

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

**ATTENDANCE AND LEAVE MANUAL**

ADVISORY MEMORANDUM NO. 2023-04

Section 21.1

September 2023

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Retain until September 15, 2025

TO: Manual Recipients  
FROM: Jessica Rowe, Director of Staffing Services  
SUBJECT: Veterans' Day—November 11, 2023

A number of agencies have inquired about Veterans' Day, which falls on Saturday, November 11, 2023. We have been advised by the Office of Employee Relations that another day will **not** be designated to be observed as a holiday by State employees in lieu of November 11, 2023.

Full-time employees who are entitled to observe holidays, and for whom Saturday, November 11 is a regular day off, should be credited with compensatory time off in lieu of the holiday either as holiday compensatory time (for all units except for Security Services, Security Supervisors, and Agency Police Services Units) or as an additional day of vacation (for Security Services, Security Supervisors, and Agency Police Services Units).

Part-time employees who are eligible to observe holidays are entitled to observe only those holidays that fall on days when they are regularly scheduled to work or actually do work. However, eligible part-time employees in the Professional, Scientific & Technical Services, Rent Regulation Services, Administrative Services, Institutional Services, and Operational Services Units, and those designated Managerial/Confidential, who are regularly scheduled to work at least half-time, and who do not work on Saturday, November 11, but who are regularly scheduled to work on Friday, November 10, will be credited with holiday leave equivalent to the number of hours in the employee's regular Friday schedule not to exceed 7.5 or 8 hours.

Employees required to work on Saturday, November 11, 2023, should be paid holiday pay or granted holiday compensatory time off (holiday leave), as appropriate, except that Managerial/Confidential employees at salary grade 23 and above are not eligible for holiday pay and must be granted holiday compensatory time off.

Employees required to work on a holiday which coincides with a pass day may also be entitled to overtime pay in accordance with the Budget Director's Rules.

When an eligible veteran, who has elected holiday pay for holidays worked, is required to work on November 11, Veterans' Day, such employee is entitled to holiday pay pursuant to the negotiated agreement and **also** to holiday leave pursuant to Section 63 of the Public Officers Law. If, on the other hand, such employee waived holiday pay, one day of holiday leave satisfies both the contractual entitlement and the legal entitlement.

**Restoration of Honor Act**

Veterans granted status in accordance with the Restoration of Honor Act (ROHA), may be eligible for leave under Section 63 of the Public Officers Law so long as they meet all other eligibility criteria under the law.

The New York State Division of Veterans' Services adjudicates all ROHA applications. When an application meets the law's criteria for restoration of eligibility for the enumerated State benefits, the

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Division of Veterans' Services will issue a letter on its letterhead, signed by the agency's Director or designee, stating that the veteran now meets the character of discharge criteria for all of the benefits and services listed in the Restoration of Honor Act.

More information on the Restoration of Honor Act is available on the Division of Veterans Services website at the following link:

[Restoration of Honor Act | New York State Department of Veterans' Services \(ny.gov\)](#)

Questions concerning the observance of Veterans' Day should be referred to the Attendance and Leave Unit of this Department at (518) 457-2295.

**Attachment**

Summary of Benefits Under Public Officers Law, Section 63

## **Summary of Benefits Under Public Officers Law, Section 63**

The following information is provided solely as a reference summary for agency convenience.

### Benefits Under Section 63 of the Public Officers Law

Section 63 of the Public Officers Law entitles certain veterans to a day off with pay on or in lieu of Memorial Day and November 11, Veterans' Day.

To qualify, an employee must be a veteran who was honorably discharged, who was discharged under honorable conditions, who meets the character of discharge criteria under ROHA and who:

- Served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States (including reservists who served on active duty in these branches) at any time; or
- Served in the Armed Forces of the United States or its allies, including National Guard members serving on federal active duty.

There is no New York State residency requirement for the benefit provided by Section 63 nor are employees required to have Attendance Rules coverage in order to be eligible for the benefit provided by Section 63.

When an eligible veteran who has elected holiday pay for holidays worked is required to work on one of these holidays, such employee is entitled to holiday pay pursuant to the negotiated agreement and to holiday leave pursuant to Section 63 of the Public Officers Law. If, on the other hand, such employee waived holiday pay one day of holiday leave satisfies both the contractual entitlement and the legal entitlement under Section 63.

While contractual holiday compensation is limited to 7.5 or 8 hours and is tied to the designated holiday shift, holiday compensation for Memorial Day and November 11 under the Public Officers Law is tied to the 24-hour calendar day period on the date of the holiday and is not capped at 7.5 or 8 hours.