours per pay period for 80 hour per pay period employees. The biweekly DRL value for SFY 2012–13 that should be used is 1.15 hours per pay period for 75 hour per pay period employees and 1.23 hours per pay period for 80 hour per pay period employees.

Employees Engaged in Extra Service

Employees who are approved for, and work, extra service will be credited with DRL in proportion to the additional hours of work performed. The computation is similar to that shown for extra time worked.

For example, a full-time annual-salaried employee hired January 1, 2012 whose normal schedule is 100% (80 hours in a biweekly pay period) would be credited with 72 hours of DRL upon ratification. If the employee worked 20 hours of extra service for two pay periods during the 2012–13 SFY (25% of a full-time schedule), multiply the appropriate 2012–13 DRL Factor (1.23 hours per pay period) by 0.25 to prorate for a 25% work schedule and then multiply by two pay periods and round the result down to the nearest quarter-hour. In this example, the employee should be credited with an additional .5 hours of DRL (rounded down from .615 hours).

**NOTE:** Agencies will have to provide additional DRL for extra service worked on all days which have been or will be paid within the 2011–12 and 2012–13 SFYs. The biweekly DRL value for SFY 2011–12 that should be used is 1.44 hours per pay period for 75 hour per pay period employees and 1.54 hours per pay period for 80 hour per pay period employees. The biweekly DRL value for SFY 2012–13 that should be used is 1.15 hours per pay period for 75 hour per pay period employees and 1.23 hours per pay period for 80 hour per pay period employees.

Annual-Salaried Employee Changes in Employment Percentage

Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee's percentage of employment changes.

Hourly Employees

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for hourly employees.

Voluntary Reduction in Work Schedule (VRWS) Employees

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees on VRWS.

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Per Diem Employees

Per diem employees are subject to the DRP and therefore are entitled to DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for per diem employees.

**Using DRL**

If an employee wishes to use any or all DRL credits, such credits must be used prior to September 30, 2014. DRL credits may not be carried over beyond September 30, 2014. The vacation credit balance of an employee may not exceed 45 days on either October 1, 2012 or October 1, 2013.

Employees **must** obtain prior supervisory approval before using DRL. Employees should provide reasonable advance notice of their requested DRL and agencies may take operational need into account when approving such requests.

DRL credits may be used in quarter-hour increments.

Employees may elect to use DRL for all absences (including block vacations) in the same manner as vacation leave. DRL credits may not be used to cover unscheduled absences such as employees calling in sick but may be used for pre-planned appointments with prior supervisory approval including medical appointments or pre-scheduled absences normally charged to sick leave.

Time charged to DRL is considered full pay status for the purpose of earning biweekly accruals, eligibility for holidays, calculation of overtime, pre-shift briefing payments, and Health/Dental/Vision insurance.

Agencies retain discretion as to whether charges to DRL will or will not count for purposes of completing employee probationary periods.

Seniority will be the determining factor if there are multiple requests for DRL use on the same day.

**Time Record Maintenance**

Agencies should adjust their time records systems to allow for this new type of leave and are required to track its use.

**Separations**

Employees that are separated from State service for any reason during the DRP period will forfeit unused DRL credits. There is no lump sum payment for unused days of DRL.

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For employees who leave State employment, or who do not leave State employment but are no longer subject to the BU-01 DRP for any reason during the DRP period, and have used more DRL credits than the employee earned based on the employee's time in the DRP, the State will offset the excess DRL by reducing either the employee's compensation or the employee's vacation and/or personal leave accruals. To the extent that such accruals are insufficient to offset the excess DRL, the State may utilize any other legal remedies available to recoup the value of the excess DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who leave State employment or are no longer subject to the BU-01 DRP.

### **Movement to a Different Bargaining Unit**

Agencies might have to adjust the DRL credited to an employee who leaves BU-01 for a position in another bargaining unit. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees moving from a bargaining unit subject to the DRP to a bargaining unit not subject to the DRP.

**NOTE:** Earned and unused DRL retained by an employee who leaves BU-01 prior to September 30, 2014 will expire on September 30, 2014.

### **Promotion or Reassignment Within an Agency or Within a Facility or Institution**

Employees who are promoted or reassigned within an agency or within a facility or institution retain earned and unused DRL; however, such leave will expire on September 30, 2014.

### **Movement From one Agency to Another or Between Facilities or Institutions Within an Agency**

Employees who move from one agency to another or between facilities or institutions within an agency retain earned and unused DRL; however, such leave will expire on September 30, 2014.

### **Movement Under a Reciprocal Agreement**

Employees who move to an entity covered by a reciprocal agreement should be given the opportunity to exhaust earned DRL prior to movement, subject to supervisory approval. In no event will DRL be carried over to an entity covered by reciprocal agreement.

### **Sick Leave at Half-Pay**

DRL must be exhausted prior to employees being placed on sick leave at half-pay.

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Annual-salaried employees on sick leave at half-pay at the beginning of the program will only be credited with the applicable amount of DRL based on the employee's date of hire, prorated at 50%. Additional DRL will be credited to these employees on a prorated basis for future pay periods covered by the DRP upon return to their regular schedule. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on sick leave at half-pay, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

Annual-salaried employees who go on sick leave at half-pay after the start of the DRP may need to have their DRL balance reduced proportionate to the reduction in salary that will be taken under the DRP. Therefore, an agency should consult the Attendance & Leave Unit before it places an individual on sick leave at half-pay to ensure that the employee has been credited with and has used the appropriate amount of DRL.

When crediting DRL, in these instances, agencies should round down to the nearest quarter-hour.

### **Workers' Compensation Benefits**

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who are out or go out on Workers' Compensation Leave at the start of or during the DRP.

### **Military Leave**

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who are out, or who go out, on Military leave for any part of the DRP.

### **Leave Donation**

DRL must be exhausted prior to employees being eligible for the Leave Donation Program. DRL may not be donated.

### **Family and Medical Leave Act (FMLA)**

A day of DRL used in relation to an approved period of FMLA will count against the employee's 12 weeks of entitlement.

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**Disciplinary Suspension**

Employees eligible to charge accruals during a period of disciplinary suspension may charge DRL to cover this period.

DRL credits charged for this purpose will only be restored to the employee following an arbitrator's decision in the employee's favor and only if the decision is rendered prior to the end of the DRP period to which those credits correspond.

Questions concerning this Program should be directed to the Attendance & Leave Unit of this Department at 518-457-2295.

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TO: Manual Recipients  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Impact of Deficit Reduction Plan on Attendance and Leave Benefits: Security Supervisors Units (BU-61/BU-91)

## **Introduction**

The following material has been prepared to assist you in implementing the attendance and leave provisions contained in the 2009–2016 Agreement between the State of New York and Council 82 for employees in the Security Supervisors Units with a bargaining unit designation of either 61 or 91 (BU-61/BU-91), as they relate to the Deficit Reduction Plan (DRP) and Deficit Reduction Leave (DRL). All employees who are members of BU-61/BU-91 on or after May 3, 2012 and before March 15, 2013 for employees on the Administration Lag payroll calendar or before March 8, 2013 for employees on the Institution Lag payroll calendar are subject to the provisions of this program, regardless of Attendance Rules coverage.

Specifically:

- Employees who were members of BU-61/BU-91 on May 3, 2012 and who first joined BU-61/BU-91 before March 15, 2012 for employees on the Administration Lag payroll calendar or before March 8, 2012 for employees on the Institution Lag payroll calendar shall be credited with 9 days of DRL.
- Employees who were members of BU-61/BU-91 on May 3, 2012 and who first joined BU-61/BU-91 on or after March 15, 2012 for employees on the Administration Lag payroll calendar or on or after March 8, 2012 for employees on the Institution Lag payroll calendar shall be credited with 4 days of DRL.
- Employees who first join BU-61/BU-91 on or after August 16, 2012 and prior to March 14, 2013 for employees on the Administration Lag payroll calendar or on or after August 9, 2012 and prior to March 7, 2013 for employees on the Institution Lag payroll calendar shall be credited with DRL prorated to reflect the number of pay periods between date of membership and March 31, 2013.
- Employees who work less than full-time or on a per diem basis, or who perform extra time or extra service, will receive the appropriate pro-rata share of DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for these employees.
- The State will ensure that each employee who requests to use their entire allotment of DRL prior to June 30, 2013 will be permitted to do so. Time off is at employee election, subject to supervisory approval.

The following guidelines describe the way in which leave provisions of the Attendance Rules, negotiated agreements, and related laws and policies are impacted by the DRP.

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**Eligibility**

All employees who are represented by Council 82 (BU-61/BU-91) will be subject to this DRP regardless of coverage under the Attendance Rules. Except that, Council 82 (BU-61/BU-91)-represented employees who have an hourly rate of less than \$7.39 in the 2011–12 SFY shall not be subject to the DRP in the 2011–12 SFY (only applies to employees who joined Council 82 before March 15, 2012 for employees on the Administration Lag payroll calendar or employees hired before March 8, 2012 for employees on the Institution Lag payroll calendar); employees represented by Council 82 (BU-61/BU-91) who have an hourly rate of less than \$7.36 in the 2012–13 SFY shall not be subject to the DRP in the 2012–13 SFY.

**Earning DRL**

Full-Time Annual-Salaried Employees

Full-time annual-salaried employees are credited with DRL pursuant to the chart below as of May 3, 2012 and are allowed to begin charging DRL on May 3, 2012, subject to supervisory approval. Note that, in addition to the eligibility requirements established below for Group 1 and Group 2, employees must have also been a member of Council 82 on May 3, 2012 to be members of such groups.

**Council 82 BU 61/BU 91 DRL Groups**

	<b>Group 1</b>	<b>Group 2</b>	<b>Group 3</b>
Institution Lag	Joined Council 82 before 3/8/12	Joined Council 82 3/8/12-8/8/12	Joined Council 82 8/9/12- 3/6/13
Administration Lag	Joined Council 82 before 3/15/12	Joined Council 82 3/15/12-8/15/12	Joined Council 82 8/16/12- 3/13/13
Hours Credited (40 hour workweek)	72	32	(1.23 hours) x (pay periods employee will be part of Council 82 by 3/6/13 or 3/13/13 [depending on employee's payroll cycle])
Hours Credited (37.5 hour workweek)	67.5	30	(1.15 hours) x (pay periods employee will be part of Council 82 by 3/6/13 or 3/13/13 [depending on employee's payroll cycle])

Part-Time Annual-Salaried Employees

Part-time annual-salaried employees are credited with prorated days of DRL, based on their employment percentage on May 3, 2012, or based on their date of entry into BU-61/BU-91 if such membership occurs after May 3, 2012, and based on the chart above.

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For example, a part-time annual-salaried employee hired on January 1, 2012 whose 50% schedule requires them to work 40 hours in a biweekly pay period will be credited with 36 hours of DRL at the start of the program.

Employees entering BU-61/BU-91 on or after August 16, 2012 (Administration Lag) or on or after August 9, 2012 (Institution Lag)

For employees hired between August 16, 2012 and March 13, 2013 (Administration Lag) or between August 9, 2012 and March 6, 2013 (Institution Lag), the Agency should make the following calculation (rounded down to the nearest quarter-hour) to determine the amount of DRL to be issued to such employees:

40 hour workweek employees:  $((1.23) \times (\text{Remaining Pay Periods in DRP that employee is expected to participate in}) \times (\text{Employee's FTE equivalent}))$

37.5 hour workweek employees:  $((1.15) \times (\text{Remaining Pay Periods in DRP that employee is expected to participate in}) \times (\text{Employee's FTE equivalent}))$

Extra Time Worked

Part-time annual-salaried employees will also be credited with a proportionate amount of additional DRL on a pay period to pay period basis, prorated based on additional hours worked beyond their set payroll percentage which do not exceed the employee's basic workweek of 40 hours. The exact amount of DRL will vary based on the actual time worked.

For example, an agency requires a part-time annual-salaried employee who was a member of BU-61/BU-91 on May 3, 2012 and who first joined BU-61/BU-91 on March 1, 2012 whose normal schedule is 50% (40 hours in a biweekly period) to work full-time (100%) during three biweekly pay periods during the 2012-13 SFY. The employee has already been credited with DRL for these pay periods in connection with the 50% work schedule. To calculate the additional DRL earned in connection with this work, take the appropriate biweekly DRL value (1.23 hours per pay period) and multiply by 0.5 to prorate for the difference between the regular 50% work schedule and the full-time work performed. Then multiply the result (.615 hour) by the number of pay periods (three) and round the product down to the nearest quarter-hour, yielding an additional DRL credit of 1.75 hours (rounded down from 1.845 hours). Agencies will need to make adjustments, both positive and negative, as the program proceeds to ensure individuals are credited with the correct amount of DRL.

**NOTE:** Agencies will have to provide additional DRL for extra time worked on all days which have been or will be paid within the 2011-12 and 2012-13 SFYs. The biweekly DRL values for SFY 2011-12 that should be used in this calculation is 1.54 hours per pay period for employees with 40 hour workweeks or 1.44 hours per pay period for employees with 37.5 hour workweeks.

Employees Engaged in Extra Service

Employees who are approved for, and work, extra service will be credited with DRL in proportion to the additional hours of work performed. The computation is similar to that shown for extra time worked.

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For example, a full-time annual-salaried employee who was a member of BU-61/BU-91 on May 3, 2012 and who first joined BU-61/BU-91 on November 1, 2010 whose normal schedule is 100% (80 hours in a biweekly pay period) would be credited with 72 hours of DRL upon ratification. If the employee worked 20 hours of extra service for two pay periods during the 2012–13 SFY (25% of a full-time schedule), multiply the appropriate 2012–13 DRL Factor (1.23 hours per pay period) by 0.25 to prorate for a 25% work schedule and then multiply by two pay periods and round the result down to the nearest quarter-hour. In this example, the employee should be credited with an additional .5 hours of DRL (rounded down from .615 hours).

**NOTE:** Agencies will have to provide additional DRL for extra service worked on all days which have been or will be paid within the 2011-12 and 2012-13 SFYs. The biweekly DRL values for SFY 2011-12 that should be used in this calculation is 1.54 hours per pay period for employees with 40 hour workweeks or 1.44 hours per pay period for employees with 37.5 hour workweeks.

Annual-Salaried Employee Changes in Employment Percentage

Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee's percentage of employment changes.

Hourly Employees

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for hourly employees.

Voluntary Reduction in Work Schedule (VRWS) Employees

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees on VRWS.

Per Diem Employees

Per diem employees are subject to the DRP and therefore are entitled to DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for per diem employees.

**Using DRL**

If an employee wishes to use any or all DRL credits, such credits must be used prior to July 1, 2013. DRL credits may not be carried over beyond June 30, 2013. The vacation credit balance of an employee may not exceed 45 days on October 1, 2012.

Employees **must** obtain prior supervisory approval before using DRL. Employees should provide reasonable advance notice of their requested DRL and agencies may take operational need into account when approving such requests.

DRL credits may be used in quarter-hour increments.

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DRL credits may not be used to cover unscheduled absences such as employees calling in sick, but may be used for preplanned appointments, with prior supervisory approval, including medical appointments or prescheduled absences normally charged to sick leave.

Time charged to DRL is considered full pay status for the purpose of earning biweekly accruals, eligibility for holidays, calculation of overtime, and Health/Dental/Vision insurance.

Agencies retain discretion as to whether charges to DRL will or will not count for purposes of completing employee probationary periods.

Seniority will be the determining factor if there are multiple requests for DRL use on the same day.

### **Time Record Maintenance**

Agencies should adjust their time records systems to allow for this new type of leave and are required to track its use.

### **Separations**

Employees that are separated from State service for any reason during the DRP period will forfeit all earned and unused DRL credits. There is no lump sum payment for earned and unused days of DRL.

For employees who leave State employment, or who do not leave State employment but are no longer subject to the BU-61/BU-91 DRP for any reason during the DRP period, and have used more DRL credits than the employee earned based on the employee's time in the DRP, the State will offset the excess DRL by reducing either the employee's compensation or the employee's vacation and/or personal leave accruals. To the extent that such accruals are insufficient to offset the excess DRL, the State may utilize any other legal remedies available to recoup the value of the excess DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who leave State employment or are no longer subject to the BU-61/BU-91 DRP.

### **Movement to a Different Bargaining Unit**

Agencies might have to adjust the DRL credited to an employee who leaves BU-61/BU-91 for a position in another bargaining unit. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees moving from a bargaining unit subject to the DRP to a bargaining unit not subject to the DRP.

**NOTE:** Earned and unused DRL retained by an employee who leaves BU-61/BU-91 prior to June 30, 2013 will expire on June 30, 2013.

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**Promotion or Reassignment Within an Agency or Within a Facility or Institution**

Employees who are promoted or reassigned within an agency or within a facility or institution retain unused DRL; however, such leave will expire on June 30, 2013.

**Movement From one Agency to Another or Between Facilities or Institutions Within an Agency**

Employees who move from one agency to another or between facilities or institutions within an agency retain unused DRL; however, such leave will expire on June 30, 2013.

**Movement Under a Reciprocal Agreement**

Employees who move to an entity covered by a reciprocal agreement should be given the opportunity to exhaust earned DRL prior to movement, subject to supervisory approval. In no event will DRL be carried over to an entity covered by reciprocal agreement.

**Sick Leave at Half-Pay**

DRL must be exhausted prior to employees being placed on sick leave at half-pay.

Annual-salaried employees on sick leave at half-pay at the beginning of the program will only be credited with the applicable amount of DRL based on the employee's date of hire, prorated at 50%. Additional DRL will be credited to these employees on a prorated basis for future pay periods covered by the DRP upon return to their regular schedule. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on sick leave at half-pay, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

Annual-salaried employees who go on sick leave at half-pay after the start of the DRP may need to have their DRL balance reduced proportionate to the reduction in salary that will be taken under the DRP. Therefore, an agency should consult the Attendance & Leave Unit before it places an individual on sick leave at half-pay to ensure that the employee has been credited with and has used the appropriate amount of DRL.

When crediting DRL, in these instances, agencies should round down to the nearest quarter-hour.

**Workers' Compensation Benefits**

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who are out or go out on Workers' Compensation Leave at the start of or during the DRP.

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**Military Leave**

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who are out, or who go out, on Military leave for any part of the DRP.

**Leave Donation**

DRL must be exhausted prior to employees being eligible for the Leave Donation Program. DRL may not be donated.

**Family and Medical Leave Act (FMLA)**

A day of DRL used in relation to an approved period of FMLA will count against the employee's 12 weeks of entitlement.

**Disciplinary Suspension**

Employees eligible to charge accruals during a period of disciplinary suspension may charge DRL to cover this period.

DRL credits charged for this purpose will only be restored to the employee following an arbitrator's decision in the employee's favor and only if the decision is rendered prior to the end of the DRP period to which those credits correspond.

Questions concerning this Program should be directed to the Attendance & Leave Unit of this Department at 518-457-2295.

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TO: Manual Recipients  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Impact of Deficit Reduction Plan on Attendance and Leave Benefits: Security Services Unit (BU-21)

## **Introduction**

The following material has been prepared to assist you in implementing the attendance and leave provisions contained in the 2011–2016 Agreement between the State of New York and the New York State Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA) for employees in the Security Services Unit with a bargaining unit designation of 21 (BU-21), as they relate to the Deficit Reduction Plan (DRP) and Deficit Reduction Leave (DRL). All employees who are members of BU-21 on or after March 2, 2012 are subject to the provisions of this program regardless of Attendance Rules coverage.

Specifically:

- Employees hired before March 15, 2012 for employees on the Administration Lag payroll calendar or before March 8, 2012 for employees on the Institution Lag payroll calendar shall be credited with 9 days of DRL.
- Employees hired on or after March 15, 2012 and prior to June 7, 2012 for employees on the Administration Lag payroll calendar or on or after March 8, 2012 and prior to June 14, 2012 for employees on the Institution Lag payroll calendar shall be credited with 4 days of DRL.
- Employees hired on or after June 7, 2012 and prior to March 14, 2013 for employees on the Administration Lag payroll calendar or on or after June 14, 2012 and prior to March 7, 2013 for employees on the Institution Lag payroll calendar shall be credited with DRL prorated to reflect the number of pay periods between date of hire and March 31, 2013.
- Employees who work less than full-time or on a per diem basis, or who perform extra time or extra service, will receive the appropriate pro-rata share of DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for these employees.
- The State will ensure that each employee who requests to use their entire allotment of DRL prior to March 31, 2013 will be permitted to do so. Time off is at employee election, subject to supervisory approval.

The following guidelines describe the way in which leave provisions of the Attendance Rules, negotiated agreements, and related laws and policies are impacted by the DRP.

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**DEFICIT REDUCTION PLAN  
ATTENDANCE AND LEAVE GUIDELINES**

**Eligibility**

All employees who are represented by NYSCOPBA (BU-21) will be subject to this DRP regardless of coverage under the Attendance Rules. Except that, NYSCOPBA (BU-21)-represented employees who have an hourly rate of less than \$7.39 in the 2011–12 SFY shall not be subject to the DRP in the 2011–12 SFY (only applies to employees hired before March 15, 2012 for employees on the Administration Lag payroll calendar or employees hired prior to March 8, 2012 for employees on the Institution Lag payroll calendar); employees represented by NYSCOPBA (BU-21) who have an hourly rate of less than \$7.36 in the 2012–13 SFY shall not be subject to the DRP in the 2012–13 SFY.

**Earning DRL**

Full-Time Annual-Salaried Employees

Full-time annual-salaried employees are credited with DRL pursuant to the chart below as of March 2, 2012 and are allowed to begin charging DRL on March 2, 2012, subject to supervisory approval.

**NYSCOPBA BU-21 DRL Groups**

	<b>Group 1</b>	<b>Group 2</b>	<b>Group 3</b>
Institution Lag	Hired before 3/8/12	Hired 3/8/12-6/13/12	Hired 6/14/12-3/6/13
Administration Lag	Hired before 3/15/12	Hired 3/15/12-6/6/12	Hired 6/7/12-3/13/13
Hours Credited to 75 hour per pay period employees	67.5	30	21.85 (prorated for date of hire) Institution Lag; and 23.00 (prorated for date of hire) Administration Lag
Hours Credited to 80 hour per pay period employees	72	32	23.37 (prorated for date of hire) Institution Lag; and 24.60 (prorated for date of hire) Administration Lag
Bi-weekly Calculation for 75 hour per pay period employees	N/A	N/A	1.15 hrs. x number of pay periods employed within time period above
Bi-weekly Calculation for 80 hour per pay period employees	N/A	N/A	1.23 hrs. x number of pay periods employed within time period above

Part-Time Annual-Salaried Employees

Part-time annual-salaried employees are credited with prorated days of DRL, based on their employment percentage on March 2, 2012 and based on the chart above.

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For example, a part-time annual-salaried employee hired on January 1, 2012 whose 50% schedule requires them to work 40 hours in a biweekly pay period will be credited with 36 hours of DRL at the start of the program.

Employees entering BU-21 on or after June 7, 2012 (Administration Lag) or on or after June 14, 2012 (Institution Lag)

For employees hired on or after June 7, 2012 (Administration Lag) or on or after June 14, 2012 (Institution Lag), to determine the amount of DRL to be credited to such employees, the Agency should make the following calculation (rounded down to the nearest quarter-hour):

**80 hour per pay period employees**

((1.23) x (Remaining Pay Periods in DRP that employee is expected to participate in) x (Employee's FTE equivalent))

**75 hour per pay period employees**

((1.15) x (Remaining Pay Periods in DRP that employee is expected to participate in) x (Employee's FTE equivalent))

Extra Time Worked

Part-time annual-salaried employees will also be credited with a proportionate amount of additional DRL on a pay period to pay period basis, prorated based on additional hours worked beyond their set payroll percentage which do not exceed the employee's basic workweek of 40 hours. The exact amount of DRL will vary based on the actual time worked.

For example, an agency requires a part-time annual-salaried employee whose normal schedule is 50% (40 hours in a biweekly period) to work full-time (100%) during three biweekly pay periods during the 2012–13 SFY. The employee has already been credited with DRL for these pay periods in connection with the 50% work schedule. To calculate the additional DRL earned in connection with this work, take the appropriate biweekly DRL value (1.23 hours per pay period) and multiply by 0.5 to prorate for the difference between the regular 50% work schedule and the full-time work performed. Then multiply the result (.615 hour) by the number of pay periods (three) and round the product down to the nearest quarter-hour, yielding an additional DRL credit of 1.75 hours. Agencies will need to make adjustments, both positive and negative, as the program proceeds to ensure individuals are credited with the correct amount of DRL.

**NOTE:** Agencies will have to provide additional DRL for extra time worked on all days which have been or will be paid within the 2011–12 and 2012–13 SFYs. The biweekly DRL value for SFY 2011–12 that should be used is 1.44 hours per pay period for 75 hour per pay period employees and 1.54 hours per pay period for 80 hour per pay period employees.

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Employees Engaged in Extra Service

Employees who are approved for, and work, extra service will be credited with DRL in proportion to the additional hours of work performed. The computation is similar to that shown for extra time worked.

For example, a full-time annual-salaried employee whose normal schedule is 100% (80 hours in a biweekly pay period) would be credited with 72 hours of DRL upon ratification. If the employee worked 20 hours of extra service for two pay periods during the 2012–13 SFY (25% of a full-time schedule), multiply the appropriate 2012–13 DRL Factor (1.23 hours per pay period) by 0.25 to prorate for a 25% work schedule and then multiply by two pay periods and round the result down to the nearest quarter-hour. In this example, the employee should be credited with an additional .5 hours of DRL (rounded down from .615 hours).

**NOTE:** Agencies will have to provide additional DRL for extra service worked on all days which have been or will be paid within the 2011–12 and 2012–13 SFYs. The biweekly DRL value for SFY 2011–12 that should be used is 1.44 hours per pay period for 75 hour per pay period employees and 1.54 hours per pay period for 80 hour per pay period employees.

Annual-Salaried Employee Changes in Employment Percentage

Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee's percentage of employment changes.

Hourly Employees

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for hourly employees.

Voluntary Reduction in Work Schedule (VRWS) Employees

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees on VRWS.

Per Diem Employees

Per diem employees are subject to the DRP and therefore are entitled to DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for per diem employees.

**Using DRL**

If an employee wishes to use any or all DRL credits, such credits must be used prior to the end of the 2012–2013 SFY. DRL credits may not be carried over beyond March 31, 2013. The vacation credit balance of an employee may not exceed 45 days on October 1, 2012.

Employees **must** obtain prior supervisory approval before using DRL. Employees should provide reasonable advance notice of their requested DRL and agencies may take operational need into account when approving such requests.

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DRL credits may be used in quarter-hour increments.

DRL credits may not be used to cover unscheduled absences such as employees calling in sick, but may be used for preplanned appointments, with prior supervisory approval, including medical appointments or prescheduled absences normally charged to sick leave.

Time charged to DRL is considered full pay status for the purpose of earning biweekly accruals, eligibility for holidays, calculation of overtime, and Health/Dental/Vision insurance.

Agencies retain discretion as to whether charges to DRL will or will not count for purposes of completing employee probationary periods.

Seniority will be the determining factor if there are multiple requests for DRL use on the same day.

### **Time Record Maintenance**

Agencies should adjust their time records systems to allow for this new type of leave and are required to track its use.

### **Separations**

Employees that are separated from State service for any reason during the DRP period will forfeit all unused DRL credits. There is no lump sum payment for unused days of DRL.

For employees who leave State employment, or who do not leave State employment but are no longer subject to the BU-21 DRP for any reason during the DRP period, and have used more DRL credits than the employee earned based on the employee's time in the DRP, the State will offset the excess DRL by reducing either the employee's compensation or the employee's vacation and/or personal leave accruals. To the extent that such accruals are insufficient to offset the excess DRL, the State may utilize any other legal remedies available to recoup the value of the excess DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who leave State employment or are no longer subject to the BU-21 DRP.

### **Movement to a Different Bargaining Unit**

Agencies might have to adjust the DRL credited to an employee who leaves BU-21 for a position in another bargaining unit. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees moving from a bargaining unit subject to the DRP to a bargaining unit not subject to the DRP.

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**NOTE:** Earned and unused DRL retained by an employee who leaves BU-21 prior to March 31, 2013 will expire on March 31, 2013.

**Promotion or Reassignment Within an Agency or Within a Facility or Institution**

Employees who are promoted or reassigned within an agency or within a facility or institution retain unused DRL; however, such leave will expire on March 31, 2013.

**Movement From one Agency to Another or Between Facilities or Institutions Within an Agency**

Employees who move from one agency to another or between facilities or institutions within an agency retain unused DRL; however, such leave will expire on March 31, 2013.

**Movement Under a Reciprocal Agreement**

Employees who move to an entity covered by a reciprocal agreement should be given the opportunity to exhaust earned DRL prior to movement, subject to supervisory approval. In no event will DRL be carried over to an entity covered by reciprocal agreement.

**Sick Leave at Half-Pay**

DRL must be exhausted prior to employees being placed on sick leave at half-pay.

Annual-salaried employees on sick leave at half-pay at the beginning of the program will only be credited with the applicable amount of DRL based on the employee's date of hire, prorated at 50%. Additional DRL will be credited to these employees on a prorated basis for future pay periods covered by the DRP upon return to their regular schedule. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on sick leave at half-pay, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

Annual-salaried employees who go on sick leave at half-pay after the start of the DRP may need to have their DRL balance reduced proportionate to the reduction in salary that will be taken under the DRP. Therefore, an agency should consult the Attendance & Leave Unit before it places an individual on sick leave at half-pay to ensure that the employee has been credited with and has used the appropriate amount of DRL.

When crediting DRL, in these instances, agencies should round down to the nearest quarter-hour.

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**Workers' Compensation Benefits**

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who are out or go out on Workers' Compensation Leave at the start of or during the DRP.

**Military Leave**

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who are out, or who go out, on Military leave for any part of the DRP.

**Leave Donation**

DRL must be exhausted prior to employees being eligible for the Leave Donation Program. DRL may not be donated.

**Family and Medical Leave Act (FMLA)**

A day of DRL used in relation to an approved period of FMLA will count against the employee's 12 weeks of entitlement.

**Disciplinary Suspension**

Employees eligible to charge accruals during a period of disciplinary suspension may charge DRL to cover this period.

DRL credits charged for this purpose will only be restored to the employee following an arbitrator's decision in the employee's favor and only if the decision is rendered prior to the end of the DRP period to which those credits correspond.

Questions concerning this Program should be directed to the Attendance & Leave Unit of this Department at 518-457-2295.

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TO: Manual Recipients  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Impact of Deficit Reduction Plan on Attendance and Leave Benefits

### **Introduction**

The following material has been prepared to assist you in implementing the attendance and leave provisions contained in the 2011–2016 Agreements between the State of New York and the Civil Service Employees Association (CSEA) for employees in the Administrative Services Unit (ASU), Institutional Services Unit (ISU), Operational Services Unit (OSU), and Division of Military and Naval Affairs (DMNA) Unit as they relate to the Deficit Reduction Plan (DRP). All employees in these bargaining units are subject to the provisions of this program regardless of Attendance Rules coverage.

The DRP for Fiscal Year 2012–2013 for these units reduces employee compensation by 1.538% for each payroll period starting with payroll number 25 for employees on the Institution Lag payroll calendar (paid on April 5, 2012), and with payroll number 26 for employees on the Administration Lag payroll calendar (paid on April 11, 2012) and will last 26 biweekly pay periods. Deficit Reduction Leave (DRL) will be available for employee use on April 1, 2012 for employees on both the Institution Lag payroll calendar and the Administration Lag payroll calendar. The DRP for Fiscal Year 2012–2013 provides for:

- Four days of DRL in Fiscal Year 2012–2013 for full-time employees. Employees who work less than full-time or on a per diem basis will receive the appropriate pro-rata share of DRL for Fiscal Year 2012–2013.
- The State will ensure that each employee who requests to do so will be able to use their entire allotment of DRL. Days off are at employee election but are subject to supervisory approval.

The following guidelines describe the way in which leave provisions of the Attendance Rules, negotiated agreements, and related laws and policies are impacted by the DRP.

### **DEFICIT REDUCTION PLAN ATTENDANCE AND LEAVE GUIDELINES**

#### **Eligibility**

All employees who are represented by CSEA will be subject to this DRP regardless of coverage under the Attendance Rules, except for those CSEA-represented employees who have an hourly rate of less than \$7.36 in the 2012–13 SFY.

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**Earning Deficit Reduction Leave (DRL)**

Full-time Annual-Salaried Employees

Full-time annual-salaried employees are credited with four days of DRL, based on their basic workweek of either 37.5 or 40 hours on April 1, 2012 and allowed to begin charging DRL on that date, subject to supervisory approval. For example, an employee whose normal full-time work schedule is 75 hours in a biweekly pay period will be credited with 30 hours of DRL. An employee whose normal full-time work schedule is 80 hours in a biweekly pay period will be credited with 32 hours of DRL.

Part-Time Annual-Salaried Employees

Part-time annual-salaried employees are credited with four prorated days of DRL, based on their employment percentage on April 1, 2012.

For example, a part-time annual-salaried employee whose 50% schedule requires them to work 37.5 hours in a biweekly pay period will be credited with 15 hours of DRL at the start of the program. A part-time annual-salaried employee whose 50% schedule requires them to work 40 hours in a biweekly pay period will be credited with 16 hours of DRL.

As stated earlier, employees on the payroll on April 1, 2012 are credited on that date with their full allotment of DRL (four days, prorated for part-time employees). Although DRL is not earned on a biweekly basis in the same manner as other leave accruals, it is necessary to compute the precise amount of DRL associated with each pay period covered by the program. As discussed below, these biweekly rates will be used for several purposes, including crediting new employees with the appropriate amount of DRL if they are hired after March 8, 2012 for employees on the Institution Lag payroll and after March 15, 2012 for employees on the Administration Lag payroll.

The table below specifies the DRL hours earned by CSEA-represented employees for the duration of this DRP. The hours earned by an employee depends on the pay periods in the employee's work year and the hours in the employee's biweekly work week.

Pay Basis	Biweekly PP Hours	2012-13 SFY DRL Factor	
		DRL Factor	Duration
26pp	75	1.15 Hrs / Pay Period	26 PP's
26pp	80	1.23 Hrs / Pay Period	26 PP's

Employees entering the CSEA Units after March 8, 2012 for employees on the Institution Lag payroll and March 15, 2012 for employees on the Administration Lag payroll

To determine the amount of DRL to be credited to an employee who becomes subject to the CSEA DRP after the start of the 2012-2013 DRP, the agency should make the following calculation (rounded down to the nearest quarter-hour):

$$((2012-13 \text{ DRL Factor}) \times (\text{Remaining Pay Periods of } 2012-13 \text{ SFY Factor Duration}) \times (\text{Employee's FTE equivalent}))$$

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For example, a half-time employee (50% payroll percentage) who is hired 6 weeks (3 pay periods) after the start of the DRP with an 80 hour biweekly pay period would be entitled to DRL credit as follows:

$$((1.23) \times (23) \times (.5)) = 14.00 \text{ Hours of DRL (rounded down from 14.15)}$$

Extra Time Worked

Both full and part-time annual-salaried employees will also be credited with a proportionate amount of additional DRL on a pay period to pay period basis, prorated based on additional hours worked beyond their set payroll percentage which do not exceed the employee's basic workweek of 37.5 or 40 hours. The exact amount of DRL will vary based on the actual time worked.

For example, an agency requires a part-time annual-salaried employee whose normal schedule is 50% (40 hours in a work week) to work full-time (100%) during three biweekly pay periods during the 2012–13 SFY. The employee has already been credited with DRL for these pay periods in connection with the 50% work schedule. To calculate the additional DRL earned in connection with this work, take the appropriate biweekly DRL value from the table above (in this case, 1.23 hour per pay period) and multiply by 0.5 to prorate for the difference between the regular 50% work schedule and the full-time work performed. Then multiply the result (.615 hour) by the number of pay periods (three) and round the product down to the nearest quarter-hour, yielding an additional DRL credit of 1.75 hours. Agencies will need to make adjustments, both positive and negative, as the program proceeds to ensure individuals are credited with the correct amount of DRL.

Employees Engaged in Extra Service

Employees who are approved for, and work, extra service will be credited with DRL in proportion to the additional hours of work performed. The computation is similar to that shown for extra time worked.

For example, a full-time annual-salaried employee whose normal schedule is 100% (80 hours in a biweekly pay period) would be credited with 32 hours of DRL on April 1, 2012. If the employee worked 16 hours of extra service in two pay periods during the 2012–13 SFY (20% of a full-time schedule), multiply the appropriate 2012–13 DRL Factor (in this case 1.23 hours per pay period) by 0.2 to prorate for a 20% work schedule and then multiply by two pay periods and round the result down to the nearest quarter-hour. In this example, the employee should be credited with an additional .25 hours of DRL (rounded down from .49 hours).

Annual-Salaried Employee Changes in Employment Percentage

Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee's percentage of employment changes.

Hourly Employees

Agencies should provide hourly employees with an appropriate pro-rated amount of DRL at the beginning of the DRP for SFY 2012-2013. This pro-rated amount should be based on an individual's schedule during the remainder of SFY 2012–2013. For example, an agency that has employed an hourly employee for approximately 20 hours per week (where a 40 workweek is used) and plans on continuing such employee at 20 hours per week for the entire Fiscal Year, should credit such employee with 16

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hours of DRL on April 1, 2012. This is based on 26 pay periods of the 2012–13 SFY DRL Factor of .615 hours per pay period (full-time rate prorated for 50% work schedule). If the hourly employee's actual hours of work differ from the estimate, the agency should make adjustments during the Fiscal Year so that the employee is credited with the appropriate amount of DRL. When crediting DRL, in such instances, agencies should round down to the nearest quarter-hour.

Voluntary Reduction in Work Schedule (VRWS) Employees

Employees participating in the VRWS program will be credited with a prorated amount of DRL based on their VRWS percentage. When crediting DRL, in such instances, agencies should round down to the nearest quarter-hour.

VRWS credits earned each pay period will not be affected by the DRP.

Per Diem Employees

Per diem employees are also subject to the DRP and therefore are entitled to DRL for the 2012-2013 DRP period. Agencies will need to compare a per diem employee's schedule to that of a full-time schedule and credit a per diem employee with an appropriate pro-rated share of DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for per diem employees.

**Using DRL**

If an employee wishes to use DRL credits, such credits should be used prior to April 1, 2013. DRL credits may not be carried over beyond March 31, 2013. The vacation credit balance of an employee may not exceed 40 days on April 1, 2013.

Employees **must** obtain prior supervisory approval before using DRL. Employees should provide reasonable advance notice of their requested DRL and agencies may take operational need into account when approving such requests.

DRL credits may be used in quarter-hour increments.

DRL credits may not be used to cover unscheduled absences such as employees calling in sick, but may be used for preplanned appointments, with prior supervisory approval, including medical appointments or prescheduled absences normally charged to sick leave.

Time charged to DRL is considered full pay status for the purpose of earning biweekly accruals, eligibility for holidays, calculation of overtime, and Health/Dental/Vision insurance.

Agencies retain discretion as to whether charges to DRL will or will not count for purposes of completing employee probationary periods.

Seniority will be the determining factor if there are multiple requests for DRL use on the same day.

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### **Time Record Maintenance**

Agencies should adjust their time records systems to allow for this new type of leave and are required to track its use.

### **Separations**

Employees that are separated from State service for any reason during the DRP period will forfeit all unused DRL credits.

For employees who leave State employment, or who do not leave State employment but are no longer subject to the CSEA DRP, for any reason during the DRP period and have used more DRL credits than the employee earned based on the employee's time in the DRP, the State will offset the excess DRL by reducing the employee's vacation, holiday leave, floating holiday leave, overtime non-compensatory time and/or personal leave accruals. To the extent that such accruals are insufficient to offset the excess DRL, the State may utilize any other legal remedies available to recoup the value of the excess DRL. The offset will be computed based on the following calculation (rounded down to the nearest quarter-hour):

$(\text{DRL hours charged}) - ((2012-13 \text{ DRL Factor}) \times (\text{Pay Periods of } 2012-13 \text{ SFY Factor Duration in which employee participated in the DRP}) \times (\text{Employee's payroll percentage}))$

For example, a full-time employee (1 FTE) (80 hour biweekly work week) who participates in the DRP for 10 pay periods in the 2012-13 SFY leaves State service after charging all 4 DRL days (32 DRL hours) will have other accruals offset based on the following calculation:

$(32.00 \text{ hours}) - ((1.23) \times (10) \times (1)) = (32.00 \text{ hours}) - (12.30 \text{ hours}) = 19.7 \text{ hours (rounded down to 19.5 hours) to be offset by charges to other leave accruals}$

There is no lump sum payment for unused days of DRL.

