



STATE OF NEW YORK
CIVIL SERVICE COMMISSION
THE STATE CAMPUS
ALBANY, NEW YORK 12239

GEORGE C. SINNOTT
PRESIDENT

LEO J. KESSELRING
COMMISSIONER

MARGARET DADD
COMMISSIONER

At a meeting of the State Civil Service Commission held November 17, 1997, the following resolution was adopted pursuant to Section 6 of the Civil Service Law, as emergency rulemaking authorized by section 202(6) of the State Administrative Procedure Act upon a finding of necessity for the preservation of the general welfare:

RESOLVED, That subject to the approval of the Governor, Parts 21 and 28 of the Attendance Rules for Employees in New York State Departments and Institutions be and hereby are amended, as follows:

FIRST: A new section 21.16 and 28-1.18 is added to read as follows:

Upon exhaustion of military leave with pay provided pursuant to section 242 of the New York State Military Law, an employee holding a position designated as overtime ineligible may be granted leave with pay without charge to leave credits for any period(s) of less than a workweek during which such employee is ordered to temporary military duty.

SECOND: Section 21.9 is amended to read as follows:

(a) Except as provided in subdivision (b) of this section, [O]n proof of the necessity of jury service or appearance as a witness pursuant to subpoena or other order of a court or body, an employee shall be granted a leave of absence with pay with no charge against leave credits; provided, however, that this section shall not apply to any absence by an employee occasioned by such an appearance [if he] in an action to which such employee is a party.

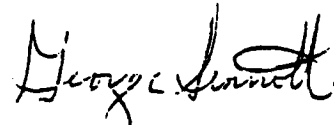
(b) An employee holding a position designated as overtime ineligible may be granted a leave of absence with pay with no charge against leave credits on proof of necessity of jury service or appearance as a witness pursuant to subpoena or other order of a court or body for any period(s) of less than a workweek, regardless of whether such employee is a party to the action.

THIRD: Section 28-1.9 is amended to read as follows:

(a) Except as provided in subdivision (b) of this section, [O]n proof of the necessity of jury service or appearance as a witness pursuant to subpoena or other order of a court or body, an employee shall be granted a leave of absence with pay with no charge against leave credits; provided, however, that this section shall not apply to any absence by an employee occasioned by such an appearance [as] in an action to which such employee is a party.

(b) An employee holding a position designated as overtime ineligible may be granted a leave of absence with pay with no charge against leave credits on proof of necessity of jury service or appearance as a witness pursuant to subpoena or other order of a court or body for any period(s) of less than a workweek, regardless of whether such employee is a party to the action.

ATTEST:


President

APPROVED:

DATE: December 22, 1997


Governor