

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL
ADVISORY MEMORANDUM NO. 2026-03

Section 21.1

May 2026

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TO: Manual Recipients
FROM: Benjamin Gifford, Director of Staffing Services
SUBJECT: Independence Day—July 4, 2026

Agencies have inquired about Independence Day, which falls on Saturday, July 4, 2026. Another day will **not** be designated to be observed as a holiday by State employees in lieu of July 4, 2026.

Full-time employees who are entitled to observe holidays, and for whom Saturday, July 4, 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 Law Enforcement Services Units) or as an additional day of vacation (for Security Services, Security Supervisors and Agency Police Services Unit).

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, July 4, but who are regularly scheduled to work on Friday, July 3, will be credited with holiday leave equivalent to the number of hours in the employee's regular Friday schedule not to exceed 7 ½ or 8 hours.

Employees required to work on Saturday, July 4, 2026, 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 former reservist, who has elected holiday pay for holidays worked, is required to work on July 4, Independence Day, such employee is entitled to holiday pay pursuant to the negotiated agreement and **also** to holiday leave pursuant to Section 249 of the Military 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.

Please be aware that there are additional benefits for Security Supervisors Unit (SSpU) and Security Services Unit (SSU) employees who are eligible former reservists. Those benefits are described in [Advisory Memorandum 2026-01 Special Holiday Waiver Memoranda of Understanding for Security Supervisors Unit \(SSpU\) and Security Services Unit \(SSU\)](#).

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Restoration of Honor Act

Veterans or former eligible reservists granted status in accordance with the Restoration of Honor Act (ROHA), may be eligible for leave under Section 249 of the Military Law, so long as they meet all other eligibility criteria under the law.

The New York State Division of Veterans' Services adjudicates all Restoration of Honor Act applications. When an application meets the law's criteria for restoration of eligibility for the enumerated State benefits, the 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](#)

Questions about this holiday may be referred to the Attendance and Leave Unit of this Department at (518) 457-2295.

Attachment

Summary of Benefits Under Military Law, Section 249

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Summary of Benefits Under Military Law, Section 249

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

Benefits Under Section 249 of the Military Law

Section 249 of the Military Law entitles discharged former reservists or former National Guard members to a day off with pay on or in lieu of July 4, Independence Day.

To qualify, the reserve duty must have been active reserve duty during which the employee was required to attend drills, not inactive reserve duty where the employee was subject to being recalled but was not required to attend drills. Reservists who were honorably discharged from a period of active reserve duty and who have reenlisted for a subsequent period of reserve duty are eligible for this benefit. Employees who qualify under ROHA shall also be eligible for benefits under Section 249 of the Military Law.

There is no New York State residency requirement; an employee need not have served in a reserve or National Guard unit in New York State. There is no requirement that an employee have Attendance Rules coverage in order to be eligible for this benefit.

When an eligible former reservist who has elected holiday pay for holidays worked is required to work on July 4, Independence Day, such employee is entitled to holiday pay pursuant to the negotiated agreement and to holiday leave pursuant to 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.

While contractual holiday compensation is limited to 7.5 or 8 hours and is tied to the designated holiday shift, holiday compensation for July 4 under Section 249 of the Military Law is tied to the 24-hour calendar day period on July 4 and is not capped at 7.5 or 8 hours.