### **Movement from a bargaining unit subject to the DRP to a bargaining unit not subject to the DRP**

Agencies will have to adjust the DRL credited to an employee who leaves a CSEA unit for a position in another bargaining unit not represented by CSEA. Agencies will have to determine the DRL earned by an employee based on the following calculation (rounded down to the nearest quarter hour):

$((2012-13 \text{ DRL Factor}) \times (\text{Pay Periods of } 2012-13 \text{ SFY Factor Duration in which employee participated in the DRP}) \times (\text{Employee's payroll percentage}))$

Once an agency determines the amount of DRL earned by the employee, the agency may need to offset other leave balances belonging to the employee if the employee charged more DRL than the employee earned (see "*Separations*" section for calculation) prior to leaving a CSEA unit.

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For example, a full-time employee (80 hour biweekly work week) who participates in the DRP for 10 pay periods in the 2012–13 SFY changes to another bargaining unit after charging 1 DRL day (8 DRL hours). An agency would make the following calculations: will have other accruals offset based on the following calculation:

DRL earned:  $((1.23) \times (10) \times (1)) = 12.30$  hours of earned DRL

DRL Retained / Offset:  $(12.30 \text{ hours of earned DRL}) - (8 \text{ hours of charged DRL}) = 4.30$  hours of DRL  
(rounded down to 4.25 hours) retained by the employee until March 31, 2013.

NOTE: Earned and unused DRL retained by an employee who leaves a CSEA unit prior to March 31, 2013 will expire after March 31, 2013.

### **Movement From one Bargaining Unit to a different Bargaining Unit also subject to a DRP**

Movement between bargaining units subject to a DRP will require an adjustment to the amount of DRP an employee is credited with. Agencies should contact the Attendance and Leave Unit for guidance in adjusting DRL amounts. Employees retain only the amount of DRL that has been earned prior to the movement to a different bargaining unit.

### **Promotion or Reassignment Within an Agency or Within a Facility or Institution**

Employees who are promoted or reassigned within an agency or within a facility or institution retain unused DRL.

### **Movement From one Agency to Another or Between Facilities or Institutions Within an Agency**

Employees who move from one agency to another or between facilities or institutions within an agency retain unused DRL.

### **Movement Under a Reciprocal Agreement**

Employees who move to an entity covered by a reciprocal agreement should be given the opportunity to exhaust earned DRL prior to movement, subject to supervisory approval. In no event will DRL be carried over to an entity covered by reciprocal agreement.

### **Sick Leave at Half-Pay**

DRL must be exhausted prior to employees being placed on sick leave at half-pay.

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Annual-salaried employees on sick leave at half-pay at the beginning of the program will only be credited with four days of DRL, prorated at 50%. Additional DRL will be credited to these employees on a prorated basis for future pay periods covered by the DRP upon return to their regular schedule. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on sick leave at half-pay, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

Annual-salaried employees who go on sick leave at half-pay after the start of the DRP may need to have their DRL balance reduced proportionate to the reduction in salary that will be taken under the DRP. Therefore, an agency should consult the Attendance & Leave Unit before it places an individual on sick leave at half-pay to ensure that the employee has been credited with and has used the appropriate amount of DRL.

When crediting DRL, in these instances, agencies should round down to the nearest quarter-hour.

### **Workers' Compensation Benefits**

Annual-salaried employees out of work on one of the various Workers' Compensation Programs, at the start of the 2012-2013 DRP, will be credited with DRL on a pay period to pay period basis, prorated based on the number of pay periods that an employee's compensation has been reduced under the DRP. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on workers' compensation leave, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

Annual-salaried employees who go out of work on one of the various Workers' Compensation Programs, following the start of the DRP may need to have their DRL balance reduced proportionate to the number of pay periods that an employee's compensation has been reduced under the DRP.

DRL charged during a period of workers' compensation leave for which the State has received a "Credit New York State" issued by the State Insurance Fund for wages paid, will only be restored to an employee if the credit is received prior to the end of the DRP period.

### **Military Leave**

Annual-salaried employees on military leave on April 1, 2012 will be credited with four days of DRL. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on military leave, with unused DRL, will not return to the payroll before April 1, 2013. Similarly, questions regarding excess DRL should be directed to the Attendance & Leave Unit.

Annual-salaried employees who go on military leave following April 1, 2012 will need to have their DRL credit computed as described above based on the applicable biweekly DRL rate. Questions about this should be directed to the Attendance & Leave Unit.

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When crediting DRL, in these instances, agencies should round down to the nearest quarter-hour.

**Leave Donation**

DRL must be exhausted prior to employees being eligible for the Leave Donation Program. DRL may not be donated.

**Family and Medical Leave Act (FMLA)**

A day of DRL used in relation to an approved period of FMLA will count against the employee's 12 weeks of entitlement.

**Disciplinary Suspension**

Employees eligible to charge accruals during a period of disciplinary suspension may charge DRL to cover this period.

DRL credits charged for this purpose will only be restored to the employee following an arbitrator's decision in the employee's favor and only if the decision is rendered prior to the end of the DRP period to which those credits correspond.

Questions concerning this Program should be directed to the Attendance & Leave Unit of this Department at 518-457-2295.

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TO: Manual Recipients  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Impact of Deficit Reduction Plan on Attendance and Leave Benefits: Agency  
Police Services Unit

### **Introduction**

The following material has been prepared to assist you in implementing the attendance and leave provisions contained in the 2011–2015 Agreement between the State of New York and the Police Benevolent Association of New York State, Inc. (PBANYS) for employees in the Agency Police Services Unit (APSU), formerly known as Agency Law Enforcement Services (ALES) Unit, as they relate to the Deficit Reduction Plan (DRP). All employees who are members of this bargaining unit between January 31, 2012 and March 31, 2013 are subject to the provisions of this program regardless of Attendance Rules coverage.

The DRP reduces employee compensation by the equivalent of 1.923% of 26 pay periods of compensation, to be withheld from employees' retroactive checks paid in the 2011-2012 State Fiscal Year (SFY) upon their issuance, and 1.538% for all paychecks which are paid in the 2012–2013 SFY. The 2012–2013 SFY compensation reductions will commence with the paycheck issued April 11, 2012 for employees on the Administration Lag payroll calendar. Deficit Reduction Leave (DRL) will be available for APSU employee use effective January 31, 2012. Specifically:

- Nine days of DRL will be credited to full-time employees. Employees who work less than full-time or on a per diem basis will receive the appropriate pro-rata share of DRL. Employees whose retroactive check paid in the 2011-2012 SFY is insufficient to cover the equivalent of 1.923% of annual compensation reductions will also receive a pro-rata share of DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for these employees.
- The State will ensure that each employee who requests to use their entire allotment of DRL prior to March 31, 2013 will be permitted to do so. Time off is at employee election, subject to supervisory approval.

The following guidelines describe the way in which leave provisions of the Attendance Rules, negotiated agreements, and related laws and policies are impacted by the DRP.

### **DEFICIT REDUCTION PLAN ATTENDANCE AND LEAVE GUIDELINES**

#### **Eligibility**

All employees who are represented by PBANYS will be subject to this DRP regardless of coverage under the Attendance Rules. Except that, PBANYS-represented employees who have an hourly rate of less

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than \$7.39 in the 2011–12 SFY shall not be subject to the DRP in the 2011–12 SFY; employees represented by PBANYS who have an hourly rate of less than \$7.36 in the 2012–13 SFY shall not be subject to the DRP in the 2012–13 SFY.

**Earning DRL**

Full-Time Annual-Salaried Employees

Full-time annual-salaried employees are credited with nine days (72 hours) of DRL upon ratification and allowed to begin charging DRL on that date (January 31, 2012), subject to supervisory approval. However, agencies must verify that an employee’s retroactive check will be reduced by the full value of 1.923% of 26 pay periods of compensation. If an employee’s check will not be reduced by that amount, such employee shall be credited with the portion of the five (5) DRL days that are equivalent to the reduction in the retroactive check. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for these employees. Such employee shall receive a full credit of the additional four (4) days of DRL.

Part-Time Annual-Salaried Employees

Part-time annual-salaried employees are credited with nine prorated days of DRL, based on their employment percentage on the date the contract is ratified (January 31, 2012).

For example, a part-time annual-salaried employee whose 50% schedule requires them to work 40 hours in a biweekly pay period will be credited with 36 hours of DRL at the start of the program.

As stated earlier, employees on the payroll on the date of ratification are credited on that date with their full allotment of DRL (nine days, prorated for part-time employees and for those whose retroactive check does not fully cover the value of the five (5) days). Although DRL is not earned on a biweekly basis in the same manner as other leave accruals, it is necessary to compute the precise amount of DRL associated with each pay period covered by the program in the 2012-2013 State Fiscal Year. As discussed below, these biweekly rates will be used for several purposes, including crediting new employees with the appropriate amount of DRL if they are hired after March 15, 2012.

The table below specifies the DRL hours earned by PBANYS-represented employees for the DRP. The hours earned by an employee depends on the pay periods in the employee's work year; the hours in the employee's biweekly work week, and the SFY in question.

Pay Basis	Biweekly PP Hours	2011-12 SFY DRL		2012-13 SFY DRL Factor	
		DRL Factor	Duration	DRL Factor	Duration
26PP	80	5 Days (prorated based on employee’s payroll percentage)	4 PP's	1.23 Hrs / Pay Period	26 PP's

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees hired just before January 31, 2012.

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Employees entering the APSU on or after January 31, 2012

**For employees who become members of the APSU between January 31, 2012 and March 31, 2012, agencies must contact the Attendance and Leave unit to determine the proper pro-rated amount of the five (5) days of DRL that an employee is to be credited with.** In addition to this pro-rated amount, an employee is entitled to an immediate credit of four (4) days of DRL on the date of hire.

For employees hired on or after March 15, 2012, to determine the amount of DRL to be credited to such employee, the Agency should make the following calculation (rounded down to the nearest quarter-hour):

$$((1.23) \times (\text{Remaining Pay Periods within the 2012-13 SFY Factor Duration}) \times (\text{Employee's FTE equivalent}))$$

Extra Time Worked

Part-time annual-salaried employees will also be credited with a proportionate amount of additional DRL on a pay period to pay period basis, prorated based on additional hours worked beyond their set payroll percentage which do not exceed the employee's basic workweek of 40 hours. The exact amount of DRL will vary based on the actual time worked.

For example, an agency requires a part-time annual-salaried employee whose normal schedule is 50% (40 hours in a biweekly period) to work full-time (100%) during three biweekly pay periods during the 2012-13 SFY. The employee has already been credited with DRL for these pay periods in connection with the 50% work schedule. To calculate the additional DRL earned in connection with this work, take the appropriate biweekly DRL value (1.23 hours per pay period) and multiply by 0.5 to prorate for the difference between the regular 50% work schedule and the full-time work performed. Then multiply the result (.615 hour) by the number of pay periods (three) and round the product down to the nearest quarter-hour, yielding an additional DRL credit of 1.75 hours. Agencies will need to make adjustments, both positive and negative, as the program proceeds to ensure individuals are credited with the correct amount of DRL.

**NOTE:** Only for purposes of crediting extra time worked and extra service between January 31, 2012 and March 14, 2012, the biweekly DRL value shall be 1.54 hours per pay period. There shall be no crediting of additional DRL for extra time worked or extra service performed before January 31, 2012.

Employees Engaged in Extra Service

Employees who are approved for, and work, extra service will be credited with DRL in proportion to the additional hours of work performed. The computation is similar to that shown for extra time worked.

For example, a full-time annual-salaried employee whose normal schedule is 100% (80 hours in a biweekly pay period) would be credited with 72 hours of DRL upon ratification. If the employee worked 20 hours of extra service for two pay periods during the 2012-13 SFY (25% of a full-time schedule), multiply the appropriate 2012-13 DRL Factor (1.23 hours per pay period) by 0.25 to prorate for a 25% work schedule and then multiply by two pay periods and round the result down to the nearest quarter-

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hour. In this example, the employee should be credited with an additional .5 hours of DRL (rounded down from .615 hours).

**NOTE:** Only for purposes of crediting extra time worked and extra service between January 31, 2012 and March 14, 2012, the biweekly DRL value shall be 1.54 hours per pay period. There shall be no crediting of additional DRL for extra time worked or extra service performed before January 31, 2012.

Annual-Salaried Employee Changes in Employment Percentage

Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee's percentage of employment changes.

Hourly Employees

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for hourly employees.

Voluntary Reduction in Work Schedule (VRWS) Employees

Employees participating in the VRWS program will be credited with a prorated amount of DRL based on their VRWS percentage. When crediting DRL, in such instances, agencies should round down to the nearest quarter-hour.

VRWS credits earned each pay period will not be affected by the DRP.

Per Diem Employees

Per diem employees are subject to the DRP and therefore are entitled to DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for per diem employees.

**Using DRL**

All DRL credits must be used prior to the end of the 2012–2013 SFY. DRL credits may not be carried over beyond March 31, 2013. The vacation credit balance of an employee may not exceed 45 days on October 1, 2012.

Employees **must** obtain prior supervisory approval before using DRL. Employees should provide reasonable advance notice of their requested DRL and agencies may take operational need into account when approving such requests.

DRL credits may be used in quarter-hour increments.

DRL credits may not be used to cover unscheduled absences such as employees calling in sick, but may be used for preplanned appointments, with prior supervisory approval, including medical appointments or prescheduled absences normally charged to sick leave.

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Time charged to DRL is considered full pay status for the purpose of earning biweekly accruals, eligibility for holidays, calculation of overtime, and Health/Dental/Vision insurance.

Agencies retain discretion as to whether charges to DRL will or will not count for purposes of completing employee probationary periods.

Seniority will be the determining factor if there are multiple requests for DRL use on the same day.

### **Time Record Maintenance**

Agencies should adjust their time records systems to allow for this new type of leave and are required to track its use.

### **Separations**

Employees that are separated from State service for any reason during the DRP period will forfeit all unused DRL credits.

For employees who leave State employment, or who do not leave State employment but are no longer subject to the APSU DRP, for any reason during the DRP period and have used more DRL credits than the employee earned based on the employee's time in the DRP, the State will offset the excess DRL by reducing the employee's vacation and/or personal leave accruals. To the extent that such accruals are insufficient to offset the excess DRL, the State may utilize any other legal remedies available to recoup the value of the excess DRL. The offset will be computed based on the following calculation (rounded down to the nearest quarter-hour).

$$\begin{aligned} & (\text{Charged DRL}) - (5 \text{ days (prorated if necessary)}) + ((2012-13 \text{ DRL Factor}) \times (\text{Pay Periods of } 2012-13 \\ & \text{SFY Factor Duration in which employee participated in the DRP}) \times (\text{Employee's payroll percentage})) \\ & = \text{Amount to be reduced from other leave accruals} \end{aligned}$$

There is no lump sum payment for unused days of DRL.

### **Movement from a bargaining unit subject to the DRP to a bargaining unit not subject to the DRP**

Agencies will have to adjust the DRL credited to an employee who leaves the APSU for a position in another bargaining unit. Agencies will have to determine the DRL earned by an employee based on the following calculation (rounded down to the nearest quarter-hour):

$$(5 \text{ days (prorated if necessary)}) + ((2012-13 \text{ DRL Factor}) \times (\text{Pay Periods of } 2012-13 \text{ SFY Factor Duration in which employee participated in the DRP}) \times (\text{Employee's payroll percentage}))$$

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Once an agency determines the amount of DRL earned by the employee, the agency may need to offset other leave balances belonging to the employee if the employee charged more DRL than the employee earned (see "*Separations*" section for calculation) prior to leaving the APSU. Agencies may need to modify the above calculation for additional DRL earned for extra time worked and extra service.

**NOTE:** Earned and unused DRL retained by an employee who leaves the APSU prior to March 31, 2013 will expire on March 31, 2013.

**Promotion or Reassignment Within an Agency or Within a Facility or Institution**

Employees who are promoted or reassigned within an agency or within a facility or institution retain unused DRL; however, such leave will expire on March 31, 2013.

**Movement From one Agency to Another or Between Facilities or Institutions Within an Agency**

Employees who move from one agency to another or between facilities or institutions within an agency retain unused DRL; however, such leave will expire on March 31, 2013.

**Movement Under a Reciprocal Agreement**

Employees who move to an entity covered by a reciprocal agreement should be given the opportunity to exhaust earned DRL prior to movement, subject to supervisory approval. In no event will DRL be carried over to an entity covered by reciprocal agreement.

**Sick Leave at Half-Pay**

DRL must be exhausted prior to employees being placed on sick leave at half-pay.

Annual-salaried employees on sick leave at half-pay at the beginning of the program will only be credited with nine days of DRL, prorated at 50%. Additional DRL will be credited to these employees on a prorated basis for future pay periods covered by the DRP upon return to their regular schedule. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on sick leave at half-pay, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

Annual-salaried employees who go on sick leave at half-pay after the start of the DRP may need to have their DRL balance reduced proportionate to the reduction in salary that will be taken under the DRP. Therefore, an agency should consult the Attendance & Leave Unit before it places an individual on sick leave at half-pay to ensure that the employee has been credited with and has used the appropriate amount of DRL.

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When crediting DRL, in these instances, agencies should round down to the nearest quarter-hour.

### **Workers' Compensation Benefits**

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who are out or go out on Workers' Compensation Leave at the start of or during the DRP.

### **Military Leave**

Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for employees who are out or go out on Military leave at the start of or during the DRP.

### **Leave Donation**

DRL must be exhausted prior to employees being eligible for the Leave Donation Program. DRL may not be donated.

### **Family and Medical Leave Act (FMLA)**

A day of DRL used in relation to an approved period of FMLA will count against the employee's 12 weeks of entitlement.

### **Disciplinary Suspension**

Employees eligible to charge accruals during a period of disciplinary suspension may charge DRL to cover this period.

DRL credits charged for this purpose will only be restored to the employee following an arbitrator's decision in the employee's favor and only if the decision is rendered prior to the end of the DRP period to which those credits correspond.

Questions concerning this Program should be directed to the Attendance & Leave Unit of this Department at 518-457-2295.

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**Section 26.3**

**November 2011**

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TO: State Departments and Agencies  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Implementation of the Management/Confidential Productivity  
Enhancement Program for 2012

**THIS POLICY BULLETIN SUPERSEDES POLICY BULLETIN 2011-03  
PLEASE REMOVE POLICY BULLETIN 2011-03 FROM YOUR MANUAL AND  
DESTROY IT**

The Productivity Enhancement Program (PEP) allows eligible Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description and the enrollment form for the 2012 PEP Program.

The starting and ending dates of the PEP program for 2012 are detailed in the Program Description. The enrollment period for 2012 will be open through Monday, December 5, 2011.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

Agency health benefits administrators (HBAs) are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Enrollment Form

## PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION

### OVERVIEW

The Productivity Enhancement Program (PEP) for 2012 allows eligible Management/Confidential (M/C) employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

The program will be available for the entire calendar year in 2012. Full-time employees who enroll in the program will forfeit a total of either 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2012 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2012 PEP program year will be covered by the dates specified below:

Program Year	Employee's Payroll Cycle	Paychecks Issued Between:	# Paychecks
<b>2012</b>	Administration Lag	01/04/12 through 12/19/12	26
	Administration Current	12/21/11 through 12/05/12	26
	Institution Lag	12/29/11 through 12/13/12	26
	Institution Current	12/15/11 through 11/29/12	26
	Triple Lag	01/12/12 through 12/27/12	26

As discussed below under "Eligibility," part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2012.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service, **(unless their separation is the result of a layoff and they are placed on a preferred list)**, or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable.

## **ENROLLMENT**

The enrollment period for 2012 will be open through Monday, December 5, 2011.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive Branch in a Managerial/Confidential title at Salary Grade 23 or below or equated to a position at or below Salary Grade 23;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 in 2012). In 2012 the forfeiture for full-time employees is either 3 full days (22.5 or 24 hours) or 6 full days (45 or 48 hours).

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2012 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### *Full-Time Employees*

The biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### *Part-Time Employees*

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll.

## **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

## **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program for 2012 — Enrollment Form**

Name \_\_\_\_\_ SS# \_\_\_\_\_  
Health Insurance Plan \_\_\_\_\_  
Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2012 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that, in accordance with the program description (and Appendix for Institution Teachers as appropriate), I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

**Hours of Vacation Leave** \_\_\_\_\_ **Hours of Personal Leave** \_\_\_\_\_

In exchange for forfeiting this accrued leave I will receive a credit of up to either \$500 or \$1000 to be applied against the employee share cost of 2012 plan year NYSHIP health insurance premiums (as specified in the program description and Appendix for Institution Teachers as appropriate). Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2012 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **December 5, 2011**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2012. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2012. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2011-06**

**Section 26.3**

**November 2011**

**Page 1 of 1**

TO: State Departments and Agencies  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Implementation of the PEF Productivity Enhancement Program for 2012

The Productivity Enhancement Program (PEP) for 2012 allows eligible PEF-represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description and the enrollment form for the 2012 PEP Program.

The starting and ending dates of the PEP program for 2012 are detailed in the Program Description. The enrollment period for 2012 will be open through Monday, December 5, 2011.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions (with the exception of questions pertaining to Institution Teachers) should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295. Questions regarding Institution Teachers should be directed to the employee's central personnel office.

Agency health benefits administrators (HBAs) are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## 2012 PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION

### OVERVIEW

The Productivity Enhancement Program (PEP) for 2012 allows eligible PEP-represented, employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

Institution teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “Institution Teachers Appendix” to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2012. Full-time employees who enroll in the program will forfeit a total of either 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2012 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2012 PEP program year will be covered by the dates specified below:

Program Year	Employee’s Payroll Cycle	Paychecks Issued Between:	# Paychecks
<b>2012</b>	Administration Lag	01/04/12 through 12/19/12	26
	Administration Current	12/21/11 through 12/05/12	26
	Institution Lag	12/29/11 through 12/13/12	26
	Institution Current	12/15/11 through 11/29/12	26
	Triple Lag	01/12/12 through 12/27/12	26

As discussed below under “Eligibility,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2012.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service, **(unless their separation is the result of a layoff and they are placed on a preferred list)**, or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted from participants’ leave balances at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31, 2015 for PS&T Unit employees unless extended by mutual agreement of the parties.

## **ENROLLMENT**

The enrollment period for 2012 will be open through Monday, December 5, 2011.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 25 or equated to a position below Salary Grade 25;
- Be an employee covered by the 2011-2015 New York State/PEF collective bargaining agreement;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding

principles described above for part-time annual-salaried employees should be applied to these employees.

#### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 in 2012). In 2012 the forfeiture for full-time employees is either 3 full days (22.5 or 24 hours) or 6 full days (45 or 48 hours).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2012 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### *Full-Time Employees*

Depending on the amount of leave forfeited, the biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### *Part-Time Employees*

Depending on the amount of leave forfeited, the biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave

forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

Due to the ratification of the 2011-2015 State/PEF collective bargaining agreement on November 3, 2011, certain Institution Teachers employed by the Department of Corrections and Community Supervision, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP in accordance with the preceding program description except as modified below:

### **OVERVIEW**

For each program year in which they wish to participate, eligible full-time Institution Teachers will forfeit 1 to 6 days of personal leave standing to their credit at the time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that program year.

During calendar year 2012, employees who enroll in that program year will forfeit 1 to 6 days of personal leave standing to their credit at time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that entire program year. In 2012, the credit will be worth up to \$166.66 per day. The credit will be divided evenly over the employee share deductions that will be taken from employee paychecks issued in that program year.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 25 or equated to a position below Salary Grade 25; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in Salary Grade 24 as specified in “Appendix I Salary Schedules” in the 2011-2015 State/PEF Collective Bargaining Agreement;
- Be an employee covered by the 2011-2015 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2012 — Enrollment Form**

Name \_\_\_\_\_ SS# \_\_\_\_\_  
Health Insurance Plan \_\_\_\_\_  
Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2012 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that, in accordance with the program description (and Appendix for Institution Teachers as appropriate), I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

**Hours of Vacation Leave** \_\_\_\_\_ **Hours of Personal Leave** \_\_\_\_\_

In exchange for forfeiting this accrued leave I will receive a credit of up to either \$500 or \$1000 to be applied against the employee share cost of 2012 plan year NYSHIP health insurance premiums (as specified in the program description and Appendix for Institution Teachers as appropriate). Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2012 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **December 5, 2011**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2012. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2012. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:  
Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_  
Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2011-05**

**Section 26.3**

**November 2011**

**Page 1 of 1**

TO: State Departments and Agencies  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Implementation of the CSEA Productivity Enhancement Program  
for 2012

**THIS POLICY BULLETIN SUPERSEDES POLICY BULLETIN 2011-03  
PLEASE REMOVE POLICY BULLETIN 2011-03 FROM YOUR MANUAL AND  
DESTROY IT**

The Productivity Enhancement Program (PEP) allows eligible CSEA-represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description and the enrollment form for the 2012 PEP Program.

The starting and ending dates of the PEP program for 2012 are detailed in the Program Description. The enrollment period for 2012 will be open through Monday, December 5, 2011.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

Agency health benefits administrators (HBAs) are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Enrollment Form

## PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION

### OVERVIEW

The Productivity Enhancement Program (PEP) for 2012 allows eligible CSEA-represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

The program will be available for the entire calendar year in 2012. Full-time employees who enroll in the program will forfeit a total of either 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) or 6 days (45 or 48 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at time of enrollment in return for a credit of up to either \$500 or \$1000, respectively, for the 2012 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2012 PEP program year will be covered by the dates specified below:

Program Year	Employee's Payroll Cycle	Paychecks Issued Between:	# Paychecks
<b>2012</b>	Administration Lag	01/04/12 through 12/19/12	26
	Administration Current	12/21/11 through 12/05/12	26
	Institution Lag	12/29/11 through 12/13/12	26
	Institution Current	12/15/11 through 11/29/12	26
	Triple Lag	01/12/12 through 12/27/12	26

As discussed below under "Eligibility," part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2012.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service, **(unless their separation is the result of a layoff and they are placed on a preferred list)**, or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31, 2016 unless extended by mutual agreement of the parties.

## **ENROLLMENT**

The enrollment period for 2012 will be open through Monday, December 5, 2011.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 25 or equated to a position below Salary Grade 25;
- Be an employee covered by the 2011-2016 New York State/CSEA collective bargaining agreements;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum

health insurance premium contribution credit allowable under the program (up to either \$500 or \$1000 in 2012). In 2012 the forfeiture for full-time employees is either 3 full days (22.5 or 24 hours) or 6 full days (45 or 48 hours).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2012 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### Full-Time Employees

The biweekly credit is equal to either \$19.23 (\$500 divided by 26 paychecks) OR \$38.46 (\$1000 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### Part-Time Employees

The biweekly credit is equal to either \$19.23 multiplied by the employee's payroll/employment percentage OR \$38.46 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll.

However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program for 2012 — Enrollment Form**

Name \_\_\_\_\_ SS# \_\_\_\_\_  
Health Insurance Plan \_\_\_\_\_  
Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2012 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that, in accordance with the program description (and Appendix for Institution Teachers as appropriate), I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

**Hours of Vacation Leave** \_\_\_\_\_ **Hours of Personal Leave** \_\_\_\_\_

In exchange for forfeiting this accrued leave I will receive a credit of up to either \$500 or \$1000 to be applied against the employee share cost of 2012 plan year NYSHIP health insurance premiums (as specified in the program description and Appendix for Institution Teachers as appropriate). Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2012 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **December 5, 2011**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2012. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2012. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2011-04**

Sections 21.12 & 26.3

November 2011

Page 1 of 8

TO: Manual Recipients  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Impact of Deficit Reduction Plan on Attendance and Leave Benefits

### **Introduction**

The following material has been prepared to assist you in implementing the attendance and leave provisions contained in the 2011–2015 Agreement between the State of New York and the Public Employees Federation (PEF) for employees in the Professional, Scientific and Technical Services (PS&T) Unit as they relate to the Deficit Reduction Plan (DRP). All employees in this bargaining unit are subject to the provisions of this program regardless of Attendance Rules coverage.

The DRP reduces employee compensation by 4.198% for the last ten pay periods which are paid in the 2011–2012 State Fiscal Year (SFY) (3.381% for employees paid on a 21 pay period (pp) basis) and 1.847% for all paychecks which are paid in the 2012–2013 SFY. The 2011–12 SFY compensation reductions will commence with the paycheck issued November 17, 2011 for employees on the Institution Lag payroll calendar and with the paycheck issued November 23, 2011 for employees on the Administration Lag payroll calendar. Deficit Reduction Leave (DRL) will be available for PS&T Unit employee use on November 4, 2011 regardless of which payroll calendar covers the employee. Specifically:

- Nine days of DRL will be credited to full-time employees. Employees who work less than full-time or on a per diem basis will receive the appropriate pro-rata share of DRL.
- The State will ensure that each employee who requests to use their entire allotment of DRL prior to March 31, 2013 will be permitted to do so. Time off is at employee election, subject to supervisory approval.

The following guidelines describe the way in which leave provisions of the Attendance Rules, negotiated agreements, and related laws and policies are impacted by the DRP.

### **DEFICIT REDUCTION PLAN ATTENDANCE AND LEAVE GUIDELINES**

#### **Eligibility**

All employees who are represented by PEF will be subject to this DRP regardless of coverage under the Attendance Rules. Except that, PEF-represented employees who have an hourly rate of less than \$7.57 in the 2011–12 SFY shall not be subject to the DRP in the 2011–12 SFY; employees in the PS&T Unit who have an hourly rate of less than \$7.39 in the 2012–13 SFY shall not be subject to the DRP in the 2012–13 SFY.

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**Earning Deficit Reduction Leave (DRL)**

Full-time Annual-Salaried Employees

Full-time annual-salaried employees are credited with nine days of DRL, based on their basic workweek of either 37.5 or 40 hours on November 4, 2011 and allowed to begin charging DRL on that date, subject to supervisory approval. For example, an employee whose normal full-time work schedule is 75 hours in a biweekly pay period will be credited with 67.5 hours of DRL. An employee whose normal full-time work schedule is 80 hours in a biweekly pay period will be credited with 72 hours of DRL.

Part-Time Annual-Salaried Employees

Part-time annual-salaried employees are credited with nine prorated days of DRL, based on their employment percentage on November 4, 2011.

For example, a part-time annual-salaried employee whose 50% schedule requires them to work 37.5 hours in a biweekly pay period will be credited with 33.75 hours of DRL at the start of the program. A part-time annual-salaried employee whose 50% schedule requires them to work 40 hours in a biweekly pay period will be credited with 36 hours of DRL.

As stated earlier, employees on the payroll on November 4, 2011 are credited on that date with their full allotment of DRL (nine days, prorated for part-time employees). Although DRL is not earned on a biweekly basis in the same manner as other leave accruals, it is necessary to compute the precise amount of DRL associated with each pay period covered by the program. As discussed below, these biweekly rates will be used for several purposes, including crediting new employees with the appropriate amount of DRL if they are hired after November 4, 2011.

The table below specifies the DRL hours earned by PEF-represented employees for the duration of this DRP. The hours earned by an employee depends on the pay periods in the employee's work year; the hours in the employee's biweekly work week, and the SFY in question.

Pay Basis	Biweekly PP Hours	2011-12 SFY DRL Factor		2012-13 SFY DRL Factor	
		DRL Factor	Duration	DRL Factor	Duration
26pp	75	3.15 Hrs / Pay Period	10 PP's	1.39 Hrs / Pay Period	26 PP's
26pp	80	3.36 Hrs / Pay Period	10 PP's	1.48 Hrs / Pay Period	26 PP's
21pp	75	3.15 Hrs / Pay Period	10 PP's	1.72 Hrs / Pay Period	21 PP's
21pp	80	3.36 Hrs / Pay Period	10 PP's	1.83 Hrs / Pay Period	21 PP's

Employees entering the PS&T Unit after November 4, 2011

To determine the amount of DRL to be credited to an employee who becomes subject to the PEF DRP after the start of the PEF DRP, the Agency should make the following calculation (rounded down to the nearest quarter-hour):

$$((2011-12 \text{ DRL Factor}) \times (\text{Remaining Pay Periods of } 2011-12 \text{ SFY Factor Duration}) \times (\text{Employee's payroll percentage})) + ((2012-13 \text{ DRL Factor}) \times (\text{Remaining Pay Periods of } 2012-13 \text{ SFY Factor Duration}) \times (\text{Employee's FTE equivalent}))$$

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For example, a half-time employee (50% payroll percentage) who is hired 6 weeks (3 pay periods) after the start of the DRP with a 26 pay period work year and 80 hour biweekly pay period would be entitled to DRL credit as follows:

$$((3.36) \times (7) \times (.5)) + ((1.48) \times (26) \times (.5)) = 31.00 \text{ Hours of DRL (3.88 Days)}$$

#### Extra Time Worked

Both full and part-time annual-salaried employees will also be credited with a proportionate amount of additional DRL on a pay period to pay period basis, prorated based on additional hours worked beyond their set payroll percentage which do not exceed the employee's basic workweek of 37.5 or 40 hours. The exact amount of DRL will vary based on the actual time worked.

For example, an agency requires a part-time annual-salaried employee whose normal schedule is 50% (40 hours in a work week) to work full-time (100%) during three biweekly pay periods during the 2012–13 SFY. The employee has already been credited with DRL for these pay periods in connection with the 50% work schedule. To calculate the additional DRL earned in connection with this work, take the appropriate biweekly DRL value from the table above (in this case, 1.48 hour per pay period) and multiply by 0.5 to prorate for the difference between the regular 50% work schedule and the full-time work performed. Then multiply the result (.74 hour) by the number of pay periods (three) and round the product down to the nearest quarter-hour, yielding an additional DRL credit of 2.25 hours. Agencies will need to make adjustments, both positive and negative, as the program proceeds to ensure individuals are credited with the correct amount of DRL.

#### Employees Engaged in Extra Service

Employees who are approved for, and work, extra service will be credited with DRL in proportion to the additional hours of work performed. The computation is similar to that shown for extra time worked.

For example, a full-time annual-salaried employee whose normal schedule is 100% (80 hours in a biweekly pay period) with 26 pay periods in a work year would be credited with 72 hours of DRL on November 4, 2011. If the employee worked 16 hours of extra service in two pay periods during the 2012–13 SFY (20% of a full-time schedule), multiply the appropriate 2012–13 DRL Factor (in this case 1.48 hours per pay period) by 0.2 to prorate for a 20% work schedule and then multiply by two pay periods and round the result down to the nearest quarter-hour. In this example, the employee should be credited with an additional .5 hours of DRL (rounded down from .59 hours).

#### Annual-Salaried Employee Changes in Employment Percentage

Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee's percentage of employment changes.

#### Hourly Employees

Agencies should provide hourly employees with an appropriate pro-rated amount of DRL at the beginning of the DRP. This pro-rated amount should be based on an individual's schedule during the remainder of SFY 2011–2012 and an agency's schedule for such employee for SFY 2012–2013. For example, an agency that has employed an hourly employee for approximately 20 hours per week (where

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a 40 workweek is used) in a 26 pay period work year during SFY 2011–12 and plans on continuing such employee at 20 hours per week, should credit such employee with 36 hours of DRL on November 4, 2011. This is based on 10 pay periods of the 2011–12 SFY DRL Factor of 1.68 hours per pay period (full-time rate prorated for 50% work schedule) plus 26 pay periods of the 2012–13 SFY DRL Factor at a rate of (0.74 hour per pay period (full-time rate prorated for work schedule), rounded down to the nearest quarter-hour. If the hourly employee's actual hours of work differ from the estimate, the agency should make adjustments during the Fiscal Year so that the employee is credited with the appropriate amount of DRL. When crediting DRL, in such instances, agencies should round down to the nearest quarter-hour.

Voluntary Reduction in Work Schedule (VRWS) Employees

Employees participating in the VRWS program will be credited with a prorated amount of DRL based on their VRWS percentage. When crediting DRL, in such instances, agencies should round down to the nearest quarter-hour.

VRWS credits earned each pay period will not be affected by the DRP.

Per Diem Employees

Per diem employees are also subject to the DRP and therefore are entitled to DRL once the DRP begins. Agencies will need to compare a per diem employee's schedule to that of a full-time schedule and credit a per diem employee with an appropriate pro-rated share of DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for per diem employees.

**Using DRL**

All DRL credits must be used prior to the end of the 2012–2013 SFY. DRL credits may not be carried over beyond March 31, 2013. For the **2011–12 SFY only**, the vacation credit balance of an employee may not exceed 45 days on April 1, 2012.

Employees **must** obtain prior supervisory approval before using DRL. Employees should provide reasonable advance notice of their requested DRL and agencies may take operational need into account when approving such requests.

DRL credits may be used in quarter-hour increments.

DRL credits may not be used to cover unscheduled absences such as employees calling in sick, but may be used for preplanned appointments, with prior supervisory approval, including medical appointments or prescheduled absences normally charged to sick leave.

Time charged to DRL is considered full pay status for the purpose of earning biweekly accruals, eligibility for holidays, calculation of overtime, and Health/Dental/Vision insurance.

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Agencies retain discretion as to whether charges to DRL will or will not count for purposes of completing employee probationary periods.

Seniority will be the determining factor if there are multiple requests for DRL use on the same day.

### **Time Record Maintenance**

Agencies should adjust their time records systems to allow for this new type of leave and are required to track its use.

### **Separations**

Employees that are separated from State service for any reason during the DRP period will forfeit all unused DRL credits.

For employees who leave State employment, or who do not leave State employment but are no longer subject to the PEF DRP, for any reason during the DRP period and have used more DRL credits than the employee earned based on the employee's time in the DRP, the State will offset the excess DRL by reducing the employee's vacation, holiday leave, floating holiday leave, overtime non-compensatory time and/or personal leave accruals. To the extent that such accruals are insufficient to offset the excess DRL, the State may utilize any other legal remedies available to recoup the value of the excess DRL. The offset will be computed based on the following calculation (rounded down to the nearest quarter-hour):

$$(\text{DRL hours charged}) - ((2011-12 \text{ DRL Factor}) \times (\text{Pay Periods of } 2011-12 \text{ SFY Factor Duration in which employee participated in the DRP}) \times (\text{Employee's payroll percentage})) + ((2012-13 \text{ DRL Factor}) \times (\text{Pay Periods of } 2012-13 \text{ SFY Factor Duration in which employee participated in the DRP}) \times (\text{Employee's payroll percentage}))$$

For example, a full-time employee (1 FTE) (26 pay period work year, 80 hour biweekly work week) who participates in the DRP for 10 pay periods in the 2011-12 SFY and 5 pay periods in the 2012-13 SFY leaves State service after charging all 9 DRL days (72 DRL hours) will have other accruals offset based on the following calculation:

$$(72.00 \text{ hours}) - ((3.36) \times (10) \times (1)) + ((1.48) \times (5) \times (1)) = (72.00 \text{ hours}) - (41.00 \text{ hours}) = 31.00 \text{ hours}$$
  
(3.44 days) to be offset by charges to other leave accruals

There is no lump sum payment for unused days of DRL.

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**Movement from a bargaining unit subject to the DRP to a bargaining unit not subject to the DRP**

Agencies will have to adjust the DRL credited to an employee who leaves the PS&T unit for a position in another bargaining unit. Agencies will have to determine the DRL earned by an employee based on the following calculation (rounded down to the nearest quarter hour):

$((2011-12 \text{ DRL Factor}) \times (\text{Pay Periods of } 2011-12 \text{ SFY Factor Duration in which employee participated in the DRP}) \times (\text{Employee's payroll percentage})) + ((2012-13 \text{ DRL Factor}) \times (\text{Pay Periods of } 2012-13 \text{ SFY Factor Duration in which employee participated in the DRP}) \times (\text{Employee's payroll percentage}))$

Once an agency determines the amount of DRL earned by the employee, the agency may need to offset other leave balances belonging to the employee if the employee charged more DRL than the employee earned (see "*Separations*" section for calculation) prior to leaving the PS&T unit.

For example, a full-time employee (26 pay period work year, 80 hour biweekly work week) who participates in the DRP for 10 pay periods in the 2011-12 SFY and 5 pay periods in the 2012-13 SFY changes to another bargaining unit after charging 4 DRL days (32 DRL hours). An agency would make the following calculations: will have other accruals offset based on the following calculation:

DRL earned:  $((3.36) \times (10) \times (1)) + ((1.48) \times (5) \times (1)) = 41.00$  hours of earned DRL

DRL Retained / Offset:  $(41 \text{ hours of earned DRL}) - (32 \text{ hours of charged DRL}) = 9$  hours of DRL retained by the employee in the employee's new unit until March 31, 2013.

NOTE: Earned and unused DRL retained by an employee who leaves the PS&T unit prior to March 31, 2013 will expire on March 31, 2013.

**Promotion or Reassignment Within an Agency or Within a Facility or Institution**

Employees who are promoted or reassigned within an agency or within a facility or institution retain unused DRL.

**Movement From one Agency to Another or Between Facilities or Institutions Within an Agency**

Employees who move from one agency to another or between facilities or institutions within an agency retain unused DRL.

**Movement Under a Reciprocal Agreement**

Employees who move to an entity covered by a reciprocal agreement should be given the opportunity to exhaust earned DRL prior to movement, subject to supervisory approval. In no event will DRL be carried over to an entity covered by reciprocal agreement.

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### **Sick Leave at Half-Pay**

DRL must be exhausted prior to employees being placed on sick leave at half-pay.

