

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL
ADVISORY MEMORANDUM 2010-05

Section 21.1

April 2010

Page 1 of 2

Retain Until May 1, 2012

TO: Manual Recipients
FROM: Blaine Ryan-Lynch, Director of Staffing Services
SUBJECT: Christmas Day (December 25, 2010) and New Year's Day (January 1, 2011)
Holiday Observance

A number of agencies have already inquired, for scheduling purposes, about appropriate treatment of December 25, 2010, and January 1, 2011, which fall on Saturdays in 2010 and 2011. We have been advised that both holidays will be observed on their calendar dates; an alternate date for holiday observances will not be designated.

Full-time employees entitled to observe holidays and for whom Saturday, December 25, 2010 and/or January 1, 2011, is a regular day off should, therefore, be credited with holiday compensatory time in lieu of the holiday (holiday leave) or vacation (for employees in the Security Services Unit, Security Supervisors Unit, and Agency Law Enforcement Services, holiday compensatory time is added to vacation), up to a maximum of 7.5 or 8 hours.

Part-time employees eligible to observe holidays are entitled to observe only those holidays that fall on normal workdays for such employees. In addition, eligible part-time employees in the Administrative, Institutional, Operational, Professional, Scientific and Technical and Rent Regulation Services Units and those designated Managerial/Confidential who are regularly scheduled to work at least half-time, and who do not work on a holiday which falls on a Saturday but who are regularly scheduled to work on the Friday immediately preceding such Saturday holiday, shall be credited with holiday leave equivalent to the number of hours in the employee's regular Friday schedule (but not to exceed 7-1/2 or 8 hours). For Rent Regulation Services Unit employees, this benefit is available only to part-time annual salaried employees who meet the criteria described above.

Employees who are required to work on December 25, 2010 or January 1, 2011 should be paid holiday pay or be granted holiday compensatory time as appropriate. Managerial/Confidential employees at salary grade 23 and above are not eligible for holiday pay, however, and must be granted holiday compensatory time.

Employees in the Administrative, Operational, Institutional, and Professional, Scientific and Technical Services Units and those designated Management/Confidential, who are required to work on the day observed by the State as the Christmas Day holiday are eligible to receive holiday compensation in the form of holiday pay or holiday leave at the time and one-half rate. The maximum number of hours of holiday compensatory time (holiday leave) credited for work on the Christmas Day holiday is 11.25 for 7.5 hours worked or 12 hours for 8 hours worked.

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Page 2 of 2

When the Christmas Day holiday falls 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.

Employees required to work on a holiday that coincides with a pass day may also be entitled to overtime pay.

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.

Questions concerning the observance of these holidays should be referred to the Attendance and Leave Unit at (518) 457-2295.