

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL

Absence With Pay
Sick Leave at Half-Pay

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Purpose

The purpose of this Section is to provide continuation of compensation for employees who are absent because of personal illness and have exhausted all their available leave credits.

Eligibility

A permanent or permanent contingent employee is eligible for sick leave at half-pay at the discretion of the appointing authority if the following conditions are met:

1. The employee is personally ill.
2. The employee has a cumulative year of State service (not necessarily permanent service) creditable for Attendance Rules purposes. For sick leave at half-pay, periods of qualifying service are creditable regardless of the length of any breaks between such periods of service. To be creditable service, the employee must have had a schedule that entitled him/her to accrue leave credits. See Section 21.2 or 21.3 on vacation and sick leave for details concerning eligibility to accrue credits.
3. All available leave credits must be exhausted. (When the absence is due to a workers' compensation injury, credits restored for that injury are not considered to be available credits.) This includes sick leave, vacation, holiday leave or holiday compensatory time, and all overtime compensatory time. Leave credits are considered to be exhausted when the aggregate balance is less than the number of hours in the employee's normal workday. This balance should be retained by the employee and he/she is eligible to be placed on sick leave at half-pay at the beginning of the next workday.

The appointing authority may require that personal leave credits also be exhausted before granting sick leave at half-pay. This should

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be done as a matter of agency policy and applied uniformly.

4. The employee must have a qualifying schedule for accruing sick leave at the time the sick leave at half-pay is being granted. For example, a 40 percent employee who works two days a week is not currently eligible even though formerly employed on a full-time basis.
5. The employee must have permanent or contingent permanent status as of the day sick leave at half-pay is to begin.

Probationary employees, who have no permanent status in any State position other than the position in which they are serving a probationary period, are not entitled to sick leave at half-pay until they have successfully completed such probationary period. Such employees are not "permanent employees" within the meaning and intent of Section 21.5 of the Attendance Rules. Although they hold their positions by permanent or permanent contingent appointment, they are not permanent employees unless and until they acquire such status upon completion of the required probationary period.

Accordingly, a probationary employee serving a 12-month, 24-month, or 36-month probationary period is not eligible for nor entitled to sick leave at half-pay upon completion of one year of service, but upon successful completion of the probationary period which may take as long as three years. It also means that a probationary employee who has accumulated five or six years of service because of a previous period or periods of service, and who presently has no permanent status in any State position, is likewise not eligible for nor entitled to sick leave at half-pay until completion of the probationary period.

Employees on a preferred list who had completed probation at the time of layoff are considered to have permanent status for sick leave at half-pay purposes. Therefore, an employee who holds a position on a temporary or provisional basis whose

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name is currently on a preferred list does meet the definition of permanent for this Section of the Rules provided the employee had completed probation prior to placement on the preferred list.

Amount of Sick Leave at Half-Pay

Employees accumulate sick leave at half-pay entitlement based on years of service. As with sick leave credits, sick leave at half-pay accrued by an employee may be used only once. (See Section 21.8 on restoration of sick leave at half-pay following a Workers' Compensation Board award for an exception.) An employee with a cumulative total of 20 pay periods of entitlement for sick leave at half-pay who used six pay periods during the course of employment now has a maximum entitlement to 14 pay periods of sick leave at half-pay.

Sick leave at half-pay entitlement accumulates at the rate of one pay period for each complete six months of State service. A pay period is the minimum unit for crediting an employee with sick leave at half-pay. In other words, an employee cannot be credited with one week of sick leave at half-pay for three months of service. An employee with 12 months of service and an employee with 17 months of service both have two pay periods of sick leave at half-pay.

Time spent on sick leave at half-pay counts as service toward eligibility for additional sick leave at half-pay. For example, the employee with 23 months of service who, while using his/her three pay periods of sick leave at half-pay entitlement completes the 24th month of service, becomes eligible for a fourth payroll period of sick leave at half-pay.