Annual-salaried employees on sick leave at half-pay at the beginning of the program will only be credited with nine days of DRL, prorated at 50%. Additional DRL will be credited to these employees on a prorated basis for future pay periods covered by the DRP upon return to their regular schedule. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on sick leave at half-pay, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

Annual-salaried employees who go on sick leave at half-pay after the start of the DRP may need to have their DRL balance reduced proportionate to the reduction in salary that will be taken under the DRP. Therefore, an agency should consult the Attendance & Leave Unit before it places an individual on sick leave at half-pay to ensure that the employee has been credited with and has used the appropriate amount of DRL.

When crediting DRL, in these instances, agencies should round down to the nearest quarter-hour.

### **Workers' Compensation Benefits**

Annual-salaried employees out of work on one of the various Workers' Compensation Programs, at the start of the DRP, will be credited with DRL on a pay period to pay period basis, prorated based on the number of pay periods that an employee's compensation has been reduced under the DRP. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on workers' compensation leave, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

Annual-salaried employees who go out of work on one of the various Workers' Compensation Programs, following the start of the DRP may need to have their DRL balance reduced proportionate to the number of pay periods that an employee's compensation has been reduced under the DRP.

DRL charged during a period of workers' compensation leave for which the State has received a "Credit New York State" issued by the State Insurance Fund for wages paid, will only be restored to an employee if the credit is received prior to the end of the DRP period.

### **Military Leave**

Annual-salaried employees on military leave on November 4, 2011 will be credited with 9 days of DRL. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on military leave, with unused DRL, will not return to the payroll before March 31, 2013. Similarly, questions regarding excess DRL should be directed to the Attendance & Leave Unit.

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Annual-salaried employees who go on military leave following November 4, 2011 will need to have their DRL credit computed as described above based on the applicable biweekly DRL rate. Questions about this should be directed to the Attendance & Leave Unit.

When crediting DRL, in these instances, agencies should round down to the nearest quarter-hour.

**Leave Donation**

DRL must be exhausted prior to employees being eligible for the Leave Donation Program. DRL may not be donated.

**Family and Medical Leave Act (FMLA)**

A day of DRL used in relation to an approved period of FMLA will count against the employee's 12 weeks of entitlement.

**Disciplinary Suspension**

Employees eligible to charge accruals during a period of disciplinary suspension may charge DRL to cover this period.

DRL credits charged for this purpose will only be restored to the employee following an arbitrator's decision in the employee's favor and only if the decision is rendered prior to the end of the DRP period to which those credits correspond.

Questions concerning this Program should be directed to the Attendance & Leave Unit of this Department at 518-457-2295.

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TO: Manual Recipients  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Impact of Deficit Reduction Plan on Attendance and Leave Benefits

### **Introduction**

The following material has been prepared to assist you in implementing the attendance and leave provisions contained in the 2011–2016 Agreements between the State of New York and the Civil Service Employees Association (CSEA) for employees in the Administrative Services Unit (ASU), Institutional Services Unit (ISU), Operational Services Unit (OSU), and Division of Military and Naval Affairs (DMNA) Unit as they relate to the Deficit Reduction Plan (DRP). All employees in these bargaining units are subject to the provisions of this program regardless of Attendance Rules coverage.

The DRP for Fiscal Year 2011–2012 for these units reduces employee compensation by 3.333% for each payroll period starting with payroll number 10 for employees on the Institution Lag payroll calendar (paid on September 8, 2011), and with payroll number 11 for employees on the Administration Lag payroll calendar (paid on September 14, 2011) and will last 15 biweekly pay periods. Deficit Reduction Leave (DRL) will be available for employee use on September 8, 2011 for employees on the Institution Lag payroll calendar and September 15, 2011 for employees on the Administration Lag payroll calendar. The DRP for Fiscal Year 2011–2012 provides for:

- Five days of DRL in Fiscal Year 2011–2012 for full-time employees. Employees who work less than full-time or on a per diem basis will receive the appropriate pro-rata share of DRL for Fiscal Year 2011–2012.
- The State will ensure that each employee will be able to use their entire allotment of DRL. Days off are at employee election but are subject to supervisory approval.

The following guidelines describe the way in which leave provisions of the Attendance Rules, negotiated agreements, and related laws and policies are impacted by the DRP.

### **DEFICIT REDUCTION PLAN ATTENDANCE AND LEAVE GUIDELINES**

#### **Eligibility**

All employees represented by CSEA for employees in the ASU, ISU, OSU, and DMNA Units will be subject to the DRP regardless of coverage under the Attendance Rules.

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**Earning Deficit Reduction Leave (DRL)**

Full-time Annual-Salaried Employees

Full-time annual-salaried employees are credited with five days of DRL, based on their basic workweek of either 37.5 or 40 hours at the start of the DRP. Employees will be entitled to take DRL commencing on September 8, 2011 for employees on the Institution Lag payroll calendar and commencing on September 15, 2011 for employees on the Administration Lag payroll calendar.

For example, an employee whose normal full-time work schedule is 75 hours in a biweekly pay period will be credited with 37.5 hours of DRL. An employee whose normal full-time work schedule is 80 hours in a biweekly pay period will be credited with 40 hours of DRL.

Part-Time Annual-Salaried Employees

Part-time annual-salaried employees are credited with five prorated days of DRL, based on their employment percentage at the start of the DRP.

For example, a part-time annual-salaried employee whose 50% schedule requires them to work 37.5 hours in a biweekly pay period will be credited with 18.75 hours of DRL at the start of the program. A part-time annual-salaried employee whose 50% schedule requires them to work 40 hours in a biweekly pay period will be credited with 20 hours of DRL.

Part-time annual-salaried employees will also be credited with a proportionate amount of additional DRL on a pay period to pay period basis, prorated based on additional hours worked beyond their set payroll percentage which do not exceed the employee's basic workweek of 37.5 or 40 hours. The exact amount of DRL will vary based on the actual time worked.

For example, an agency requires a part-time annual-salaried employee whose normal schedule is 50% (40 hours in a biweekly pay period) to work full-time during three biweekly pay periods. This employee would have already been credited with 20 hours of DRL. To determine the additional DRL that needs to be credited, an agency would divide the original DRL credit (20) by 15 (total number of pay periods in the DRP) to arrive at 1.333 hours per pay period. For purposes of this calculation only, this individual is seen as earning 1.333 hours of DRL per pay period. Since this individual worked double their normal schedule for three pay periods, you would multiply 1.333 by 3 to arrive at a total of 4 hours of additional DRL credit. Agencies will need to make adjustments, both positive and negative, as the program proceeds to ensure individuals are credited with the correct amount of DRL during the Fiscal Year so that they have an opportunity to use the DRL during this Fiscal Year.

Employees Engaged in Extra Service

Employees who are approved for, and work, extra service will be credited with DRL in proportion to the additional hours of work performed. For example, a full-time annual-salaried employee whose normal schedule is 100% (80 hours in a biweekly pay period) would be credited with 40 hours of DRL. To determine the additional DRL that needs to be credited for extra service, an agency would divide the original DRL credit (40) by 15 (total number of pay periods in the DRP) to arrive at 2.666 hours per pay period. If the employee worked 8 hours of extra service in one pay period (1/10 of additional time), the

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employee would be credited with 2.666/10, or .266 hours of additional DRL. When crediting DRL, in such instances, agencies should round down to the nearest ¼ hour.

New Employees

Employees who join the bargaining unit after the commencement of the DRP shall be credited with the appropriate proportionate amount of DRL that corresponds to the number of pay periods left in the DRP for Fiscal Year 2011–2012. For example, a full-time 40 hour per workweek employee who is hired with only 12 pay periods remaining in the fiscal year, shall be credited with 32 hours (12/15 equals 80%) of DRL for use in Fiscal Year 2011–2012, because reductions in compensation will occur over only 12 pay periods under the DRP. Such leave shall be credited as soon as practicable.

Annual-Salaried Employee Changes In Employment Percentage

Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee's percentage of employment changes.

Hourly Employees

Agencies should provide hourly employees with an appropriate pro-rated amount of DRL at the beginning of the DRP. This pro-rated amount should be based on an individual's schedule during the first five months of Fiscal Year 2011–2012 and an agency's schedule for such employee for the rest of the Fiscal Year. For example, an agency who employed an hourly employee for approximately 20 hours per week (where a 40 workweek is used) during the first five months of State Fiscal Year 2011–12 and plans on continuing such employee at 20 hours per week, should credit such employee with 20 hours of DRL at the beginning of the DRP. If the hourly employee's actual hours of work differ from the estimate, the agency should make adjustments during the Fiscal Year so that the employee is credited with the appropriate amount of DRL. When crediting DRL, in such instances, agencies should round down to the nearest ¼ hour.

Voluntary Reduction in Work Schedule (VRWS) Employees

Employees participating in the VRWS program will be credited with a prorated amount of DRL based on their VRWS percentage. When crediting DRL, in such instances, agencies should round down to the nearest ¼ hour.

VRWS credits earned each pay period will not be affected by the DRP.

Per Diem Employees

Per diem employees are also subject to the DRP and therefore are entitled to DRL once the DRP begins. Agencies will need to compare a per diem employee's schedule to that of a full-time schedule and credit a per diem employee with an appropriate pro-rated share of DRL. Agencies should contact the Attendance & Leave Unit for guidance in determining the appropriate amount of DRL for per diem employees.

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### **Using DRL**

All DRL credits must be used prior to the end of the Fiscal Year 2011–2012 in which they were credited. DRL credits may not be carried over. For the Fiscal Year **2011–12 only**, the vacation credit balance of an employee may not exceed 45 days on April 1, 2012.

Employees **must** obtain prior supervisory approval before using DRL. Employees should provide reasonable advance notice of their requested DRL and agencies may take operational need into account when approving such requests.

DRL credits may be used in 1/4 hour units.

DRL credits may not be used to cover unscheduled absences such as employees calling in sick, but may be used for preplanned appointments, with prior supervisory approval, including medical appointments or prescheduled absences normally charged to sick leave.

Time charged to DRL is considered full pay status for the purpose of earning biweekly accruals, eligibility for holidays, calculation of overtime, and Health/Dental/Vision insurance.

Agencies retain discretion as to whether charges to DRL will or will not count for purposes of completing employee probationary periods.

Seniority will be the determining factor if there are multiple requests for DRL use on the same day.

### **Time Record Maintenance**

Agencies should adjust their time records systems to allow for this new type of leave and are required to track its use.

### **Separations**

Employees that are separated from service for any reason during the DRP period will forfeit all unused DRL credits.

For employees that are separated from service for any reason during the DRP period who have used DRL credits for which the state has not been able to reduce compensation under the DRP, the State will recoup any monies unable to be reduced by deductions from the employee's cash-out of vacation accruals, or deductions to the employee's deferral cash-out. To the extent that vacation accruals and the deferral cash-out are insufficient to fund the value of the DRL used, the State may utilize any other legal remedies available to recoup the value of the DRL used.

There is no lump sum payment for unused days of DRL.

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**Movement from a bargaining unit subject to the DRP to a bargaining unit not subject to the DRP**

Agencies will have to adjust the DRL credited to an employee who separates from one of the CSEA units for a position in another unit that is not subject to the DRP. The employee's adjusted DRL will be proportionate to the number of pay periods that an employee's compensation has been reduced under the DRP. Such employee shall be permitted to retain any unused DRL and use such DRL while in a different bargaining unit subject to the rules and restrictions for employees in the new unit. All DRL credits must be used prior to the end of the Fiscal Year in which they were credited.

**Promotion or Reassignment Within an Agency or Within a Facility or Institution**

Employees who are promoted or reassigned within an agency or within a facility or institution retain unused DRL.

**Movement From one Agency to Another or Between Facilities or Institutions Within an Agency**

Employees who move from one agency to another or between facilities or institutions within an agency retain unused DRL.

**Movement Under a Reciprocal Agreement**

Employees who move to an entity covered by a reciprocal agreement should be given the opportunity to exhaust earned DRL prior to movement, subject to supervisory approval. In no event will DRL be carried over to an entity covered by reciprocal agreement.

**Overtime**

Time charged to DRL counts as time worked for purposes of determining entitlement to overtime.

**Sick Leave at Half-Pay**

DRL must be exhausted prior to employees being placed on sick leave at half-pay.

Annual-salaried employees on sick leave at half-pay at the beginning of the program will only be credited with five days of DRL, prorated at 50%. Additional DRL will be credited to these employees on a prorated basis for future pay periods covered by the DRP upon return to their regular schedule. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on sick leave at half-pay, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE**  
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Annual-salaried employees who go on sick leave at half-pay after the start of the DRP may need to have their DRL balance reduced proportionate to the reduction in salary that will be taken under the DRP. Therefore, an agency should consult the Attendance & Leave Unit before it places an individual on sick leave at half-pay to ensure that the employee has been credited with and has used the appropriate amount of DRL.

When crediting DRL, in these instances, agencies should round down to the nearest 1/4 hour.

### **Income Protection Plan**

Employees on Short Term Disability (STD) at the beginning of the program will **not** be credited with DRL unless/until they return to the regular payroll. DRL will be credited to these employees on a prorated basis for future pay periods covered by the DRP upon return to their regular schedule.

Employees on Long Term Disability (LTD) at the beginning of the program will **not** be credited with DRL unless/until they return to the regular payroll. DRL will be credited to these employees on a prorated basis for future pay periods covered by the DRP upon return to their regular schedule.

Employees who go on STD/LTD after the start of the DRP may need to have their DRL balance reduced proportionate to the number of pay periods that an employee's compensation has been reduced under the DRP.

When crediting DRL, in these instances, agencies should round down to the nearest 1/4 hour.

### **Workers' Compensation Benefits**

Annual-salaried employees out of work on one of the various Workers' Compensation Programs, at the start of the DRP, will be credited with DRL on a pay period to pay period basis, prorated based on the number of pay periods that an employee's compensation has been reduced under the DRP. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on workers' compensation leave, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

Annual-salaried employees who go out of work on one of the various Workers' Compensation Programs, following the start of the DRP may need to have their DRL balance reduced proportionate to the number of pay periods that an employee's compensation has been reduced under the DRP.

DRL charged during a period of workers' compensation leave for which the State has received a "Credit New York State" issued by the State Insurance Fund for wages paid, will only be restored to an employee if the credit is received prior to the end of the DRP period to which those credits correspond.

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### **Military Leave**

Annual-salaried employees on military leave at the start of the DRP will be credited with DRL on a pay period to pay period basis, prorated based on the number of pay periods that an employee's compensation has been reduced under the DRP. Agencies should contact the Attendance & Leave Unit for guidance when an annual-salaried employee on military leave, with unused DRL, will not return to the payroll before the end of the Fiscal Year.

Annual-salaried employees who go on military leave following the start of the DRP may need to have their DRL balance reduced proportionate to the number of pay periods that an employee's compensation has been reduced under the DRP.

When crediting DRL, in these instances, agencies should round down to the nearest 1/4 hour.

### **Leave Donation**

DRL must be exhausted prior to employees being eligible for the Leave Donation Program. DRL may not be donated.

### **Family and Medical Leave Act (FMLA)**

A day of DRL used in relation to an approved period of FMLA will count against the employee's 12 weeks of entitlement.

### **Disciplinary Suspension**

Employees eligible to charge accruals during a period of disciplinary suspension may charge DRL to cover this period.

DRL credits charged for this purpose will only be restored to the employee following an arbitrator's decision in the employee's favor and only if the decision is rendered prior to the end of the DRP period to which those credits correspond.

Questions concerning this Program should be directed to the Attendance and Leave Unit of this Department at 518-457-2295.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
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POLICY BULLETIN NO. 2010-03**

**Section 26.3**

**October 2010**

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TO: State Departments and Agencies  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Implementation of Productivity Enhancement Program for 2011

The Productivity Enhancement Program (PEP) allows eligible CSEA, PEF, DC-37-represented employees, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2011 PEP Program.

The starting and ending dates of the PEP program for 2011 are detailed in the Program Description. The enrollment period for 2011 will be Monday, October 25, 2010 through Friday, November 26, 2010.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions (with the exception of questions pertaining to Institution Teachers) should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295. Questions regarding Institution Teachers should be directed to the employee's central personnel office.

Agency health benefits administrators (HBAs) are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## **PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

As described in Policy Bulletins 2007-01, 2008-02, 2008-06 and 2009-02, the Productivity Enhancement Program (PEP) allows eligible CSEA, PEF, DC-37-represented, and M/C employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. The program will be available in 2011.

Institution teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “Institution Teachers Appendix” to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2011. Full-time employees who enroll in the program will forfeit a total of 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at time of enrollment in return for a credit of up to \$500 for the 2011 program year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2011 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee’s Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2011</b>	Administration Lag	12/22/10 through 12/7/11	26
	Administration Current	12/8/10 through 11/23/11	26
	Institution Lag	12/30/10 through 12/15/11	26
	Institution Current	12/16/10 through 12/1/11	26
	Triple Lag	12/30/10 through 12/15/11	26

As discussed below under “Eligibility,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2011.

Once enrolled for the program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31, 2011 unless extended by mutual agreement of the parties.

## **ENROLLMENT**

The enrollment period for 2011 will be Monday, October 25, 2010 through Friday, November 26, 2010.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 18 or equated to a position below Salary Grade 18;
- Be an employee covered by the 2007-2011 New York State/CSEA, PEF, or DC-37 collective bargaining agreements or a M/C employee (except SUNY M/C employees—NU 13);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding

principles described above for part-time annual-salaried employees should be applied to these employees.

#### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to \$500 in 2011). In 2011 the forfeiture for full-time employees is 3 full days (22.5 or 24 hours).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2011 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### *Full-Time Employees*

The biweekly credit is equal to \$19.23 (\$500 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### *Part-Time Employees*

The biweekly credit is equal to \$19.23 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program (PEP)  
Institution Teachers Appendix**

Certain Institution Teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP in accordance with the preceding program description except as modified below:

**OVERVIEW**

For each program year in which they wish to participate, eligible full-time Institution Teachers will forfeit 1, 2, or 3 days of personal leave standing to their credit at the time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that program year.

During calendar year 2011, employees who enroll in those program years will forfeit 1, 2, or 3 days of personal leave standing to their credit at time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that entire program year. In 2011, the credit will be worth up to \$166.66 per day. The credit will be divided evenly over the employee share deductions that will be taken from employee paychecks issued in that program year.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

**ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 18 or equated to a position below Salary Grade 18; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in Salary Grade 17 as specified in “Appendix I Salary Schedules” in the 2007-2011 State/PEF Collective Bargaining Agreement;
- Be an employee covered by the 2007-2011 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2011 — Enrollment Form**

Name \_\_\_\_\_ SS# \_\_\_\_\_

Health Insurance Plan \_\_\_\_\_

Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2011 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that, in accordance with the program description (and Appendix for Institution Teachers as appropriate), I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

**Hours of Vacation Leave** \_\_\_\_\_

**Hours of Personal Leave** \_\_\_\_\_

In exchange for forfeiting this accrued leave I will receive a credit of up to \$500 to be applied against the employee share cost of 2011 plan year NYSHIP health insurance premiums (as specified in the program description and Appendix for Institution Teachers as appropriate). Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2011 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 26, 2010**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

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**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2011. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2011. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

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**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Copy 1 – Health Benefits Administrator

Copy 2 – Personnel Office/Attendance Records

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2009-02**

**Section 26.3**

**October 2009**

**Page 1 of 1**

TO: State Departments and Agencies  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Implementation of Productivity Enhancement Program for 2010

The Productivity Enhancement Program (PEP) allows eligible CSEA, PEF, DC-37-represented employees, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2010 PEP Program.

The starting and ending dates of the PEP program for 2010 are detailed in the Program Description. The enrollment period for 2010 will be Monday, October 26, 2009 through Friday, November 27, 2009.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions (with the exception of questions pertaining to Institution Teachers) should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295. Questions regarding Institution Teachers should be directed to the employee's central personnel office.

Agency health benefits administrators (HBAs) are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## **PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

As described in Policy Bulletins 2007-01, 2008-02, and 2008-06, the Productivity Enhancement Program (PEP) allows eligible CSEA, PEF, DC-37-represented, and M/C employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. The program will be available in 2010 and 2011.

Institution teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “Institution Teachers Appendix” to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2010 and 2011. Full-time employees who enroll in the program for any of these years will forfeit a total of 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at time of enrollment in return for a credit of up to \$500 for the 2010 and 2011 program years to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2010 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee’s Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2010</b>	Administration Lag	12/23/09 through 12/8/10	26
	Administration Current	12/9/09 through 11/24/10	26
	Institution Lag	12/31/09 through 12/16/10	26
	Institution Current	12/17/09 through 12/2/10	26
	Triple Lag	12/31/09 through 12/16/10	26

As discussed below under “Eligibility,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2010.

Once enrolled for each program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31, 2011 unless extended by mutual agreement of the parties.

## **ENROLLMENT**

The enrollment period for 2010 will be Monday, October 26, 2009 through Friday, November 27, 2009.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 18 or equated to a position below Salary Grade 18;
- Be an employee covered by the 2007-2011 New York State/CSEA, PEF, or DC-37 collective bargaining agreements or a M/C employee (except SUNY M/C employees—NU 13);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding

principles described above for part-time annual-salaried employees should be applied to these employees.

#### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to \$500 in 2010). In 2010 the forfeiture for full-time employees is 3 full days (22.5 or 24 hours).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2010 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### Full-Time Employees

The biweekly credit is equal to \$19.23 (\$500 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### Part-Time Employees

The biweekly credit is equal to \$19.23 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program (PEP)  
Institution Teachers Appendix**

Certain Institution Teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP in accordance with the preceding program description except as modified below:

**OVERVIEW**

For each program year in which they wish to participate, eligible full-time Institution Teachers will forfeit 1, 2, or 3 days of personal leave standing to their credit at the time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that program year.

During calendar years 2010 and 2011, employees who enroll in those program years will forfeit 1, 2, or 3 days of personal leave standing to their credit at time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that entire program year. In 2010 and 2011, the credit will be worth up to \$166.66 per day. The credit will be divided evenly over the employee share deductions that will be taken from employee paychecks issued in that program year.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

**ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 18 or equated to a position below Salary Grade 18; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in Salary Grade 17 as specified in “Appendix I Salary Schedules” in the 2007-2011 State/PEF Collective Bargaining Agreement;
- Be an employee covered by the 2007-2011 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2010 — Enrollment Form**

Name \_\_\_\_\_ SS# \_\_\_\_\_  
Health Insurance Plan \_\_\_\_\_  
Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2010 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that, in accordance with the program description (and Appendix for Institution Teachers as appropriate), I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

**Hours of Vacation Leave** \_\_\_\_\_ **Hours of Personal Leave** \_\_\_\_\_

In exchange for forfeiting this accrued leave I will receive a credit of up to \$500 to be applied against the employee share cost of 2010 plan year NYSHIP health insurance premiums (as specified in the program description and Appendix for Institution Teachers as appropriate). Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2010 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 27, 2009**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2010. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2010. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2008-06**

**Section 26.3**

**October 2008**

**Page 1 of 1**

TO: State Departments and Agencies  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Implementation of Productivity Enhancement Program for 2009

The Productivity Enhancement Program (PEP) allows eligible CSEA, PEF, DC-37-represented employees, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2009 PEP Program.

The starting and ending dates of the PEP program for 2009 are detailed in the Program Description. The enrollment period for 2009 will be Monday, October 27, 2008 through Friday, November 28, 2008.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions (with the exception of questions pertaining to Institution Teachers) should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295. Questions regarding Institution Teachers should be directed to the employee's central personnel office.

Agency health benefits administrators (HBAs) are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

## **PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

As described in Policy Bulletins 2007-01 and 2008-02, the Productivity Enhancement Program (PEP) allows eligible CSEA, PEF, DC-37-represented, and M/C employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. The program will be available in 2009, 2010, and 2011.

Institution teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the “Institution Teachers Appendix” to this document. All other eligible employees will participate as described below.

The program will be available for the entire calendar year in 2009, 2010, and 2011. Full-time employees who enroll in the program for any of these years will forfeit a total of 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at time of enrollment in return for a credit of up to \$450 for the 2009 program year and/or \$500 for the 2010 and 2011 program years to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2009 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee’s Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2009</b>	Administration Lag	12/24/08 through 12/9/09	26
	Administration Current	12/10/08 through 11/25/09	26
	Institution Lag	12/31/08 through 12/17/09	26
	Institution Current	12/18/08 through 12/3/09	26
	Triple Lag	12/31/08 through 12/17/09	26

As discussed below under “Eligibility,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2009.

Once enrolled for each program year, employees continue to participate for that program year unless they separate from State service or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31, 2011 unless extended by mutual agreement of the parties.

### **ENROLLMENT**

The enrollment period for 2009 will be Monday, October 27, 2008 through Friday, November 28, 2008.

All interested employees will be required to submit an enrollment form for each program year in which they wish to participate.

### **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 18 or equated to a position below Salary Grade 18;
- Be an employee covered by the 2007-2011 New York State/CSEA, PEF, or DC-37 collective bargaining agreements or a M/C employee (except SUNY M/C employees—NU 13);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

#### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for

guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

#### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to \$450 in 2009). In 2009 the forfeiture for full-time employees is 3 full days (22.5 or 24 hours).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2009 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### *Full-Time Employees*

The biweekly credit is equal to \$17.31 (\$450 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### *Part-Time Employees*

The biweekly credit is equal to \$17.31 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium contribution credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program (PEP)  
Institution Teachers Appendix**

Certain Institution Teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP in accordance with the preceding program description except as modified below:

**OVERVIEW**

For each program year in which they wish to participate, eligible full-time Institution Teachers will forfeit 1, 2, or 3 days of personal leave standing to their credit at the time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that program year.

During calendar years 2009, 2010, and 2011, employees who enroll in those program years will forfeit 1, 2, or 3 days of personal leave standing to their credit at time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that entire program year. In 2009 the credit will be worth up to \$150 per full day of personal leave forfeited for that program year. In 2010 and 2011, the credit will be worth up to \$166.66 per day. The credit will be divided evenly over the employee share deductions that will be taken from employee paychecks issued in that program year.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

**ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 18 or equated to a position below Salary Grade 18; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in Salary Grade 17 as specified in “Appendix I Salary Schedules” in the 2007-2011 State/PEF Collective Bargaining Agreement;
- Be an employee covered by the 2007-2011 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2009 — Enrollment Form**

Name \_\_\_\_\_ SS# \_\_\_\_\_  
Health Insurance Plan \_\_\_\_\_  
Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2009 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that, in accordance with the program description (and Appendix for Institution Teachers as appropriate), I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

**Hours of Vacation Leave** \_\_\_\_\_ **Hours of Personal Leave** \_\_\_\_\_

In exchange for forfeiting this accrued leave I will receive a credit of up to \$450 to be applied against the employee share cost of 2009 plan year NYSHIP health insurance premiums (as specified in the program description and Appendix for Institution Teachers as appropriate). Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2009 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **November 28, 2008**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2009. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2009. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2008-04**

**Section 26.3**

**July 2008**

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**TO:** Manual Recipients  
**FROM:** Blaine Ryan-Lynch, Director of Staffing Services  
**SUBJECT:** Attendance and Leave Items in the 2007-2011 Negotiated Agreements Between the State of New York and CSEA for Employees in the Administrative Services Unit (ASU), Institutional Services Unit (ISU) and Operational Services Unit (OSU)

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### **Introduction**

The following material has been prepared to assist you in implementing the new or revised attendance and leave provisions contained in the 2007-2011 Agreements between the State of New York and CSEA for employees in the Administrative Services Unit (ASU), Institutional Services Unit (ISU) and Operational Services Unit (OSU). References to applicable sections of the State Attendance and Leave Manual (Manual) are included.

Questions concerning this material should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

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**Effective Dates**

The new or revised provisions are effective beginning January 4, 2008, the date of ratification of the Agreement, except as follows:

Workers' Compensation	July 1, 2008
Over40 Comp Time II	July 1, 2008
Productivity Enhancement Program	January 9, 2008

**Subject: Vacation Use**

**Unit and Item: ASU, Article 10.4(b), Appendix IV**

**Manual Reference: 21.2**

The language has been changed to provide that an employee's properly submitted written request for use of accrued vacation credits shall be answered in writing within five working days of receipt. The new language further provides that if an employee's request for use of accrued vacation credits is denied, the employee shall receive a written statement of the reasons for such denial within five working days of such denial. Reasons must be provided automatically without any further action on the employee's part.

The effect of the new language is to require that management must respond in writing to a properly submitted written vacation request from an ASU employee within five working days of receipt of that request. If the written response provided within that five working day period is a denial, the agency has an additional five working days from the date of the denial to provide the employee with a written statement of the reasons for that denial. The provision of reasons for denial must occur automatically; the employee is not required to make a request for reasons.

For example, if the agency denies a written vacation request two working days after it is submitted, the agency has five additional working days from the date of the denial (seven working days from the submission of the request) to provide reasons for the denial. If, however, the agency denies a written vacation request five working days after it is submitted, the agency has five additional working days from the date of the denial (ten working days from the submission of the request) to provide reasons for the denial.

When management exercises its right to establish a date or dates by which a request for a block of time must be submitted, the parties agreed that the time periods for response and for provision of reasons for denial for employees in the ASU are calculated from the end of the request period and not from the actual date during that period that individual requests were submitted. For example, if agency management designates the period of October 15 through October 31 as the period during which an employee who wishes to take a block of time off during the December holiday period must submit a vacation request, the time periods for response and provision of

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reasons commence as of October 31, close of business, the end of the designated request period. For example, an ASU employee who works a Monday through Friday schedule submits a vacation request for Christmas week during the agency-designated block request period of October 15 through October 31, 2008. The agency must notify the employee that the request was approved or denied by Friday, November 7, close of business. Assuming that the employee was notified of the denial of the request on Friday, November 7, the agency has until Monday, November 17, 2008 to provide reasons for the denial. For this purpose, floating holidays, such as Election Day, count as workdays but regular holidays such as Veterans' Day do not count as workdays.

The language in Appendix IV of the ASU agreement has been modified to reflect the change to Article 10.4(b).

Under the prior collective bargaining agreement, agencies were required to provide a written response to an employee's written request for use of vacation within five working days of the receipt of the vacation request. Agencies were also automatically required to provide written reasons for denial within five working days of the receipt of the vacation request.

Agencies are reminded that when reasons for denial of vacation requests must be given, these written statements of denial or cancellation need not be any more explicit than is necessary to indicate the basis therefore – it is not intended that they be so lengthy or explicit as to serve as “proof” that the denial or cancellation was absolutely necessary or essential to the proper conduct of agency business. Failure to provide the written statement of the reasons for denying an employee's request for vacation may be grieved as a contract grievance. However, the denial itself may be grieved only as a non-contract grievance.

**Subject: Workers' Compensation**  
**Unit and Item: ASU, ISU, OSU – Article 11**  
**Manual Reference: 21.8**

The language of Article 11 has been modified to provide that employees receiving Workers' Compensation payments for a period of disability found compensable by the Workers' Compensation Board that is caused by an assault occurring in the course of their employment shall be treated as though on the payroll for the length of the disability, but not to exceed twenty-four months per injury, for the sole purpose of health insurance and Employee Benefit Fund contributions normally made by the State. This provision is also applicable to employees in leave without pay status pending determination of a controverted or contested claim arising from an assault once the claim is decided in the employee's favor.

This new provision is applicable to disabling incidents due to assault occurring on or after July 1, 2008. For disabling incidents due to assault occurring prior to July 1, 2008, the period for which

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an employee is treated as though on the payroll for the purposes of health insurance and Employee Benefit Fund contributions normally made by the State remains capped at 12 months.

For purpose of accruing seniority, continuous service, and accrual of vacation, sick leave and personal leave, employees subject to the new provision continue to be treated as though on the payroll for up to 12 months per injury. Similarly, such employees continue to be treated as though on the payroll for up to 12 months per injury for the purposes of retirement credit and contributions made by the State and/or the employee.

The provisions of Article 11 applicable to injuries other than those resulting from assault incurred in the course of employment remain unchanged.

**Subject: Medical Documentation**

**Unit and Item: ASU, ISU, OSU – Appendix IV, Attendance and Leave, Side Letter  
Manual Reference: 21.3**

The description of satisfactory medical documentation contained in the Sick Leave section of the CSEA Attendance and Leave Appendices has been modified. The new provision states that a brief medical diagnosis will not be required unless the employee has been absent from work due to illness or injury for more than 30 consecutive calendar days. The side letter on medical documentation confirms this “30-day requirement” and clarifies the circumstances under which the requirement applies.

This 30-day restriction on requiring a brief diagnosis applies to medical documentation requested by the agency in connection with absences for personal sick leave and non-occupational illness. It applies to such absences regardless of whether they are charged to sick leave credits or to other credits used as sick leave as well as to absences on sick leave at half-pay and sick leave without pay. It applies to return to work examinations pursuant to Section 21.3 of the Attendance Rules and Articles 10.17 (ASU, OSU) and 10.19 (ISU) of the State/CSEA Agreements. See *Applicability* below for a more detailed discussion.

The new provision applies only to the content of required medical documentation. It has no impact on the frequency with which medical documentation can be requested under the Attendance Rules and negotiated agreements. While employees in these units may not be routinely required to submit medical certificates for sick leave absences of four workdays or less, agencies continue to have the right to require medical certificates of employees who are absent for four days or less whenever such requirement is reasonable under the circumstances. Examples of circumstances where such requests are reasonable include situations when there is reason to believe the employee is not incapacitated from the performance of the duties of the position, when the employee has consistently abused leave privileges or when the employee fails or refuses to explain the absence in question. Furthermore, agencies continue to have the ability

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in certain situations to place an employee on notice that medical documentation will be required for every future absence during a specified time period. See Section 21.3, pages C-14-15, of the Manual for a discussion of frequency of medical documentation.

Under the new provision, agencies continue to be entitled to request a brief diagnosis as part of required medical documentation once the absence exceeds 30 consecutive calendar days.

For absences for personal illness and non-occupational injury covered by the new provision, the 30-day restriction applies only to the diagnosis portion of the medical documentation. Other parts of the description of satisfactory medical documentation contained in the Sick Leave section of the CSEA Attendance and Leave Appendices remain unchanged. For example, satisfactory medical documentation specifies the inclusive dates of disability covered by the doctor's note and date or dates of treatment during the period covered, contains a certification that the employee is disabled from the performance of his or her job duties, specifies the anticipated date of return to work and is signed by an appropriate medical practitioner. See Section 21.3, pages 3-4 of the Manual for a list of appropriate medical practitioners.

The language regarding brevity applies only to the medical diagnosis portion of the discussion of satisfactory medical documentation. The criteria set forth in the Sick Leave section of the CSEA Attendance and Leave Appendices represent minimal standards in order for documentation to be deemed acceptable, and thus represent a floor, not a ceiling. Agencies continue to have the right to request such information as is deemed appropriate and necessary to support authorization for an absence, use of leave benefits, and fitness to return to work from such absence. However, agency policies must comply with this 30-day restriction on requiring a brief diagnosis.

The restriction on the circumstances under which an employer may request a diagnosis applies solely to a requirement imposed by the agency for the employee to provide a diagnosis. No violation has occurred if the agency comes into possession of that information because, for example, it has been voluntarily provided by a health care provider or a carrier.

The determination as to whether medical documentation is satisfactory rests with the appointing authority and is not grievable.

***Applicability***

The 30-day restriction on medical diagnosis applies to medical documentation requested by the agency in connection with absences for personal sick leave and non-occupational illness, regardless of whether such absences are charged to sick leave credits or to other credits used as sick leave or are sick leave at half-pay or sick leave without pay. The 30-day restriction applies to return to work examinations pursuant to Section 21.3 of the Attendance Rules and Articles 10.17 (ASU, OSU) and 10.19 (ISU) of the State/CSEA Agreements.

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The 30-day restriction on diagnosis does not apply to absences designated as FMLA leave. The FMLA has its own restrictions on the type of medical information that can be required. Accordingly, for absences covered under the FMLA, agencies should continue to request information contained in the USDOL FMLA Certification of Health Care Provider Form. That form does not require a diagnosis but authorizes the request of information such as what part of the FMLA definition an employee qualifies under, a description of the medical facts the health care provider relied on in making that determination, estimated number and nature of treatments, anticipated duration and frequency of episodes of incapacity, etc.

The 30-day restriction on diagnosis does not apply to absences under Section 72 of the Civil Service Law. Agencies should continue to follow established procedures for absences under that section.

The 30-day restriction on diagnosis does not apply to medical documentation in support of requests for reasonable accommodation under the Americans with Disabilities Act or the New York State Human Rights Law.

The 30-day restriction on diagnosis does not apply to absences under Section 71 of the Civil Service Law or to absences covered by the Workers' Compensation Law and Article 11 of the CSEA Agreements. Both the appointing authority and the State Insurance Fund continue to be able to request whatever information is deemed necessary, including information concerning the employee's medical diagnosis, in administering workers' compensation benefits authorized by law, rule and contract provisions. For example, agencies continue to be able to request medical diagnosis on the Estimated Physical Capabilities Form for New York State Employees in connection with an employee's request for light duty.

However, when a case is controverted, the employee is no longer deemed to be on workers' compensation leave and the 30-day restriction on medical diagnosis is applicable until such time as the controversion is resolved in the employee's favor.

**Subject: Leave Donation Program**

**Unit and Item: ASU, ISU, OSU – Appendix X, Leave Donation**

**Manual Reference: Appendix H, Leave Donation Program**

Provisions pertaining to leave donation across agency lines by other than family members, which were pilot provisions under the 2003-2007 CSEA Leave Donation Program are now permanent. All other program provisions remain unchanged.

At the present time, the ability to donate across agency lines to other than family members has been made a permanent part of the program for CSEA, RRSU, PS&T, PSNU and M/C employees. Therefore employees in the CSEA units may continue to exchange leave donations

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across agency lines with other CSEA unit employees, with employees in the RRSU, PS&T and PSNU units, and with those designated M/C, regardless of whether the donor and recipient are family members.

For employees in SSU, SSpU and ALES, the entire Leave Donation Program has been temporarily extended until March 31, 2009. While these extensions of the Leave Donation Program for the security units are in place, employees in the CSEA units may continue to exchange leave donations with employees in these units, including donations across agency lines, regardless of family relationship.

Detailed Leave Donation Program Guidelines will be issued following the conclusion of the negotiation process. Until those updated guidelines are issued, agencies should refer to Policy Bulletin 2004-02 dated August 2004 and to Policy Bulletin 2001-02 dated March 23, 2001.

**Subject: Over40 Comp Time**

**Unit and Item: ASU, ISU, OSU – Side Letter**

**Manual Reference: 23.1, 23.3**

The agreements create a new Over40 Comp Time program, the Over40 Comp Time II Pilot Program, effective July 1, 2008. The program years under the Over40 Comp Time II Pilot Program will run from July 1, 2008 through June 30, 2009, July 1, 2009 through June 30, 2010 and July 1, 2010 through June 30, 2011. Actual dates may vary slightly to coincide with payroll periods. The 2008-2009 program year will run from June 26, 2008 through June 24, 2009 (Administration payroll) and from June 19, 2008 through June 17, 2009 (Institution payroll).

Employees may enroll in the program each year for a one-year period during each of the three years of the pilot. The enrollment period for the 2008-2009 Program Year ran from Thursday, June 5, 2008 through Wednesday, June 18, 2008.

***Comparison of Over40 Comp Time I and Over40 Comp Time II***

The primary differences between the Over40 Comp Time II Program and the previous Over40 Comp Time program that was available under the 2003-2007 negotiated agreement (Over40 Comp Time I) are as follows:

- Over40 Comp Time II is a single program available to employees represented by DC 37 and PEF as well as to employees represented by CSEA, while Over40 Comp Time I was available only to employees represented by CSEA. Employees who enroll in Over40 Comp Time II continue to be enrolled for the remainder of that program year even if they move to an overtime eligible position in another participating bargaining unit.

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- The maximum number of hours of Over40 Comp Time II which an employee can accumulate is 240 hours, an increase from the 120 hour maximum under the previous program. This 240 hour maximum includes any unused credits carried forward from the previous Over40 Comp Time program available under the 2003-2007 Agreement.
- Employees who elect to participate in Over40 Comp Time II are no longer entitled to charge Over40 Comp Time as a leave accrual. Credits are banked until the employee becomes eligible for a lump sum payment or elects to participate in the annual cash out described below.
- Employees with Over40 Comp Time II credits on their time record may cash out up to 120 hours of accrued Over40 Comp Time II once per year during the pilot program period payable in the closest payroll period to December 1<sup>st</sup> at the rate of pay earned at the time of that liquidation. Employees are not required to be currently enrolled in a program year in order to participate in the annual cash out for that program year, provided they have accrued Over40 Comp Time II credits on their time record.
- Employees who participated in any year of the Over40 Comp Time I Program under the 2003-2007 Agreements and who presently have accrued Over40 Comp Time credits from that program standing to their credit and who elect to participate in the Over40 Comp Time II Program are entitled to charge those previous program credits as leave accruals only until the date they begin participating in the Over40 Comp Time II Program. Upon commencement of participation in Over40 Comp Time II, such unused credits are carried forward under the terms of the Over40 Comp Time II Program and are merged with Over40 Comp Time credits earned under the new program into a single leave category, subject to a combined maximum of 240 hours and are administered under the terms of the Over40 Comp Time II Program.
- Employees who participated in any year of the Over40 Comp Time I Program under the 2003-2007 Agreements and who presently have accrued Over40 Comp Time credits from that program standing to their credit and who do not elect to participate in the Over40 Comp Time II Program, are entitled to retain and use that previously accrued Over40 Comp Time as a leave accrual under the terms of the Over40 Comp Time I Program until those credits are exhausted or the employee becomes eligible for a lump sum payment.
- At any given point in time, an employee may have either Over40 Comp Time I credits or Over40 Comp Time II credits on his/her time record but will not have both categories of credits at the same time. Once an employee participates in Over40 Comp Time II, he/she is governed by the provisions of that program, even if he/she declines to participate in subsequent years of that program.

