

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
**ATTENDANCE AND LEAVE MANUAL**  
POLICY BULLETIN NO. 2013-02

Sections 21.12 & 26.3

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**TO:** Manual Recipients  
**FROM:** Blaine Ryan-Lynch, Director of Staffing Services  
**SUBJECT:** Impact of Deficit Reduction Plan on Attendance and Leave Benefits:  
Professional Services Negotiating Unit (BU 68)

**Introduction**

The following material has been prepared to assist you in implementing the attendance and leave provisions contained in the 2011-2016 Agreement between the State of New York and the United University Professions (UUP) for employees in the Professional Services Negotiating Unit (PSNU) (BU 68) (Lifeguards), as it relates to the Deficit Reduction Plan (DRP). All employees in lifeguard titles who are members of this bargaining unit in annual salaried, non-annual salaried (hourly) year-round, and non-annual salaried (hourly) seasonal positions between September 1, 2013 and August 31, 2015 are subject to the provisions of this Program regardless of Attendance Rules coverage.

This DRP consists of two sections: Section I addresses employees who work year-round either as annual salaried employees or non-annual salaried (hourly) employees; Section II addresses summer seasonal employees who are non-annual salaried (hourly) employees who work during the summer season only. Each section has two installments.

The DRP for annual salaried employees and non-annual salaried (hourly) employees who work year-round shall exist for 52 payroll periods in two separate 26 payroll period installments that span three State Fiscal Years (SFYs): 2013-14, 2014-15, and 2015-16.

The DRP for non-annual salaried (hourly) employees who work during the summer season shall exist in two separate installments in SFY 2014-15 and SFY 2015-16.

**Section I – Year-Round Employees (Annual Salaried and Hourly) First Installment**

The DRP reduces compensation by the equivalent of 1.923% of 26 pay periods of compensation, to be withheld from employees' checks paid beginning September 25, 2013 and ending September 10, 2014 for Administration Lag payroll, and October 3, 2013 through September 18, 2014 for Institution Lag payroll in the 2013-2014 and 2014-2015 SFYs. A maximum of two days salary will be reduced and granted as Deficit Reduction Leave (DRL) for PSNU employees in BU 68 effective September 2013. The salary reductions between payroll period 12 and payroll period 22 will correspond to the value of these two DRL days. Reductions made during this period shall **not** result in repayment. Specifically:

- Up to two days of DRL will be granted to annual salaried and non-annual salaried (hourly) year round position employees. These two DRL days must be taken as directed by the appointing authority and need not be the same two days for all employees at an agency. Appointing authorities will be encouraged to schedule the two directed DRL days as soon as practicable upon implementation of this DRP; however, such leave shall be granted no later than August 2014.

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- Employees who work less than full-time or on an hourly basis will be granted the appropriate pro-rata share of DRL which will be taken as directed by the appointing authority. Agencies should contact the Attendance and Leave Unit for guidance in determining the pro-rata share of DRL days to be granted for these employees.

<b>TEMPORARY REDUCED COMPENSATION RATE</b>					
<b>Section I – Year-Round Employees (Annual Salaried and Hourly)</b>					
<b>First Installment: 26 payroll periods</b>					
<b>SFY</b>	<b>RATE</b>	<b>PAYROLL CYCLE Administration Lag (A)</b>	<b>AMT OF DRL GRANTED</b>	<b>PAYROLL CYCLE Institution Lag (I)</b>	<b>AMT OF DRL GRANTED</b>
2013-14	1.923%	11 payroll periods: (A) PP 12 (paid 9/25/13) through PP 22 (paid 2/12/14)	2 days*	11 payroll periods: (I) PP 12 (paid 10/3/13) through PP 22 (paid 2/20/14)	2 days*
2013-14	1.923%	3 payroll periods: (A) PP 23 (paid 2/26/14) through last day of PP 25 (paid 3/26/14)	0 days**	2 payroll periods: (I) PP 23 (paid 3/6/14) through last day of PP 24 (paid 3/20/14)	0 days**
2014-15	1.923%	12 payroll periods: (A) PP 26 (paid 4/9/14) through last day of PP 11 (paid 9/10/14)	0 days**	13 payroll periods: (I) PP 25 (paid 4/3/14) through last day of PP 11 (paid 9/18/14)	0 days**

\*Determined at the discretion of each appointing authority and shall be taken as directed by the appointing authority between September 2013 and August 2014, and shall **NOT** be repaid.

\*\*Reductions shall be repaid.

