

**ATTENDANCE AND LEAVE MANUAL**

ADVISORY MEMORANDUM NO. 2018-04

Section 21.1

September 2018

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File this material in the section of the manual referenced above.

Retain until February 12, 2019

TO: Manual Recipients  
FROM: Scott DeFruscio, Director of Staffing Services  
SUBJECT: Veterans' Day Observance

A number of agencies have inquired about the benefits available to eligible veterans for Veterans' Day this year. Section 63 of the Public Officers Law provides that eligible veterans (as defined in that Section) are entitled to leave with pay on November 11 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 next Monday. Veterans' Day falls on Sunday, November 11, this year and will therefore be observed by the State on Monday, November 12.

The following examples are provided to clarify how to apply the benefits provided by Section 63 of the Public Officers Law and by negotiated agreements when there are two calendar days involved.

Eligible veterans who work on Monday, November 12, and who are not required to work on November 11 are not affected by Section 63 of the Public Officers Law since they have a day off on November 11. Such employees are entitled to holiday benefits for November 12 in accordance with the holiday provisions contained in the Attendance Rules and related contract provisions.

An eligible veteran scheduled to work on November 11 and 12 and who has opted for holiday pay would receive a regular day's pay for work on November 11, compensatory time off for the time worked on November 11 (a Section 63 benefit), and on November 12 would receive a day of holiday pay (a contractual benefit) in addition to the regular day's pay for time worked. The eligible veteran who has a holiday leave option and is scheduled to work on November 11 and 12 would receive a regular day's pay for work on November 11, a day of compensatory time off (a Section 63 benefit) and, for working on November 12, a regular day's pay and a day of holiday leave (a contractual benefit).

While contractual holiday compensation is limited to 7.5 or 8 hours and is tied to the designated holiday shift, holiday compensation for 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.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

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If, in the examples cited above, either Sunday or Monday, November 11 or 12, 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, Section 63 and contractual, are applied in the same manner as described before.

For additional information concerning time off for veterans, please see Advisory Memoranda 2018-02 and page C-10, Section 21.1, of the Attendance and Leave Manual. Questions about this holiday may be referred to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.