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***Over40 Comp Time II***

Eligibility

To be eligible to enroll in Over40 Comp Time II, an employee must be employed in 1) an overtime eligible position allocated to salary grades 22 and below or in a position otherwise eligible to earn overtime and 2) in a bargaining unit represented by CSEA, DC 37 or PEF.

Enrollment

Each year of the Over40 Comp Time II program there will be an annual enrollment period prior to the start of that program year. The enrollment period for the 2008-2009 program year ran from Thursday, June 5, 2008 through Wednesday, June 18, 2008. In subsequent years, the enrollment period will run from April 1 through May 15 of each year. Enrollment materials, including a program description, will be distributed by GOER prior to that time.

Enrollment continues in effect for the remainder of the program year even if employees move to a different agency, so long as the movement is to an overtime eligible position represented by CSEA, PEF or DC 37. Participation in the program ends upon appointment to an overtime ineligible position and/or to a position in a bargaining unit not represented by CSEA, PEF or DC 37.

Accrual Maximum

Over40 Comp Time II is earned at the rate of 1.5 hours for every hour of overtime worked by enrolled employees in excess of 40 hours in a workweek until the 240 hour maximum is reached. (For firefighters in the Division of Military and Naval Affairs, hours in excess of 106 hours in a biweekly pay period will qualify for Over40 Comp Time.)

Once the 240 hour maximum is reached, employees participating in Over40 Comp Time II receive cash compensation for overtime worked from that point forward until such time as their balance is reduced below 240 hours, at which point they resume being credited with Over40 Comp Time II for overtime worked. For example, in September, a participating employee reaches the 240 hour maximum and is no longer eligible to be credited with Over40 Comp Time II. Subsequently, during the annual cash out election period, the employee files an election form to liquidate 120 hours of Over40 Comp Time II which is payable in December. The 120 hours the employee elected to liquidate are deducted from his time record as of the date the election form is received in the Personnel Office. Effective as of the date the employee's Over40 Comp Time II balance is reduced below 240 hours, the employee is again credited with Over40 Comp Time for overtime worked.

The 240 hour maximum includes unused Over40 Comp Time credits earned under the 2003-2007 Over40 Comp Time I program standing to the employee's credit at the time he/she enrolls in the Over40 Comp Time II program. Those credits are carried forward on the employee's time record in the Over40 Comp Time II category merged with credits actually earned under the

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Over40 Comp Time II program into a single leave category and are henceforth subject to the provisions of the Over40 Comp Time II program.

Unavailability for Use as a Leave Accrual

Over40 Comp Time II credits (including credits earned under the 2003-2007 Over40 Comp Time I Program carried forward by employees who enroll in Over40 Comp Time II) are not available for use as leave credits and, therefore, an employee who has exhausted his/her other credits has exhausted all available credits to be eligible for sick leave at half-pay or leave donations, even though he/she continues to have a balance of Over40 Comp Time II credits on his/her time record.

Annual Cash Out

There will be an annual cash out election period in October of each year of the pilot program for employees with Over40 Comp Time II credits on their time record who may elect to liquidate up to 120 hours of Over40 Comp Time II credits for a cash payment payable in the closest payroll period to December 1<sup>st</sup> at the rate of pay earned at the time of liquidation. Appropriate election forms will be distributed prior to the start of the annual election period. In 2008, the election period will run from Monday, October 6, 2008 through Wednesday, October 29, 2008.

Employees who have accrued Over40 Comp Time II credits on their time records do not have to be currently enrolled in a program year in order to participate in the annual cash out. This is true regardless of whether the employee is eligible to enroll but elects not to do so or is currently employed in an overtime ineligible position and/or in a bargaining unit not represented by CSEA, PEF or DC 37.

If the pilot program is not extended beyond its scheduled expiration in June 2011, there will be a final opportunity in October 2011 to elect to cash out up to 120 hours of Over40 Comp Time II payable in December 2011.

Retention of Credits and Lump Sum Payment

Accrued Over40 Comp Time II has no expiration date. Employees are entitled to retain these credits until they are liquidated during the annual cash out period or until the employee becomes eligible for a lump sum payment.

As is the case with overtime compensatory time earned for hours between 37.5 and 40, employees are entitled to a lump sum payment for accrued and unused Over40 Comp Time II credits upon movement to the unclassified service, movement under a reciprocal agreement, movement to an institution teacher position, movement to a classified service position in another agency or upon separation from State service for any reason. The lump sum value of Over40 Comp Time II credits is the rate of pay earned at the time of liquidation but in no event shall it be less than FLSA requirements.

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Over40 Comp Time II credits, like regular overtime compensatory time credits, are carried forward when employees move between classified service positions in the same agency, including movement between facilities and institutions within such agencies as State University of New York, the Departments of Correctional Services and Health, and the Offices of Mental Health, Mental Retardation and Developmental Disabilities, and Children and Family Services. This occurs even if the new position in the same agency is overtime ineligible and/or in a non-participating bargaining unit.

***Over40 Comp Time I***

**Accrual Maximum**

Employees who previously participated in the Over40 Comp Time I program under the 2003-2007 Agreement who do not enroll in the Over40 Comp Time II program, retain unused credits earned under the previous program, subject to the 120 hour maximum applicable to that program, but are ineligible to earn additional credits unless and until they enroll in the Over40 Comp Time II program. Unused credits should be retained on the employee's time card in a separate leave category, Over40 Comp Time I.

**Availability for Use as a Leave Accrual**

For employees who do not elect to participate in the new Over40 Comp Time II program, accrued Over40 Comp Time I remains available for use as a leave accrual and therefore must be exhausted before an employee can be granted sick leave at half-pay or become eligible for leave donations. Eligibility to use Over40 Comp Time I credits as a leave accrual ceases if and when the employee commences participation in the Over40 Comp Time II program, at which point Over40 Comp Time I credits are carried forward and become part of the Over40 Comp Time II balance subject to the provisions of that program. For example, an employee who begins participating in Over40 Comp Time II during the 2008-2009 program year, can use previously accrued Over40 Comp Time I until the date participation in Over40 Comp Time II begins in 2008. An employee who does not begin participating in the Over40 Comp Time II program until the 2009-2010 program year can continue to use previously accrued Over40 Comp Time I until participation in Over40 Comp Time II begins in 2009.

**Ineligibility for Annual Cash Out**

Credits in the Over40 Comp Time I category cannot be cashed out during the annual election to liquidate Over40 Comp Time II credits in December of each year, unless the employee elects to participate in the Over40 Comp Time II program during the annual enrollment period and such credits are carried forward as Over40 Comp Time II credits.

**Retention of Credits and Lump Sum Payment**

Accrued Over40 Comp Time I credits have no expiration date. Employees are entitled to retain these credits until they are exhausted or until the employee becomes eligible for a lump sum payment.

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As is the case with overtime compensatory time earned for hours between 37.5 and 40, employees are entitled to a lump sum payment for accrued and unused Over40 Comp Time I credits upon movement to the unclassified service, movement under a reciprocal agreement, movement to an institution teacher position, movement to a classified service position in another agency or upon separation from State service for any reason. The lump sum value of Over40 Comp Time I credits is the rate of pay earned at the time of liquidation but in no event shall it be less than FLSA requirements.

Over40 Comp Time I credits, like regular overtime compensatory time credits, are carried forward when employees move between classified service positions in the same agency, including movement between facilities and institutions within such agencies as State University of New York, the Departments of Correctional Services and Health, and the Offices of Mental Health, Mental Retardation and Developmental Disabilities, and Children and Family Services.

**Subject: Seasonal Leave Credits**

**Unit and Item: ASU, ISU, OSU – Appendix III**

**Manual Reference: Appendix E, Seasonal Employment**

Section C(2) of the Seasonal Appendix has been revised to permit seasonal leave credits earned under that section to be carried forward beyond the point they would otherwise expire when a seasonal employee receives a permanent appointment in the same agency. Specifically, seasonal employees who meet the eligibility criteria set forth in Section C to be credited with seasonal leave credits under that section and who subsequently receive a **permanent appointment** in the **same agency** are entitled to retain those seasonal leave credits for a period of one year from the date of that permanent appointment.

For purposes of this provision, appointment within the same agency includes appointments between facilities of the same agency (for example, between facilities within the Department of Correctional Services, between SUNY campuses, etc.) Appointment within the same agency also applies to appointments between regions within an agency such as the Office of Parks, Recreation and Historic Preservation, the Department of Environmental Conservation or the Department of Transportation.

Under Section C(2) of the Seasonal Appendix, seasonal leave credits are credited to eligible employees at the start of each fiscal year and expire at the end of that fiscal year. However, under the new benefit, if a seasonal employee described in Section C(2) receives a permanent appointment in the same agency, the employee is entitled to retain unused seasonal leave credits for a period of one year from the date of the permanent appointment. For example, if an eligible seasonal employee was credited with seasonal leave effective April 1, 2007 and on March 5, 2008 receives a permanent appointment in the same agency, the employee is entitled to carry such unused seasonal credits beyond the point they would otherwise expire (March 31, 2008) for

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a period of one year from the date of the permanent appointment (through March 4, 2009 in this example). Any seasonal leave credits still standing to the employee's credit as of March 4, 2009 close of business would lapse.

Previously, seasonal leave credits expired March 31 of each fiscal year without exception and could not be carried forward upon appointment to a non-seasonal position.

Credits carried forward are to be retained in a separate category on the employee's time record and are available for use, subject to prior approval, for absences for personal reasons and for unscheduled absences due to illness subject to applicable provisions on medical documentation. However, such credits are not available for use in connection with the Productivity Enhancement Program. Furthermore, seasonal leave credits carried forward do not have a cash-out or retirement value, if the employee separates from service prior to exhausting such credits.

The ability of eligible employees to carry unused seasonal leave credits forward does not in any way reduce or diminish entitlement to leave benefits under the Attendance Rules. For example, if an employee who has unused seasonal leave credits receives a permanent appointment to a full time annual salaried position in the same agency, the employee is entitled to carry those unused seasonal leave credits forward and, in addition, has all the leave benefits that flow from appointment to an annual salaried position – immediate coverage under the Attendance Rules, immediate eligibility to accrue sick leave and to be credited with 5 days of personal leave, as well as eligibility to be credited with vacation after the completion of 13 cumulative biweekly pay periods of service on a qualifying schedule. Periods of service in the seasonal position, if on a qualifying schedule, may count toward completion of that 13 cumulative biweekly pay period requirement. See Section 26.1 pages 7-9 of the Manual for a discussion of movement from an hourly paid position (including a seasonal position) to an annual salaried position.

This provision applies to appointments to permanent positions in the same agency that occur on or after January 4, 2008.

**Subject: Productivity Enhancement Program**  
**Unit and Item: ASU, ISU, OSU – Appendix XI**  
**Manual Reference: 26.3**

The Productivity Enhancement Program (PEP) allows eligible employees to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis.

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In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 18 or equated to a position below Salary Grade 18;
- Be an employee covered by the 2007-2011 New York State/CSEA collective bargaining agreement;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

The program will be available for calendar years 2008, 2009, 2010 and 2011. Eligible employees may elect to participate in any of the four years of this program. Full time employees who enroll in the program will forfeit three days of accrued annual or personal leave standing to their credit at time of enrollment in each year of participation. In 2008 and 2009, the value of such credits will be \$450 per year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. In 2010 and 2011, the value of such credit will be \$500 per year to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks during the program year. The program is available to eligible part-time employees on a prorated basis.

The enrollment period for participation in the 2008 PEP year commenced January 9, 2008 and ended February 11, 2008. A detailed program description is contained in Policy Bulletin 2007-01, Implementation of the Productivity Enhancement Program for 2008 for Managerial/Confidential, CSEA Represented and DC 37 Represented Employees, dated December 2007.

This is a pilot program that will sunset December 31, 2011 unless extended by mutual agreement of the parties.

**Subject: Sick Leave Accumulation**

**Unit and Item: ASU, ISU, OSU – Side Letter**

**Manual Reference: 21.3**

This new side letter reflects the agreement of the parties that the issue of sick leave accumulation to be used for the payment of health insurance in retirement and the adequacy of the current 200 day cap shall be reviewed and discussed in Statewide Labor/Management.

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**Subject: Hold on Shift, Pass Day and Work Location Assignment**

**Unit and Item: ASU, ISU, OSU – Side Letter**

**Manual Reference: 26.3**

This new side letter confirms that the parties agree that it is appropriate for local labor/management committees to discuss an increase in the three-month period provided in the cited contract articles (ASU Article 10.18, ISU Article 10.21, OSU Article 50.4). Any local labor/management agreement reached which modifies the three-month time period shall provide that such agreement may be terminated upon notice provided by either party. In the event that such labor/management agreement is terminated, the contract articles shall apply.

The contract provisions remain unchanged and continue to provide that an employee's shift, pass day and work location assignment, as applicable, shall be held for three months when an employee is on an authorized absence due to an on the job injury or for maternity purposes or for extended illness including sick leave at half-pay. However that hold does not apply where rebidding occurs while leave is in effect or where the employee's shift, pass day or work location assignment would have otherwise terminated, e.g. change in seasonal shift, closure of building or facility, etc.

**Subject: Liquidation of Vacation Credits**

**Unit and Item: ASU, ISU, OSU – Side Letter**

**Manual Reference: Section 21.2**

This is a renewal of a side letter from the 2003-2007 Agreements. The side letter requires that the following reminder be included in this contract implementation memo:

Agencies are encouraged, where possible subject to operating needs, to permit employees to liquidate accumulated vacation credits in excess of 30 days prior to separation.

The 30-day limit on vacation lump sum payment upon separation from service remains unchanged.

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**TO: Manual Recipients**  
**FROM: Blaine Ryan-Lynch, Director of Staffing Services**  
**SUBJECT: Attendance and Leave Items in the 2007–2011 Negotiated Agreement Between the State of New York and the Public Employees Federation (PEF) for Employees in the Professional, Scientific and Technical Services Unit (PS&T)**

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### **Introduction**

The following material has been prepared to assist you in implementing the new or revised attendance and leave provisions contained in the 2007–2011 Agreement between the State of New York and the Public Employees Federation (PEF) for employees in the Professional, Scientific and Technical Services Unit (PS&T). References to applicable sections of the State Attendance and Leave Manual (Manual) are included.

Questions concerning this material should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295. Questions concerning benefits for institution teachers should be directed to GOER's Assistant Director for the PS&T Unit at (518) 473-8375.

### **Effective Dates**

The new or revised provisions are effective beginning April 11, 2008, the date of ratification of the Agreement, except as follows:

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**Subject: Vacation Use**

**Item: Article 12.7**

**Manual Reference: 21.2**

Article 12.7(b) has been modified to provide that an employee's properly submitted written request for use of accrued vacation credits shall be answered within five working days of receipt. Previously, agencies were required to respond to a written request for use of vacation "within a reasonable period of time."

Under Article 12.7(b) if an employee's properly submitted request for use of accrued vacation credits is denied or canceled, the employee is entitled to a written statement of the reasons for that denial or cancellation if the employee submits a written request for such reasons. The new contract language clarifies that an agency must provide that written statement of the reasons for denial or cancellation within three working days of receipt of the employee's written request for the reasons.

When management exercises its right to establish a date or dates by which a request for a block of time must be submitted, as provided in Article 12.6(c), the time period for response is calculated from the end of the request period and not from the actual date during that period that individual requests were submitted. For example, if agency management designates the period of October 15 through October 31 as the period during which an employee who wishes to take a block of time off during the December holiday period must submit a vacation request, the time period for response commences as of October 31, close of business, the end of the designated request period.

For example, a PS&T Unit employee who works a Monday through Friday schedule submits a vacation request for Christmas week during the agency designated block request period of October 15 through October 31, 2008. The agency must notify the employee that the request was approved or denied by Friday, November 7, close of business. In this example, the employee is notified on November 7 that his request was denied. On Monday, November 10, the employee submits a written request for reasons for denial. The agency must provide the written statement of reasons for the denial to the employee by Friday, November 14, close of business. Tuesday, November 11 is a regular holiday, Veterans' Day, and does not count as a

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workday. For this purpose, floating holidays, such as Election Day, count as workdays but regular holidays, such as Veterans' Day, do not count as workdays.

Where reasons for denial or cancellation of vacation requests must be given, these written statements need not be any more explicit than is necessary to indicate the basis therefore - it is not intended that they be so lengthy or explicit as to serve as "proof" that the denial or cancellation was absolutely necessary or essential to the proper conduct of agency business. Failure to provide the requested written statement of the reasons for denying or canceling an employee's request for vacation may be grieved as a contract grievance. However, the denial itself may be grieved only as a non-contract grievance.

**Subject: Workers' Compensation**

**Item: Article 13**

**Manual Reference: 21.8**

The language of Article 13 has been modified to provide that employees receiving Workers' Compensation payments for a period of disability found to be compensable by the Workers' Compensation Board that is caused by an assault that occurred in the course of their employment shall be treated as though on the payroll for the length of the disability, but not to exceed twenty-four months per injury, for the sole purpose of health insurance. This provision is also applicable to employees in leave without pay status pending determination of a controverted or contested claim arising from an assault once the claim is decided in the employee's favor.

This new provision is applicable to disabling incidents due to assault occurring on or after July 1, 2008. For disabling incidents due to assault occurring prior to July 1, 2008, the period for which an employee is treated as though on the payroll for the purpose of health insurance is capped at 12 months.

For the purpose of accruing seniority, continuous service and accrual of vacation, sick leave and personal leave, employees subject to the new provision continue to be treated as though on the payroll for up to 12 months per injury. Similarly, such employees continue to be treated as though on the payroll for up to 12 months per injury for the purposes of retirement credit and contributions made by the State and/or the employee.

The provisions of Article 13 applicable to disabilities other than those resulting from assault incurred in the course of employment remain unchanged.

Additionally, the language in Article 13.6(a) has been modified to provide that one of the purposes of the State/PEF committee established pursuant to this article is to review and make

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recommendations about the parties' mutual concerns regarding employee awareness of eligibility for the Mandatory Alternate Duty Program. Previously this agenda item concerned review and making recommendations regarding implementation of the Mandatory Alternate Duty program. The other purposes of the committee stated in this Article remain unchanged.

**Subject: Productivity Enhancement Program (PEP)**

**Item: Memoranda of Understanding on PEP**

**Manual Reference: 26.3**

The Productivity Enhancement Program (PEP) is a pilot program that allows eligible employees to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. The program will be available to eligible PS&T Unit employees for six months in calendar year 2008 and for the entire calendar year in 2009, 2010, and 2011.

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 18 or equated to a position below Salary Grade 18;
- Be an employee covered by the 2007–2011 New York State/PEF collective bargaining agreement;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

Eligible part-time employees may participate on a prorated basis. A separate PEP program for institution teachers is described below.

Full time employees who enroll in the program for calendar year 2008 will forfeit 1 1/2 days in exchange for a credit of up to \$225. During 2008, the credit will be divided evenly among the State pay days that fall between July 1 and December 31, 2008. In order to coordinate the six month participation of PS&T Unit employees with the 2008 PEP program year, the actual payroll period dates vary slightly.

Full time employees who enroll in 2009, 2010, and/or 2011 will forfeit 3 days per program year in exchange for a credit of up to \$450 in 2009, and/or \$500 in 2010, and/or 2011. During 2009, 2010, and 2011, the credit will be divided evenly between State paydays that fall between January 1 and December 31 of each respective year.

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The enrollment period for the 2008 Program ran from May 5, 2008 through June 4, 2008. The enrollment period for subsequent program years will be conducted during the month of October immediately preceding that program year.

This pilot program will end on December 31, 2011 unless renewed by mutual agreement of the parties.

All other program provisions remain unchanged. Detailed Program Guidelines and enrollment materials were issued by the Attendance and Leave Unit of this Department as Policy Bulletin 2008-02, Implementation of PEP for 2008 for PEF-Represented Employees.

***PEP for Institution Teachers***

The enrollment criteria for institution teachers are:

- Be 1) a classified or unclassified service employee in a title below Salary Grade 18 or equated to a position below Salary Grade 18; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in salary Grade 17 as specified in *Appendix I Salary Schedules* in the 2007–2011 State/PEF Collective Bargaining Agreement.
- Be covered by the 2007–2011 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

As is the case with the PEP program for employees in twelve month positions, PEP for Institution Teachers is available to eligible part-time employees on a prorated basis.

The PEP for institution teachers is consistent with the program for 12-month employees with the following exceptions:

- The only leave category which can be exchanged for a PEP credit is previously accrued personal leave.
- In calendar year 2008 full time employees who enroll forfeit 1 or 1 1/2 days in exchange for a credit of up to \$75 for each half-day forfeited.
- In 2009, 2010, and 2011, full time employees who enroll forfeit 1, 2, or 3 days in exchange for a PEP credit of up to \$150 per day beginning January 2009 and up to \$166.66 per day during the 2010 and/or 2011 program years.

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**Subject: Leave Donation/Exchange Program**

**Item: Memorandum of Understanding on Leave Donation/Exchange Program**

**Manual Reference: Appendix H, Leave Donation Program**

Provisions pertaining to leave donation across agency lines by other than family members, which were pilot provisions under the 2003–2007 PS&T Leave Donation Program, are now permanent. All other program provisions remain unchanged.

At the present time the ability to donate across agency lines to other than family members has been made a permanent part of the program for employees in the ASU, ISU, OSU, DMNA, RRSU, and PSNU units and for those designated M/C. Therefore, employees in the PS&T Unit may continue to exchange leave donations across agency lines with other PS&T Unit employees and with employees in those units, regardless of whether the donor and recipient are family members.

For employees in SSU, SSpU, and ALES, the entire Leave Donation Program has been temporarily extended until March 31, 2009. While these extensions of the Leave Donation program for the security units are in place, employees in the PS&T Unit may continue to exchange leave donations with employees in these units, including donations across agency lines, regardless of family relationship.

Detailed Leave Donation Program Guidelines will be issued following the conclusion of the negotiation process. Until those updated guidelines are issued, agencies should refer to Policy Bulletin 2004-02 dated August 2004 and to Policy Bulletin 2001-02 dated March 23, 2001.

**Subject: Leave Adjustment Program**

**Item: Side Letter on Leave Adjustment Program**

**Manual Reference: Appendix D, Part-Time Employment**

Effective upon ratification of the Agreement, the Leave Adjustment Pilot Program, available to eligible part-time annual salaried employees scheduled to work additional hours beyond their payroll percentage, will no longer be a pilot.

The language has been modified to clarify that the personal leave adjustment date will be May 30 following the end of each April 1–March 31 fiscal year. Previous language had referred to the May 30 date in specific calendar years.

In addition, the parties agreed to develop guidelines for application of the Leave Adjustment Program to PS&T Unit members employed to work on a part-time annual salaried basis in ten-month items as soon as practicable upon ratification of the 2007–2011 State/PEF Agreement.

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Such guidelines shall be applicable to all agencies employing ten-month employees on a part-time basis. These guidelines will be forthcoming under separate cover.

All other program provisions remain unchanged.

**Subject: Leave for Professional Meetings**

**Item: Side Letter on Leave for Professional Meetings**

**Manual Reference: Section 21.12**

This side letter confirms the understanding reached during the negotiations of the 2007–2011 State/PEF Agreement regarding the availability of Leave for Professional Meetings pursuant to Article 12.15 of the Agreement for non-day shift employees who wish to use professional meeting leave to attend professional meetings or programs necessary for licensure that are held during what would otherwise be non-work hours for these employees.

Specifically, under the terms of this side letter, agencies shall make every effort to accommodate requests from these employees to adjust their regular work schedule to allow them to use professional meeting leave.

All other requirements for the use of professional meeting leave will continue to apply. For example agencies continue to have the discretion to restrict absence under Article 12.15 for any conference or at any one time to five percent of the profession in the operating unit (e.g., institution, hospital, college, main office, or other appropriate facility) and to base approval to attend on a determination that the activity to be undertaken will benefit the agency and that the absence will not interfere with the proper conduct of governmental functions. The contract provision does not guarantee that every eligible employee will receive three days leave with pay each year. Because of the timing of employee requests for the leave, the need to conduct governmental functions and imposition of the five percent staff limit, some employees may receive less than the maximum number of days allowed. However, agencies are expected to take appropriate steps to ensure that the leave is equitably distributed among eligible employees in the operating unit, including those whose normal work shift is other than a regular day shift.

**Subject: Verification of Time Records**

**Item: Side Letter on Verification of Time Records**

**Manual Reference: Section 20.2**

This side letter confirms that the parties agree to meet during the term of the 2007–2011 State/PEF Agreement to discuss their concerns about the issue of supervisors' rights as they relate to the verification of employee attendance.

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**Subject: Over40 Comp Time II**

**Item: Side Letter on Over40 Comp Time II**

**Manual Reference: Sections 23.1, 23.3**

The Over40 Comp Time II program will be made available to eligible employees in the PS&T Unit effective July 1, 2008. The program years under the Over40 Comp Time II Pilot Program will run from July 1, 2008 through June 30, 2009, July 1, 2009 through June 30, 2010, and July 1, 2010 through June 30, 2011. Actual dates of program years may vary slightly to coincide with payroll periods. Employees who enroll to participate in the first year of the program will be eligible to receive Over40 Comp Time II credits for overtime worked for the period June 26, 2008 to June 24, 2009 for the Administration payroll and June 19, 2008 to June 17, 2009 for the Institution payroll.

***Eligibility***

To be eligible to enroll in Over40 Comp Time II, an employee must be employed 1) in an overtime eligible position allocated to salary grades 22 and below or in a position otherwise eligible to earn overtime and 2) in a bargaining unit represented by CSEA, DC 37, or PEF.

***Enrollment***

Employees may enroll in the program each year for a one year period during each of the three years of the pilot. The enrollment period for the 2008–2009 Program Year will run from Thursday, June 5, 2008 through Wednesday, June 18, 2008. The enrollment period in subsequent years will occur during the period April 1–May 15 of each year. Enrollment materials, including a program description, will be distributed by GOER prior to that time.

Over40 Comp Time II is a single program available to employees represented by DC 37 and by CSEA as well as to those represented by PEF.

Enrollment continues in effect for the remainder of the program year even if employees move to a different agency, so long as the movement is to an overtime eligible position represented by CSEA, PEF, or DC 37. Participation in the program ends upon appointment to an overtime ineligible position and/or to a position in a bargaining unit not represented by CSEA, PEF, or DC 37.

***Accrual Maximum***

Over40 Comp Time II can be accrued to a maximum of 240 hours. Over40 Comp Time II is earned at the rate of 1.5 hours for every hour of overtime worked by enrolled employees in excess of 40 hours in a workweek until the 240 hour maximum is reached. It must be recorded on time records in a separate Over40 Comp Time II category. It is separate and distinct from overtime compensatory time earned by overtime eligible employees in 37.5 hour workweek

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positions for hours worked between 37.5 and 40 hours. Over40 Comp Time II cannot be merged with regular overtime compensatory time.

Once the 240 hour maximum is reached, employees participating in Over40 Comp Time II receive cash compensation for overtime worked from that point forward until such time as their balance is reduced below 240 hours, at which point they resume being credited with Over40 Comp Time II for overtime worked. For example, in September, a participating employee reaches the 240 hour maximum and is no longer eligible to be credited with Over40 Comp Time II. Subsequently, during the annual cash out election period, the employee files an election form to liquidate 120 hours of Over40 Comp Time II which is payable in December. The 120 hours the employee elected to liquidate are deducted from his time record as of the date the election form is received in the Personnel Office. Effective as of the date the employee's Over40 Comp Time II balance is reduced below 240 hours, the employee is again credited with Over40 Comp Time II for overtime worked.

***Unavailability for Use as a Leave Accrual***

Over40 Comp Time II credits are not available for use as leave credits and, therefore, an employee who has exhausted his/her other credits has exhausted all available credits to be eligible for sick leave at half-pay or leave donations, even though he/she continues to have a balance of Over40 Comp Time II credits on his/her time record.

***Annual Cash Out***

There will be an annual cash out election period in October of each year of the pilot program for employees with Over40 Comp Time II credits on their time record who may elect to liquidate up to 120 hours of accrued Over40 Comp Time II credits for a cash payment payable in the closest payroll period to December 1<sup>st</sup> at the rate of pay earned at the time of liquidation. Appropriate election forms will be distributed prior to the start of the annual election period. In 2008, the election period will run from Monday, October 6, 2008 through Wednesday, October 29, 2008.

Employees who have accrued Over40 Comp Time II credits on their time records do not have to be currently enrolled in a program year in order to participate in the annual cash out. This is true regardless of whether the employee is eligible to enroll but elects not to do so or is currently employed in an overtime ineligible position and/or in a bargaining unit not represented by CSEA, PEF, or DC 37.

If the pilot program is not extended beyond its scheduled expiration in June 2011, there will be a final opportunity in October 2011 to elect to cash out up to 120 hours of Over40 Comp Time II credits payable in December 2011.

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***Retention of Credits and Lump Sum Payment***

Accrued Over40 Comp Time II has no expiration date. Employees are entitled to retain these credits until they are liquidated during the annual cash out election period or until the employee becomes eligible for a lump sum payment.

As is the case with overtime compensatory time earned for hours between 37.5 and 40, employees are entitled to a lump sum payment for accrued and unused Over40 Comp Time II credits upon movement to the unclassified service, movement under a reciprocal agreement, movement to or from positions subject to attendance rules for institution teachers, movement to a classified service position in another agency or upon separation from State service for any reason. The lump sum value of Over40 Comp Time II credits is the rate of pay earned at the time of liquidation but in no event shall it be less than FLSA requirements.

Over40 Comp Time II credits, like regular overtime compensatory time credits, are carried forward when employees move between classified service positions subject to the Attendance Rules in the same agency, including movement between facilities and institutions within such agencies as State University of New York, the Departments of Correctional Services and Health, and the Offices of Mental Health, Mental Retardation and Developmental Disabilities, and Children and Family Services. This occurs even if the new classified service position subject to the Attendance Rules in the same agency is overtime ineligible and/or in a non-participating bargaining unit. However, employees who move between positions subject to attendance rules for institution teachers and positions subject to the Attendance Rules receive a lump sum payment for accrued Over40 Comp Time II credits as described above, even if the positions are in the same agency.

See the Over40 Comp Time II Program Description, pages 4 and 5 for a discussion of provisions applicable to employees who previously participated in the Over40 Comp Time I Program under the 2003–2007 CSEA negotiated agreements and who are currently employed in PEF-represented positions.

**Subject: Pilot Program on Accrual Restoration Under Article 33, Discipline  
Item: Side Letter on Accrual Restoration Pursuant to Article 33  
Manual Reference: 22.1**

The parties agreed to establish a pilot program governing restoration of annual leave charged pursuant to Article 33.4(a)(4) when a decision is rendered that the suspension was improper or the employee is innocent of all charges. The pilot will begin on July 1, 2008 and expire on April 2, 2011, unless the parties mutually agree to extend the pilot.

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Eligibility under the pilot is based on the date of the decision and not on the dates of the suspension. Accordingly, the pilot provisions will apply to decisions that are dated on or after July 1, 2008 and prior to April 2, 2011.

Under the pilot, when vacation credits are restored pursuant to Article 33.4(a)(4) and such restoration causes the total vacation credits to exceed 40 days, an employee is allowed a period of one year from the date of restoration or the employee's return to work, whichever is later, to reduce the total accumulation to 40 days.

The following example illustrates the manner in which this provision should be applied. An employee is suspended for the entire month of June 2008. An arbitrator issues a decision dated March 1, 2009 which finds the employee innocent of all charges. The employee's leave record is reconstructed from June 2008 forward, restoring credits charged, if any, and crediting accruals that would have been earned. The actual restoration occurs on March 5, 2009, the date the agency completes reconstruction of the employee's time record. This reconstruction causes the employee to exceed 40 days of vacation and, therefore, the employee is subject to the provisions of the pilot program.

Under the provisions of this pilot, the employee's vacation balance is not reduced to 40 days of vacation on April 1, 2009 as would have been the case if the employee were not subject to the provisions of the pilot program.

Instead, the pilot program provisions entitle the employee to retain the restored vacation credits for a period of one year following restoration. During this one year grace period, employees continue to earn vacation above the maximum.

The one year grace period under the pilot applies only to restoration of vacation credits. When credits are restored pursuant to Article 33.4(a)(4) and the employee's leave record is reconstructed, there is no relief from the applicable sick leave maximum and/or dates on which personal leave, floating holiday leave or overtime compensatory time credits would otherwise expire.

Agencies are requested to contact the Attendance and Leave Unit of this Department for assistance in applying the provisions of the pilot program in specific cases.

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TO: State Departments and Agencies  
FROM: Terry Jordan, Director of Staffing Services  
SUBJECT: Implementation of Productivity Enhancement Program for 2008 for PEF-  
Represented Employees

This memo transmits the Program Description, the Institution Teachers Appendix and enrollment form for the 2008 Productivity Enhancement Program (PEP) for PEF-represented employees for 2008. The enrollment period is scheduled to run from Monday May 5, 2008 through Wednesday June 4, 2008.

The starting and ending dates of PS&T Unit participation in the 2008 PEP program are detailed in the Program Description. Eligible PS&T Unit employees who enroll will participate in the 2008 PEP program for 13 biweekly payroll periods.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) announcing the program and providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions (with the exception of questions pertaining to Institution Teachers) should be directed to the Attendance & Leave Unit of the Department of Civil Service at (518) 457-2295. Questions regarding Institution Teachers should be directed to the employee's central personnel office.

Agency health benefits administrators (HBAs) are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description and Institution Teachers Appendix  
Enrollment Form

## **PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) allows eligible Executive branch employees represented by PEF to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. The program will be available in 2008, 2009, 2010 and 2011.

During calendar year 2008, the program will be available to PS&T Unit employees for 13 biweekly payroll periods. Full-time employees who enroll in this portion of the program will forfeit a total of 1.5 days (11.25 or 12 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to \$225 (see Calculation of PEP Credit on page 3) to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks issued during the six-month period.

The program will be available for the entire calendar year in 2009, 2010 and 2011. Full-time employees who enroll in the program for any of these years will forfeit a total of 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at time of enrollment in return for a credit of up to \$450 for the 2009 program and/or \$500 for the 2010 and 2011 programs to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks in the year.

In order to coordinate the six month participation of PS&T Unit employees with the 2008 PEP program year, the PEP program credit for PS&T Unit employees will be applied in 2008 in the following manner:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2008</b>	Administration Lag	6/25/08 through 12/10/08	13
	Administration Current	6/11/08 through 11/26/08	13
	Institution Lag	7/3/08 through 12/18/08	13
	Institution Current	6/19/08 through 12/4/08	13
	Triple Lag	7/3/08 through 12/18/08	13

As discussed below under "Eligibility," part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis.

Once enrolled for each plan year, employees continue to participate for that year unless they separate from State service or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31, 2011 unless extended by mutual agreement of the parties.

### **ENROLLMENT**

Eligible employees who wish to participate in 2008 program year for 13 biweekly payroll periods must file an election form with their agency personnel office between May 5 and June 4, 2008.

The enrollment period for other program years will be conducted during the month of October immediately preceding that year.

All interested employees will be required to submit a separate enrollment form for each program year in which they wish to participate.

### **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 18 or equated to a position below Salary Grade 18;
- Be an employee covered by the 2007-2011 New York State/PEF collective bargaining agreement;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

#### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases

where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

#### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to \$225 in 2008, \$450 in 2009 and \$500 in 2010 and 2011). As stated earlier, in 2008 the forfeiture for full-time employees is 1 ½ days (i.e., 11.25 hours for 37.5 hour workweeks and 12 hours for 40-hour workweeks). In 2009, 2010 and 2011 the forfeiture for full-time employees is 3 full days (22.5 or 24 hours).

#### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For the 2008 program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### Full-Time Employees

The biweekly credit is \$17.31 (\$225 divided by 13 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### Part-Time Employees

The biweekly credit is \$17.31 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay (LWOP) and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required

to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

Certain Institution Teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP in accordance with the preceding program description except as modified below:

### **OVERVIEW**

During calendar year 2008, the program will be available to eligible PS&T Unit employees for 13 biweekly payroll periods. Eligible full-time Institution Teachers who enroll in the 2008 program will forfeit 1 or 1 ½ days of personal leave in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from the 13 biweekly paychecks in the 2008 program year. This credit will be worth up to \$75 for each half-day forfeited.

During calendar years 2009, 2010 and 2011, employees who enroll in those program years will forfeit 1, 2 or 3 days of personal leave standing to their credit at time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that entire program year. In 2009 the credit will be worth up to \$150 per full day of personal leave forfeited for that program year. In 2010 and 2011, the credit will be worth up to \$166.66 per day. The credit will be divided evenly over the employee share deductions that will be taken from employee paychecks issued in that program year.

As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 18 or equated to a position below Salary Grade 18; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in Salary Grade 17 as specified in “Appendix I Salary Schedules” in the 2007-2011 State/PEF Collective Bargaining Agreement;
- Be an employee covered by the 2007-2011 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2008 — Enrollment Form (PS&T Unit)**

Name \_\_\_\_\_ SS# \_\_\_\_\_  
Health Insurance Plan \_\_\_\_\_  
Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2008 Productivity Enhancement Program (PEP) for 13 biweekly payroll periods and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that, in accordance with the program description (and Appendix for Institution Teachers as appropriate) I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

**Hours of Vacation Leave** \_\_\_\_\_ **Hours of Personal Leave** \_\_\_\_\_

In exchange for forfeiting this accrued leave I will receive a credit of up to \$225 to be applied against the employee share cost of NYSHIP health insurance premiums paid during the 13 biweekly pay periods of the 2008 program. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2008 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **June 4, 2008**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2008. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2008. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2007-01**

**Section 26.3**

**December 2007**

**Page 1 of 1**

**TO:** State Departments and Agencies  
**FROM:** Terry Jordan, Director of Staffing Services  
**SUBJECT:** Implementation of Productivity Enhancement Program for 2008 for  
Managerial/Confidential, CSEA Represented and DC-37 Represented Employees

This memo transmits the program description and enrollment form for the Productivity Enhancement Program for 2008 for Managerial/Confidential, CSEA represented, and DC-37 represented employees for 2008. The enrollment period is scheduled to run from Wednesday January 9, 2008 through Monday, February 11, 2008. These materials are being provided to you for informational purposes at this time and should not be distributed to employees until the start of the enrollment period on Wednesday, January 9, 2008.

The availability of the program to CSEA and DC-37 represented employees is contingent upon ratification of the 2007-2011 Agreement between the State and CSEA and between the State and DC-37. These ratifications are expected in early January. If the Agreement between the State and the union representing the bargaining unit (CSEA or DC-37) is not ratified, the Productivity Enhancement Program will not be available to employees of that unit. The program will be available to Managerial/Confidential employees, regardless of whether either Agreement is ratified.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) announcing the program and providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance & Leave Unit of the Department of Civil Service at (518) 457-2295.

Agency health benefits administrators (HBAs) are responsible for processing the Health Insurance Premium Contribution Credit (HIPCC) for PEP enrollees. The Employee Benefits Division will be issuing memo NY07-55 with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

**Attachments:** PEP Program Description  
Enrollment Form

## **PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) allows eligible Managerial/Confidential employees and employees represented by CSEA and DC-37 in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share of NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. The program will be available in 2008, 2009, 2010 and 2011.

For the 2008 program year, full-time employees who enroll will forfeit a total of 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to \$450 (see Calculation of PEP Credit on page 3) to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks issued during that program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the 2008 PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2008</b>	Administration Lag	12/26/07 through 12/10/08	26
	Administration Current	12/12/07 through 11/26/08	26
	Institution Lag	1/3/08 through 12/18/08	26
	Institution Current	12/20/07 through 12/4/08	26
	Triple Lag	1/3/08 through 12/18/08	26

As discussed below under "Eligibility," part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2008.

Once enrolled for each plan year, employees continue to participate for that year unless they separate from State service or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted at the time of enrollment.

During any program year in which an employee participates, the health insurance premium contribution credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium contribution credit.

Disputes arising from this program are not grievable. This pilot program will sunset on December 31, 2011 unless extended by mutual agreement of the parties.