To determine the amount of service an employee has, it is necessary to add up all creditable State service in years, months and days. Creditable State service is service on the payroll in full pay or sick leave at half-pay status while employed to work a schedule that entitles the employee to earn sick leave. (See Section 21.3, Sick Leave, for

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eligibility criteria for accruing sick leave.) This service includes temporary, provisional, permanent and permanent contingent service with the Legislative, Executive or Judicial branch of government and service with an agency with which there was a reciprocal agreement at the time the employee moved to a position covered by these Rules. (See Part 24, "Crediting Other Public Employment as State Service," in this Manual.) Time spent on military leave without pay also counts as State service for this purpose.

All creditable service is counted regardless of the length of any break(s) in service. An employee with three years of service, a four-year break and then five years of service, has eight years of service for determining sick leave at half-pay entitlement.

Once all periods of service are identified, all periods of leave without pay must be deducted (except military leave). Specifically, the following must be subtracted in years, months and days from total qualifying service:

- all full days of lost time
- all periods of leave without pay for any reason (except military leave).

NOTE - Pursuant to the negotiated agreements, time spent on workers' compensation leave without pay for the nine cumulative months of the Supplemental Pay Benefit, the 12 cumulative months under the Statutory Benefit Program or the nine cumulative months of the Medical Evaluation Program is not deducted when calculating the employee's periods of service for sick leave at half-pay eligibility.

After these calculations are completed, the employee's total service in years, months and days can be divided into six-month blocks to determine total sick leave at half-pay entitlement. (When an employee's maximum entitlement is calculated, this record should be dated and retained. If it becomes necessary to determine the employee's service for calculating sick leave at half-pay entitlement in

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the future, it will require adding new information only.)

Sick leave at half-pay previously granted is then subtracted from total entitlement, in pay periods and days, to determine current maximum entitlement. An employee with six pay periods of entitlement who previously used two pay periods and three workdays of sick leave at half-pay now has a maximum entitlement of three pay periods and seven workdays. (Records of use of sick leave at half-pay should also be dated and retained for future reference.)

Limitations on the Granting of Sick Leave at Half-Pay

Sick leave at half-pay may be granted in full-day units only. It is a benefit intended to provide some income protection for long-term illnesses and is not available in less than full-day units under any circumstances.

Sick leave at half-pay is available for personal illness only. An employee may not be granted sick leave at half-pay for absences solely due to death in the employee's family or illness of other family members.

Sick leave at half-pay is available only to employees currently eligible to accrue sick leave credits.

Termination of Sick Leave at Half-Pay

An employee is not entitled to be continued on the payroll beyond the point employment would otherwise terminate by operation of law, rule or regulation simply because he/she has remaining sick leave at half-pay eligibility. For example, an employee who has been absent for one continuous year may be terminated under Section 73 of the Civil Service Law even though the employee has remaining eligibility for sick leave at half-pay. However, it is consistent with the intent of the Attendance Rules to continue an otherwise eligible employee on sick leave at half-pay until his/her

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employment ends. It is not consistent with the intent of the Attendance Rules to terminate the sick leave at half-pay and then continue the employee on leave of absence without pay until the employment ends unless available sick leave at half-pay has been exhausted.

Agency Policy and Procedures on Sick leave at Half-Pay

Sick leave at half-pay should not be granted or denied automatically or routinely. Each agency should establish policies and procedures to ensure equitable treatment of all agency employees in granting such leave.

Factors which should be considered in developing agency policy and procedures include:

1. Development and publication of procedures for employees to follow when requesting sick leave at half-pay and for the agency to follow when responding to those requests. Employees should be expected to make such a request and sick leave at half-pay should not be automatically started without a request. Employees can choose not to receive sick leave at half-pay. The agency is obligated to advise an employee of his/her responsibility for requesting this leave and to provide the required procedures and forms, if any.
2. The Rules do not require that sick leave at half-pay granted prior to January 3, 1957, be deducted when determining an employee's current maximum entitlement. Agencies should adopt a uniform policy on including or excluding sick leave at half-pay granted prior to that date.
3. As with sick leave, agencies should have acceptable medical documentation to support a request for sick leave at half-pay and should continue to receive periodic documentation for long-term absences. The extent of the medical

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Sec.21.3,
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documentation and frequency of submission is largely dependent on the nature of the disability. Agencies should plan, to the extent possible, to base their requirements on the employee's particular medical situation and should communicate their requirements to the affected employee.

