

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

**ATTENDANCE AND LEAVE MANUAL**

ADVISORY MEMORANDUM NO. 2010-03

Section 21.1

March 2010

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Retain until April 1, 2011

TO: Manual Recipients  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Independence Day Holiday Observance

A number of agencies have inquired about the holiday benefits for Independence Day this year that are available to eligible former reservists who served during peace time. Section 249 of the Military Law provides that eligible former reservists (as defined in that section) are entitled to leave with pay on July 4 or, if required to work that day, to a day off in lieu thereof.

Under the General Construction Law, holidays which fall on Sunday are observed by the State on the following Monday. Independence Day falls on Sunday, July 4, this year and will therefore be observed by the State on Monday, July 5. State offices will be closed on July 5.

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 2010-01 Special Holiday Waiver Memoranda of Understanding for Security Supervisors Unit (SSpU) and Security Services Unit (SSU).

The following examples are provided to clarify how to apply the benefits provided by section 249 of the Military Law and by negotiated agreements when there are two calendar days involved.

Eligible former reservists who work on Monday, July 5, and who are not required to work on July 4 are not affected by section 249 since they have a day off on July 4. Such employees are entitled to holiday benefits for July 5 in accordance with the holiday provisions contained in the Attendance Rules and related contract provisions.

An eligible former reservist scheduled to work on July 4 and 5 and who has opted for holiday pay would receive a regular day's pay for work on July 4, compensatory time off for the time worked on July 4 (a section 249 benefit), and on July 5 would receive a day of holiday pay (a contractual benefit) in addition to the regular day's pay for time worked. The eligible former reservist who has a holiday leave option and is scheduled to work on July 4 and 5 would receive a regular day's pay for work on July 4, a day of compensatory time off (a section 249 benefit) and, for working July 5, a regular day's pay and a day of holiday leave (a contractual benefit).

If, in the examples cited above, either July 4 or 5 is a pass day on which the employee is required to work, the overtime eligible employee may be receiving overtime pay rather than regular pay. However the holiday benefits under both section 249 and the contracts are applied in the same manner as described above.

For additional information concerning time off for veterans, please see page C-10, 21.1, of this manual. Questions about this holiday may be referred to the Attendance and Leave Unit of this Department at (518) 457-2295.