## **ENROLLMENT**

The enrollment period for 2008 will be January 9, 2008 through February 11, 2008.

All interested employees will be required to submit a separate enrollment form for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 18 or equated to a position below Salary Grade 18;
- Be an employee covered by the 2007-2011 New York State/CSEA, DC-37 collective bargaining agreement or a M/C employee (except SUNY M/C employees—NU 13);
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium contribution credit allowable under the program (up to \$450 in 2008). In 2008 the forfeiture for full-time employees is 3 full days (22.5 or 24 hours).

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

### **CALCULATION OF PEP CREDIT**

For each program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

#### *Full-Time Employees*

The biweekly credit is equal to \$17.31 (\$450 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

#### *Part-Time Employees*

The biweekly credit is equal to \$17.31 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium contribution credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay (LWOP) and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium contribution credit available under the program can be applied toward the employer share of the health insurance premium even when the employee is required to pay it. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium contribution credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium contribution credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium contribution credit applied to any employee share premium deducted from such supplemental payments.

## **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance premium contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

## **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pre-tax basis, the PEP health insurance premium contribution credit reduces that pre-tax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pre-tax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program for 2008 — Enrollment Form**

Name \_\_\_\_\_ SS# \_\_\_\_\_  
Health Insurance Plan \_\_\_\_\_  
Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2008 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that, in accordance with the program description I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

**Hours of Vacation Leave** \_\_\_\_\_ **Hours of Personal Leave** \_\_\_\_\_

In exchange for forfeiting this accrued leave I will receive a credit of up to \$450 to be applied against the employee share cost of 2008 plan year NYSHIP health insurance premiums (as specified in the program description). Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2008 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on **February 11, 2008**.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2008. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2008. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Premium Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE**  
**ATTENDANCE AND LEAVE MANUAL**  
**POLICY BULLETIN NO. 2006-01**

**Section 26.3**

**October 2006**

**Page 1 of 1**

TO: State Departments and Agencies  
FROM: Terry Jordan, ~~Director~~ of Staffing Services  
SUBJECT: Implementation of Productivity Enhancement  
Program for 2007

The Productivity Enhancement Program (PEP) allows eligible CSEA, PEF, DC 37-represented employees, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix, and the enrollment form for the 2007 PEP Program.

The starting and ending dates of the PEP program for 2007 are detailed in the Program Description. The enrollment period for 2007 will be October 30, 2006 through November 24, 2006.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions (with the exception of questions pertaining to Institution Teachers) should be directed to the Attendance & Leave Unit of the Department of Civil Service at (518) 457-2295. Questions regarding Institution Teachers should be directed to the employee's central personnel office.

Agency health benefits administrators (HBAs) are responsible for (1) processing the Health Insurance Contribution Credit (HICC) for PEP enrollees; and (2) processing adjustments to the HICC as a result of coverage changes (individual vs. family). The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

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## PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION

### OVERVIEW

As described in Policy Bulletin 2004-03, the Productivity Enhancement Program (PEP) allows eligible CSEA, PEF, DC-37-represented, and M/C employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. The program will be available in 2007.

Institution teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the "Institution Teachers Appendix" to this document. All other eligible employees will participate as described below.

For the 2007 program year, full-time employees who enroll will forfeit a total of 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to \$400 (see Calculation of PEP Credit on page 3 and see Calculation of PEP Credit for Institution Teachers in the Appendix) to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks issued during that program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates, the PEP program year will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2007</b>	Administration Lag	12/27/06 through 12/12/07	26
	Administration Current	12/13/06 through 11/28/07	26
	Institution Lag	1/4/07 through 12/20/07	26
	Institution Current	12/21/06 through 12/6/07	26
	Triple Lag	1/4/07 through 12/20/07	26

As discussed below under "Eligibility," part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during 2007.

Once enrolled, employees continue to participate unless they separate from State service or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted at the time of enrollment.

During any program year in which an employee participates, the health insurance premium credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium credit.

Disputes arising from this program are not grievable. This is a pilot program that will sunset on December 31, 2007 unless extended by mutual agreement of the parties.

## **ENROLLMENT**

The enrollment period for 2007 will be October 30, 2006 through November 24, 2006.

Employees will be required to submit an enrollment form for the 2007 program year.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 18 or equated to a position below Salary Grade 18;
- Be an employee covered by the 2003-2007 New York State/CSEA, PEF or DC-37 collective bargaining agreements or a M/C employee;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium credit allowable under the program (up to \$400 in 2007). In 2007 the forfeiture for full-time employees is 3 full days (22.5 or 24 hours).

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

## **CALCULATION OF PEP CREDIT (FOR CALCULATION OF CREDIT FOR INSTITUTION TEACHERS, SEE APPENDIX)**

For each program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

### *Full-Time Employees*

The biweekly credit is equal to \$15.38 (\$400 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### *Part-Time Employees*

The biweekly credit is equal to \$15.38 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

## **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay (LWOP) and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium credit available under the program can be applied toward the employer share of the health insurance premium. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the

employee share premium which is not offset by the health insurance premium credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her Health Insurance Contribution Credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pretax basis, the PEP health insurance premium credit reduces that pretax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pretax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

Certain Institution Teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP in accordance with the preceding program description except as modified below:

### **OVERVIEW**

For each program year in which they wish to participate, eligible full-time Institution Teachers will forfeit 1, 2, or 3 days of personal leave standing to their credit at the time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that program year. As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The credit available under the program will be worth up to \$133.33 per day forfeited, and will be divided evenly over the 26 employee share deductions that will be taken from employee paychecks issued in that program year. As with other participants, the biweekly amount of the credit cannot exceed the biweekly amount of the enrollee's employee share NYSHIP premium.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirements listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 18 or equated to a position below Salary Grade 18; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in Salary Grade 17 as specified in "Appendix I Salary Schedules" in the 2003-07 State/PEF Collective Bargaining Agreement;
- Be an employee covered by the 2003-07 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2007 — Enrollment Form**

Name \_\_\_\_\_ SS# \_\_\_\_\_  
Health Insurance Plan \_\_\_\_\_  
Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2007 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that, in accordance with the program description (and Appendix for Institution Teachers as appropriate) I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

Hours of Vacation Leave \_\_\_\_\_ Hours of Personal Leave \_\_\_\_\_

In exchange for forfeiting this accrued leave I will receive a credit of up to \$400 to be applied against the employee share cost of NYSHIP health insurance premiums in each program year (as specified in the program description and Appendix for Institution Teachers as appropriate). Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2007 program year only.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on November 24, 2006.

nature \_\_\_\_\_ Date \_\_\_\_\_

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**PERSONAL PRIVACY PROTECTION LAW NOTIFICATION**

This information is being requested pursuant to New York State Civil Service Law section 161-a for the principal purpose of determining eligibility for the Productivity Enhancement Program for 2007. This information will be used in accordance with Public Officers Law section 96(1). Failure to provide this information may result in a denial of eligibility to participate in the Productivity Enhancement Program for 2007. This information will be maintained by the employee's Agency Personnel Office. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

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**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

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**To: Manual Holders**  
**From: Terry Jordan, Director of Staffing Services**  
**Subject: Attendance and Leave Items in the 2003-2007 Negotiated Agreement  
Between the State of New York and the Public Employees Federation (PEF)  
for Employees in the Professional, Scientific and Technical Services (PS&T)  
Unit**

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**Introduction**

The following material has been prepared to assist you in implementing the new or revised attendance and leave provisions contained in the 2003-2007 Agreement between the State of New York and PEF for employees in the PS&T Unit (Agreement). References to applicable sections of the State Attendance and Leave Manual (Manual) are included.

Questions concerning this material should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

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**Effective Dates**

The new or revised provisions are effective beginning September 14, 2004, the date of ratification of the Agreement, except as follows:

<u>Benefit</u>	<u>Date</u>
Sick Leave Accumulation – 200 Days Used for Retirement Service Credit	April 2, 2003
Holidays for Seasonal Employees	October 1, 2004
Leave Adjustment Pilot Program for Part-Time Annual Salaried Employees	Payroll Period 14 of Fiscal Year 2004-2005
Productivity Enhancement Program	January 2005

**Subject:           Holiday Leave for Thanksgiving and Christmas**  
**Unit and Item:     7.15 (c)**  
**Manual Reference: Section 21.1**

Eligible employees in this unit who are required to work on the days observed by the State as the Thanksgiving and Christmas Day holidays are eligible to receive holiday compensation in the form of holiday pay or holiday leave at the time and one-half rate. Previously, holiday pay, but not holiday leave, was available at the time and one-half rate for work on these holidays. This is the same benefit extended to employees represented by CSEA pursuant to the 2003-2007 State/CSEA Agreements.

The maximum number of hours of holiday compensatory time (holiday leave) credited for work on the Thanksgiving or Christmas Day holiday is 11.25 hours for 7.5 hours worked or 12 hours for 8 hours worked.

When the Thanksgiving or Christmas Day holidays fall on an eligible employee's pass day, and the employee does not work on that pass day holiday, the employee continues to be credited with holiday leave for the pass day holiday at the straight time rate up to a maximum of 7.5 or 8 hours.

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For overtime eligible employees holiday compensation (holiday pay or holiday leave) continues to be available for work during the hours that fall within or correspond to the employee's regular work hours, up to a maximum of 7.5 or 8 hours. For such employees whose regularly scheduled workday exceeds 7.5 or 8 hours, holiday compensation (holiday pay or holiday leave) continues to be available for the first 7.5 or 8 hours of the designated holiday shift.

For overtime ineligible employees, holiday compensation (holiday pay or holiday leave) continues to be available for the first 7.5 or 8 hours worked on the holiday.

**Subject: Conversion of Floating Holidays Upon Movement  
Between 37.5 and 40 Hour Workweeks**

**Unit and Item: 12.1 (d)**

**Manual Reference: 21.1**

Employees who have been credited with 7.5 or 8 hours of floating holiday leave are entitled to have the floating holiday leave credit balance adjusted to reflect the new workweek when the employee's basic workweek changes from 37.5 to 40 hours, or from 40 to 37.5 hours.

For example, an employee with a 37.5 hour workweek who has a balance of 15 hours (two days) of floating holiday leave moves to a 40 hour workweek and is credited with 16 hours (two days) of floating holiday leave. Similarly, an employee with a 40 hour workweek has a balance of 16 hours of floating holiday leave. Upon movement to a 37.5 hour workweek the employee is credited with 15 hours of floating holiday leave.

**Subject: Sick Leave Accumulation for Retirement Service Credit**

**Unit and Item 12.8 (b)**

**Manual Reference: Section 21.3**

This provision increases the number of days of accrued and unused sick leave credits that may be used for retirement service credit at time of retirement from 165 days to 200 days. This change applies to employees who retire on or after April 2, 2003. The Office of the State Comptroller will advise agencies how any necessary adjustments are to be made. This is the same benefit extended to employees represented by CSEA pursuant to the 2003-2007 State/CSEA Agreements.

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Employees continue to be permitted to accrue up to 200 days of sick leave credits and to use up to 200 days of such credits to pay for health insurance in retirement.

Subject to the 200-day maximum described above, the same accrued sick leave days can be applied for both purposes. Application of sick leave balances for these purposes provides benefits based on an employee's sick leave balance at time of retirement, but does not actually liquidate those credits. Therefore, employees who return to State service within one year following retirement or who are reinstated at any time by the Civil Service Commission or other process of law are entitled to have their sick leave balance restored in full despite the fact that they received retirement service credit and credit applied toward their health insurance premiums in retirement based on that sick leave balance.

**Subject:** Sick Leave at Half-Pay  
**Unit and Item:** 12.20  
**Manual Reference:** Section 21.5

The sick leave at half-pay provisions in Article 12.20 are new and apply to all eligible PS&T Unit employees. The previous sick leave at half-pay provision in the 1999-2003 Agreement applied only to PS&T Unit employees who earned sick leave at the ten-day rate. PS&T Unit employees who earned sick leave at the 13-day rate were not previously covered by this Article, but were eligible for discretionary sick leave at half-pay under the Attendance Rules.

This new provision applies to all sick leave at half-pay for which an employee is eligible.

The new waiting period requirement, which is the same as that applicable to employees represented by CSEA under the 2003-2007 State/CSEA Agreements, is as follows. Upon employee request, sick leave at half-pay must be granted immediately following exhaustion of leave credits except to employees who have been formally disciplined for leave abuse within the preceding year, provided they are otherwise eligible (i.e., must meet all eligibility requirements including furnishing medical documentation satisfactory to the agency).

Upon exhaustion of leave credits, employees who have been formally disciplined for leave abuse within the preceding year, but who are otherwise eligible for sick leave at half-pay, must be granted sick leave at half-pay following ten consecutive working days of absence (with or without charge to leave credits). However, that waiting period may be waived in appropriate cases at agency discretion.

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The contract language specifically defines the term “formally disciplined for leave abuse” to include only the following circumstances:

- A time and attendance notice of discipline was settled within one year preceding the request for sick leave at half-pay, or
- The employee has been found guilty of the time and attendance charges contained in the notice of discipline served within one year preceding the request for sick leave at half-pay, or
- The employee did not contest the time and attendance notice of discipline served within one year preceding the request for sick leave at half-pay.

The preceding year is calculated back from the date the requested half-pay would commence. For example, an eligible employee who submits a request on November 1, 2004 to begin sick leave at half-pay on November 15, 2004 is not required to serve a waiting period provided he/she was not formally disciplined for leave abuse as described above during the period November 15, 2003 through November 14, 2004.

A sick leave at half-pay waiting period cannot be imposed because of a pending notice of discipline that has not been resolved as described above. Notices of discipline regarding issues other than time and attendance or those dismissed by an arbitrator or withdrawn by the appointing authority cannot be used as a basis for imposing a waiting period for sick leave at half-pay. Warning letters, counseling memos, imposition of a one-day medical certification requirement or identification of an employee under an agency sick leave control program are not a basis for imposing a waiting period for sick leave at half-pay.

This new provision applies to absences on or after September 14, 2004, the date of ratification of this Agreement. Employees denied sick leave at half-pay under previous criteria for absences on or after September 14, 2004, including employees currently serving waiting periods, must have their eligibility reviewed again under the new criteria. However, employees are not entitled to be continued on sick leave at half-pay beyond the point that employment would otherwise end by operation of law, rule or regulation.

As was the case under the previous Article 12.20 language, in order to be eligible for sick leave at half-pay under this new contract provision, employees who request sick leave at half-pay must:

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- be personally ill,
- submit medical documentation periodically which is satisfactory to the appointing authority,
- have permanent status or permanent contingent status as of the date sick leave at half-pay is requested,
- have completed at least one cumulative year of service (not necessarily permanent service) creditable for Attendance Rules purposes,
- be employed to work a qualifying schedule for accruing sick leave at the time the sick leave at half-pay is granted,
- have exhausted all leave accruals.

The manner in which employees earn eligibility for sick leave at half-pay – one pay period of eligibility for each completed six months of service, exclusive of days of leave without pay, on a qualifying schedule that entitled the employee to earn leave credits – remains unchanged.

**Subject: Maternity and Child Rearing Leave**  
**Unit and Item: 12.21**  
**Manual Reference: Section 22.1**

This provision entitles employees to delay the start of child care leave where a newborn child must remain in the hospital following birth or to interrupt a period of child care leave after it has commenced for a single continuous period of hospitalization. Previously, such delays or interruptions were only available at agency discretion. However, intermittent child care leave continues to be available only at agency discretion. This is the same benefit extended to employees represented by CSEA pursuant to the 2003-2007 State/CSEA Agreements.

Specifically, where a child is required to remain in the hospital following birth, the seven-month mandatory child care leave shall, upon employee request, commence when the child is released from the hospital. If the child is required to be admitted to a hospital for treatment after child care leave has commenced, upon employee request child care leave shall be suspended during a single continuous period of such hospitalization. That period does not count toward calculation of the seven month period.

Similarly, when child care leave in connection with adoption has commenced, if the child is required to be admitted to a hospital for treatment after child care leave has commenced, upon employee request, child care leave shall be suspended during a single continuous period of such hospitalization. That period does not count toward calculation of the seven month period.

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Under State policy, child care leave for birth parents must otherwise be taken within the seven month period beginning with the date of birth. Under the State's adoptive leave policy, child care leave for adoptive parents must begin during a designated window period (anytime between placement up to the effective date of adoption) and the entitlement otherwise runs for seven months from the date the leave begins. Because of the window period, adoptive parents have greater flexibility in terms of when the seven month period begins. If an adoptive child is required to remain in the hospital following birth, the adoptive parent could simply delay the start of the adoptive leave.

In any case where the commencement of child care leave is postponed or where such leave is suspended in accordance with this contract article, any entitlement to mandatory child care leave under this article expires one year from the date of birth of the child for birth parents and one year from the point the child care leave originally commenced for adoptive parents.

This provision applies to hospitalization that occurs on or after September 14, 2004, the date of ratification. Where a continuous period of hospitalization has already commenced prior to September 14, 2004, this provision applies to days that fall on or after September 14, 2004.

Other provisions of the Attendance Rules and the guidelines for administration of those rules, dated January 28, 1982 and March 11, 1982, remain unchanged.

An employee whose child care leave is suspended in accordance with this provision may, depending on the circumstances, 1) remain on leave for disability related to childbirth if the suspension of the child care leave occurs during the disability period following childbirth, 2) return to work, 3) request permission to charge appropriate leave credits, 4) request leave without pay. In some cases the employee may qualify for leave under the Family Medical and Leave Act. Agencies should discuss such status issues with the Attendance and Leave Unit.

**Subject: Leave Donation Program**  
**Unit and Item: 12.23 and Appendix III**  
**Manual Reference: Appendix H**

Effective September 14, 2004, donations may be made by PS&T Unit employees to PS&T Unit employees in other agencies regardless of whether or not those employees are family members. Previously, donations across agency lines were restricted to family members. The new non-family member benefit provision will sunset close of business April 1, 2007, unless the parties mutually agree to extend beyond that date.

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Donations to and from employees in other negotiating units, except family members, continue to be limited to those employed in the same agency, unless similar provisions are in effect for those negotiating units. As of the date of this memo such provisions are also in effect for employees in the Administrative Services Unit, the Operational Services Unit, the Institutional Services Unit, the Division of Military and Naval Affairs Unit, the Rent Regulation Services Unit, the State University Professional Services Unit, as well as for classified service Managerial/Confidential employees and State University of New York unclassified service Managerial/Confidential employees.

Donations made across agency lines from non-family members will be treated in the same way as donations across agency lines for family members. As is the case for donations between family members in different agencies, donations made across agency lines for non-family members will NOT be returned.

Donations made across agency lines must be used prior to donations made within the agency. If agency donations have been used prior to receipt of donations from eligible employees in other agencies, at the point that donations from employees in other agencies are received, the use of in-house donations should be interrupted and donations from employees in other agencies used before resuming the use of donations from agency employees. In the event that donations are received from more than one employee in another agency, the credits should be used in the order received.

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For example, a PS&T Unit employee who works Monday-Friday in Agency X exhausted accruals as of December 3, 2004 and has requested leave donations.

On December 1, 2004, Donors A and B in Agency X each donate four days. On December 8, 2004, employee C in Agency Y donates two days and on December 9, 2004, employee D in Agency Y donates two days.

The following illustrates the order in which the days are used:

<b>Donor</b>	<b>Agency</b>	<b>Date of Donation</b>	<b>Total Days Donated</b>	<b>Date Used by Donee in Agency X</b>			
A	X	Dec. 1	4	Dec. 6	Dec. 14	Dec. 16	Dec. 20
B	X	Dec. 1	4	Dec. 7	Dec. 15	Dec. 17	Dec. 21
C	Y	Dec. 8	2	Dec. 8	Dec. 9		
D	Y	Dec. 9	2	Dec. 10	Dec. 13		

As this example illustrates, for donations from outside the recipient's agency, donations are used in the order received, with all days from Donor C used first, then all days from Donor D.

In the event that donations are received on behalf of employees who have been deemed ineligible for donations, the leave donation forms should be returned to the donor's personnel office with a notation that the recipient is not eligible for the Leave Donation Program and the donated days returned to the donor.

Under current guidelines, employees who began sick leave at half-pay because donations were exhausted or because no donations were available may, upon request and at agency discretion, be permitted to interrupt sick leave at half-pay to use donated leave that became available after the sick leave at half-pay commenced. Under the new provision, a period of sick leave at half-pay that began prior to September 14, 2004, should be interrupted for donations from outside the agency made on or after September 14, 2004.

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**Subject: Holidays for Seasonal Employees**  
**Unit and Item: Appendix II, Side Agreements--Seasonal Employees**  
**Manual Reference: Appendix E**

This Appendix was modified to provide an enhanced holiday benefit to certain returning seasonal employees not subject to the Attendance Rules or who have not been granted anticipated eligibility to accrue leave credits and observe holidays. This is the same benefit extended to employees represented by CSEA pursuant to the 2003-2007 State/CSEA Agreements.

Specifically, seasonal employees employed to work on a 37.5 or 40-hour per week basis who work at least 25 days in the current season and who were so employed in one of the two seasonal periods (4/1 to 9/30 and 10/1 to 3/31) immediately preceding the current seasonal period are eligible to receive holiday compensation for time worked on all holidays during the current seasonal period. Such compensation is paid retroactively upon completion of five weeks of work. This benefit is first payable for work on holidays during the 10/1/04-3/31/05 seasonal period for employees who met the prior service requirement during either the 10/1/03 to 3/31/04 or the 4/1/04 to 9/30/04 seasonal period.

Additionally, the number of days on which holiday benefits are available to seasonal employees has increased from two to **three** days for seasonal employees described in category (2) below.

As a result of this modification for purposes of holiday benefits, seasonal employees fall into one of four categories:

- (1) Seasonal employees who are not employed to work on a 37.5 or 40-hour per week basis or who do not work at least 25 days during the season. Such employees receive only regular salary for work on a holiday and are not eligible to receive holiday compensation.
  
- (2) Seasonal employees employed to work on a 37.5 or 40-hour per week basis who work at least 25 days during the season and who were **not** so employed during at least one of the two consecutive seasonal periods (4/1 to 9/30 and 10/1 to 3/31) immediately preceding the current seasonal period. Such employees are entitled to additional compensation at their hourly rate, up to a maximum of eight hours for time worked on each of the first three (3) days during their employment in any seasonal period (4/1 to 9/30 and 10/1 to 3/31) which are observed as holidays by the State.

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(3) Seasonal employees employed to work on a 37.5 or 40-hour per week basis who work at least 25 days during the current season and who have been so employed during at least one of the two consecutive seasonal periods (4/1 to 9/30 and 10/1 to 3/31) immediately preceding the current seasonal period. Such employees are entitled to additional compensation at their hourly rate up to a maximum of eight hours for time worked on all days during their employment in the current seasonal period which are observed as holidays by the State.

(4) Seasonal employees who have Attendance Rules coverage or have been granted anticipated eligibility. Such employees are treated as any other employee with Rules coverage or anticipated eligibility, except that they receive holiday compensation for holidays worked and are not permitted to elect to receive holiday leave (holiday compensatory time) for time worked on a holiday in lieu of holiday pay.

It should be noted that seasonal employees who have Attendance Rules coverage or anticipated eligibility are the only employees eligible for time off with pay on holidays or to be credited with holiday leave for holidays that fall on pass days off. For other seasonal employees, the seasonal holiday benefit is available only for time worked on covered holidays.

**Subject:** Leave Adjustment Pilot Program for Part-Time Annual Salaried Employees  
**Unit and Item:** Appendix III  
**Manual Reference:** Appendix D

This pilot program provides eligible part-time annual salaried employees who are scheduled to work additional hours beyond their payroll percentage with leave adjustment credits for that additional time worked.

This program is the same as the CSEA Leave Adjustment Program for Part-Time Annual Salaried Employees which was made a permanent program for the CSEA Units in the 2003-2007 CSEA Agreements.

The PS&T Pilot Program will apply to additional hours worked beginning in pay period 14 of fiscal year 2004-2005. The first crediting of additional vacation and sick leave for pay periods 14 through 26 will occur within a 60-day period following the end of pay period 26 of fiscal year 2004-2005. The first personal leave adjustment date will be May 30, 2005 for the six month period October 1, 2004 through March 31, 2005. The personal leave adjustment for the period April 1, 2005 through March 31, 2006 will be credited on May 30, 2006. The personal leave

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adjustment for the period April 1, 2006 through March 31, 2007 will be credited on May 30, 2007.

The Pilot will end following pay period 26 of fiscal year 2006-2007 unless extended by mutual agreement of the parties.

Set forth below is the language agreed to by the parties:

Term of Pilot

The pilot will begin with pay period 14 in fiscal year 2004-2005 and will end immediately following pay period 26 of fiscal year 2006-2007, unless the parties agree, in writing, to extend the pilot.

Eligibility

The provisions of this Program apply to eligible part-time annual salaried employees scheduled to work hours in excess of their payroll percentage.

In order to participate in this Program, part-time annual salaried employees must be employed to work a schedule equated to their payroll percentage which entitles them to earn leave credits under the Attendance Rules (either five days per week or at least half-time per biweekly pay period), not including the additional time worked above their payroll percentage.

“Employed to work a schedule” that entitles the employee to earn leave credits under the Attendance Rules means that the schedule assigned to the employee qualifies for the earning of leave credits under the Attendance Rules. The employee need not actually work that schedule each pay period in order to remain eligible. The employee may be on paid or unpaid leave from a qualifying schedule.

The additional time worked cannot be counted to qualify an otherwise ineligible employee to earn leave credits under the Attendance Rules. Leave credits can be granted for additional time worked only as described in this Program to part-time annual salaried employees already eligible to earn leave credits under the Attendance Rules for their work schedule equated to their payroll percentage.

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For example, an employee with a payroll percentage of 40% and corresponding work schedule of four days per pay period cannot participate in the Program even though the employee works additional time for a fifth day each pay period because the employee's work schedule based on his/her payroll percentage is not a qualifying schedule. On the other hand, an employee with a payroll percentage of 50% earns leave credits under the Attendance Rules based on the work schedule corresponding to his/her payroll percentage and is eligible to be granted vacation, sick leave and personal leave adjustment credits for additional time worked beyond his/her 50% schedule under this Program.

Participating employees are not eligible to be credited under this Program for additional hours worked in excess of the normal 37.5 or 40-hour workweek.

Vacation and Sick Leave

1. Agencies must review the additional time worked by eligible part-time annual salaried employees twice a year, for payrolls 1-13 and for payrolls 14-26. Additional vacation and sick leave will be credited within 60 days after the end of payroll period 13 and within 60 days after the end of payroll period 26.

The provisions providing for additional vacation and sick leave shall apply to additional hours worked beginning in pay period 14 of fiscal year 2004-2005. The first crediting at this rate will occur within a 60-day period following the end of pay period 26 of fiscal year 2004-2005.

2. Agencies must credit eligible employees with vacation and sick leave adjustment credits proportional to the additional hours worked during the 13 pay periods under review.

Sick Leave Adjustment Credits

An employee must have worked a minimum of five (5) hours of additional time above the number of hours equated to his/her payroll percentage to earn an additional one-quarter (1/4) hour of sick leave. Eligible employees are credited with one-quarter (1/4) hour of sick leave for every five (5) hours of additional time worked during the

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thirteen pay periods under review. For this purpose, time worked includes time charged to leave credits (see (3) below).

*Vacation Adjustment Credits for Employees who Accrue at the Thirteen-Day Rate*

An employee who earns vacation at the 13-day rate must have worked a minimum of five (5) hours of additional time above the number of hours equated to his/her payroll percentage to earn an additional one-quarter (1/4) hour of vacation. Eligible employees are credited with one-quarter (1/4) hour of vacation for every five (5) hours of additional time worked during the thirteen pay periods under review. For this purpose, time worked includes time charged to leave credits (see (3) below).

*Vacation Adjustment Credits for Employees Who Accrue at the Twenty-Day Rate*

An employee who earns vacation at the 20-day rate must have worked a minimum of three and one quarter (3.25) hours of additional time above the number of hours equated to his/her payroll percentage to earn an additional one-quarter (1/4) hour of vacation. Eligible employees are credited with one-quarter (1/4) hour of vacation for every three and one quarter (3.25) hours of additional time worked during the thirteen pay periods under review. For this purpose, time worked includes time charged to leave credits (see (3) below).

When an employee's seventh anniversary date falls during the 13 pay periods under review, the employee will be credited with vacation adjustment credits at the 13-day rate for those 13 pay periods and thereafter will be credited with vacation adjustment credits at the 20-day rate.

Some examples follow:

A1. During payroll periods 1-13 of 2005, a half-time PS&T unit employee with three years of creditable service works a total of 80 hours beyond her normal half-time schedule. This employee would be credited with an additional four (4) hours of vacation and four (4) hours of sick leave within 60 days after payroll period 13. (80 hours

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of additional time worked divided by 5 hours = 16 five-hour segments multiplied by .25 hour credited for each 5 hours of additional time worked = four (4) hours of additional vacation and four (4) hours of additional sick leave.)

A2. During payroll periods 14-26 of 2005, this employee works 155 hours above her payroll percentage and earns 7.75 hours of additional vacation and 7.75 hours of additional sick leave. (155 hours divided by 5 hours = 31 five-hour segments multiplied by .25 hour credited for each 5 hours of additional time worked = 7.75 hours of additional vacation and 7.75 hours of additional sick leave credit.)

B1. During payroll periods 1-13 of 2005, a half-time PS&T unit employee with ten years of creditable service works a total of 80 hours beyond her normal half-time schedule. This employee would be credited with an additional six and one quarter (6.25) hours of vacation and four (4) hours of sick leave within 60 days after payroll period 13. The vacation is calculated as follows:

80 hours of additional time worked divided by 3.25 hours = 24.62 three and one-quarter hour segments multiplied by .25 hour credited for each 3.25 hours of additional time worked = 6.15 hours. Rounding to the nearest quarter hour, the employee receives 6.25 hours of additional vacation. The sick leave is calculated as described in example A.1 above.

B2. During payroll periods 14-26 of 2005, this employee works 155 hours above her payroll percentage and earns 12 hours of additional vacation and 7.75 hours of additional sick leave. The vacation is calculated as follows: 155 hours divided by 3.25 hours = 47.69 three and one-quarter hour segments multiplied by .25 hour credited for each 3.25 hours of additional time worked = 11.92 hours. Rounding to the nearest quarter hour, the employee receives 12 hours of additional vacation. The sick leave is calculated as described in example A2. above.

3. Employees must charge accruals on the basis of the total number of hours the employee is scheduled to work on a given day, beginning with the first day following the payroll period in which the employee

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is first credited with additional vacation and sick leave under this Program. Until the first time the employee is credited with additional vacation and sick leave, the employee who takes a day off charges credits only to cover the normal schedule corresponding to the payroll percent and not to cover any additional scheduled hours. The employee simply does not receive pay for those additional hours. Beginning with the pay period after being credited for the first time with additional vacation and sick leave, the employee is required to charge credits for all scheduled hours on a given day, including any additional scheduled hours, and therefore receives pay for those additional hours.

For example, a 50 percent employee on the administrative payroll cycle who works 20 hours per week, four hours per day, begins working additional time for the first time in pay period 1 in fiscal year 2005-2006. On November 1, 2005, the employee takes a day of sick leave, charges 4 hours to cover his normal schedule, and receives 4 hours pay for the day even though he was scheduled to work additional time on that day. On November 2, 2005, the last day of a pay period, the employee is credited for the first time with additional vacation and sick leave under this Program for pay periods 1 through 13. On November 4, 2005, the employee takes a day of vacation. His work schedule on that day is 8 hours, including 4 hours of additional time. He is required to charge 8 hours to cover his full schedule, and receives 8 hours pay for the day.

4. Vacation and sick leave adjustment credits must be added to the employee's regular vacation and sick leave balances. Employees continue to be subject to a prorated sick leave maximum, and to a prorated vacation maximum on April 1 of each year, based on their payroll percentage. Employees who separate from State service receive a lump sum payment for unused vacation of up to 30 prorated days based on their payroll percentage. Separating employees should be credited as of the date of separation with any additional leave to which they are entitled under this Program so that such leave can be included in the vacation lump sum payment and, for retirees, in the calculation of retirement service credit and the sick leave credit for health insurance in retirement, subject to applicable maximums based on the employee's payroll percentage.

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Personal Leave

1. Agencies must review the additional time worked by eligible part-time annual salaried employees once a year. Employees who work additional time will be credited with personal leave adjustment credit once a year on the personal leave adjustment date. The personal leave adjustment date will not change if the employee is not in pay status on that date. The first personal leave adjustment date will be May 30, 2005 for the six month period October 1, 2004 through March 31, 2005. The personal leave adjustment for the period April 1, 2005 through March 31, 2006 will be credited on May 30, 2006. The personal leave adjustment for the period April 1, 2006 through March 31, 2007 will be credited on May 30, 2007.

2. Agencies must credit eligible employees with personal leave adjustment credits proportional to the number of additional hours worked during the 26 pay periods under review. An employee must have worked a minimum of 13 hours of additional time above the number of hours equated to his/her payroll percentage to earn an additional one-quarter (1/4) hour of personal leave. Eligible employees are credited with one-quarter (1/4) hour of personal leave for every 13 hours of additional time worked during the 26 pay periods under review. For this purpose, time worked includes time charged to leave credits.

For example, during the period April 1, 2005 through March 31, 2006, a PS&T unit employee works a total of 235 hours beyond her payroll percentage and earns 4.50 hours of personal leave adjustment time. (235 hours of additional time worked divided by 13 hours = 18.08 13-hour segments multiplied by .25 hour credited for each 13 hours of additional time worked = 4.52 hours. Rounding to the nearest quarter hour, the employee receives 4.50 hours of personal leave adjustment credit.)

3. Employees must charge accruals on the basis of the total number of hours the employee is scheduled to work on a given day beginning with the first day following the pay period in which the employee is first credited with additional vacation and sick leave credits under this Program (see Vacation and Sick Leave (3) above).

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4. Personal leave adjustment credits accrued as a result of additional time worked will be kept in a separate leave category called "Personal Leave Adjustment."

5. An employee will have 12 months from the personal leave adjustment date to use personal leave adjustment credits. Unused leave will lapse at close of business on the day prior to the personal leave adjustment date.

6. If the payroll percentage of an eligible employee changes (i.e., 50% to 75%, 50% to 100%, etc.) the employee's unused regular personal leave balance will be converted to days based on the new percentage. Personal leave adjustment time will not be carried forward.

Additional Issues

Agencies or facilities may develop procedures in local labor/management regarding access during the 60-day recording period, in cases of special need for leave, to vacation, sick leave and personal leave adjustment credits earned but not yet recorded.

**Subject: Productivity Enhancement Program**  
**Unit and Item: Appendix III**  
**Manual Reference: Section 26.3**

The Productivity Enhancement Program (PEP) allows eligible employees to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis.

A detailed program description is contained in Policy Bulletin 2004-03 dated September 2004.

This is a pilot program that will sunset December 31, 2007 unless extended by mutual agreement of the parties.

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**Section 26.3**

**September 2004**

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TO: State Departments and Agencies  
FROM: Terry Jordan, Director of Staffing Services  
SUBJECT: Implementation of Productivity Enhancement  
Program for 2005, 2006, 2007

The Productivity Enhancement Program (PEP) allows eligible CSEA, PEF, DC-37, and Managerial/Confidential employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description, the Institution Teachers Appendix and the enrollment form for the 2005 PEP Program.

The starting and ending dates of the PEP program for 2005, 2006, and 2007 are detailed in the Program Description. The enrollment period for each program year will be conducted beginning with the first Monday and ending with the last Friday of the October preceding that program year. **The enrollment period for the 2005 program begins on Monday October 4, 2004 and ends on Friday October 29, 2004.**

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers, and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions (with the exception of questions pertaining to Institution Teachers) should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295. Questions regarding Institution Teachers should be directed to the employee's central personnel office.

Agency health benefits administrators (HBAs) are responsible for (1) processing the Health Insurance Contribution Credit for PEP enrollees; and (2) processing adjustments to the HICC as a result of coverage changes (individual vs. family). The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Institution Teachers Appendix  
Enrollment Form

## PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION

### OVERVIEW

As described in Policy Bulletin 2004-01, the Productivity Enhancement Program (PEP) allows eligible CSEA, PS&T, DC-37, and M/C employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums. The program will be available in 2005, 2006, and 2007.

Institution teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, and the New York State Schools for the Deaf and the Blind will participate in accordance with the guidelines contained in the "Institution Teachers Appendix" to this document. All other eligible employees will participate as described below.

For each program year, full-time employees who enroll will forfeit a total of 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to \$400 (see Calculation of PEP Credit on page 3 and see Calculation of PEP Credit for Institution Teachers in the Appendix) to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks issued during that program year.

In order to facilitate coordination of this PEP credit with introduction of the new health insurance rates for each of these years, the PEP "program years" will be covered by the dates specified below:

<b>Program Year</b>	<b>Employee's Payroll Cycle</b>	<b>Paychecks Issued Between:</b>	<b># Paychecks</b>
<b>2005</b>	Administration Lag	12/29/04 through 12/14/05	26
	Administration Current	12/15/04 through 11/30/05	26
	Institution Lag	1/6/05 through 12/22/05	26
	Institution Current	12/23/04 through 12/8/05	26
	Triple Lag	1/6/05 through 12/22/05	26
<b>2006</b>	Administration Lag	12/28/05 through 12/13/06	26
	Administration Current	12/14/05 through 11/29/06	26
	Institution Lag	1/5/06 through 12/21/06	26
	Institution Current	12/22/05 through 12/7/06	26
	Triple Lag	1/5/06 through 12/21/06	26
<b>2007</b>	Administration Lag	12/27/06 through 12/12/07	26
	Administration Current	12/13/06 through 11/28/07	26
	Institution Lag	1/4/07 through 12/20/07	26
	Institution Current	12/21/06 through 12/6/07	26
	Triple Lag	1/4/07 through 12/20/07	26

As discussed below under “Eligibility,” part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during each program year.

Once enrolled for any given program year, employees continue to participate in that program year unless they separate from State service or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted at the time of enrollment.

During any program year in which an employee participates, the health insurance premium credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that program year. Therefore, once an employee enrolls for that program year, any subsequent changes in employment percentage during the program year will have no impact on the health insurance premium credit.

Disputes arising from this program are not grievable. This is a pilot program that will sunset on December 31, 2007 unless extended by mutual agreement of the parties.

## **ENROLLMENT**

The enrollment period for each program year will be conducted beginning between the first Monday and last Friday of October preceding that program year.

Employees will be required to submit a separate enrollment for each program year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 18 or equated to a position below Salary Grade 18.
- Be an employee covered by the 2003-2007 New York State/CSEA, PS&T or DC-37 collective bargaining agreements or a M/C employee;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

*Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees should be applied to these employees.

*Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium credit allowable under the program (up to \$400 in 2005, 2006, and 2007). In 2005, 2006, and 2007 the forfeiture for full-time employees is 3 full days, (22.5 or 24 hours).

*Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

**CALCULATION OF PEP CREDIT (FOR CALCULATION OF CREDIT FOR INSTITUTION TEACHERS, SEE APPENDIX)**

For each program year, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

*Full-Time Employees*

The biweekly credit is equal to \$15.38 (\$400 divided by 26 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### Part-Time Employees

The biweekly credit is equal to \$15.38 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a program year in which they are PEP enrollees will continue to have the health insurance premium credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay (LWOP) and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium credit available under the program can be applied toward the employer share of the health insurance premium. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

## **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pretax basis, the PEP health insurance premium credit reduces that pretax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pretax basis. Furthermore, for each program year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

## **Productivity Enhancement Program (PEP) Institution Teachers Appendix**

Certain Institution Teachers employed by the Department of Correctional Services, the Office of Children and Family Services, the Office of Mental Health, or the New York State Schools for the Deaf and the Blind will be eligible to participate in PEP in accordance with the preceding program description except as modified below:

### **OVERVIEW**

For each program year in which they wish to participate, eligible full-time Institution Teachers will forfeit 1, 2, or 3 days of personal leave standing to their credit at the time of enrollment in exchange for a credit to be applied toward the employee share of their NYSHIP premiums deducted from biweekly paychecks in that program year. As with other participants, leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The credit available under the program will be worth up to \$133.33 per day forfeited, and will be divided evenly over the 26 employee share deductions that will be taken from employee paychecks issued in that program year. As with other participants, the biweekly amount of the credit cannot exceed the biweekly amount of the enrollee's employee share NYSHIP premium.

The program will be available to eligible part-time employees on a prorated basis.

### **ELIGIBILITY**

The eligibility criteria in the preceding program description are replaced by the requirement listed below.

In order to enroll, Institution Teachers must:

- Be (1) a classified or unclassified service employee in a title below Salary Grade 18 or equated to a position below Salary Grade 18; or (2) in the unclassified service at the New York State School for the Deaf or the New York State School for the Blind in a title with a full-time annual salary (or in the case of Instructor Assistants, total annual compensation) that does not exceed the job rate in effect at the time of enrollment for an employee in Salary Grade 17 as specified in "Appendix I Salary Schedules" in the 2003-07 State/PEF Collective Bargaining Agreement;
- Be an employee covered by the 2003-07 New York State/PEF Collective Bargaining Agreement; and
- Be a NYSHIP enrollee and contract holder in either the Empire Plan or an HMO at the time of enrollment.