4. Sick leave at half-pay may be withheld or temporarily discontinued during a period for which an employee has not provided satisfactory medical documentation. Once acceptable documentation is received, sick leave at half-pay should be granted retroactively.
5. While sick leave at half-pay under the Attendance Rules is discretionary with the appointing authority, that discretion must be exercised in a prudent and equitable fashion consistent with the intent of the Attendance Rules. This means that sick leave at half-pay should not be denied arbitrarily and that any denials which occur are defensible if challenged. It is not, for example, consistent with the Attendance Rules to withhold sick leave at half-pay from an otherwise eligible employee because of less than satisfactory work performance. Performance issues should be addressed through the performance evaluation process and/or the disciplinary process. On the other hand, where an employee requesting sick leave at half-pay has been formally identified and disciplined as a leave abuser within the past year, the agency would probably be on firm ground in denying the request because the employee would not be requesting sick leave at half-pay if leave credits had been properly utilized.

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Vacation, Sick Leave, Personal Leave and
Holidays

An employee on sick leave at half-pay is not entitled to any credit for holidays which fall during a period of such leave. He/She may not be granted leave with full pay or compensatory time off for any such holiday.

An employee on sick leave at half-pay does not earn vacation and sick leave accruals normally credited each pay period.

An employee's vacation anniversary date is not adjusted for periods of sick leave at half-pay.

An employee on sick leave at half-pay on his/her anniversary date is eligible to be credited with both vacation bonus days and personal leave. If an employee requests to be restored to full pay to use these credits, the agency is not obligated to do so and can require the employee to remain on sick leave at half-pay until his/her entitlement is exhausted. At that time, prior to placing an employee on leave without pay, if the employee requests use of those credits the employer is obligated to restore the employee to full-pay status to exhaust the credits prior to being placed on leave without pay. Agencies with policies that require employees to exhaust all appropriate credits before beginning leave without pay could require the employee to use these credits after exhausting sick leave at half-pay and prior to leave without pay.

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Sec. 21.2,
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Negotiating Units:

Administrative Services Unit Article 10.8
Institutional Services Unit Article 10.15
Operational Services Unit Article 10.10

Effect:

A permanent employee in one of these three Units who is subject to the Attendance Rules for State employees shall be granted sick leave at half-pay for personal illness, upon request, if the employee

1. has one year of continuous State service (see p. C-3 for definition of continuous),
2. is otherwise eligible for sick leave at half-pay as provided by Section 21.5 of the Attendance Rules,
3. has exhausted all leave credits,
4. submits medical documentation periodically which is satisfactory to the appointing authority,

AND

- 5a. is in an Administrative Services Unit position and has been absent due to personal illness for three consecutive workdays (see p. C-5 concerning cases of permanent disability),

OR

- 5b. is in an Institutional Services Unit or Operational Services Unit position and has been absent due to personal illness for 30 consecutive workdays and is not permanently disabled from the performance of the duties of the position.

Note that these are the conditions under which sick leave at half-pay must be granted pursuant to the contract provisions. Appointing authorities retain authority to grant sick leave at half-pay, pursuant to Section 21.5 of the Attendance Rules, during any period of absence caused by personal disability for which the employee is not entitled to sick leave at half-pay under the contracts. For example, an employee in the Institutional Services Unit, who is otherwise eligible, may be granted sick leave at half-pay prior to being absent 30 consecutive workdays.