**Section I – Year-Round Employees (Annual Salaried and Hourly) Second Installment**

The DRP reduces compensation by the equivalent of 1.538% of 26 pay periods of compensation, to be withheld from employee's checks paid beginning September 24, 2014 and ending September 9, 2015 for Administration Lag payroll, and October 2, 2014 through September 17, 2015 for Institution Lag payroll in the 2014-15 and 2015-16 SFYs.

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<b>TEMPORARY REDUCED COMPENSATION RATE</b>					
<b>Section I – Year-Round Employees (Annual Salaried and Hourly)</b>					
<b>Second Installment: 26 payroll periods</b>					
<b>SFY</b>	<b>RATE</b>	<b>PAYROLL CYCLE Administration Lag (A)</b>	<b>AMT OF DRL GRANTED</b>	<b>PAYROLL CYCLE Institution Lag (I)</b>	<b>AMT OF DRL GRANTED</b>
2014-15	1.538%	14 payroll periods: (A) PP 12 (paid 9/24/14) through last day of PP 25 (paid 3/25/15)	0 days*	14 payroll periods: (I) PP 12 (paid 10/2/14) through last day of PP 25 (paid 4/2/15)	0 days**
2015-16	1.538%	12 payroll periods: (A) PP 26 (paid 4/8/15) through last day of PP 11 (paid 9/9/15)	0 days*	12 payroll periods: (I) PP 26 (paid 4/16/15) through last day of PP 11 (paid 9/17/15)	0 days**

\*Reductions shall be in lieu of, and not in addition to, the previous 1.923% rate in SFYs 2013-14 and 2014-15. \*\*Reductions shall be repaid.

**Section II – Summer Seasonal Employees (Hourly) First Installment**

No deductions will be made for non-annual salaried (hourly) employees who work during the SFY 2013-14 summer season.

The first installment of the DRP shall begin with SFY 2014-15 payroll period 5 or when the employee joins the payroll for the 2014 summer season, and conclude when the employee leaves the payroll for the 2014 summer season.

<b>TEMPORARY REDUCED COMPENSATION RATE</b>					
<b>Section II – Summer Season Employees (Hourly)</b>					
<b>First Installment: 4 pay periods plus any additional based on employee's schedule</b>					
<b>SFY</b>	<b>RATE</b>	<b>PAYROLL CYCLE Admin and Admin Extra Lag</b>	<b>AMT OF DRL GRANTED</b>	<b>PAYROLL CYCLE Institution Lag</b>	<b>AMT OF DRL GRANTED</b>
2014-15	1.923%	4 payroll periods: (A) PP 5 (paid 6/18/14) through PP 8 (paid 7/30/14)	.5 days*	4 payroll periods: (I) PP 5 (paid 6/26/14) through PP 8 (paid 8/7/14)	.5 days*
2014-15	1.923%	(A) PP 9 (paid 8/13/14) until employee leaves payroll for 2014 Summer Season	0 days**	(I) PP 9 (paid 8/21/14) until employee leaves payroll for 2014 Summer Season	0 days**

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\*Determined at the discretion of each appointing authority and shall be taken as directed by the appointing authority between September 2013 and August 2014, and shall **NOT** be repaid.

\*\*Reductions shall be repaid.

**Section II – Summer Seasonal Employees (Hourly) Second Installment**

The second installment shall begin when the employee joins the payroll for the 2015 summer season and conclude when the employee leaves the payroll for the 2015 summer season.

<b>TEMPORARY REDUCED COMPENSATION RATE</b>					
<b>Section II – Summer Season Employees (Hourly)</b>					
<b>Second Installment: 2015 Summer Season</b>					
<b>SFY</b>	<b>RATE</b>	<b>PAYROLL CYCLE Administration and Administration Extra Lag</b>	<b>AMT OF DRL GRANTED</b>	<b>PAYROLL CYCLE Institution Lag</b>	<b>AMT OF DRL GRANTED</b>
2015-16	1.538%*	Begins when employee joins 2015 summer payroll and concludes when employee leaves 2015 summer payroll	0 days**	Begins when employee joins 2015 summer payroll and concludes when employee leaves 2015 summer payroll	0 days**

\*Reductions shall be in lieu of, and not in addition to, the previous 1.923% in the 2014 summer season. \*\*Reductions shall be repaid.

The following guidelines describe the way in which leave provisions of the Attendance Rules, negotiated agreements, and related laws and policies are impacted by the DRP.

**DEFICIT REDUCTION PLAN  
 ATTENDANCE AND LEAVE GUIDELINES**

**Eligibility**

All employees in lifeguard titles in BU 68 who are represented by PSNU [either annual salaried or non-annual salaried (hourly) who work year-round, or hourly who work during the summer season only] will be subject to this DRP regardless of coverage under the Attendance Rules.