**Productivity Enhancement Program for 2005 – Enrollment Form**

Name \_\_\_\_\_ SS# \_\_\_\_\_  
Health Insurance Plan \_\_\_\_\_  
Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2005 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter program description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that, in accordance with the program description (and Appendix for Institution Teachers as appropriate) I will surrender leave accruals standing to my credit as a result of participation and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

Hours of Vacation Leave \_\_\_\_\_ Hours of Personal Leave \_\_\_\_\_

In exchange for forfeiting this accrued leave I will receive a credit of up to \$400 to be applied against the employee share cost of NYSHIP health insurance premiums in each program year (as specified in the program description and Appendix for Institution Teachers as appropriate). Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that this enrollment form is for the 2005 program year only, and that I will be required to submit a new enrollment form if I wish to participate in the 2006 program year.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on October 29, 2004.

Signature \_\_\_\_\_ Date \_\_\_\_\_

---

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Total number of days forfeited: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Copy 1 – Health Benefits Administrator

Copy 2 – Personnel Office/Attendance Records

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**To: Manual Holders**  
**From: Terry Jordan, Director of Staffing Services**  
**Subject: Attendance and Leave Items**  
**2003-2007 Negotiated Agreements**  
**Administrative Services Unit (ASU), Institutional Services Unit (ISU),**  
**Operational Services Unit (OSU)**

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**Introduction**

The following material has been prepared to assist you in implementing the new or revised attendance and leave provisions contained in the 2003-2007 agreements negotiated with CSEA. References to applicable sections of the State Attendance and Leave Manual (Manual) are included.

Questions concerning this material should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

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**Effective Dates**

These provisions are effective as of April 27, 2004, the date of ratification of these Agreements, except as follows:

<b><u>Benefit</u></b>	<b><u>Date</u></b>
Sick Leave Accumulation - 200 Days Used for Retirement Service Credit	April 2, 2003
Holidays for Seasonal Employees	October 1, 2004
Leave Adjustment Program for Part-Time Annual Salaried Employees – Ability to Receive Vacation Adjustment At a Higher Rate	Payroll Period #1 of Fiscal Year 2004-2005
Workers' Compensation	Disabilities on or after July 1, 2004
Over40 Comp Time	July 16, 2004

**Subject:                   Holiday Leave for Thanksgiving and Christmas**

**Unit and Item:       ASU Article 7.16(d)  
                              ISU Article 7.16(d)  
                              OSU Article 7.16(d)**

**Manual Reference:   Section 21.1**

Eligible employees in these units who are required to work on the days observed by the State as the Thanksgiving and Christmas Day holidays are eligible to receive holiday compensation in the form of holiday pay or holiday leave at the time and one-half rate. Previously, holiday pay, but not holiday leave, was available at the time and one-half rate for holidays worked.

The maximum number of hours of holiday compensatory time (holiday leave) credited for work on the Thanksgiving or Christmas Day holidays is 11.25 for 7.5 hours worked or 12 hours for 8 hours worked.

When the Thanksgiving or Christmas Day holidays fall on an eligible employee's pass day, and the employee does not work on that pass day holiday, the employee continues to be credited with

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holiday leave for the pass day holiday at the straight time rate up to a maximum of 7.5 or 8 hours.

For overtime eligible employees holiday compensation (holiday pay or holiday leave) continues to be available for work during the hours that fall within or correspond to the employee's regular work hours, up to a maximum of 7.5 or 8 hours. For such employees whose regularly scheduled workday exceeds 7.5 or 8 hours, holiday compensation (holiday pay or holiday leave) continues to be available for the first 7.5 or 8 hours of the designated holiday shift.

For overtime ineligible employees, holiday compensation (holiday pay or holiday leave) continues to be available for the first 7.5 or 8 hours worked on the holiday.

**Subject:** Holiday Recall  
**Unit and Item:** ASU Article 7.16 (c)  
ISU Article 7.16 (c)  
OSU Article 7.16 (c)  
**Manual Reference:** Section 21.1

This provision extends the period of time during which holiday recall provisions apply for employees whose regular work shift exceeds 7.5 or 8 hours. Specifically, employees whose regular work shift is more than 7.5 or 8 hours are now covered by holiday recall provisions regardless of when the recall occurs during that regular work shift. Previously, holiday recall was only available for recalls during the first 7.5 or 8 hours of the designated holiday shift and employees who work extended days were not eligible for holiday recall if the recall occurred beyond the first 7.5 or 8 hours of the shift (the holiday portion of the shift).

Under the new provision, an employee who works a compressed workweek of four 10-hour days, for example, is now covered by holiday recall provisions if recalled during the last two hours of the shift, just as he/she is for recalls that occur during the first 8 hours of the shift.

Other holiday recall provisions continue unchanged. Holiday recall provisions continue to apply to overtime eligible employees recalled to work during their regularly scheduled hours of work on a holiday that is not a pass day. Each time an employee is recalled, he/she is entitled to a ½ day of holiday compensation (holiday pay or holiday leave) depending on the employee's election.

Employees who work their normal extended day shift on a holiday continue to be eligible for a maximum of 7.5 or 8 hours of holiday compensation (holiday pay or holiday leave) for time worked on a holiday. Similarly if a holiday falls on a pass day, they are eligible to be credited

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with a maximum of 7.5 or 8 hours of holiday leave. Finally when a holiday falls on a workday and they observe the holiday, they are entitled to a maximum of 7.5 or 8 hours of paid holiday observance.

**Subject:**                   **Liquidation of Vacation Credits**  
**Unit and Item:**       **Side Letter – ASU Article 10.5**  
                                  **ISU Article 10.6**  
                                  **OSU Article 10.5**

**Manual Reference:**   **Section 21.2**

This is a renewal of a side letter from the 1999-2003 contract. The side letter requires that the following reminder be included in this contract implementation memo.

Agencies are encouraged, where possible subject to operating needs, to permit employees to liquidate accumulated vacation credits in excess of 30 days prior to separation.

The 30-day limit on vacation lump sum payment upon separation from service remains unchanged.

**Subject:**                   **Sick Leave Accumulation**  
**Unit and Item:**       **ASU Article 10.6**  
                                  **ISU Article 10.7**  
                                  **OSU Article 10.7**

**Manual Reference:**   **Section 21.3**

These provisions increase the number of days of accrued and unused sick leave credits that may be used for retirement service credit at time of retirement from 165 days to 200 days. This change applies to employees who retire on or after April 2, 2003. The Office of the State Comptroller will advise agencies how any necessary adjustments are to be made.

Employees continue to be permitted to accrue up to 200 days of sick leave credits and to use up to 200 days of such credits to pay for health insurance in retirement.

Subject to the 200-day maximum described above, the same accrued sick leave days can be applied for both purposes. Application of sick leave balances for these purposes provides benefits based on an employee's sick leave balance at time of retirement, but does not actually liquidate those credits. Therefore, employees who return to State service within one year

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following retirement or who are reinstated at any time by the Civil Service Commission or other process of law are entitled to have their sick leave balance restored in full despite the fact that they received retirement service credit and credit applied toward their health insurance premiums in retirement based on that sick leave balance.

**Subject:** Sick Leave at Half-Pay

**Unit and Item:** ASU Article 10.8  
ISU Article 10.15  
OSU Article 10.9

**Manual Reference:** Section 21.5

These provisions modify certain sick leave at half-pay eligibility requirements, including the service requirement for eligibility, waiting period provisions, and provisions concerning termination of sick leave at half-pay in cases of permanent disability. The new service and waiting period provisions must be applied to absences on or after April 27, 2004, the date of ratification of these Agreements. Employees denied sick leave at half-pay under previous criteria for absences on or after April 27, 2004, including employees currently serving waiting periods, must have their eligibility reviewed again under the new criteria. Employees whose sick leave at half-pay was terminated because of a finding of permanent disability are entitled to be returned to sick leave at half-pay status for absences on or after April 27, 2004, provided they are otherwise eligible. However, employees are not entitled to be continued on sick leave at half-pay beyond the point that employment would otherwise end by operation of law, rule or regulation.

Service requirement

Employees are now required to have one **cumulative** year of State service in order to be eligible for sick leave at half-pay. Previously, employees were required to have one continuous year of State service in order to be eligible for sick leave at half-pay under these contract provisions.

Waiting period

Upon employee request, sick leave at half-pay must be granted immediately following exhaustion of leave credits except to employees who have been formally disciplined for leave abuse within the preceding year, provided they are otherwise eligible (i.e., must meet all eligibility requirements including furnishing medical documentation satisfactory to the agency).

Upon exhaustion of leave credits, employees who have been formally disciplined for leave abuse within the preceding year, but who are otherwise eligible for sick leave at half-pay, must be granted sick leave at half-pay following ten consecutive working days of absence (with or

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without charge to leave credits). However, that waiting period may be waived in appropriate cases at agency discretion.

The contract specifically defines the term “formally disciplined for leave abuse” to include only the following circumstances:

- A time and attendance notice of discipline was settled within one year preceding the request for sick leave at half-pay, or
- The employee has been found guilty of the time and attendance charges contained in the notice of discipline within one year preceding the request for sick leave at half-pay, or
- The employee did not contest the time and attendance notice of discipline serviced within one year preceding the request for sick leave at half-pay.

The date of the request for sick leave at half-pay means the date the requested sick leave at half-pay would commence. The preceding year is calculated back from the date the requested half-pay would commence.

**A sick leave at half-pay waiting period cannot be imposed because of a pending notice of discipline that has not been resolved as described above.** Notices of discipline regarding issues other than time and attendance or those dismissed by an arbitrator or umpire or withdrawn by the appointing authority **cannot** be used as a basis for imposing a waiting period for sick leave at half-pay. Warning letters, counseling memos, imposition of a one-day medical certification requirement or identification of an employee under an agency Sick Leave Control Program **do not** constitute a basis for imposing a waiting period for sick leave at half-pay.

Permanent Disability

Provisions permitting termination of sick leave at half-pay in cases of permanent disability have been eliminated. Employees found to be permanently disabled, but who are otherwise eligible for sick leave at half-pay, must be continued on sick leave at half-pay until their available sick leave at half-pay is exhausted or their employment ends by operation of law, rule or regulation, whichever occurs first.

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**Subject:** Leave for Licensure/Certification  
**Unit and Item:** ASU Article 10.21  
ISU Article 10.24  
OSU Article 10.20  
**Manual Reference:** Section 21.12

This provision permits an appointing authority to allow up to three days of leave with pay without charge to leave credits per contract year to an employee in a position which requires certification or a professional license (excluding a "Class D" driver's license) as a minimum qualification. Such leave would be available for the purpose of attending a program that is verified as a requirement for the employee to maintain such license or certification for the employee's position with the State.

Such leave is available at the sole discretion of the appointing authority and is subject to the prior approval of the appointing authority.

Agencies continue to have the discretion to approve use of leave credits for such absences or to deem participation in such programs to be an assignment to duty, in addition to or in lieu of granting leave under these contract provisions.

The leave is not cumulative. Unused leave cannot be liquidated in cash at any time and is canceled at the end of each year of the Agreement.

This provision is not subject to the grievance procedure.

**Subject:** Maternity and Child Rearing Leave  
**Unit and Item:** ASU Article 10.15  
ISU Article 10.18  
OSU Article 10.16  
**Manual Reference:** Section 22.1

This provision entitles employees in these units to delay the start of child care leave where a newborn child must remain in the hospital following birth or to interrupt a period of child care leave after it has commenced for a single continuous period of hospitalization. Previously such delays or interruptions were only available at agency discretion. However, intermittent child care leave continues to be available only at agency discretion.

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Specifically, where a child is required to remain in the hospital following birth, the seven-month mandatory child care leave shall, upon employee request, commence when the child is released from the hospital. If the child is required to be admitted to a hospital for treatment after child care leave has commenced, upon employee request child care leave shall be suspended during a single continuous period of such hospitalization. That period does not count toward calculation of the seven month period.

Similarly when child care leave in connection with adoption has commenced, if the child is required to be admitted to a hospital for treatment after child care leave has commenced, upon employee request child care leave shall be suspended during a single continuous period of such hospitalization. That period does not count toward calculation of the seven month period.

(The language in subsections (a) and (b) of the contract provisions differs slightly. Under State policy, child care leave for birth parents must otherwise be taken within the seven month period beginning with the date of birth. Under the State's adoptive leave policy, child care leave for adoptive parents must **begin** during a designated window period (anytime between placement up to the effective date of adoption) and the entitlement otherwise runs for seven months from the date the leave begins. Because of the window period, adoptive parents have greater flexibility in terms of when the seven month period begins. If an adoptive child is required to remain in the hospital following birth, the adoptive parent could simply delay the start of the adoptive leave.)

In any case where the commencement of child care leave is postponed or where such leave is suspended in accordance with this contract article, any entitlement to mandatory child care leave under this article expires one year from the date of birth of the child for birth parents and one year from the point the leave began for adoptive parents.

This provision applies to hospitalization that occurs on or after April 27, 2004, the date of ratification. Where a continuous period of hospitalization has already commenced prior to April 27, 2004, this provision applies to days that fall on or after April 27, 2004.

Other provisions of the Attendance Rules and the guidelines for administration of those rules, dated January 28, 1982 and March 11, 1982, remain unchanged.

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**Subject:** Leave Donation Program  
**Unit and Item:** ASU Appendix X  
ISU Appendix X  
OSU Appendix X  
**Manual Reference:** Appendix H

Effective April 27, 2004, donations may be made by CSEA-represented employees to CSEA-represented employees in other agencies regardless of whether or not those employees are family members. Provisions governing donation of leave credits across agency lines by employees other than family members will sunset close of business April 1, 2007, unless the parties mutually agree to extend such provisions beyond that date.

Donations to and from employees in other negotiating units, except family members, continue to be limited to those employed in the same agency, unless similar provisions are in effect for those negotiating units.

Donations made across agency lines from non-family members will be treated in the same way as donations across agency lines for family members are currently treated. As is currently the case for donations between family members in different agencies, donations made across agency lines for non-family members will NOT be returned.

Donations made across agency lines must be used prior to donations made within the agency. If agency donations have been used prior to receipt of donations from eligible employees in other agencies, at the point that donations from those employees in other agencies are received, the use of in-house donations should be interrupted and donations from employees in other agencies used before resuming the use of donations from agency employees. In the event that donations are received from more than one employee in another agency, the credits should be used in the order received, that is all days donated by employee A should be used prior to the use of all days donated by employee B.

In the event that donations are received on behalf of employees who have been deemed ineligible for donations, the leave donation forms should be returned to the donor's personnel office with a notation that the recipient is not eligible for the Leave Donation Program and the donated days returned to the donor.

Employees who began sick leave at half-pay because donations were exhausted or because no donations were available may, upon request and at agency discretion, be permitted to interrupt sick leave at half-pay to use donated leave that became available after the sick leave at half-pay commenced. A period of sick leave at half-pay that began prior to April 27, 2004 should be interrupted for donations from outside the agency made on or after April 27, 2004.

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**Subject:** Holidays for Seasonal Employees  
**Unit and Item:** ASU Appendix III  
ISU Appendix III  
OSU Appendix III  
**Manual Reference:** Appendix E

This Appendix was modified to provide an enhanced holiday benefit to certain returning seasonal employees not subject to the Attendance Rules or who have not been granted anticipated eligibility to accrue leave credits and observe holidays.

Specifically, seasonal employees employed to work on a 37.5 or 40-hour per week basis who work at least 25 days in the current season and who were so employed in one of the two seasonal periods (4/1 to 9/30 and 10/1 to 3/31) immediately preceding the current seasonal period are eligible to receive holiday compensation for time worked on all holidays during the current seasonal period. Such compensation is paid retroactively upon completion of five weeks of work. This benefit is first payable for work on holidays during the 10/1/04 –3/31/05 seasonal period for employees who met the prior service requirement during either the 10/1/03 to 3/31/04 or the 4/1/04 to 9/30/04 seasonal period.

As a result of this modification for purposes of holiday benefits, seasonal employees fall into one of four categories:

- (1) Seasonal employees who are not employed to work on a 37.5 or 40-hour per week basis or who do not work at least 25 days during the season. Such employees receive only regular salary for work on a holiday and are not eligible to receive holiday compensation.
  
- (2) Seasonal employees employed to work on a 37.5 or 40-hour per week basis who work at least 25 days during the season and who were **not** so employed during at least one of the two consecutive seasonal periods (4/1 to 9/30 and 10/1 to 3/31) immediately preceding the current seasonal period. Such employees are entitled to additional compensation at their hourly rate, up to a maximum of eight hours for time worked on each of the first three (3) days during their employment in any seasonal period (4/1 to 9/30 and 10/1 to 3/31) which are observed as holidays by the State.
  
- (3) Seasonal employees employed to work on a 37.5 or 40-hour per week basis who work at least 25 days during the current season and who have been so employed during at least one of the two consecutive seasonal period (4/1 to 9/30 and 10/1 to 3/31) immediately preceding the current seasonal period. Such employees are entitled to additional compensation at their hourly rate up to a maximum of eight hours for time worked on all days during their employment in the current seasonal period which are observed as holidays by the State.

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(4) Seasonal employees who have Attendance Rules coverage or have been granted anticipated eligibility. Such employees are treated as any other employee with Rules coverage or anticipated eligibility, except that they receive holiday compensation for holidays worked and are not permitted to elect to receive holiday leave (holiday compensatory time) for time worked on a holiday in lieu of holiday pay.

It should be noted that seasonal employees who have Attendance Rules coverage or anticipated eligibility are the only employees eligible for time off with pay on holidays or to be credited with holiday leave for holidays that fall on pass days off. For other seasonal employees, the seasonal holiday benefit is available only for time worked on covered holidays.

**Subject:** Leave Adjustment Program for Part-Time Annual Salaried Employees  
**Unit and Item:** ASU Article 10.11  
ISU Article 10.16  
OSU Article 10.15  
**Manual Reference:** Appendix D

This program provides eligible part-time annual salaried employees who are scheduled to work additional hours beyond their payroll percentage with leave adjustment credits for that additional time worked. The program was available on a pilot basis under the 1999-2003 CSEA/State Agreements; it is no longer a pilot under the 2003-2007 Agreements.

The program has been modified to provide that the vacation adjustment for employees who earn vacation at the 20-day rate will be calculated based on the 20-day rate. Previously all vacation adjustments were calculated at the 13-day rate.

The provisions regarding the special rate for calculating vacation adjustment credits for employees who earn vacation at the 20-day rate apply to additional hours worked beginning in pay period 1 of fiscal year 2004-2005. The first crediting at this rate will occur within a 60-day period following the end of pay period 13 of fiscal year 2004-2005.

An employee who earns vacation at the 20-day rate must have worked a minimum of three and one quarter (3.25) hours of additional time above the number of hours equated to his/her payroll percentage to earn an additional one quarter (1/4) hour of vacation. Eligible employees are credited with one-quarter (1/4) hour of vacation for every three and one quarter (3.25) hours of additional time worked during the thirteen pay periods under review. For this purpose, time worked includes time charged to leave credits.

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When an employee's seventh anniversary date falls during the 13 pay periods under review, the employee will be credited with vacation adjustment credits at the 13-day rate for those 13 pay periods and thereafter will be credited with vacation adjustment credits at the 20-day rate.

The Appendix includes an example of calculating the vacation adjustment at the 20-day rate. Other changes to the Appendix are strictly editorial in nature.

**Subject: Medical Certification**  
**Unit and Item: Side Letter – ASU**  
OSU  
ISU

**Manual Reference: Section 21.3**

The parties agreed that, upon a final court determination of a current court case concerning medical documentation requirements, they will meet to discuss any possible appropriate changes in contract language concerning the issue of satisfactory medical documentation that may result from such decision.

The current definition of the term, "satisfactory medical documentation," as reflected in the Attendance and Leave Appendices of these Agreements, continues to apply until such time as you are advised otherwise by GOER.

**Subject: Workers' Compensation**  
**Unit and Item: ASU Article 11**  
ISU Article 11  
OSU Article 11

**Manual Reference: Section 21.8**

The CSEA agreements have been changed to provide a nine-month Workers' Compensation wage benefit, the Supplemental Wage Payment Program, which guarantees 60% of gross pay. The benefit will be effective for injuries that have an incident date on or after July 1, 2004.

Prior to the 2003-2007 agreement, CSEA-represented employees received only statutory payments directly from the State Insurance Fund. The CSEA 60 % wage guarantee will be handled and processed in the same manner as the Professional Scientific and Technical Services Unit Supplemental Payment Program.

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Employees may be eligible to receive a supplemental payment from the Office of the State Comptroller while absent on Workers' Compensation if their wage replacement from the State Insurance Fund is less than 60% of their pre-disability gross wages. The pre-disability gross wages are defined as the sum of an employee's base annual salary, location pay, geographic differential, shift differential and inconvenience pay. To qualify for a supplement, a participating employee must have a degree of disability of total (100%) or marked (75%) as determined by the State Insurance Fund and must be within the first nine cumulative months (39 weeks) of disability. Once an employee is determined to be 50 % or less disabled by the State Insurance Fund (moderate or mild disability) or an employee has been absent for more than nine cumulative months (39 weeks), the employee is no longer eligible for supplemental payments except as provided under the Mandatory Alternate Duty policy in Section 11.8 (a) (6) of the Agreements. Supplemental payments will be processed in accordance with instructions issued by the Office of the State Comptroller. These payments will be made following a determination by the State Insurance Fund that the absence is compensable and after issuance of the State Insurance Fund wage replacement. Once the Office of the State Comptroller receives notice, as described in their procedures, from both the State Insurance Fund and the appointing authority that the employee is eligible for a supplement, it will be calculated and issued as indicated.

**Subject: Productivity Enhancement Program**  
**Unit and Item: ASU Article 10.20, Appendix XI**  
**ISU Article 10.23, Appendix XI**  
**OSU Article 10.19, Appendix XI**  
**Manual Reference: Section 26.3**

These Appendices describe the Productivity Enhancement Program (PEP) available to certain employees in the CSEA Units. This program allows eligible employees to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis.

A detailed program description is contained in Policy Bulletin 2004-01 dated July 2004.

This is a pilot program that will sunset December 31, 2007 unless extended by mutual agreement of the parties.

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**Subject:** Over40 Comp Time  
**Unit and Item:** Side Letter – ASU  
OSU  
ISU

**Manual Reference:** Section 23.1, 23.3

The Over40 Comp Time Pilot Program is a three-year pilot program that allows certain employees the option to earn compensatory time at the time and one-half rate (Over40 Comp Time) in lieu of overtime pay for hours worked in excess of 40 in a workweek. The pilot program expires on April 1, 2007, unless both the State and CSEA agree to extend it.

In order to be eligible to enroll in the pilot program, employees must be employed in a bargaining unit represented by CSEA and be employed in an overtime eligible position allocated to salary grades 22 and below. Employees are not required to have Attendance Rules coverage to be entitled to enroll.

The memoranda dated June 7 and June 30, 2004 issued by the Governors Office of Employee Relations transmitted the Over40 Comp Time Pilot Program Description and enrollment form for distribution to interested employees. As described in that material, the enrollment period for the first year of the program is July 1, 2004 to July 15, 2004. Employees who elect to participate will now be eligible to receive Over40 Comp Time for overtime worked for the period of July 16, 2004 to March 23, 2005 (for employees on the Administration payroll) or March 30, 2005 (for employees on the Institution payroll). In the second year of the pilot program, employees who enroll will be eligible to receive Over40 Comp Time beginning March 24, 2005 (for employees on the Administration Payroll) or March 31, 2005 (for employees on the Institution payroll).

Once employees enroll, they must participate for the entire year of the pilot in which they enrolled. Employees are not permitted to withdraw during the period for which they enrolled. However, they are not required to enroll in subsequent years of the pilot.

Eligible employees will earn Over40 Comp Time at the time and one-half rate for all overtime hours worked in excess of 40 hours in a workweek until they reach the 120 hour maximum.

Over40 Comp Time earned at the time and one-half rate must be recorded in a separate column on the employee's time records. The Over40 Comp Time must be segregated from the overtime compensatory time earned for hours worked between 37.5 and 40 in a workweek by overtime eligible employees in 37.5 hour workweek positions. Employees who reach the 120-hour maximum for Over40 Comp Time are prohibited from earning any additional Over40 Comp Time until that balance is reduced below the 120 hour maximum. Employees who reach the 120

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hour maximum must be paid at the overtime rate for any additional overtime worked beyond 40 hours in a workweek until their balance is reduced below 120 hours.

If an employee was previously allowed to earn compensatory time at the time and a half rate for hours worked beyond 40 in a workweek under an agency labor management agreement or as an M/C employee (FLSA overtime compensatory time), and that employee is now in the CSEA unit in the same agency and eligible to participate in the Over40 Comp Time Program, the employee can enroll in the CSEA program even if his/her current balance of FLSA overtime compensatory time exceeds the 120 hour CSEA maximum. The employee keeps the existing balance of FLSA overtime compensatory time. However, since existing balances of FLSA overtime compensatory time count toward the 120-hour Over40 Comp Time maximum, the employee cannot earn any Over40 Comp Time under the CSEA program until the FLSA overtime compensatory time balance drops below the 120-hour maximum. Any overtime worked until the balance is reduced below 120 must be compensated in cash. If the balance drops below 120 hours, the employee can then earn up to the 120 hour maximum but must receive overtime pay for any further overtime worked.

If an employee in a CSEA unit who participated in the Over40 Comp Time program, moves to an M/C position in the same agency, the employee retains existing Over40 Comp Time and may be eligible to earn FLSA comp time in the new unit. The existing balance transferred from the CSEA position counts toward the 240 maximum of FLSA overtime compensatory time in the new unit. In other words if the employee had 120 hours when he/she leaves the CSEA position, the employee can earn another 120 hours in the M/C position until he/she reaches the 240 FLSA overtime compensatory time maximum.

If an employee enrolled in the Over40 Comp Time program is recalled outside his/her basic workweek and works less than a half day, the employee is entitled to 4 hours of overtime recall multiplied by time and one half, which gives the employee 6 hours of Over40 Comp Time on the time card.

When multiplying the amount of overtime worked in a workweek by time and one half to calculate Over40 Comp Time to be credited, the result may be less than an even quarter hour. For example, .25 hour of overtime worked  $\times 1.5 = .375$ . In such cases, agencies should credit .25 hour and retain the .125 remainder until the amount of retained credit equals .25 hour. In this example, if the employee works .25 hour of overtime in the following workweek, the employee is entitled to be credited with .50 hour of Over40 Comp Time (.375 in the current workweek and the .125 remainder from the previous workweek).

Over40 Comp Time may be used in quarter hour units, or smaller units if a local labor/management agreement on units of use of leave credits so provides. Use of Over40 Comp Time is subject to prior approval in accordance with agency procedures.

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Use of Over40 Comp Time is subject to the same rules for use as the comp time earned for hours between 37.5 and 40. For example, all leave credits must be exhausted before granting sick leave at half-pay, including Over40 Comp Time. Unlike overtime compensatory time earned by employees in 37.5-hour workweek positions for hours worked between 37.5 and 40 in a workweek, Over40 Comp Time has no expiration date. Employees retain their balance of Over40 Comp Time even if they no longer participate in the program.

Whenever movement takes place between classified service positions in the same agency or within the classified service between facilities or institutions within the same agency (for example SUNY, DOCS, Health, OMH, OMRDD), credits are transferred. This is true even if the employee's bargaining unit changes within the same agency.

An employee receives cash compensation for Over40 Comp Time whenever the employee:

- Separates for any reason from State service;
- Moves from the classified service to the unclassified service (including the State University system);
- Moves to a position subject to Attendance Rules for Institution Teachers;
- Moves to an agency or entity subject to a reciprocal agreement; or
- Moves to a position in the classified service in another agency.

Employees who are on leave from a position subject to the Attendance Rules, including military leave, are not eligible for a lump sum payment until the leave ends.

Cash payment for Over40 Comp Time is paid at the straight time rate of pay at time of separation, but in no event shall be less than FLSA requirements. Accordingly, cash payment may not be less than the minimum wage. Additionally, cash payments may not be less than the rate of basic pay at the time it was earned.

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TO: State Departments and Agencies  
FROM: Terry Jordan, Director of Staffing Services  
SUBJECT: Implementation of Productivity Enhancement  
Program for CSEA Represented Employees

The Productivity Enhancement Program (PEP) allows eligible CSEA represented employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. Attached please find the Program Description and the enrollment form for the 2004 portion of PEP. Please note that the period during which the program will be available has been modified slightly since the signing of the 2003-2007 State/CSEA collective bargaining agreements. A Memorandum of Understanding has been signed with CSEA to facilitate this change to the program.

As detailed in the Program Description, the 2004 portion of the program will run from September 30 through December 31. The enrollment period for this part of the program will be conducted from August 2 through August 27, 2004. The program will be run for the entire calendar year in 2005, 2006 and 2007.

Implementation of the program will require action on the part of agency personnel officers, agency timekeepers and agency health benefits administrators. Specifically, agency personnel officers will be responsible for (1) providing interested employees with program descriptions and enrollment forms; (2) verifying employee eligibility to participate; and (3) notifying timekeepers and health benefits administrators of participant enrollments and separations from service. Agency timekeepers will be responsible for adjusting the vacation and/or personal leave balances of participants upon enrollment. Questions regarding employee eligibility and leave transactions should be directed to the Attendance & Leave Unit of the Department of Civil Service at (518) 457-2295.

Agency health benefits administrators (HBAs) are responsible for (1) processing the Health Insurance Contribution Credit (HICC) for PEP enrollees; and (2) processing adjustments to the HICC as a result of coverage changes (individual vs. family). The Employee Benefits Division will be issuing a separate document with specific instructions for HBAs. Questions regarding health insurance transactions should be directed to your agency's processor in the Employee Benefits Division Operations Unit.

Attachments: PEP Program Description  
Enrollment Form

## **PRODUCTIVITY ENHANCEMENT PROGRAM (PEP) DESCRIPTION**

### **OVERVIEW**

The Productivity Enhancement Program (PEP) allows eligible employees in the Executive branch to exchange previously accrued annual leave (vacation) and/or personal leave in return for a credit to be applied toward their employee share NYSHIP premiums on a biweekly basis. In no case can the credit available under the program be applied to the employer share of NYSHIP premiums.

During calendar year 2004, the program will be available for the period September 30 through December 31. Full-time employees who enroll in this portion of the program will forfeit a total of 0.75 day (5.75 hours or 6 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to \$100 (see Calculation of Credit on page 3) to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks issued between September 30, 2004 and December 31, 2004.

The program will be available for the entire calendar year in 2005, 2006 and 2007. Full-time employees who enroll in the program for any of these years will forfeit a total of 3 days (22.5 or 24 hours for 37.5 and 40 hour workweeks, respectively) of annual and/or personal leave standing to their credit at the time of enrollment in return for a credit of up to \$400 to be applied toward the employee share of NYSHIP premiums deducted from biweekly paychecks in that year. During each of these years the credit will be divided evenly among the State paydays that fall between January 1 and December 31.

As discussed below under "Eligibility," part-time employees who meet the eligibility criteria for the program will be allowed to participate on a prorated basis during each year in which it is offered.

Once enrolled for a program year, employees continue to participate in that year unless they separate from State service or cease to be NYSHIP contract holders. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who cease to be eligible for participation in the program.

The full leave forfeiture will be deducted at the time of enrollment.

During any calendar year in which an employee participates, the health insurance premium credit established upon enrollment in the program will be adjusted only if the employee moves between individual and family coverage under NYSHIP during that calendar year. Therefore, once an employee enrolls for that calendar year, any subsequent changes in employment percentage during the year will have no impact on the health insurance premium credit.

Disputes arising from this program are not grievable. This is a pilot program that will sunset on December 31, 2007 unless extended by mutual agreement of the parties.

## **ENROLLMENT**

Eligible employees who wish to participate in the 2004 portion of the program must file an election form with their agency personnel office between August 2, 2004 and August 27, 2004.

The enrollment period for other program years will be conducted during the month of October immediately preceding that year.

Employees will be required to submit a separate enrollment for each calendar year in which they wish to participate.

## **ELIGIBILITY**

In order to enroll an employee must:

- Be a classified or unclassified service employee in the Executive branch in a title below Salary Grade 18 or equated to a position below Salary Grade 18.
- Be an employee covered by the 2003-2007 New York State/CSEA collective bargaining agreements;
- Have a minimum combined balance of annual and personal leave of at least 8 days after making the forfeiture; and
- Be a NYSHIP enrollee (contract holder) in either the Empire Plan or an HMO at the time of enrollment.

### *Part-Time Employees*

Eligible part-time employees may participate on a prorated basis. Part-time annual-salaried employees who meet these eligibility requirements will be eligible to participate on a prorated basis in accordance with their payroll percentage. Additional hours that these employees work beyond their payroll percentage are not counted for this purpose. In cases where the payroll percentage of these employees results in a leave forfeiture that is not a quarter-hour increment, the leave forfeiture should be rounded to the nearest quarter-hour (rounding up when the resulting figure is exactly between two quarter-hour increments).

Part-time hourly and per diem employees who meet the eligibility requirements may participate on a prorated basis in accordance with their employment percentage. In cases where the work schedules of such employees fluctuate, agencies should contact the Attendance & Leave Unit of the Department of Civil Service at (518) 457-2295 for guidance in determining the appropriate employment percentage. The same rounding principles described above for part-time annual-salaried employees, should be applied to these employees.

### *Voluntary Reduction in Work Schedule (VRWS)*

Employees on Voluntary Reduction in Work Schedule (VRWS) agreements who elect to participate in the program do so as full-time employees. If eligible, they exchange the appropriate number of full-time days of annual and/or personal leave for the maximum health insurance premium credit allowable under the program (i.e., up to \$100 in 2004 and up to \$400 in 2005, 2006 and 2007). As stated earlier, in 2004 the forfeiture for full-time employees is 0.75 day (i.e., 5.75 or 6 hours). In 2005, 2006, and 2007 the forfeiture for full-time employees is 3 full days (22.5 or 24 hours in 2005, 2006, and 2007).

### *Re-employed Retirees*

Retired New York State employees who have returned to work must meet all the eligibility criteria for participation in the program and must have the employee share of their NYSHIP health insurance premium deducted from their biweekly paycheck. Re-employed retirees who retain retiree status for health insurance purposes are not eligible to participate.

## **CALCULATION OF CREDIT**

For the 2004 portion of the program, the credit that will be applied to participants' biweekly employee share premiums can be calculated as follows:

### Full-Time Employees

The biweekly credit is equal to \$14.29 (\$100 divided by 7 paychecks) OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

### Part-Time Employees

The biweekly credit is equal to \$14.29 multiplied by the employee's payroll/employment percentage OR the biweekly cost of the enrollee's employee share NYSHIP contribution, whichever is less.

## **LEAVES OF ABSENCE**

Participants who go on sick leave at half-pay during a year in which they are PEP enrollees will continue to have the health insurance premium credit applied to the employee share of health insurance premiums deducted from biweekly paychecks.

PEP enrollees who go on leave without pay (LWOP) and do not receive a waiver of premium continue to participate in the program, paying the employee share of the NYSHIP health insurance premium at the reduced rate. Additionally, they pay the employer share of the health insurance premium where required. No portion of the health insurance premium credit available under the program can be applied toward the employer share of the health insurance premium. Leave forfeited in association with the program will not be returned, in whole or in part, to employees who receive a waiver of premium.

PEP enrollees who go on Workers' Compensation leave continue to participate in the program. They continue to receive the health insurance premium credit. For employees eligible to defer NYSHIP premiums until return to the payroll, only that portion of the employee share premium which is not offset by the health insurance premium credit, if any, is deferred until the employee returns to the payroll. However, employees eligible to receive supplemental payments while on Workers' Compensation leave will have the health insurance premium credit applied to any employee share premium deducted from such supplemental payments.

### **INSURANCE ISSUES**

An employee enrolled in PEP who moves between individual and family coverage under NYSHIP will have his/her health insurance contribution credit adjusted upward or downward as appropriate.

If both spouses are State employees covered under a single family contract, only the contract holder who carries the family coverage can participate in PEP. If both spouses are enrolled contract holders, both may participate in PEP if otherwise eligible.

The Employee Benefits Division of the Department of Civil Service will issue guidelines for agency Health Benefits Administrators concerning the processing of enrollment and status changes for PEP participants.

### **TAXABILITY**

By electing to participate in PEP, an employee reduces the amount deducted from biweekly paychecks to pay the employee share of NYSHIP premiums. If the employee currently has that amount deducted on a pretax basis, the PEP health insurance premium credit reduces that pretax deduction. The net effect is that the amount of income the employee pays taxes on increases by the amount of the health insurance premium credit. While employees will realize net savings because of the PEP credit, the amount of that savings will be less than the full amount of the PEP credit for anyone currently paying NYSHIP premiums on a pretax basis. Furthermore, for each year of participation in PEP, employees who participate in the pre-tax premium contribution program may only make changes to health insurance in accordance with pre-tax premium contribution program rules regarding qualifying events, even though the PEP credit eliminates all or part of the health insurance premium deduction.

Employees should be referred to their income tax preparer for questions regarding the tax implications of participation in the PEP.

**Productivity Enhancement Program for 2004 – Enrollment Form**

Name \_\_\_\_\_ SS# \_\_\_\_\_

Health Insurance Plan \_\_\_\_\_

Individual [ ] or Family Coverage [ ] (CHECK ONE)

By signing this document, I elect to participate in the 2004 portion of the Productivity Enhancement Program (PEP) and agree to the provisions contained in the Productivity Enhancement Program Description (hereafter Program Description) that is available in my agency personnel office. I understand that I must meet the eligibility criteria elaborated in the Program Description in order to participate.

I understand that full-time employees will surrender 0.75 day (i.e., 5.75 or 6 hours for 37.5 and 40 hour workweeks, respectively) of vacation and/or personal leave as a result of participation (prorated for eligible part-time and hourly employees) and that ALL of these leave credits will be deducted from my leave balances at the time my enrollment is processed. Furthermore, I understand that no portion of this leave will be returned to me under any circumstances. I wish to apportion this leave forfeiture as follows:

\_\_\_\_\_ Hours of Vacation Leave      \_\_\_\_\_ Hours of Personal Leave

In exchange for forfeiting this accrued leave I will receive a health insurance contribution credit (hereafter "credit") of up to \$100 to be applied against the employee share cost of NYSHIP health insurance premiums paid between September 30, 2004 and December 31, 2004. Pursuant to the program description, the amount of this credit will be established at the time of enrollment and will be adjusted only upon movement between individual and family coverage. I will not receive any amount of credit that exceeds the cost of the employee share of my NYSHIP health insurance premiums paid during that period.

I understand that my participation in this program automatically ends on December 31, 2004 and that I will be required to submit a new enrollment form if I wish to participate during 2005.

I understand that in order to participate this completed election form must be filed with my agency personnel office by the close of business on August 27, 2004.

Signature \_\_\_\_\_ Date \_\_\_\_\_

---

**For Agency Personnel Office Only:**

Employee's payroll/employment percentage: \_\_\_\_\_

Hours of leave deducted from employee's balance:

Vacation \_\_\_\_\_ Personal \_\_\_\_\_ Date \_\_\_\_\_

**Verification of eligibility.** I certify that this applicant meets the eligibility criteria necessary for participation in this program.

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**For Health Benefits Administrators Only:**

Date Processed \_\_\_\_\_

Biweekly Health Insurance Contribution Credit \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Copy 1 – Health Benefits Administrator

Copy 2 – Personnel Office/Attendance Records

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**To: Manual Holders**  
**From: William Doyle**  
**Director, Staffing Services Division**  
**Subject: Contract Implementation Memorandum - Attendance and Leave Items in 1999-2003 Negotiated Agreements with NYSCOPBA and Council 82**

**ATTENDANCE AND LEAVE ITEMS**

**1999-2003 Agreement Between the State of New York and the New York State Correctional Officers and Police Benevolent Association for employees in the Security Services Unit (SSU)**

**1999-2003 Agreement Between the State of New York and Council 82 for employees in the Security Supervisors Unit (SSpU)**

**Introduction**

The following material has been prepared to assist you in implementing attendance and leave provisions contained in the 1999-2003 State/NYSCOPBA Agreement and the 1999-2003 State/Council 82 Agreement. References to applicable sections of the State Attendance and Leave Manual (Manual) are included. Questions concerning this material may be directed to the Attendance and Leave Unit of this Department at (518) 457-2295.

