

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

ATTENDANCE AND LEAVE MANUAL

Attendance
Record of Attendance

Section 20.2

Page 1 of 2

Purpose

The purpose of this Section is to confirm the obligation of the appointing authority to require that a record of attendance be maintained for each employee.

Eligibility

All employees subject to the Attendance Rules are covered by this Section.

Record of Attendance

An adequate and accurate record of attendance must be maintained for each employee. Subject to the approval of the Department of Civil Service, the appointing authority may exempt certain employees (positions) from maintaining a detailed record of actual hours worked.

The detailed record of attendance maintained by employees not exempted from this provision shall be in the nature of a time record of actual hours worked, leave credits used and absences not charged to leave credits. It must show the times of arrival for duty at the beginning of the workday and following lunch, and the times of departure for lunch and at the end of the workday.

Employees who have been exempted from maintaining a detailed time record are not required to record the actual time of arrivals and departures but they must maintain a positive record of daily presence and absence and leave credits earned and used. Such record should be sufficient to serve as a basis for payment of salary.

Exempting Employees from Maintaining Detailed Record of Attendance

In order to exempt certain employees (positions) from maintaining detailed records of attendance, the appointing authority must submit a list of the positions for which exemption is requested, as well as any proposed changes in previously exempted positions, to the Department of Civil Service for approval. Employees exempted from the maintenance of such records are ineligible to earn overtime and normally are not subject to tardiness penalties.

Related
Contract
Provisions

C-1

C-2

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

ATTENDANCE AND LEAVE MANUAL

Attendance
Record of Attendance

Section 20.2

Page 2 of 2

Employees exempted by the Division of the Budget from earning overtime are not, however, automatically exempted from keeping a detailed time record. Timekeeping exemptions must be approved by the Department of Civil Service.

Some of the factors considered when exempting employees (positions) from keeping detailed time records are:

- a. nature of duties; e.g., field positions,
- b. salary level,
- c. supervisory responsibilities,
- d. amount of supervision received and
- e. ineligibility to earn overtime.

Employees may not be exempted from keeping detailed time records on the basis of seniority or length of service.

Department of Civil Service approval of agency requests to exempt employees (positions) from the requirement of maintaining time records of actual hours worked should be reported to the Division of the Budget by the requesting agency.

Falsification of an employee's attendance or time record constitutes a serious violation of the Attendance Rules and may serve as a basis for disciplinary action.

Related
Contract
Provisions

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL

Attendance
Record of Attendance
Maintenance of Time Records

Section 20.2

Page C-1 of 2

Negotiating Unit:

Professional, Scientific and Technical
Services Unit Article 12.17

Effect:

Employees in this unit, irrespective of their eligibility to earn overtime, may not be required to use a time clock for timekeeping purposes, and they may not be required to sign "in" and "out" with a timekeeper.

Overtime eligible employees must keep and maintain daily time records showing actual hours worked. Such employees continue to be subject to agency tardiness penalty schedules, as well as appropriate penalties and/or disciplinary action for excessive tardiness.

Overtime ineligible employees may only be required to maintain a daily record showing presence or absence and time and leave credits earned and used. While such employees generally are exempt from agency tardiness penalty schedules, they continue to be subject to appropriate penalties and/or disciplinary action for excessive tardiness.

All employees covered by the contract item may be required to submit their time records on a daily, weekly, biweekly or bi-pay period basis to their supervisors for their review and shall be required to maintain such records on forms prescribed by the appointing authority.

The appointing authority may require that time records be retained in a central location (e.g., a time card wall rack), except when removed for posting time and leave entries, or be placed in such central location for collection at the beginning or at the end of each workday so long as such retention or filing requirements do not involve the recording of arrival and departure times under the direct and immediate observation of a supervisor or other person acting as a timekeeper. The review at the close of each workday of daily time records to verify the accuracy of such records for one or more employees in a work unit does not constitute the recording of attendance ". . . with a timekeeper."

A supervisor may require employees in need of close supervisory control because of tardiness and/or attendance problems to sign in and sign out at his/her desk. A supervisor who imposes this requirement under such condition is not a timekeeper within the meaning and intent of the subject contract item.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL

Attendance
Record of Attendance
Accounting of Leave Accruals

Section 20.2

Page C-2 of 2

Negotiating Units:

Administrative Services Unit Article 10.10
Institutional Services Unit Article 10.11
Operational Services Unit Article 10.14
Professional, Scientific and Technical Services
Unit Article 12.12
Rent Regulation Services Unit Article 12.11
(Seasonal employees in the PS&T Unit)

Effect:

The subject contract items have no impact on employees who maintain their own time records and leave accruals on forms prescribed by the employing agency subject to timely agency audit and approval since such employees maintain leave records "on a self-accounting basis" and have such records immediately available for perusal on an up-to-date basis.

Employees in the Administrative; Professional, Scientific and Technical and Rent Regulation Services Units, who do not maintain their own time records on agency prescribed forms, must be supplied with timekeeping forms for their own use and must be advised of their actual and official leave accruals at least once each year. The advice should take such form as will permit the employee to refer to it as a prime reference source should questions develop concerning the amount of his/her accruals at any point in time. Employees in the Institutional Services Unit are similarly entitled to receive timekeeping forms for their own use and to be advised of their leave accruals at least once each year but not less frequently than they were so advised as of March 31, 1982.

Employees in the Operational Services Unit, who do not maintain their own leave accruals or for whom such accruals are not immediately available for their perusal, must be advised of their actual and official accruals at least every 28 days.