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It is not the intent of these contract items that sick leave at half-pay be granted or extended so that an employee's services are continued beyond that date when they would otherwise have been terminated. An employee who is on sick leave at half-pay at the conclusion of a period of seasonal employment is not eligible for and may not be continued on sick leave at half-pay. These contract items do not supersede Section 73 of the Civil Service Law providing for the termination of an employee continuously absent from and unable to perform the duties of the position for one year or more. These contract items do not serve to prohibit or otherwise limit the legitimate power of the appointing authority to terminate an employee's services for good cause and in accordance with law, rule or contract.

An employee who at the close of a workday has a balance of leave credits which in the aggregate is less than the number of hours in such employee's normal workday should be considered to have exhausted all leave credits and, if otherwise eligible, should be placed on sick leave at half-pay at the beginning of the next workday. The credit hours remaining are retained by the employee. In all cases, sick leave at half-pay will start at the beginning of business and any remaining credits amounting to less than a full day will be retained by the employee pending return to duty. For example, an employee who has been on leave with pay for three months and at the close of business on September 6, 1983 has three hours of sick leave remaining and no other credits is considered to have exhausted all leave credits and should be placed on sick leave at half-pay at the beginning of business on September 7, 1983.

Probationary Employees

Probationary employees, who have no permanent status in any State position other than the position in which they are serving a probationary period, are not entitled to sick leave at half-pay on either a mandatory or a discretionary basis until they have successfully completed their probationary period. Such employees are not "permanent employees" within the meaning and intent of Section 21.5 of the Attendance Rules nor of the contract articles. Although they hold their positions by permanent appointment, they are not permanent employees unless and until they acquire such status upon completion of the required probationary period.

Accordingly, a probationary employee serving a 24-month or 30-month probationary period is not eligible for nor entitled to sick leave at half-pay upon completion of one year of service, but upon successful completion of the probationary period which may take as long as three years. Also a probationary employee who has accumulated five or six years of service because of a previous period or periods of service, and who has no permanent status in any State position, is not eligible for sick leave at half-pay until completion of the probationary period.

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Continuous Service

To be entitled to sick leave at half-pay pursuant to the subject articles, an employee must have at least one year of continuous State service. Periods of leave without pay, no matter how brief, do not constitute an interruption in continuous service but are not included in the computation of total service for purposes of determining whether an employee has completed a full year of continuous service. An interruption in continuous service is deemed to have occurred whenever an employee is separated from service for any length of time; however, for purposes of computing continuous service, an employee who separates and is thereafter reinstated or reemployed as described on Page 2, of Section 26.1 of this Manual is deemed to have been on leave without pay during the period of separation.

Maximum Grant Permitted

To determine current entitlement to sick leave at half-pay, calculate total entitlement and then subtract all sick leave at half-pay granted to date. See page 2, Section 21.5, for calculation of an individual's total sick leave at half-pay entitlement. In summary, an eligible employee accumulates sick leave at half-pay entitlement at the rate of one pay period of sick leave at half-pay for each six months of service. Total service for this purpose is the cumulative total of all State service exclusive of all periods of leave without pay, other than military leave without pay.

When determining sick leave at half-pay used to date for employees in these three Units, sick leave at half-pay granted prior to or since January 3, 1957 must be considered in determining current eligibility for such leave and must be deducted from total eligibility.

Employee Requests for Sick Leave at Half-Pay

An employee otherwise eligible for and entitled to sick leave at half-pay may be required to submit a request for leave and is not entitled to be placed on sick leave at half-pay immediately and automatically upon liquidation of all leave accruals.

An employee cannot be placed on sick leave at half-pay if such employee chooses instead to go on sick leave without pay.

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Sick Leave at Half-Pay for Less Than Full Day Absences

In no case may sick leave at half-pay be granted for less than full day absences; e.g., an employee cannot be in full-pay status for less than a full day and be granted sick leave at half-pay for the remainder of such day either at the beginning or the end of a period of sick leave at half-pay or for a single day.