**Effective Dates**

These provisions are effective October 27, 2000 for employees in the Security Services Unit and July 31, 2000 for employees in the Security Supervisors Unit, the respective dates of ratification of these Agreements, except as follows:

<u>Benefit</u>	<u>Date</u>
Employee Organization Leave	April 1, 1999
200 days sick leave applied toward health insurance in retirement	January 1, 2000
Leave Donation Program	SSU - December 5, 2000 SSpU - December 12, 2000

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**Subject: Confidentiality of Medical Documentation**

**Unit and Item: SSU Bill of Rights  
SSpU Bill of Rights**

**Manual Reference: Section 21.3, pp. C-12 - C-13**

This provision confirms the requirement that medical documentation must be handled in a confidential manner to prevent perusal by unauthorized persons or disclosure of content to unauthorized persons. This provision does not require the withholding of information reasonably required by appropriate agency staff in the exercise of their normal and regular responsibilities. However, in all cases, great care should be exercised to protect employees against the inappropriate dissemination of or access to medical information.

**Subject: Holiday Observances**

**Unit and Item: SSU Article 16.4(b)  
SSpU Article 16.4(b)**

**Manual Reference: Section 21.1, Policy Bulletins 88-01 and 89-01**

This provision extends to employees in the SSU and SSpU the same benefit available to employees in the ASU, ISU, OSU, DMNA and PS&T Units. It provides alternate observance dates when Christmas Day and New Year's Day fall on Sundays and, under the General Construction Law, are observed on the following Mondays.

Specifically, employees in these units whose regular work schedule includes Sunday, December 25 and/or Sunday, January 1 shall observe these holidays on those dates and, in that event, Monday, December 26 and Monday, January 2 shall not be considered as holidays for them.

Employees in these units for whom Sunday, December 25 and Sunday, January 1 are pass days will observe Christmas on Monday, December 26 and New Year's Day on Monday, January 2.

A regularly scheduled workday is a day on which the employee is normally scheduled to work as part of his/her 37.5 or 40-hour basic workweek. It does not mean a day that is scheduled as the employee's pass day but on which the employee is scheduled or directed to work on an overtime basis.

**Subject: Employee Organization Leave**

**Unit and Item: SSU Article 5.3**

**Manual Reference: Section 21.12, pp. C-19 - C-28**

In order to permit more flexibility in use of EOL for internal union business, Article 5.3(a) has been modified to eliminate allocation of EOL days by specific category. However, the total number of days of non-cumulative EOL allowed to attend meetings for internal administrative

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functions and policy committees during each year of the agreement - 740 days - continues unchanged and requests continue to require approval of GOER.

The language in Article 5.3(c) has been changed to reflect the fact that NYSCOPBA holds Executive Assembly meetings, not union conventions.

Article 5.3(e) has been modified to better reflect NYSCOPBA's administrative structure. Specifically, the Union Negotiating Committee shall not be comprised of more than one Union committee member from any one facility or region eligible to receive leave for the purpose of collective negotiations for a successor Agreement, except that this restriction shall not apply to Chairs of Standing Committees. Article 5.3(f) has been modified to increase the number of days of advance notice from 5 to 14 which the union must provide to GOER in connection with requests to use EOL pursuant to 5.3(a). However, GOER retains the flexibility to approve late requests.

**Subject: Employee Organization Leave**

**Unit and Item: SSpU Article 5.3**

**Manual Reference: Section 21.12, pp. C-19 - C-28**

In order to permit more flexibility in use of EOL for internal union business, Article 5.3(a) has been modified to eliminate allocation of EOL days by specific category. However, the total number of days of non-cumulative EOL allowed to attend meetings of the Union's Executive Board, policy committees and other statewide Council 82 meetings during each year of the agreement - 142 days - continues unchanged and requests continue to require approval of GOER.

Article 5.3(e) has been modified to provide that EOL for the purpose of entering into collective negotiations for a successor agreement shall not be granted to more than one Union committee member from any one facility, except that this restriction shall not apply to the Council President, Corrections and Law Enforcement Policy Chairs and the President of the Corrections Lieutenants Local.

Article 5.3(f) has been modified to increase the number of days of advance notice from 5 to 7 which the Union must provide to GOER in connection with requests to use EOL pursuant to 5.3(a). However, GOER retains the flexibility to approve late requests.

Article 5.3(g) reflects changes in the internal accounting of usage of EOL pursuant to 5.3(a). The new language provides that, upon the request of the Union, GOER shall provide the Union a statement showing the remaining EOL available for the current Agreement year pursuant to paragraph 5.3(a).

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**Subject: Discipline**  
**Unit and Item: SSU Article 8.4(a)(3)**  
**SSpU Article 8.4(a)(3)**  
**Manual Reference: Section 22.1, pp. C-1 - C-2**

Employees in these units are no longer required to serve a waiting period prior to being permitted to charge appropriate leave credits during a period of disciplinary suspension. Previously, employees were required to wait 20 calendar days before leave credits could be charged. Appropriate leave credits are previously accrued credits other than sick leave. The use of appropriate leave credits is now available for disciplinary suspensions under both 8.4(a)(1) and 8.4(a)(2). Previously the use of leave credits was not available in connection with suspensions under 8.4(a)(2) where the employee has been charged with the commission of a crime. Employees who wish to exercise the option to charge leave credits must provide written notification to their supervisor.

As is the case for all negotiating units which have this provision, employees in these two units who exercise their contractual option to charge credits during a period of disciplinary suspension continue to be in leave without pay status.

They do not earn leave credits although this charging of credits places them in full pay status for the required number of days per pay period that would normally entitle them to earn accruals. Moreover, these employees are not eligible to observe holidays which fall during a period of disciplinary suspension charged to credits. Thus, in a pay period in which a holiday fell, the employee would be required to charge ten days of leave credits rather than nine.

If the employee's personal leave anniversary date falls during a period of disciplinary suspension, regardless of whether or not the employee elects to charge leave credits, the employee's personal leave anniversary date changes to the date the employee returns from disciplinary suspension to regular pay status and the employee is credited with his/her personal leave days on the new personal leave anniversary date. In other words, the personal leave anniversary date is adjusted in the same manner it would be if the employee were in any other leave without pay status when his/her personal leave anniversary date fell.

The vacation anniversary date is also adjusted in accordance with normal leave without pay provisions, regardless of whether or not the employee on disciplinary suspension opts to charge credits. Specifically, if the disciplinary suspension is under six months, the vacation anniversary date remains unchanged and, if the vacation anniversary date falls during the period of disciplinary suspension, the employee is credited with vacation bonus days or additional vacation days upon return from disciplinary suspension to regular pay status. If the disciplinary suspension exceeds six months, the vacation anniversary date is adjusted and the employee is credited with vacation bonus days/additional vacation days on that adjusted anniversary date.

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This provision specifically excludes use of sick leave during a period of disciplinary suspension. The suspension takes precedence over an illness or disability an employee may develop during such time. Once an employee exhausts all available credits other than sick leave, he/she is placed on suspension without pay regardless of any existing ordinary disability or available sick leave credits.

Upon an award of back pay for a period during which leave credits were charged, leave accruals so used must be restored to the employee. This is accomplished by reconstructing the employee's leave records for the period covered by the back pay award. If the personal leave and/or vacation anniversary dates were adjusted because of the disciplinary suspension, this reconstruction of the employee's leave records includes a return to the original (unadjusted) personal leave and/or vacation anniversary dates and the employee is credited with personal leave and vacation days as appropriate on those dates. Personal leave is not restored if the personal leave anniversary date on which such credits would have lapsed has passed. There is no maximum limit on the restoration of vacation credits under this provision and the employee is deemed to have exercised his/her rights under Article 14.1, which provides an exception to the 40-day vacation maximum, but credits in excess of 40 days may not be carried forward to October 1st.

**Subject: Sick Leave Accumulation**

**Unit and Item: SSU Article 14.4**

**SSpU Article 14.4**

**Manual Reference: Section 21.3, pp. 11, C-1 - C-2**

Employees in these units may apply up to 200 days of accrued sick leave credits toward the cost of health insurance in retirement for retirements occurring on or after January 1, 2000. The State has negotiated to increase the number of accrued and unused sick leave days which may be used as retirement service credit at time of retirement from 165 to 200 days.

Subject to applicable maximums, the same accrued sick leave days can be applied for both purposes. Application of sick leave balances for these purposes provides benefits based on an employee's sick leave balance at time of retirement, but does not actually liquidate those credits. Therefore, employees who return to State service within one year following retirement or who are reinstated at any time by the Civil Service Commission or other process of law are entitled to have their sick leave balance restored in full, despite the fact that they received retirement service credit and credit applied toward their health insurance premiums in retirement based on that sick leave balance.

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**Subject: Jury Duty**  
**Unit and Item: SSU Article 14.8**  
**SSpU Article 14.8**

**Manual Reference: Section 21.9, pp. 1, C-1 and Policy Bulletin No 98-01**

Changes in the language of this provision were made to conform to amendments to Section 21.9 of the Attendance Rules which were effective February 4, 1998. These contract provisions do not provide any leave privileges not already available under the Attendance Rules. They do, however, extend these privileges to employees in these units who may not be subject to the Attendance Rules. They also make appointing authority determinations concerning employee requests for jury leave or leave for court ordered appearances for employees in these two units subject to the contract grievance procedure.

Specifically, overtime ineligible employees who are required to appear as a witness in response to a subpoena or other order of a court or quasi-judicial body for any period of less than a workweek are entitled to leave with pay for such appearance, even if the employee is a party to the action (defendant or plaintiff). Such employees are not eligible for paid leave for absences of a full workweek if they are a party to the action. Overtime eligible employees continue to be ineligible for paid leave for absences of any duration if they are parties to the action.

For this purpose, a workweek is based on the Thursday through Wednesday payroll workweek and includes all days in the employee's normal work schedule that fall within that Thursday through Wednesday workweek period.

For example, an overtime ineligible employee who is a party to the action and is required to appear as a witness from Monday through Friday is eligible for paid leave for this entire five-day period since three days (Monday through Wednesday) fall in one workweek and two days (Thursday and Friday) fall in the second workweek. The employee was therefore absent for less than a full workweek in two separate workweeks. If this employee were required to appear as a witness from Thursday through the following Thursday (a workweek and a day), the employee is not eligible for paid leave for the Thursday through Wednesday workweek but would be eligible for paid leave for the single day (Thursday) falling in the second workweek.

This provision is nullified if there is a change in the FLSA, in which case overtime ineligible employees, like overtime eligible employees, do not receive paid leave if they are parties to the action.

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**Subject: Medical Verification**

**Unit and Item: SSU Article 14.11  
SSpU Article 14.11**

**Manual Reference: Section 21.3, pp. C-16 - C-18**

Changes in the language of this provision were made to conform the language to that applicable to employees in CSEA Units. The manner in which this benefit is to be administered remains unchanged.

Specifically, this Article refers to medical examinations required of employees in accordance with Subdivision (e), Section 21.3 of the Attendance Rules. This Article does not apply to workers' compensation injuries or to actions pursuant to Section 72 of the Civil Service Law. This Article confirms the appointing authority's right to require an employee who has been absent due to personal illness, as a condition of returning to work, to undergo a medical examination at the appointing authority's expense by a physician selected by the appointing authority. This Article is designed to provide specific protection from loss of income when employees are denied return to duty because of employer-caused delays in the scheduling of medical examinations as a condition of return to work.

When an employee in this unit has been absent because of illness or injury, he/she may be required to provide medical documentation confirming his/her fitness for duty and to submit to a medical examination by a physician selected by the appointing authority as a condition of return to work. If an employee is required to submit to such a medical examination, the 20 workdays within which the appointing authority is expected to complete the examination should be calculated as follows:

If an employee submits medical documentation stating fitness for duty and giving a return to work date which is ten workdays or fewer from the date the documentation is submitted, the appointing authority has a total of 20 workdays from receipt of the notice to complete the medical examination. This includes the ten workdays or fewer of advance notice and a sufficient number of workdays beyond the proposed return to work date to total 20 workdays. In other words, if the employee gives less than 10 days' notice, the appointing authority has 20 days from the date of notice to complete the exam or the employee is put in pay status without charge to leave credits on the 21<sup>st</sup> day from the date of notice.

If an employee submits medical documentation stating fitness for duty and giving a return to work date which is more than ten workdays from the date the documentation is submitted, the appointing authority has from receipt of the notice to a maximum of ten workdays beyond the expected date of return to complete the examination. In other words, if the employee gives more than ten days' notice, the appointing authority has ten days beyond

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the specified return date to complete the exam or the employee is put in pay status without charge to leave credits on the 11<sup>th</sup> day following the return date.

If no decision is reached concerning the employee's request to return to duty within the time limits, the employee shall be placed on leave with pay without charge to credits and not allowed to return to duty. However, leave with pay is not granted where the delay in determining the employee's fitness is caused by the employee's failure to appear for the medical examination or otherwise to cooperate in its scheduling and holding.

If the physician selected by the appointing authority finds that the employee is not fit for return to duty, the employee is placed on appropriate leave charged to leave credits, sick leave at half-pay or, if necessary, on leave without pay as of the date of receipt of the physician's report. Reexaminations by the appointing authority's physician (where the employee is found unfit for duty) are not required more often than once a month and if the physician has set a date for reexamination or return to duty, not before such specified date.

This Article shall not be construed to require the extension of any employment beyond the time it would otherwise terminate or would be terminated, for example, under Section 73 of the Civil Service Law.

Employees required to submit to a medical examination conducted by a physician selected by the appointing authority are entitled to be reimbursed for actual and necessary travel, meal and lodging costs incurred as a result of travel in connection with such examination. Such reimbursement is to be made in accordance with the Comptroller's Rules and Regulations.

**Subject: Leave Donation Program**  
**Unit and Item: SSU Memorandum of Understanding**  
**SSpU Memorandum of Understanding**  
**Manual Reference: Appendix H, Leave Donation - Policy Bulletin 2001-02**

The Leave Donation Program is no longer a pilot program for employees in these units. Furthermore, employees are no longer required to have completed a year of State service in order to be eligible to receive leave donations.

Employees in these units may donate to and receive leave donations from eligible family members employed in other State agencies who are covered by leave donation agreements permitting such donations. For leave donation purposes, the definition of family is the Attendance Rules definition: any relative or relative-in-law, regardless of place of residence, or any person with whom the employee resides. The effective date for this provision is December 5, 2000 for the SSU and December 12, 2000 for the SSpU.

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TO: Manual Holders  
FROM: Robert W. DuBois, Director   
Employee Benefits Division  
SUBJECT: Attendance and Leave Items in the  
1999-2003 Negotiated Agreement Between the State of New York and the  
Public Employees Federation for Employees in the Professional, Scientific and  
Technical Services Unit

## INTRODUCTION

The following material has been prepared to assist you in implementing the new or revised attendance and leave provisions contained in the 1999-2003 State/PEF Agreement. References to applicable sections of the State Attendance and Leave Manual (Manual) are included.

## EFFECTIVE DATES

These provisions are effective as of August 11, 2000, the date of ratification of the Agreement, except as follows:

<b><u>Benefit</u></b>	<b><u>Date</u></b>
Health Option Program	January 1, 2001
VRWS Program modifications	First full biweekly payroll period in October, 2000
200 days of sick leave for health insurance in retirement	January 1, 2000

Questions concerning this material should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

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**CONTRACT PROVISIONS**

**12.1 (d) Holiday Observance - Floating Holidays**

**Manual Reference - Section 21.1, pp. C-4 and C-5**

This Article has been modified to provide that employees cannot be required to use floating holidays in units greater than one-quarter hour. This provision does not supercede any local agreements which provide for liquidation in smaller units of time. Previously, employees were required to use floating holidays in full day units. All other provisions regarding the designation, crediting, use and expiration of floating holidays remain unchanged.

**12.8 (b) Use of Sick Leave Credits for Health Insurance in Retirement**

**Manual Reference - Section 21.3, pp. 9, 11, C-1**

This Article has been revised to increase the maximum number of accrued sick leave days an employee who retires on or after January 1, 2000 can use to pay for health insurance in retirement from 165 to 200 days. The maximum number of sick leave days that can be used for retirement service credit remains capped at 165.

Subject to the maximums described above, the same accrued sick leave days can be applied for both purposes. Application of sick leave balances for these purposes provides benefits based on an employee's sick leave balance at time of retirement, but does not actually liquidate those credits. Therefore, employees who return to State service within one year following retirement or who are reinstated by the Civil Service Commission or other process of law are entitled to have their sick leave balance restored in full, despite the fact that they received retirement service credit and credit applied toward their health insurance premiums in retirement based on that sick leave balance.

**12.15 Leave for Professional Meetings**

**Manual Reference - Section 21.12, p. C-1**

Employees in this unit may now use leave available under this Article to attend programs which are necessary for the employee to maintain or obtain licensure or accreditation in the employee's position with the State. The training need not be offered by a professional organization.

For example, such leave is available for an employee who holds the position of attorney to attend required continuing legal education sessions. However, employees are not eligible for leave for

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this purpose to maintain or obtain licensure or accreditation in a profession in which they are not employed by the State. For example, an employee who is an attorney by profession but who is employed by the State as an engineer would be eligible to use leave under this Article for programs for licensure or accreditation as an engineer, but not for programs for continuing legal education.

Other provisions of this Article remain unchanged. Professional meeting leave continues to be available to attend conferences or seminars of recognized professional organizations which are directly related to the employee's profession or professional duties. The employee need not be a member of the professional organization in order to be eligible to request use of leave to attend professional meetings.

The number of days available under this Article for all purposes, including travel time, remains capped at a total of three days per fiscal year. Such leave is not cumulative and unused leave for this purpose is cancelled at the end of each year of this Agreement. There is no cash payment for unused leave at separation.

Leave under this Article requires prior approval. Agencies continue to have the discretion to restrict absence under this Article for any conference or at any one time to five percent of the profession in the operating unit (e.g., institution, hospital, college, main office or other appropriate facility) and to base approval to attend on a determination that the activity to be undertaken will benefit the agency and that the absence will not interfere with the proper conduct of governmental functions.

This contract item does not guarantee that every eligible employee will receive three days leave with pay each year. Because of the timing of employee requests for the leave, the need to conduct governmental functions and imposition of the five percent of staff limitation, some employees may receive less than the maximum number of days allowed. Whenever possible, employing agencies should take appropriate steps to ensure that the leave is equitably distributed among eligible employees in the operating unit.

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**12.17 Maintenance of Time Records  
Manual Reference - Section 20.2, p. C-1**

Time Records

All employees in the PS&T Unit are now required to keep a detailed record of attendance including actual hours worked and leave credits earned and charged. This is not an option; this is a requirement which applies to employees in this unit in all agencies. Previously, employees in this unit who were ineligible for overtime were only required to keep a record of presence and absence, including credits earned and charged.

A detailed record of attendance showing actual hours worked includes the time the employee begins work, time of departure and return from meals and time of departure at the end of the work period, as well as any additional departures and returns. The record must indicate credits earned and charged and a certification statement attesting to the accuracy of the record.

Forms may be paper or electronic. An electronic form on which an employee makes entries on a self-accounting basis in the same manner that entries would be made on a paper time record is not an electronic recognition system.

It is permissible to use a two-part form as the official record of attendance. Such a two-part form exists when an agency requires employees to both 1) record times of arrivals and departures on a sign-in/sign-out sheet, and 2) complete a time record showing total hours worked each day, including a daily record of absences and leave credits earned and used. In such cases, these two documents together comprise the official record of attendance. Where a two-part record of attendance is used, overtime ineligible employees can now be required to record times of arrivals and departures on the sign-in/sign-out sheet.

Overtime ineligible employees continue to be expected to work the hours necessary to do their job. This includes their basic workweek plus any additional hours necessary to do their job. Although they are now required to keep a detailed record of attendance showing actual hours worked, this does not make them eligible for overtime payment or compensatory time for additional hours worked beyond their basic workweek. They are not entitled to work schedule adjustments.

The new requirement regarding maintenance of detailed time records supercedes provisions contained in Section 20.2 of the Attendance Rules which permit agencies to request that the Department of Civil Service exempt certain overtime ineligible positions from keeping a detailed

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record of attendance showing actual hours worked. That exemption is no longer available to employees in the PS&T Unit. Any previously granted exemptions for PS&T Unit employees are cancelled pursuant to this Agreement.

Timekeepers

The provision in Article 12.17 that no employees in this unit can be required to punch a time clock or sign in and out with a timekeeper continues unchanged.

The appointing authority may require that time records be retained in a central location (e.g., a time card wall rack), except when removed for posting time and leave entries, or be placed in such central location for collection at the beginning or at the end of each workday so long as such retention or filing requirements do not involve the recording of arrival and departure times under the direct and immediate observation of a supervisor or other person acting as a timekeeper. The review at the close of each workday of daily time records to verify the accuracy of such records for one or more employees in a work unit does not constitute the recording of attendance with a timekeeper.

A supervisor continues to have the right to require employees in need of close supervisory control because of tardiness and/or attendance problems to sign in and out at his/her desk. A supervisor who imposes this requirement under such condition is not a timekeeper within the meaning and intent of the subject contract item (see Manual Section 20.2, p. C-1).

Where an agency uses a two-part form as the official record of attendance, as described above, overtime ineligible employees can now be required to record times of arrivals and departures on the sign-in/sign-out sheet. However, an overtime ineligible PS&T Unit employee may not be required to record times of arrival and departure on a sign-in/sign-out sheet used to verify the accuracy of a separate official record of attendance. All employees in this unit may be required to record times of arrival and departure on sign-in/sign-out sheets established for operational or programmatic purposes.

Employees in this Unit may be required to use electronic recognition systems for operational and programmatic reasons, including but not limited to improving health and safety at State work locations, but data from such systems cannot be used for any time and attendance purposes.

Certification of Time Records

The mandate to maintain a detailed record of attendance requires a change in the time record, including the certification statement, for overtime ineligible employees. Agencies should review

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their time records to ensure compliance with this new provision.

All employees covered by Article 12.17 may be required to submit their time records on a daily, weekly, biweekly or bi-pay period basis to their supervisors for review and shall be required to maintain such records on forms prescribed by the appointing authority.

The record of attendance, regardless of its format, continues to be subject to supervisory review and certification.

The official time record is the only time record. It is not permissible to have any informal or unrecorded timekeeping arrangements.

Tardiness

Overtime eligible employees continue to be subject to agency tardiness penalty schedules, as well as disciplinary action for excessive tardiness.

Overtime ineligible employees are not subject to agency tardiness penalty schedules. Tardiness must be charged to leave accruals. Overtime ineligible employees are subject to disciplinary action for excessive tardiness.

Family and Medical Leave Act (FMLA)

In order to be granted FMLA leave, the employee must have worked a minimum of 1250 hours during the 52 consecutive weeks immediately preceding the date the FMLA leave is to begin. In determining whether this requirement has been met, the agency must count all hours the employee actually worked. For employees who are overtime ineligible, hours worked for which the employee was not compensated count toward the 1250 hour requirement (see Manual Policy Bulletin No. 98-02, dated December 11, 1998).

Additional Information

For a further discussion of timekeeping requirements under Article 12.17, refer to the GOER Memorandum entitled "1999-2003 State/PEF Agreement, Article 12.17 - Maintenance of Time Records and Electronic Recognition Systems Side Letter" dated November 8, 2000 and the GOER Memorandum entitled "Maintenance of Time Records – Clarification of Unpaid Meal Periods in Institution and Facility Settings" dated February 16, 2001.

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**12.24 Telecommuting Program**

**Manual Reference - none**

The Telecommuting Memorandum of Agreement is now reproduced in Appendix III of the Agreement. The program continues unchanged.

**Side Letters**

The following side letters are contained in Appendix III. Manual References noted are the applicable Manual sections to which these provisions relate.

**Side letter - Use of Vacation Prior to Separation**

**Manual Reference - Sections 21.2 and 23.1**

The State agreed to reaffirm existing policy with respect to liquidation of vacation credits prior to separation from service in this Memorandum. Specifically:

Agencies are encouraged, where possible and subject to operational needs, to permit employees prior to separation from State service to liquidate accumulated vacation credits in excess of 30 days.

This policy is consistent with Manual Section 21.2, p C-8 and Section 23.1, p. 3.

The 30-day limit on vacation lump sum payments remains unchanged

**Side letter - Use of Other Credits as Sick Leave**

**Manual Reference - Section 21.3**

The State agreed to include the following clarification of existing policy in this Memorandum:

Employees who have exhausted accrued sick leave credits shall be permitted to charge absences otherwise chargeable to sick leave to other leave credits (vacation, personal leave, etc.) subject to the same approval procedures and documentation requirements as apply to the use of sick leave credits.

**Side letter - Health Option Program (HOP)**

**Manual Reference - Section 21.3, pp. 2 and 3**

Under the new Health Option Program (HOP), eligible employees in this unit may elect to accrue sick leave at a reduced biweekly rate in exchange for a reduction in biweekly health insurance premiums. Employees elect to participate in November preceding the calendar year in which they choose to participate. Participating employees earn sick leave at a reduced biweekly rate

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which results in three fewer days of sick leave earned over the calendar year in exchange for a reduction in biweekly health insurance premiums of up to \$300. The program will be in effect for calendar year 2001 and may be extended by mutual agreement of the parties.

Detailed information on this program may be found in the HOP Program description issued by GOER dated October 25, 2000, and the Department of Civil Service Attendance and Leave Manual Policy Bulletin 2000-02 on the Health Option Program dated October 25, 2000.

**Appendix III - Leave Donation Program Memorandum of Understanding  
Manual Reference - Appendix H, Leave Donation**

The Leave Donation Program has been modified to permit eligible family members in the PS&T Unit who are not employed in the same agency to donate leave across agency lines. Donations may be made to family members in other negotiating units in other agencies if that negotiating unit also has the same leave donation provisions. Effective dates for donations across agency lines vary by eligible bargaining unit. Donations between employees who are not eligible family members continue to be restricted to employees of the same agency.

Family for this purpose is the Attendance Rules definition as follows: Any relative or any relative-in-law regardless of place of residence, or any person with whom the employee makes his or her home.

Donations made across agency lines must be used prior to donations made within the agency. Credits donated across agency lines which are not used by the recipient will not be returned to the donor.

Leave donations continue to be available only for personal illness. However, in cases of catastrophic family illness, employees who provide a written explanation of the catastrophic situation and submit satisfactory medical documentation supporting personal disability associated with the family member's illness and who have exhausted all leave credits including sick leave may receive leave donations if otherwise eligible. This policy applies to an employee's use of his/her sick leave credits, and to the use of other credits as sick leave, as well as to eligibility for leave donations.

All other Leave Donation Program provisions remain unchanged. Revised Leave Donation Program Guidelines will be issued shortly. The program guidelines are not grievable.

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During 2001, the State will review and evaluate experience with cross-agency donations between family members. Agencies are therefore requested to retain data on donations made across agency lines during the term of this Agreement. A form to collect this data will be forwarded to your agency in the near future.

**Appendix IV - Voluntary Reduction in Work Schedule (VRWS)**  
**Manual Reference - Section 26.1**

The Voluntary Reduction in Work Schedule Program is continued with the following modifications which will become effective with the first full biweekly payroll period in October 2000:

Beginning with the first full biweekly payroll period in October 2000, the following eligibility criteria for participation in the program apply to VR agreements entered into on or after that date:

Employees are required to be employed to work on a full-time annual salaried basis for a minimum of one biweekly payroll period immediately prior to the time of entry into the VRWS program. Time on paid or unpaid leave from a full-time annual salaried position satisfies this requirement;

AND

Employees must remain in a full-time annual salaried position during the term of the VR agreement;

AND

Employees must have one continuous year of State service on a qualifying schedule (any schedule that entitled the employee to earn leave credits, not necessarily a full-time schedule).

Consistent with the way in which creditable service is counted under the Attendance Rules, separations of less than one year and periods of leave without pay of any duration are not counted toward the one-year service requirement, but do not constitute a break in service. Employees who separate from State service (through resignation, termination, layoff, etc.) for more than one year cannot count service preceding that break in service toward the one-year requirement (unless the employee is reinstated by the Civil Service Commission or Department or appointed while on a preferred list). Payroll periods of VRWS participation, sick leave at half-pay, workers' compensation leave and time on the Leave Donation Program will count toward the one-year service requirement.

The Program has also been modified to provide that an employee who is absent on sick leave at

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half-pay for 28 consecutive calendar days, who is absent on leave donation for 28 consecutive calendar days or who is absent because of a work-related injury or illness for 28 consecutive calendar days will have his/her VRWS agreement suspended. Previously, such agreements were cancelled, not suspended. For accidents occurring on or after July 1, 1993, PEF employees covered under the Medical Evaluation Program will continue on VRWS until the first day they are placed on workers' compensation disability leave with percentage supplement at which time they will have their VR agreement suspended, and those who decline participation in the Medical Evaluation Program will have their VR agreement suspended the first day of leave without pay. Suspension of a VR agreement does not extend the agreement beyond its scheduled termination date. An employee who returns to work prior to the point at which his/her VR agreement would otherwise have lapsed resumes participation in his/her VR agreement and continues until the scheduled termination date of the agreement, unless both parties agree to terminate the agreement.

All other program provisions remain unchanged. However, the parties agreed to make editorial changes in the VRWS Appendix to clarify program provisions.

For further information, refer to revised VRWS Program Guidelines issued by GOER dated September 22, 2000. Revised Attendance and Leave Manual Voluntary Reduction in Work Schedule Program Guidelines will be issued shortly. Until revised guidelines are issued, please refer to Attendance and Leave Manual Advisory Memorandum No. 93-02, dated June 23, 1993, for information about the leave benefits under the VRWS program.

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TO: Manual Holders  
FROM: Robert W. DuBois, Director *RWD by Stephen Kavanagh*  
Employee Benefits Division  
SUBJECT: Attendance and Leave Items  
1999-2003 Negotiated Agreements  
Administrative Services Unit (ASU), Institutional Services Unit (ISU), and  
Operational Services Unit (OSU)

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**Introduction**

The following material has been prepared to assist you in implementing the new or revised attendance and leave provisions contained in the 1999-2003 agreements negotiated with CSEA.

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References to applicable sections of the State Attendance and Leave Manual (Manual) are included.

Effective Dates

These provisions are effective as of April 27, 2000, the date of ratification of these Agreements except as follows:

<b><u>Benefit</u></b>	<b><u>Date</u></b>
Health Option Program	January 1, 2001
VRWS Program	First full biweekly payroll period in October, 2000
Leave Adjustment Pilot Program for Part-Time Annual Salaried Employees	Pay period # 1 in FY 2000-2001
Revision in leave benefit for seasonal employees	April 1, 2000
200 days sick leave applied toward health insurance in retirement	January 1, 2000

Questions concerning this material should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

**Subject:** Floating Holidays  
**Unit and Item:** ASU Article 10.1 (c)  
ISU Article 10.2 (d)  
OSU Article 10.1 (e)  
**Manual Reference:** Section 21.1, pp. C-4 – C-5

These Articles have been modified to provide that employees cannot be required to use floating holidays in units greater than one-quarter hour. This provision does not supercede any local agreements which provide for liquidation in smaller units of time. Previously, employees were required to use floating holidays in full day units. All other provisions regarding the designation, crediting, use and expiration of floating holidays remain unchanged.

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**Subject:** Holiday Benefits for Employees Who Work Extended Days  
**Unit and Item:** Side Letter—ASU, ISU, OSU

**Manual Reference:** Appendix C, Alternative Work Schedules, pp. 1-2

There has been no change in the calculation of holiday benefits for employees whose work schedules contain extended days of more than 7.5 or 8 hours (for example, four 10-hour days per week). The number of hours for which such employees may receive holiday benefits remains capped at 7.5 or 8 hours, based on the employee's basic workweek. Employees scheduled to work more than 7.5 or 8 hours on a workday holiday but who are observing the holiday, continue to be required to charge hours in excess of 7.5 or 8 to leave credits or be placed on leave without pay.

However, the parties agreed to discuss at local labor/management meetings the possibility of scheduling options in connection with time off on holidays for employees on extended day work schedules. Such possible options may include rescheduling of time worked to eliminate the need to charge credits on holidays, and the opportunity for the employee to work a regular five-day work schedule for the week in which the holiday falls. Where the union requests a meeting to discuss possible scheduling options, the parties shall meet within 30 working days of the date the request was made.

**Subject:** Vacation Accumulation  
**Unit and Item:** ASU Article 10.5 (b)  
ISU Article 10.6  
OSU Article 10.5 (b)

**Manual Reference:** Section 21.2, pp. C-6 - C-8

These Articles have been amended to remove the requirement that employees must have a vacation request denied in order to exceed the 40-day vacation maximum during the fiscal year. The 40-day maximum remains in effect on April 1 of each year. Employees may automatically exceed the 40-day maximum during the fiscal year, but will forfeit vacation credits in excess of 40 days on April 1 of each year.

The 30-day limit on vacation lump sum payment upon separation from service remains unchanged. However, agencies are encouraged, where possible subject to operating needs, to permit employees to liquidate accumulated vacation credits in excess of 30 days prior to separation.

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**Subject:** Sick Leave Accumulation  
**Unit and Item:** ASU Article 10.6  
**Manual Reference:** Section 21.3, p. C-1

This Article has been revised to increase the maximum amount of sick leave an employee in this unit can accrue from 190 days to 200 days. Part-time employees are subject to a maximum of 200 prorated days.

**Subject:** Use of Sick Leave Credits for Health Insurance  
In Retirement  
**Unit and Item:** ASU Article 10.6  
ISU Article 10.7  
OSU Article 10.7  
**Manual Reference:** Section 21.3, pp. 11, C-1

These Articles have been revised to increase the number of accrued sick leave days an employee who retires on or after January 1, 2000 can use to pay for health insurance in retirement from 165 to 200 days. The number of sick leave days that can be used for retirement service credit remains capped at 165.

Subject to the maximums described above, the same accrued sick leave days can be applied for both purposes. Application of sick leave balances for these purposes provides benefits based on an employee's sick leave balance at time of retirement, but does not actually liquidate those credits. Therefore, employees who return to State service within one year following retirement or who are reinstated at any time by the Civil Service Commission or other process of law are entitled to have their sick leave balance restored in full, despite the fact that they received retirement service credit and credit applied toward their health insurance premiums in retirement based on that sick leave balance.

**Subject:** Leave for Bereavement and Family Illness  
**Unit and Item:** ASU Article 10.13  
ISU Article 10.17  
OSU Article 10.8  
**Manual Reference:** Section 21.3, pp. 4-5, C-6 - C-7

These Articles have been revised to provide that approval of requests for leave for both bereavement and family illness shall not be unreasonably withheld. The benefit is now consistent in all three units.

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The maximum number of accrued sick leave days which can be used for these purposes remains capped at a total of 15 days per calendar year. The definition of family for these purposes continues to be any relative or any relative-in-law, regardless of place of residence, or any person with whom the employee makes his or her home.

Employees who request sick leave for reasons of family illness may be required to present evidence of the illness, family relationship and need of the ill person for the services of the employee. (In some instances employees may be eligible for leave under the Family and Medical Leave Act in connection with the serious illness of certain family members. While the amount of family sick leave available in such cases remains capped at 15 days, the FMLA provides employees with certain entitlements and imposes certain restrictions on the information employers may obtain. See Attendance and Leave Manual, Appendix I.)

Employees who request sick leave for reasons of death in the family may be required to present evidence of the death, the family relationship and the need for the total amount of leave requested.

Although prior approval is normally required, such requirement may be waived at the discretion of the appointing authority and should be waived if the employee presents a satisfactory explanation of the reasons for failing to secure such prior approval.

Appointing authority denials of employee requests are grievable as contract grievances.

**Subject:** Medical Verification  
**Unit and Item:** OSU Article 10.17  
**Manual Reference:** Section 21.3, pp. C-16 - C-19

This Article provides a benefit identical to that available to employees in the Administrative Services Unit and the Institutional Services Unit.

Specifically, this Article refers to medical examinations required of employees in accordance with Subdivision (e), Section 21.3 of the Attendance Rules. (This Article does not apply to workers' compensation injuries or to actions pursuant to Section 72 of the Civil Service Law.) This Article confirms the appointing authority's right to require an employee who has been absent due to personal illness, as a condition of returning to work, to undergo a medical examination at the appointing authority's expense by a physician selected by the appointing authority. This Article is designed to provide specific protection from loss of income when employees are denied return to duty because of employer-caused delays in the scheduling of medical examinations as a condition of return to work.

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When an employee in this unit has been absent because of illness or injury, he/she may be required to provide medical documentation confirming his/her fitness for duty and to submit to a medical examination by a physician selected by the appointing authority as a condition of return to work. If an employee is required to submit to such a medical examination, the 20 workdays within which the appointing authority is expected to complete the examination should be calculated as follows:

1. If an employee submits medical documentation stating fitness for duty and giving a return to work date which is ten workdays or fewer from the date the documentation is submitted, the appointing authority has a total of 20 workdays from receipt of the notice to complete the medical examination. This includes the ten workdays or fewer of advance notice and a sufficient number of workdays beyond the proposed return to work date to total 20 workdays. In other words, if the employee gives less than 10 days' notice, the appointing authority has 20 days from the date of notice to complete the exam or the employee is put in pay status on the 21<sup>st</sup> day.
2. If an employee submits medical documentation stating fitness for duty and giving a return to work date which is more than ten workdays from the date the documentation is submitted, the appointing authority has from receipt of the notice to a maximum of ten workdays beyond the expected date of return to complete the examination. In other words, if the employee gives more than ten days' notice, the appointing authority has ten days beyond the specified return date to complete the exam or the employee is put in pay status on the 11<sup>th</sup> day following the return date.

If no decision is reached concerning the employee's request to return to duty within the time limits, the employee shall be placed on leave with pay without charge to credits and not allowed to return to duty. However, leave with pay is not granted where the delay in determining the employee's fitness is caused by the employee's failure to appear for the medical examination or otherwise to cooperate in its scheduling and holding.

If the physician selected by the appointing authority finds that the employee is not fit for return to duty, the employee is placed on appropriate leave charged to credits or, if necessary, on leave without pay as of the date of receipt of the physician's report. Reexaminations by the appointing authority's physician (where the employee is found unfit for duty) are not required more often than once a month and if the physician has set a date for reexamination or return to duty, not before such specified date.

This Article shall not be construed to require the extension of any employment beyond the time it would otherwise terminate or would be terminated; for example, under Section 73 of the Civil Service Law.

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Employees required to submit to a medical examination conducted by a physician selected by the appointing authority are entitled to be reimbursed for actual and necessary travel, meal and lodging costs incurred as a result of travel in connection with such examination. Such reimbursement is to be made in accordance with the Comptroller's Rules and Regulations.

**Subject:** Hold on Shift, Pass Day and Work Location Assignment  
**Unit and Item:** ASU Article 10.18  
ISU Article 10.21  
**Manual Reference:** None

This Article provides that an employee's shift, pass day and work location assignment, as applicable, shall be held for three months if the employee is absent on authorized leave due to an extended illness, including sick leave at half-pay, or an on-the-job injury or is on authorized leave for maternity purposes.

This hold does not apply where rebidding occurs while the employee is on leave. It also does not apply where the employee's shift, pass day or work location assignment would otherwise have terminated, for example, because of a change in seasonal shift, the closing of a building or facility, etc.

A comparable provision is contained in OSU Article 50.4. Questions on this Article should be referred to your GOER liason.

**Subject:** Health Option Program (HOP)  
**Unit and Item:** ASU Article 10.20, Appendix XII  
ISU Article 10.23, Appendix XI  
OSU Article 10.19, Appendix XI  
**Manual Reference:** Section 21.3, pp. 2-3

Under the new Health Option Program, eligible employees in these units may elect to accrue sick leave at a reduced biweekly rate in exchange for a reduction in biweekly health insurance premiums.

Employees elect to participate in November preceding the calendar year in which they choose to participate. Participating employees earn sick leave at a reduced biweekly rate which results in three (3) fewer days of sick leave earned over the calendar year in exchange for a reduction

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in biweekly health insurance premiums of up to \$300. The program will be in effect for calendar year 2001 and may be extended by mutual agreement of the parties.

Detailed HOP guidelines will be issued under separate cover.

**Subject:** Sick Leave at Half-Pay - Waiting Period  
**Unit and Item:** ASU Appendix V  
ISU Appendix IV  
OSU Appendix IV  
**Manual Reference:** Section 21.5, pp. C-1-C-5

Language has been added to the Sick Leave at Half-Pay section of these Appendices to clarify appropriate administration of contractual provisions on waiting periods in connection with the granting of mandatory sick leave at half-pay under the negotiated agreements.

Article 10.8 of the ASU Agreement, Article 10.15 of the ISU Agreement, and Article 10.9 of the OSU Agreement provide for mandatory sick leave at half-pay. During waiting periods for mandatory sick leave at half-pay employees are eligible for sick leave at half-pay under the Attendance Rules. Agencies **must** make a determination regarding granting or denying such leave under the Attendance Rules during that waiting period. Although sick leave at half-pay under the Attendance Rules is discretionary, arbitrary denials are not consistent with the intent of the Rules.

Employees who do not otherwise meet the eligibility criteria for mandatory sick leave at half-pay under the negotiated agreements may meet the less restrictive eligibility criteria for sick leave at half-pay under the Attendance Rules. Accordingly, agencies must review any request for sick leave at half-pay under eligibility provisions of the Attendance Rules as well as those of the negotiated agreements. See Section 21.5, pages 1-2 and C-1-C-3 for a discussion of eligibility requirements under the Attendance Rules and under the negotiated agreements.

