

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

ATTENDANCE AND LEAVE MANUAL

Absence With Pay
Leave for Civil Service Examinations

Section 21.10

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Purpose

The purpose of this Section is to provide eligible employees with a reasonable amount of time off with pay without charge to credits to take State level Civil Service examinations and to be interviewed for promotions and transfers under certain circumstances.

Eligibility

All employees covered by the Attendance Rules are eligible for leave under this Section.

Conditions Under Which Leave is Granted

An employee, upon providing sufficient notice, is entitled to leave with pay without charge to credits to:

- a. take any New York State Civil Service promotion or open competitive examination (includes written, oral, physical and performance examinations) for a State position (includes State level positions in agencies not covered by these Rules that participate in the Civil Service exam process).
- b. be interviewed for a position as a result of the establishment of an eligible list, preferred list, reemployment roster or placement roster for State positions (includes interviews in agencies not covered by these Attendance Rules).
- c. be interviewed for a position that may result in an interdepartmental or intradepartmental transfer (any movement) or promotion, provided the employee has not initiated the interview. An interview which results from response to a canvass letter or other agency-initiated inquiry directed to a specific employee is not deemed to be employee-initiated and the employee is allowed time off without charge to credits under this Section. If the employee initiates the interview for a transfer, the time off must be charged to personal leave, vacation, holiday leave or overtime credit. Sick leave may not be used. An employee is deemed to have initiated an interview if the interview is the result of a phone inquiry made by the employee, an unsolicited resume submitted by the employee or a response to a posting.

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Pursuant to agency policy, appointing authorities may consider in-house interviews in response to postings to be an assignment to duty and therefore not charged to credits.

Amount of Time to be Granted

Agencies are expected to exercise sound discretion in determining the amount of time off to be granted to employees for taking Civil Service examinations or being interviewed. Such time off should include the actual time of the examination or interview and travel time to and from the nearest examination center or the interview site. When appropriate, meal time may be included.

Additional time without charge to credits shall not be granted except in unusual circumstances. For example, examination time, travel and meal time may total 6 1/2 hours of an 8-hour shift so the appointing authority may deem it inadvisable for the employee to return to duty for the remaining 1 1/2 hours and therefore excuse the 1 1/2 hours without charge to leave credits.

Under no circumstances shall any type of compensatory time off be granted in connection with a Civil Service examination.

Time Off to Review or Appeal an Examination

An employee who takes time off to participate in any review of or to appeal a Civil Service examination must charge the absence to personal leave, vacation, holiday leave or overtime credits. Sick leave may not be used. An appointing authority may not deny such leave to an employee if as a result the employee is, in fact, denied the right to review or appeal an examination the employee has taken.

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Negotiating Units:

Administrative Services Unit Article 28.2
Institutional Services Unit Article 28.2
Operational Services Unit Article 28.2
Security Services Unit Article 15.3(d)
Security Supervisors Unit Article 15.3(d)
(Seasonal employees in the Institutional Services Unit)
(Seasonal employees in Security Services and
Security Supervisors Unit)

Effect:

Employees in the Administrative, Institutional and Operational Services Units, who are scheduled to work during the eight-hour period immediately preceding the time they are to report for a New York State written Civil Service examination, should be granted time off without charge to leave credits during such period. However, if it is impossible to grant the time off because of the need to maintain essential services, the employees may not be allowed any form of compensatory time off or granted any special relief or consideration with respect to the examination itself. The need to schedule overtime may not be used as a reason for denying the time off that is contemplated by this item.

Employees in the Security Services and Security Supervisors Units may not be required to work any work shift which ends less than eight hours before they are scheduled to compete in a New York State Civil Service examination, and may not be required to charge leave credits for any absences from work during such work shift which are approved for purposes of taking such examination.

To be eligible for time off pursuant to all of these contract items, employees must give due notice of their intention to compete in a Civil Service examination and they must actually compete in such examination. The examination must be for positions in State service, and the work shift for which time off is requested must be one which the employees would regularly and normally be scheduled to work and would have worked except for the examination.

The starting time of an examination or the time at which employees are scheduled to report for an examination is the time indicated on the notice to appear for the examination and not the time employees must leave work or their residences to travel to the examination site.

These items shall not be construed to require time off in connection with job interviews or preemployment physical examinations.