Notwithstanding, PSNU-represented employees in BU 68 who have an hourly rate of less than \$7.39 in pay periods 12 through 25 of the 2013-14 SFY and pay periods 26 through 11 in the 2014-15 SFY, shall not be subject to the DRP in the 2013-14 and 2014-15 SFYs; employees represented by PSNU in BU 68 who have an hourly rate of less than \$7.36 in pay periods 12 through 25 for Administration payroll and 12 through 24 for Institution payroll of the 2014-15 SFY, and pay periods 26 through 11 for Administration payroll and 25 through 11 for Institution payroll of SFY 2015-16 shall not be subject to the DRP.

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<b>State Fiscal Year</b>	<b>Payroll Periods</b>	<b>Hourly Rate</b>
2013-2014	12 – 18 (A)	\$7.39
	12 – 18 (I)	
2013-2014	19 – 25 (A)	\$7.39
	19 – 25 (I)	
2014-2015	26 – 11 (A)	\$7.39
	26 – 11 (I)	
2014-2015	12 – 19 (A)	\$7.36
	12 – 18 (I)	
2014-2015	20 – 25 (A)	\$7.36
	19 – 24 (I)	
2015-2016	26 – 11 (A)	\$7.36
	25 – 11 (I)	

**Joining or Rejoining State Service During the DRP**

Employees who join or rejoin State service as members of BU 68 during the DRP shall be subject to the DRP’s Temporary Reduced Compensation Rate applicable on the employee’s respective start date.

Agencies should contact the Attendance and Leave Unit for guidance in determining the appropriate amount of DRL to be granted for employees who join or rejoin State service as members of BU 68 during the DRP.

**Amount of DRL Granted by the Appointing Authority**

See appropriate charts above.

**Using DRL**

All DRL granted will be taken at the discretion of each appointing authority and shall be taken between September 2013 and August 2014. Questions concerning an employee exceeding the vacation balance cap should be directed to the Attendance and Leave Unit.

DRL may be granted in quarter-hour increments. Employees are directed to take DRL at the discretion of the appointing authority and cannot choose when to take the DRL.

Time directed to be taken as DRL is considered full pay status for the purpose of earning biweekly accruals, eligibility for holidays, calculation of overtime, and Health/Dental/Vision insurance.

Agencies retain discretion as to whether time directed to be taken as DRL will or will not count for purposes of completing employee probationary periods.

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**Promotion or Reassignment Within an Agency or Within a Facility or Institution**

Employees who are promoted or reassigned within an agency or within a facility or institution will take DRL as directed by the appointing authority; however, such leave shall be granted no later than August 2014.

**Movement From One Agency to Another or Between Facilities or Institutions Within an Agency**

Employees who move from one agency to another or between facilities or institutions within an agency shall take DRL as directed by the appointing authority, prior to movement.

**Movement Under a Reciprocal Agreement**

Employees who move to an entity covered by a reciprocal agreement shall take DRL as directed by the appointing authority, prior to movement.

**Sick Leave at Half-Pay**

DRL must be taken as directed by the appointing authority prior to employees being placed on sick leave at half-pay.

Annual-salaried employees or seasonal hourly employees who go on sick leave at half-pay after the start of the DRP will be directed to take DRL by the appointing authority proportionate to the reduction in salary that will be taken under the DRP. Therefore, an agency should consult the Attendance and Leave Unit before it places an individual on sick leave at half-pay to ensure that the employee has been directed to take the appropriate amount of DRL.

When granting DRL, in these instances, agencies should round down to the nearest quarter-hour.

**Workers' Compensation Benefits**

Agencies should contact the Attendance and Leave Unit for guidance in determining the appropriate amount of DRL to be granted for employees who are out or go out on Workers' Compensation Leave at the start of or during the DRP.

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**Military Leave**

Agencies should contact the Attendance and Leave Unit for guidance in determining the appropriate amount of DRL to be granted for employees who are out or go out on Military leave at the start of or during the DRP.

**Leave Donation**

Employees must be directed to take DRL by the appointing authority prior to being eligible for the Leave Donation Program. DRL may not be donated.

**Family and Medical Leave Act (FMLA)**

A day of DRL taken as directed by the appointing authority in relation to an approved period of FMLA will count against the employee's 12 weeks of entitlement.

**Disciplinary Suspension**

Employees eligible to charge accruals during a period of disciplinary suspension may be directed to take DRL to cover this period at the discretion of the appointing authority.

DRL directed to be taken for this purpose will only be restored to the employee following an arbitrator's decision in the employee's favor and only if the decision is rendered prior to the end of the DRP period which corresponds to the time the DRL was taken.

Questions concerning this Program should be directed to the Attendance and Leave Unit of this Department at 518-457-2295.