Although sick leave at half-pay under the Attendance Rules is discretionary with the appointing authority, that discretion must be exercised in a prudent and equitable fashion consistent with the intent of the Attendance Rules. This means that sick leave at half-pay should not be denied arbitrarily and that any denials which occur are defensible if challenged. It would not, for example, be consistent with the Attendance Rules to withhold sick leave at half-pay from an otherwise eligible employee because of less than satisfactory work performance. Performance issues should be addressed through the performance evaluation process and/or the disciplinary process. On the other hand, where an employee requesting sick leave at half-pay has been formally identified and disciplined as a leave abuser within the past year, the agency would

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probably be on firm ground in denying the request because the employee would not be requesting sick leave at half-pay if leave credits had been properly utilized.

**Subject:** Voluntary Reduction in Work Schedule Program (VRWS)  
**Unit and Item:** ASU Article 10.19, Appendix XIII  
ISU Article 10.22, Appendix XII  
OSU Article 10.18, Appendix XII  
**Manual Reference:** Section 26.1

The Voluntary Reduction in Work Schedule Program will be made available to employees in the three CSEA Units effective the first full pay period beginning in October, 2000. Employees may enter into VRWS agreements in full pay period units, but VRWS agreements may not extend beyond the last day of the last payroll period in the fiscal year.

The VRWS program for CSEA employees is the same as that available to PS&T and M/C employees.

The VRWS Program has been modified through the negotiation process as follows:

Employees are required to be employed to work on a full-time annual salaried basis for a minimum of one biweekly payroll period immediately prior to the time of entry into the VRWS Program. Time on paid or unpaid leave from a full-time annual salaried position satisfies this requirement;

AND

Employees must remain in a full-time annual salaried position during the term of the VR agreement;

AND

Employees must have one continuous year of State service on a qualifying schedule (any schedule which entitled the employee to earn leave credits, not necessarily a full-time schedule).

Consistent with the way in which creditable service is counted under the Attendance Rules, separations of less than one year and periods of leave without pay of any duration are not counted toward the one-year service requirement but do not constitute a break in service. Employees who separate from State service (through resignation, termination, layoff, etc.) for

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more than one year cannot count service preceding that break in service toward the one-year requirement (unless the employee is reinstated by the Civil Service Commission or Department or appointed while on a preferred list). Payroll periods of VRWS participation, sick leave at half-pay, or workers' compensation leave and time on the Leave Donation Program will count toward the one-year service requirement.

The Program has also been modified to provide that an employee absent on sick leave at half-pay for 28 consecutive calendar days, on leave donation for 28 consecutive calendar days or who is absent because of a work-related injury or illness for 28 consecutive calendar days will have his/her VRWS agreement suspended (previously, such agreements were cancelled, not suspended). For accidents occurring on or after July 1, 1992, CSEA employees covered under the Statutory Benefit Program will continue on VRWS until the first day they are placed on workers' compensation disability leave, at which time they will have their VRWS agreement suspended. Suspension of a VR agreement does not extend the agreement beyond its scheduled termination date. An employee who returns to work prior to the point at which his/her VRWS agreement would otherwise have lapsed resumes participation in his/her VRWS agreement and continues until the scheduled termination date of the agreement, unless both parties agree to terminate the agreement.

All other program provisions remain unchanged.

Revised Voluntary Reduction in Work Schedule Program Guidelines will be issued shortly. Until the revised guidelines are issued, please refer to the 1995 VRWS Program Guidelines dated October 11, 1995 issued by GOER and Attendance and Leave Manual Advisory Memorandum No. 93-02 dated June 23, 1993 for information about the program.

**Subject:** Less Than Full-Time Employees  
**Unit and Item:** ASU Article 10.11  
ISU Article 10.16  
OSU Article 10.15  
**Manual Reference:** Section 26.1, and Appendix D, Part-Time Employment

Changes were made in contract language (1) to more accurately describe the current benefit available to part-time employees and (2) to include reference to the new Leave Adjustment Pilot Program for Part-Time Annual Salaried Employees.

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**(1) Current Benefit**

Specifically, Subsection (a) which deals with anticipated eligibility, is now Subsection (c) and Subsection (b) which deals with eligibility of certain employees to observe holidays which fall on Saturday is now Subsection (d).

A new Subsection (a) has been added to confirm the existing benefit available since 1979 to part-time annual salaried employees who are eligible to earn prorated vacation and sick leave and be granted prorated personal leave if they are employed to work at least half-time, not necessarily five days per week. (Under the Attendance Rules, part-time annual salaried employees continue to be eligible for prorated leave benefits if they are employed to work five days per week, not necessarily half-time.) Such leave benefits for these part-time annual salaried employees are prorated based on their payroll percentage. (See Manual Section 26.1, pp. C-1-C-4.)

This new Subsection (a) further provides that part-time annual salaried employees who are scheduled to work additional hours beyond their payroll percentage shall be eligible to earn and accumulate additional vacation and sick leave and be granted additional personal leave in accordance with the terms of the side letter on the Leave Adjustment Pilot Program for Part-Time Annual Salaried Employees. That Pilot Program is described below.

A new Subsection (b) has been added to confirm the existing benefit available under the negotiated agreements since 1979 to hourly and per diem employees who acquire Attendance Rules coverage pursuant to the negotiated agreements if they are employed to work on a fixed schedule of at least half-time (not necessarily five days per week) for 19 consecutive biweekly pay periods without a break that exceeds one pay period. (This is an alternative to meeting the eligibility requirement under the Rules of being employed to work at least 3 ¼ hours per day 5 days per week for 19 consecutive biweekly pay periods without a break that exceeds one pay period.) A fixed schedule for this purpose is a schedule set in advance by management, but which can vary from day to day. Leave benefits for hourly and per diem employees with Attendance Rules coverage are prorated based on the percentage of time the employee is employed to work in a biweekly pay period. (See Manual Section 26.1, pp. C-5 – C-7, and Appendix D, pp. 2-4.)

Finally, a reference has been added to each Subsection to clarify that these provisions apply to employees designated as seasonal provided they otherwise meet the criteria contained therein.

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**(2) Leave Adjustment Pilot Program for Part-Time Annual Salaried Employees**

The following describes the benefit available to eligible part-time annual salaried employees scheduled to work additional hours beyond their payroll percentage. Agencies must set up a procedure to review time records to provide the negotiated benefit described below.

Term of Pilot

The pilot will begin with payroll period #1 in fiscal year 2000-2001 and will sunset immediately following pay period 26 of fiscal year 2002-2003, unless the parties agree in writing to extend the pilot.

Eligibility

The provisions of this program apply to eligible part-time annual salaried employees scheduled to work hours in excess of their payroll percentage.

In order to participate in this Pilot Program, part-time annual salaried employees must be employed to work a schedule equated to their payroll percentage which entitles them to earn leave credits under the Attendance Rules (either five days per week or at least half-time per biweekly pay period), not including the additional time worked above their payroll percentage.

Employed to work a schedule that entitles the employee to earn leave credits under the Attendance Rules means that the schedule is available to the employee; the employee need not actually work that schedule each pay period in order to be eligible. The employee may be on paid or unpaid leave from a qualifying schedule.

The additional time worked cannot be counted to qualify an otherwise ineligible employee to earn leave credits under the Attendance Rules. Leave credits can be granted for additional time worked only as described in this Pilot Program to part-time annual salaried employees already eligible to earn leave credits under the Attendance Rules for their work schedule equated to their payroll percentage.

For example, an employee with a payroll percentage of 40% and corresponding work schedule of four days per pay period cannot participate in the Pilot Program even though the employee works additional time for a fifth day each pay period because the employee's work schedule based on his/her payroll percentage is not a qualifying schedule. On the other hand, an employee with a payroll percentage of 50% earns leave credits under the Attendance Rules based on the work schedule corresponding to his/her payroll percentage and is eligible to be granted vacation, sick leave and personal leave adjustment credits for additional time worked beyond his/her 50% schedule under this Pilot Program.

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Participating employees are not eligible to be credited under this Pilot Program for additional hours worked in excess of the normal 37.5 or 40 hour workweek.

Vacation and Sick Leave

(a) Agencies must review the additional time worked by eligible part-time annual salaried employees twice a year, for payrolls 1-13 and for payrolls 14-26. Additional vacation and sick leave will be credited within 60 days after the end of payroll period 13 and within 60 days after the end of payroll period 26.

The first crediting of additional vacation and sick leave will be within a 60-day recording period following pay period 13 of fiscal year 2000-2001.

(b) Agencies must credit eligible employees with vacation and sick leave adjustment credits proportional to the additional hours worked during the 13 pay periods under review. An employee must have worked a minimum of five (5) hours of additional time above the number of hours equated to his/her payroll percentage to earn an additional one-quarter (1/4) hour of vacation and sick leave. Eligible employees are credited with one-quarter (1/4) hour of vacation and one-quarter (1/4) hour of sick leave for every five (5) hours of additional time worked during the thirteen pay periods under review. For this purpose, time worked includes time charged to leave credits (see (c) below).

For example, during payroll periods 1-13 of 2000, a half-time ISU employee works a total of 80 hours beyond her normal half-time schedule. This employee would be credited with an additional four (4) hours of vacation and four (4) hours of sick leave within 60 days after payroll period 13. (80 hours of additional time worked divided by 5 hours = 16 five-hour segments multiplied by .25 hour credited for each 5 hours of additional time worked = four (4) hours of additional vacation and four (4) hours of additional sick leave.) During payroll periods 14-26, this employee works 155 hours above her payroll percentage and earns 7.75 hours of additional vacation and 7.75 hours of additional sick leave. (155 hours divided by 5 hours = 31 five-hour segments multiplied by .25 hour credited for each 5 hours of additional time worked = 7.75 hours of additional vacation and 7.75 hours of additional sick leave credit.)

(c) Employees must charge accruals on the basis of the total number of hours the employee is scheduled to work on a given day, beginning with the first day following the payroll period in which the employee is first credited with additional vacation and sick leave under this Pilot Program. Until the first time the employee is credited with additional vacation and sick leave, the employee who takes a day off charges credits only to cover the normal schedule corresponding to the payroll percent and not to cover any additional scheduled hours. The employee simply does not receive pay for those additional hours. Beginning with the pay period after being credited for the first time with additional vacation and sick leave, the

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employee is required to charge credits for all scheduled hours on a given day, including any additional scheduled hours, and therefore receives pay for those additional hours. For example, a 50 percent employee on the administrative payroll cycle who works 20 hours per week, four hours per day, also frequently works additional time. On November 1, 2000, the employee takes a day of sick leave, charges 4 hours to cover his normal schedule, and receives 4 hours pay for the day even though he was scheduled to work additional time on that day. On November 8, 2000, the last day of a pay period, the employee is credited with additional vacation and sick leave under this Pilot Program for pay periods 1 through 13. On November 9, 2000, the employee takes a day of vacation. His work schedule on that day is 8 hours, including 4 hours of additional time. He is required to charge 8 hours to cover his full schedule, and receives 8 hours pay for the day.

(d) Vacation and sick leave adjustment credits must be added to the employee's regular vacation and sick leave balances. Employees continue to be subject to a prorated sick leave maximum, and to a prorated vacation maximum on April 1 of each year, based on their payroll percentage. Employees who separate from State service receive a lump sum payment for unused vacation of up to 30 prorated days based on their payroll percentage. Separating employees should be credited as of the date of separation with any additional leave to which they are entitled under this Pilot Program so that such leave can be included in the vacation lump sum payment and, for retirees, in the calculation of retirement service credit and the sick leave credit for health insurance in retirement, subject to applicable maximums based on the employee's payroll percentage.

Personal Leave

(a) Agencies must review the additional time worked by eligible part-time annual salaried employees once a year. Employees who work additional time will be credited with personal leave adjustment credit once a year on the personal leave adjustment date. The personal leave adjustment date will not change if the employee is not in pay status on that date. The first personal leave adjustment date shall be May 30, 2001 for the period April 1, 2000 through March 31, 2001.

(b) Agencies must credit eligible employees with personal leave adjustment credits proportional to the number of additional hours worked during the 26 pay periods under review. An employee must have worked a minimum of 13 hours of additional time above the number of hours equated to his/her payroll percentage to earn an additional one-quarter (1/4) hour of personal leave. Eligible employees are credited with one-quarter (1/4) hour of personal leave for every 13 hours of additional time worked during the 26 pay periods under review. For this purpose, time worked includes time charged to leave credits.

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For example, during the period April 1, 2000 through March 31, 2001, an ISU employee works a total of 235 hours beyond her payroll percentage and earns 4.50 hours of personal leave adjustment time. (235 hours of additional time worked divided by 13 hours = 18.08 13-hour segments multiplied by .25 hour credited for each 13 hours of additional time worked = 4.52 hours. Rounding to the nearest quarter hour, the employee receives 4.50 hours of personal leave adjustment credit.)

(c) Employees must charge accruals on the basis of the total number of hours the employee is scheduled to work on a given day beginning with the first day following the pay period in which the employee is first credited with additional vacation and sick leave credits under this Pilot Program (see Vacation and Sick Leave (c) above).

(d) Personal leave adjustment credits accrued as a result of additional time worked will be kept in a separate leave category called "Personal Leave Adjustment".

(e) An employee will have 12 months from the personal leave adjustment date to use personal leave adjustment credits. Unused leave will lapse at close of business on the day prior to the personal leave adjustment date.

(f) If the payroll percentage of an eligible employee changes (i.e., 50% to 75%, 50% to 100%, etc.) the employee's unused regular personal leave balance will be converted to days based on the new percentage. Personal leave adjustment time will not be carried forward.

Additional Issues

With respect to this Pilot Program, the State has attempted to address all issues which could arise regarding vacation, sick and personal leave adjustment for part-time annual salaried employees. If additional issues should arise during the period of this Pilot, the State agrees to meet and confer with CSEA regarding such issues in executive labor/management.

Agencies or facilities may develop procedures in local labor/management regarding access during the 60-day recording period, in cases of special need for leave, to vacation, sick leave and personal leave adjustment credits earned but not yet recorded.

**Subject:** Seasonal Employees  
**Unit and Item:** ASU Appendix IV  
ISU Appendix III  
OSU Appendix III  
**Manual Reference:** Appendix E, Seasonal Employment

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Language has been added to the Less than Full-Time Employees Section contained in Article 10 to confirm that seasonal employees are subject to the provisions of that Section provided they otherwise meet the eligibility criteria contained therein, and the Seasonal Employee Appendices have been modified with regard to eligibility to earn seasonal leave credits.

**Seasonal Employees Covered By the Attendance Rules or Granted Anticipated Eligibility**

Seasonal employees employed on an hourly or per diem basis continue to attain coverage under the Attendance Rules if they are continuously employed on a qualifying schedule of at least half-time per biweekly pay period for 19 consecutive biweekly payroll periods without a break in service that exceeds one full biweekly payroll period.

Seasonal employees who are employed at least half-time and who are expected by the appointing authority to be so employed continuously for nine months (19 consecutive biweekly pay periods), without a break in service exceeding one full payroll period, are eligible to observe holidays and to earn and accumulate vacation and sick leave and be granted personal leave as are any other hourly or per diem employees granted anticipated eligibility. However, employees granted anticipated eligibility must actually complete the 19 consecutive biweekly payroll periods before attaining Attendance Rules coverage. The determination as to whether an employee is expected to be employed continuously for nine months on a qualifying schedule rests with the appointing authority. (See Attendance and Leave Manual, Section 26.1, p. C-6, and Appendix D, p.4 for a discussion of anticipated eligibility.)

Seasonal employees who have Attendance Rules coverage or who have been granted anticipated eligibility, observe holidays and receive holiday compensation for holidays worked just as any other employee with Rules coverage or who has been granted anticipated eligibility. Part-time seasonal employees who have Attendance Rules coverage or who have been granted anticipated eligibility observe holidays and receive holiday compensation for holidays worked as any other similarly situated part-time employees, including eligibility for the special Saturday holiday observance provisions described on page C-6 of Section 21.1 of the State Attendance and Leave Manual. However, seasonal employees who work on a holiday do not have the option of waiving holiday pay for those holidays they work.

**Seasonal Employees Not Covered by the Attendance Rules and Not Granted Anticipated Eligibility**

Seasonal employees who do not have Attendance Rules coverage and who are not granted anticipated eligibility are eligible to be credited with three (3) days of leave on April 1 of each fiscal year if they meet the following conditions in that fiscal year:

were employed for at least 19 cumulative payroll periods on at least

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a half-time basis in each of those 19 payroll periods in the previous fiscal year;

AND

are anticipated to continue at that employment level in the current fiscal year.

These employees are no longer required to have worked a qualifying schedule for three continuous fiscal years and to have completed two months of qualifying service in the present fiscal year in order to be credited with seasonal leave credits.

The first date on which eligible employees may be credited with seasonal leave credits pursuant to the new eligibility criteria is April 1, 2000.

Other provisions remain unchanged. This leave is to be used subject to prior approval for absence for personal reasons and for unscheduled absences due to illness. These leave accruals shall be non-cumulative from fiscal year to fiscal year. Such accruals do not have a cash-out or retirement value. Service in more than one State agency shall be credited toward meeting the 19 cumulative payroll period requirement.

The holiday benefit for seasonal employees who do not have Attendance Rules coverage or who have not been granted anticipated eligibility remains unchanged. Such employees who are regularly employed on a 37 ½ or 40 hour per week basis and who work at least 25 days during the season will be entitled to additional compensation at their hourly rate, up to a maximum of eight hours for time worked on each of the first three (3) days during their employment in any seasonal period (4/1 to 9/30 and 10/1 to 3/31) which are observed as holidays by the State. Such compensation is payable upon completion of five weeks of work.

**Subject:** Leave Donation Program  
**Unit and**  
**Item:** ASU Appendix XI  
ISU Appendix X  
OSU Appendix X  
**Manual Reference:** Appendix H Leave Donation

The Leave Donation Program has been modified to permit eligible family members in the CSEA Units who are not employed in the same agency to exchange leave donations. Donations to and from family members in other negotiating units are limited to those employed in the same agency unless similar provisions are in effect for those negotiating units. Effective dates for donations across agency lines vary by eligible bargaining unit. Donations between

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employees who are not eligible family members continue to be restricted to employees of the same agency.

Family for this purpose is the Attendance Rules definition: any relative or any relative-in-law regardless of place of residence, or any person with whom the employee makes his or her home.

Donations made across agency lines must be used prior to donations made within the agency. Credits donated across agency lines which are not used by the recipient will not be returned to the donor.

Revised Leave Donation Program Guidelines will be issued shortly. The program guidelines are not grievable.

Leave donations continue to be available only for personal illness. However, in cases of catastrophic family illness, employees who provide a written explanation of the catastrophic situation and submit satisfactory medical documentation supporting personal disability associated with the family member's illness and who have exhausted all leave credits including sick leave may receive leave donations if otherwise eligible. (This policy applies to an employee's use of his/her sick leave credits and use of other credits as sick leave, as well as to eligibility for leave donations.)

All other Leave Donation Program provisions remain unchanged.

During 2001, the State will review and evaluate experience with cross-agency donations between family members. Agencies are therefore requested to retain data on donations made to or received from eligible family members employed in other agencies during the term of this Agreement. A form to collect this data will be forwarded to your agency in the near future.

**Subject:** Time Off for Professional Conferences, Seminars or Training  
**Unit and Item:** ISU-Side letter  
**Manual Reference:** Section 21.12

Pursuant to a side letter, Licensed Practical Nurses, upon request, may be allowed time off from work without charge to leave credits to attend conferences or seminars or training directly related to their profession or professional duties. Such time off is subject to prior approval and shall not interfere with the proper conduct of government functions. This policy neither limits nor guarantees the amount of time that may be approved for such purposes.

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TO: State Departments and Agencies

FROM: Peter Elmendorf, Director   
Personnel Services Division

SUBJECT: Attendance and Leave Items  
1995-1999 Negotiated Agreements  
Administrative Services (ASU), Institutional Services (ISU), Operational Services (OSU), Professional, Scientific and Technical Services (PS&T), Rent Regulations Services (RRSU) Units

The following material has been prepared to assist you in implementing the new or revised attendance and leave provisions contained in the 1995-99 agreements negotiated with CSEA, PEF, and DC37. We have included references to the applicable sections of the Attendance and Leave Manual. The contract implementation pages of the Manual will be revised to incorporate these provisions and will be sent to all Manual holders when completed. If you have any questions concerning this material, contact the Employee Relations Section of this Department at (518) 457-2295.

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**Subject: Leave Donation Program**

**Unit and Item:** ASU Appendix XI  
ISU Appendix X  
OSU Appendix X  
DMNA Appendix IX  
PS&T Article 12.23, Appendix III

**Attendance & Leave**

**Manual Reference: Appendix H**

The Leave Donation Program has become a permanent program for employees in these units. The guidelines which governed the pilot program remain unchanged with one exception. There is no minimum service requirement to be eligible to receive donations. (Under the pilot program at least one cumulative year of State service was required to be eligible for donated credits.)

The M/C Attendance Rules which authorize the leave donation program for M/C employees are being amended to eliminate the one year service requirement. The M/C leave donation program has been a permanent program since its inception.

**Subject: Voluntary Reduction in Work Schedule**

**Unit and Item: PS&T Article 12.22, Appendix IV**

**Attendance & Leave**

**Manual Reference: Section 26.1, Advisory Memorandum 93-02**

For PS&T Unit employees, as well as for Managerial/Confidential employees, the Voluntary Reduction in Work Schedule (VRWS) program will no longer automatically terminate with the expiration of the negotiated agreement. The eligibility criteria and program guidelines remain essentially the same as explained in the Attendance and Leave Manual Advisory Memorandum 93-02. The Governor's Office of Employee Relations will issue guidelines describing in more detail the following changes:

- VRWS agreements may be established for any number of payroll periods in duration from 1 to 26. Agreements must expire on the last day of the last pay period of the fiscal year.

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- VR credits earned during fiscal year April 1, 1993-March 31, 1994 and April 1, 1994-March 31, 1995 must be liquidated by September 30, 1995.
- For all subsequent VRWS agreements, VR credits earned must be liquidated by the September 30th following the end of the fiscal year in which the agreement expires. For example, an employee whose VRWS agreement is from November 2, 1995 (pay period #15) through April 3, 1996 (pay period #26), must liquidate earned VR credits by September 30, 1996. An employee whose VRWS agreement is from April 4, 1996 (pay period #1) through January 22, 1997 (pay period #21), must liquidate earned VR credits by September 30, 1997.

**Subject: Workers' Compensation Mandatory Alternate Duty Program**

<b>Unit and Item:</b>	<b>ASU</b>	<b>Article 11.8</b>
	<b>OSU</b>	<b>Article 11.8</b>
	<b>ISU</b>	<b>Article 11.8</b>
	<b>DMNA</b>	<b>Article 11.8</b>
	<b>PS&amp;T</b>	<b>Article 13.5</b>
	<b>RRSU</b>	<b>Article 13.8</b>

**Attendance and Leave**

**Manual Reference: Section 21.8**

There was one change in the Mandatory Alternate Duty Programs in these bargaining units: assignments shall be for up to 60 calendar days in length instead of the current 45 calendar days. To qualify for mandatory alternate duty, therefore, employees must be classified as partially disabled at 50% or less by the State Insurance Fund and have a prognosis of full recovery within 60 calendar days. Effective April 2, 1995, this 60-day mandatory alternate duty period applies to all accidents otherwise subject to the Mandatory Alternate Duty Programs in these units (accidents on or after July 1, 1992, for ASU, OSU, ISU, DMNA and RRSU, accidents on or after July 1, 1993, for PS&T). All other provisions of the Mandatory Alternate Duty Programs are unchanged. Please refer to Attendance and Leave Manual Policy Bulletins 93-01 and 93-04 for a complete explanation of the Programs.

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**Subject: Workers' Compensation Benefit Protection**

**Unit and Item: PS&T Article 13.3 (h)**

**Attendance & Leave**

**Manual Reference: Section 21.8**

For injuries occurring on or after April 2, 1995, employees will be treated as though on the payroll for the length of the disability, not to exceed 12 months (increased from 9 months) per injury for the purposes of accruing seniority, continuous service, leave accruals, health insurance, retirement service credit and retirement contributions. At the end of 12 months, therefore, instead of 9 months, employees who continue to be absent should be placed on sick leave without pay. Supplemental payments will continue to be made to otherwise eligible employees for 9 months (39 weeks) for each disability; there has been no change in the maximum length of time employees can receive supplemental payments.

**Subject: Christmas and New Year's Day Holidays**

<b>Unit and Item:</b>	<b>ASU</b>	<b>Article 10.1(d)</b>
	<b>ISU</b>	<b>Article 10.2(e)</b>
	<b>OSU</b>	<b>Article 10.2(b)</b>
	<b>PS&amp;T</b>	<b>Article 12.1(c)</b>

**Attendance & Leave**

**Manual Reference: Section 21.1**

The language in this article has been revised to provide that in any year in which Christmas Day, December 25 and New Year's Day, January 1, fall on Sunday (and under provisions of the General Construction Law are observed as legal holidays on the following Monday; i.e., on December 26 and January 2) the day designated for observance of Christmas and New Year's Day for employees in these units will depend upon the employee's regular work schedule on Sunday, December 25 and Sunday, January 1. Employees for whom Sunday is a regularly scheduled pass day will observe Christmas Day and New Year's Day on Monday, December 26 and Monday January 2 respectively. Employees for whom Sunday is a regularly scheduled workday will observe Christmas Day on Sunday, December 25 and New Year's Day on Sunday, January 1.

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**Subject: Saturday Holiday Observance for Part-time Employees**

**Unit and Item: PS&T Article 12.19(c)  
RRSU Article 12.1(d)**

**Attendance & Leave**

**Manual Reference: Section 21.1**

This agreement extends to part-time employees in the PS&T Unit the same benefit currently available to M/C and CSEA-represented employees. A part-time employee otherwise eligible under the Attendance Rules to observe holidays, who:

- (a) is regularly scheduled to work at least 1/2 time,
- (b) is regularly scheduled to work on the Friday immediately preceding a holiday that falls on a Saturday,
- (c) is not scheduled to work on the Saturday holiday, and
- (d) is not directed to work on the Saturday holiday,

shall be credited with holiday leave whenever a holiday falls on Saturday. The amount of leave to be credited is equivalent to the number of hours in the employee's regular Friday schedule, except that the number of hours of holiday leave credited cannot exceed 1/5 the number of hours in the normal workweek of full-time State employees (i.e., 7.5 or 8 hours).

For employees in RRSU this benefit is only available to annual salaried part-time employees who meet the other criteria listed above. Part-time employees in RRSU who are compensated on an hourly basis are not eligible for this benefit even if they have attained Attendance Rules coverage.

**Subject: Child Care Leave For Adoptive Parents**

**Unit and Item: ASU Appendix III  
ISU Appendix II  
OSU Appendix II**

**Attendance & Leave**

**Manual Reference: Section 22.1**

The language in this Appendix has been revised to refer to birth parents rather than natural parents when distinguishing such individuals from adoptive parents.

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**Subject: Vacation Bonus Days**

**Unit and Item: PS&T Article 12.4**

**Attendance & Leave**

**Manual Reference: Section 21.2**

The language in this article that prohibited employees hired on or after April 1, 1988, from earning additional vacation credits upon completion of their first and second years of continuous service has been eliminated. Effective April 1, 1995, all employees in this Unit are eligible to be credited with additional vacation days in accordance with Section 21.2 of the Attendance Rules. Any PS&T Unit employee whose first or second anniversary date fell on or after April 1, 1995, should now be credited with either one additional or two additional vacation days, as appropriate. For example, an employee with continuous service whose anniversary date is April 15, 1993, who was not eligible to be credited with additional vacation credit under the previous agreement should now be credited with two additional days of vacation in accordance with the provisions of the 1995-1999 agreement, which is effective retroactive to April 1, 1995. Records of all affected employees must be corrected, including records of those employees affected by layoff or otherwise not currently in pay status, who were eligible to be credited on their anniversary date. Lump sum payments of separated employees should be adjusted to reflect the additional vacation credited.

**Subject: Personal Leave**

**Unit and Item: PS&T Article 12.10**

**Attendance & Leave**

**Manual Reference: Section 21.6**

The subject article eliminates the phased increase procedures which were established in April 1988. Effective April 1, 1995, all eligible PS&T employees are now granted 5 days of personal leave each year on their personal leave anniversary date in accordance with Section 21.6 of the Attendance Rules. Any PS&T Unit employee whose personal leave anniversary date fell on or after April 1, 1995, and who was credited with fewer than 5 days of personal leave under the provisions of the previous agreement, should be credited with additional amounts of personal leave to total 5 days. For example, an employee whose personal leave anniversary date was May 10, 1990, and who was credited under the previous provisions with 3.5 days of personal leave on May 10, 1995, should now be credited with an additional 1.5 days of personal leave to bring the

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total number of days granted to five. Records of all affected employees must be corrected, including those employees affected by layoff or otherwise not currently in pay status.

Eligible PS&T employees subject to the Institution Teacher Rules of the Department of Correctional Services, Division for Youth or Office of Mental Health should be credited with 3 days of personal leave at the beginning of the school calendar year in September 1995.

**Subject: Use of Leave Credits During Disciplinary Suspension**

**Unit and Item: PS&T Article 33.4(a)**

**Attendance & Leave**

**Manual Reference: Section 22.1**

The language in this article has been amended to allow PS&T Unit employees suspended without pay to use annual, personal or holiday leave credits or overtime compensatory time during the period of suspension at the employee's option. This benefit is identical to that afforded CSEA Unit employees which is discussed on pages C-1 and 2 of Section 22.1 of the Manual.

**Subject: Doctor's Certificates**

**Unit and Item: RRSU Article 12.17**

**Attendance & Leave**

**Manual Reference: Section 21.3**

A new article has been added which clarifies that the normal procedure for obtaining approval for the use of sick leave credits is for the employee to make a request directly to the immediate supervisor. (Article 14.2 which describes procedures for designating individuals other than the employee's supervisor as the recipient of confidential medical documentation is continued unchanged.) Article 12.17 confirms the right of management to request a doctor's certificate that provides proof of illness or fitness for duty and provides that a doctor's certificate will not routinely be required for absences of four days or less. (See Section 21.3 page C-14 for a discussion of medical certification.)

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File this material in the section of the manual referenced above.

TO: State Departments and Agencies

FROM: Josephine L. Gambino, Commissioner *JLG*

SUBJECT: Attendance and Leave Items - 1991-1995 Negotiated Agreement for Professional, Scientific and Technical Services Unit (PS&T)

The following material describes the new or revised attendance and leave provisions contained in the 1991-1995 agreement negotiated with the Public Employees Federation for employees in the PS&T Unit. If you have any questions concerning this material, contact the Employee Relations Section of this Department at (518) 457-2295.

**Article 12.15 - Leave for Professional Meetings**

The maximum allowable number of days without charge to leave credits an employee may request to attend conferences or seminars of recognized professional organizations has been increased from two to three, effective beginning with fiscal year 1993-1994. Absences under this provision may be restricted to five percent of the profession in the operating unit. This is a change from the ten percent restriction in the 1988-1991 agreement. Approval of such leave, which is at the discretion of the appointing authority, will be based on a determination by the appointing authority that (1) the activity to be undertaken will directly benefit the agency, and (2) the absence will not interfere with the proper conduct of governmental functions.

Employing agencies continue to have the ability to direct attendance at professional conferences or seminars in excess of three days annually where attendance is in the nature of a duty assignment.

**Voluntary Reduction in Work Schedule (VRWS)**

Effective June 3, 1993, for Administrative payrolls and June 10, 1993, for Institution payrolls, PS&T unit employees became eligible to participate in the VRWS program. Guidelines for this program are contained in Attendance and Leave Manual Advisory Memorandum No. 93-02 dated June 23, 1993.

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**Workers' Compensation Medical Evaluation Program**

The workers' compensation benefits for PEF-represented employees changed from the Supplemental Pay Program to the Medical Evaluation Program for accidents/incidents occurring on or after July 1, 1993. This new Workers' Compensation Medical Evaluation Program is explained in Attendance and Leave Manual Policy Bulletin #93-04 dated June 23, 1993.

**Leave Donation**

PS&T unit employees became eligible to participate in the Leave Donation Program effective May 12, 1993. This program is identical to that established for Council 82- and CSEA-represented employees and for those designated Managerial/Confidential. These programs all provide for donations both within and across bargaining units for those employed at the same agency or facility. In administering this program, agencies should follow the guidelines established for the CSEA Leave Donation Program (see the Attendance and Leave Manual Policy Bulletin No. 92-02, dated July 30, 1992). A comprehensive memorandum on the Leave Donation Program applicable to all bargaining units will be issued this fall.

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TO: State Departments and Agencies

FROM: Commissioner Josephine L. Gambino 

SUBJECT: Attendance and Leave Items  
1991-1995 Negotiated Agreements for Security Services and  
Security Supervisors Units

The following material has been prepared to assist you in implementing the new or revised attendance and leave provisions contained in the 1991-1995 agreements negotiated with Council 82. If you have any questions concerning this material, contact the Employee Relations Section of this Department at (518) 457-2295.

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1. Unit and Item: SSU - 5.2(b) Access to Employees and Meeting Space  
SSpU - 5.2(b) Access to Employees and Meeting Space

Subject: Increase in access to employees for union representatives to explain to members the organization's services and programs.

Comment: This article was amended to increase consultation time from 10 to 15 percent of the employees in the agency or institution per month.

2. Unit and Item: SSU - 5.3(a) Employee Organization Leave-- Policy Committees

Subject: Changes in membership of certain committees

Comment: This article was amended to increase the number of members on the Security Services Assistants' Committee from 3 to 4. Two new committees were also added: Capitol Police which has one member and Labor which has one member. The OGS Committee which consisted of three members was deleted. An editorial change was made to change the name of the Hospital Treatment Assistants' Committee to the Security Hospital Treatment Assistants' Committee.

3. Unit and Item: SSpU - 5.3(a) Employee Organization Leave-- Policy Committees

Subject: Changes in calculation of employee organization leave and membership of certain committees.

Comment: This article was amended to change the method of calculating EOL for each committee. Previously EOL was available for up to two meetings of up to two days' duration each year that the agreement was in effect. Now EOL shall be available for a total of four days for each committee during each year that the agreement is in effect.

This article also changed the number of members on the Rangers Committee from three to two. This article added two new committees; the Park Police Supervisors with a membership of three and the Capitol Police Supervisors with a membership of one.

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4. Unit and Item: SSU - 5.3(e) Employee Organization Leave--  
Negotiations

Subject: Addition of a committee

Comment: This article was amended to exempt the Law Enforcement Policy Committee Chairman from the restriction that no more than one committee member from any one facility may be granted leave to serve on the union negotiating committee.

5. Unit and Item: SSpU - 5.3(e) Employee Organization Leave--  
Negotiations

Subject: Addition of committees

Comment: This article was amended to exempt the Law Enforcement Policy Committee Chairman and the Corrections Officers Policy Committee Chairman from the restriction that no more than one committee member from any one facility may be granted leave to serve on the union negotiating committee.

6. Unit and Item: SSU - 8.4(c) Back Pay Award  
SSpU - 8.4(c) Back Pay Award

Subject: Back Pay Award

Comment: A new section has been added that provides that when an employee is awarded back pay after a period of disciplinary suspension the award of back pay shall be deemed to include the accrual of leave credits and holiday leave for the period of time specified in the award.

There is no maximum limit on the crediting of vacation as the employee is deemed to have exercised his/her rights under the applicable contract article which provides an exception to the 40-day maximum. However, because this is a retroactive adjustment of time records, if October 1 occurred during the suspension period, vacation in excess of 40 days on September 30 may not be carried forward to October.

Sick leave may be credited only up to the applicable maximum. In addition, the employee is entitled to be credited with holiday compensatory time for any holidays coinciding with pass days during the period of the back pay award. Finally, if this employee's personal leave anniversary date fell during

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the period of back pay award, he/she retains that date and is credited with personal leave accordingly. (Personal leave cannot be carried beyond the personal leave anniversary date.)

Correction of the employee's leave records to reflect these accruals is to be accomplished upon receipt of the notice of decision making the back pay award, either as a requested interim decision or after the hearing is closed.

7. Unit and Item: SSU - 14.1(e) Vacation Credit Accumulation  
SSpU - 14.1(e) Vacation Credit Accumulation

Subject: Change in the date on which the vacation maximum may not exceed 40 days.

Comment: This section has been amended to change the date on which the vacation balance of an employee in these units may not exceed 40 days. That date has been changed from April 1 to October 1 beginning in 1993. Council 82 employees who exceed the 40-day maximum on April 1, 1993, will not have their vacation balances reduced to 40 days. However, on October 1, 1993, and each October 1 thereafter an employee whose vacation credits exceed 40 days shall have his or her credits reduced to 40 days on that date. All other provisions concerning vacation credit accumulation remain unchanged.

8. Unit and Item: SSU - 14.3(b) Bereavement Leave  
SSpU - 14.3(b) Bereavement Leave

Subject: Change in the definition of family

Comment: This article has been amended so that the definition of family for employees in these units is: "The employee's spouse, child, parent, grandparent, brother, sister, aunt, uncle, parent-in-law, brother-in-law, sister-in-law, grandchild or any person living in the employee's household." This is a less restrictive definition of family than that previously in effect for these units.

9. Unit and Item: SSU - 14.9 Workers' Compensation Leave  
SSpU - 14.9 Workers' Compensation Leave

Subject: Workers' Compensation Leave

Comment: The contract provision calls for implementation of

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program changes on October 1 or as soon thereafter as practicable. Separate guidelines will be issued on these provisions including establishment of an implementation date.

10. Leave Donation Program

Effective August 21, 1992, the State and Council 82 agreed to establish a leave donation program providing for donation of vacation credits from Council 82-represented employees to other Council 82-represented employees absent because of long term illness who have exhausted leave benefits. A copy of the Memorandum of Understanding was distributed to agencies (see the GOER Bulletin dated August 21, 1992). This program is identical to the CSEA Leave Donation Program. In administering this program agencies should follow the guidelines established for the CSEA Leave Donation Program (see the Attendance and Leave Policy Bulletin 92-02, dated July 30, 1992).

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Applicability  
Rules Applicable to Employees  
in Negotiating Units

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Purpose

To define and clarify the relationship between the Attendance Rules for State employees and provisions of negotiated union agreements on attendance and leave matters.

Effect of Negotiated Agreements on Attendance Rules

1. The provisions of the Attendance Rules are continued for all employees subject to those Rules including employees in negotiating units established pursuant to Article 14 of the Civil Service Law (The Taylor Law).
2. The provisions of the Attendance Rules and the attendance and leave provisions of negotiated agreements are both applicable and must be considered together.
3. Provisions of negotiated agreements which are different from provisions of the Attendance Rules are controlling; e.g., if the Rules provide that sick leave may be accumulated up to a maximum of 150 days and a negotiated agreement provides that employees in one or more negotiating units may accumulate up to 200 days of sick leave, the 200-day maximum will apply to such employees.
4. Attendance and leave provisions in negotiated agreements may apply only to employees subject to the Attendance Rules or may apply to all employees covered by the agreement irrespective of whether they are covered by the Attendance Rules. They may or may not relate directly to matters included in the Attendance Rules and they may or may not apply to all employees in the unit covered by the agreement. For example, a contract item may provide that personal leave may be used "as vacation" but may not otherwise contain any reference to how personal leave should be credited or how unused personal leave should be cancelled. In such case, the provisions of the Attendance Rules which govern the crediting and cancellation of personal leave continue to be applicable.
5. In general, disputes concerning implementation of attendance and leave items included in negotiated agreements are not subject to resolution by appeal to or review by the Civil Service Commission but should be resolved as contract grievances. For example:

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- a. An employee covered by the Institutional Services Unit agreement who believes he/she has been denied workers' compensation benefits in violation of that agreement must contest such denial as a contract grievance. He/She cannot request review by the Civil Service Commission as provided under Section 21.8 of the Attendance Rules.
- b. An employee covered by the Administrative Services Unit agreement who believes he/she has been denied sick leave at half-pay in violation of that agreement must contest such denial as a contract grievance. He/She cannot appeal to the Civil Service Commission for a reversal or modification of his/her appointing authority's determination as an action inconsistent with the intent of the Attendance Rules.
- c. An employee covered by the Security Services Unit agreement who is denied the use of sick leave because of illness or death in his/her immediate family and who wishes to dispute such denial must do so as a contract grievance (violation of Bereavement Leave provision of the Security Services Unit agreement). He/She cannot appeal the denial to the Civil Service Commission as a violation of the Attendance Rules.
- d. The Civil Service Commission cannot approve an appointing authority request for suspension of the Attendance Rules to permit the accumulation of vacation in excess of 40 days. Since exceptions to maximum vacation accumulations are covered by provisions of the negotiated agreements, relief from the terms thereof cannot be extended by the Commission.