Sick Leave at Half-Pay Prior to Completion of the Minimum Required Period of Absence

Unless an employee in the Administrative Services Unit is absent due to personal illness charged to leave credits for at least three consecutive workdays immediately preceding liquidation of all credits, such employee need not be granted sick leave at half-pay under the contractual provision until he/she has been on leave without pay for three workdays. However, the employee is eligible to be granted sick leave at half-pay immediately pursuant to the Attendance Rules. For example, an eligible employee absent continuously who has only two days of accrued leave may be granted sick leave at half-pay under the Attendance Rules on the third day of absence (the point at which leave accruals are exhausted), or the employee may be required to serve a three-day waiting period on leave without pay, thus becoming entitled to mandatory sick leave at half-pay under the contract on the sixth day of absence (two days charged to leave accruals and three days leave without pay). However, had this employee been absent on sick leave charged to leave accruals for at least three consecutive workdays immediately preceding liquidation of credits, the employee would have become entitled to mandatory sick leave at half-pay under the contract at the point at which leave accruals were exhausted.

Employees in the Institutional and Operational Services Units must have been absent for 30 consecutive workdays before acquiring entitlement to mandatory sick leave at half-pay under the contracts. If such an employee does not have sufficient leave credits to cover the 30 consecutive workdays, under the contractual provisions he/she need not be granted sick leave at half-pay immediately and may be placed on sick leave without pay for that portion of the 30 workdays for which leave credits are not available. However, under the Attendance Rules the employee is eligible to be granted sick leave at half-pay as soon as all leave credits are exhausted. Once an employee has been absent for 30 consecutive workdays, with or without pay, and the employee is otherwise eligible for sick leave at half-pay in accordance with the subject items, such employee is entitled to mandatory sick leave at half-pay under the contractual provision commencing on the 31st workday of absence.

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Again, agencies are reminded that during waiting periods for mandatory sick leave at half-pay under the CSEA contracts, employees continue to be eligible for sick leave at half-pay pursuant to the Attendance Rules and a determination must be made regarding granting or denying such leave under the Rules during that waiting period. Although sick leave at half-pay under the Rules is discretionary with the appointing authority, it should not be denied arbitrarily and the appointing authority must ensure that any denials are defensible.

Determinations of Permanent Disability

For an employee in the Administrative Services Unit who has been determined to be permanently disabled and unable to perform the duties of the position, the appointing authority is required to grant or continue sick leave at half-pay as provided in the subject contract item so long as the disabled employee or the State or any person acting on behalf of the employee files an application for a disability retirement allowance pursuant to the Retirement and Social Security Law. Sick leave at half-pay so granted or continued must be extended until the employee's eligibility is exhausted or the disability retirement application is acted upon, whichever occurs first.

It is not intended that an employee may force extension of sick leave at half-pay simply by filing a disability retirement application with the Retirement System. Sick leave at half-pay may be denied to an employee who files an application for a disability retirement allowance pursuant to the provisions of Title 7 of Article 2 of the Retirement and Social Security Law if the employee does not continue to meet the criteria set forth in Section 10.8 of this Article.

For employees in the Institutional and Operational Services Units, the contracts provide that sick leave at half-pay may be denied if the employee is found to be permanently disabled, even if the employee has filed a disability retirement application with the Retirement System. Although such an employee is not entitled to mandatory sick leave at half-pay, it would be consistent with the intent of the Attendance Rules for the appointing authority to grant sick leave at half-pay pending action on the disability retirement application.

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Negotiating Unit:

Professional, Scientific and Technical Services
Unit Article 12.20

Effect:

This article provides a special benefit for PS&T employees who earn sick leave at the rate of ten days per year. Specifically, such employees, while continuing to be eligible for sick leave at half-pay pursuant to the Attendance Rules, are entitled to be granted a limited amount of that sick leave at half-pay on a mandatory basis provided they meet the following eligibility criteria.

