

ATTENDANCE AND LEAVE MANUAL

ADVISORY MEMORANDUM NO. 2011-05

Section 21.1

December 2011

Page 1 of 2

Retain until May 13, 2013

TO: Manual Holders
FROM: Blaine Ryan-Lynch, Director of Staffing Services
SUBJECT: Designation of Floating Holiday in Lieu of Lincoln's Birthday for Contract Year 2011–2012

The Governor's Office of Employee Relations has advised us that a floating holiday has been designated in lieu of a fixed holiday for Lincoln's Birthday, 2012.

The guidelines and eligibility criteria applicable to this floating holiday are the same as those that governed Lincoln's Birthday, February 12, 2011 which was designated as a floating holiday during contract year 2010–2011. **Because the floating holiday for Lincoln's Birthday 2012 falls on a Sunday and will be observed on a Monday, these guidelines provide additional details not normally contained in attendance and leave guidelines for floating holidays. We have bolded material which supplements that contained in previous floating holiday guidelines.**

Lincoln's Birthday falls on a Sunday in 2012. Under the General Construction Law, Sunday holidays are observed on a Monday. Managerial/Confidential employees and employees in the Administrative Services, Institutional Services, Operational Services, Professional, Scientific and Technical Services, and Rent Regulation Services Units, who are eligible as described below, will receive credit for a holiday to be used on a date of their choice. The credit for this floating holiday will be carried as a separate entry on time records and will not be merged with holiday leave or holiday compensatory time. Floating holiday credit may be charged in quarter-hour units (or smaller units pursuant to local agreements). The floating holiday must be used by February 11, 2013.

For employees in the above units, therefore, February 13, 2012, will not be observed as a holiday and is to be treated as a regular workday. An employee's status on February 13, 2012, determines eligibility to be credited with a floating holiday for that day.

To be credited with a floating holiday, an employee must meet the following criteria:

- a. The employee must be otherwise eligible to observe holidays under the Attendance Rules and negotiated agreements;

and

- b. The employee must be in service on February 13, 2012; that is, the employee must be in full pay status for any portion of his/her work shift on the date in order to earn a floating holiday for that day (for employees for whom this day is a pass day, see below).

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Page 2 of 2

Employees are deemed to be in full pay status on February 13, 2012 if, for any portion of their work shift on that day, they work, charge absence to leave credits, are on leave with full pay without charge to leave credits, or are treated as though they are on leave with full pay (e.g., paid military leave, jury leave, workers' compensation leave with full pay without charge to credits, Workers' Compensation Supplemental Pay Program or Workers' Compensation Statutory Benefit Program, the Professional, Scientific and Technical Services Medical Evaluation Program, or the M/C Workers' Compensation Program). Employees on sick leave at half-pay and employees on leave without pay for the entire day on February 13, 2012 are not eligible to be credited with a floating holiday for that day.

Full-time employees for whom February 13, 2012 is a pass day are eligible to be credited with a floating holiday. Such employees must be in pay status on either their last work shift before their February 13, 2012 pass day or their first work shift following that pass day in order to be credited with a floating holiday (i.e. employees do not have to be in pay status on both sides of the holiday/pass day to be credited with a floating holiday). Eligible employees are credited with a 7.5 or 8-hour floating holiday, as appropriate.

Eligible part-time employees are credited with a floating holiday if they are regularly scheduled to work or are directed to work on February 13, 2012; they are credited with a floating holiday equivalent to the number of hours they are scheduled to work or actually do work on February 13, 2012 (up to a maximum of 7.5 or 8 hours for each day).

Subject to agency procedures for requesting time off, eligible employees may use their floating holiday beginning February 13, 2012 and ending with February 11, 2013.

This memorandum is not applicable to Institution Teachers and other employees subject to Section 136 of the Civil Service Law since such employees are not subject to the Attendance Rules. For those employees, the observance of holidays should be determined by the school calendar in effect in their facilities.

For employees in the Security Services, Security Supervisors, Agency Law Enforcement Services, State Police Troopers, State Police Commissioned and Noncommissioned Officers, and State Police Investigators negotiating units, Lincoln's Birthday (February 13, 2012) is not designated a floating holiday. For employees in these units who are eligible to observe holidays, Lincoln's Birthday will be observed as a fixed holiday. When such employees are required to work on this holiday, their benefits will be determined in the same manner as is currently followed for other holidays on which they are required to work.

Questions concerning application of these eligibility criteria may be directed to your GOER liaison or the Attendance and Leave Unit of this Department at (518) 457-2295.