They must:

- 1) Have permanent status as of the date of the request for sick leave at half-pay.
- 2) Have completed at least one cumulative year of service.
- 3) Present acceptable medical documentation of personal disability.
- 4) Have exhausted all leave accruals. (Leave accruals are exhausted when remaining accruals total less than one full day.)
- 5) Have served a waiting period of at least ten consecutive workdays of absence, at least five of which have been charged to sick leave. Use of other credits as sick leave does not meet the five-day waiting period requirement of this article.

(NOTE: Where the appointing authority determines in a specific case that imposition of the five-day sick leave accrual requirement would constitute an undue hardship, the appointing authority may waive the requirement that five days of the waiting period must be charged to sick leave credits.)

Maximum Grant Permitted

Nothing in this article alters the total amount of sick leave at half-pay for which an employee is eligible as calculated in accordance with Section 21.5 of the Attendance Rules, and any sick leave at half-pay granted pursuant to this article is deducted from the employee's total eligibility.

The cumulative total of mandatory sick leave at half-pay which an eligible employee may receive pursuant to this article is 1.5 days for each completed six months of service after April 1, 1985. (In accordance with the Attendance Rules, leave of absence without pay is not counted toward completion of a six-month block of service.) For example, an eligible employee hired on April 1, 1983 (who has used no sick leave at half-pay) is

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eligible, as of April 1, 1988, for a total of ten biweekly pay periods (100 days) of sick leave at half-pay pursuant to the Attendance Rules of which nine days must be granted on a mandatory basis pursuant to this provision if the employee meets the eligibility requirements of this provision. (The nine days was arrived at by multiplying 1.5 days times 6 pay periods since April 1, 1985.)

All sick leave at half-pay used prior to April 1, 1988 shall be deemed to be discretionary sick leave at half-pay. On the other hand, sick leave at half-pay used subsequent to April 1, 1988 by an employee who meets the eligibility requirements of this article shall be deemed to be mandatory sick leave at half-pay until the employee's entitlement to mandatory sick leave at half-pay is exhausted.

Some examples follow:

1. An eligible employee hired December 15, 1986, who used one pay period of sick leave at half-pay prior to April 1, 1988, the effective date of this article, is eligible as of June 15, 1988 for a maximum of two pay periods of sick leave at half-pay under the Rules, of which 4.5 days must be granted on a mandatory basis. Assuming this employee uses no further sick leave at half-pay, as of June 15, 1989 this employee will be eligible for four biweekly payroll periods of sick leave at half-pay under the Rules, of which 7.5 days must be granted on a mandatory basis if the employee meets the eligibility requirements under this provision.

This employee then requests and is granted five days of sick leave at half-pay on July 15, 1989. The employee uses five days of his total sick leave at half-pay entitlement and his remaining sick leave at half-pay eligibility under the Rules is 3.5 pay periods. He has used five days of his 7.5 mandatory days of sick leave at half-pay entitlement. His remaining entitlement to mandatory sick leave at half-pay is 2.5 days.

2. An eligible employee hired on April 1, 1982 would have been eligible as of April 1, 1988 for 12 pay periods of discretionary sick leave at half-pay. However, prior to April 1, 1988 he became ill and used all but one day of his discretionary sick leave at half-pay. His eligibility for mandatory sick leave at half-pay as of April 1, 1988 is that one day. If he does not meet the eligibility requirements for mandatory sick leave at half-pay, that one day is still available to him on a discretionary basis under the Attendance Rules.

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3. An employee hired on October 1, 1986 who has used no sick leave at half-pay prior to April 1, 1988 is eligible on November 15, 1988 for four pay periods (40 days) of discretionary sick leave at half-pay of which six days must be granted on a mandatory basis. On November 15, 1988 this employee requests and is granted one pay period (10 days) of sick leave at half-pay. The employee uses six days of mandatory sick leave at half-pay; the remaining four days are granted as discretionary sick leave at half-pay. The employee's remaining eligibility for discretionary sick leave at half-pay is three pay periods; there is no remaining eligibility for mandatory sick leave at half-pay until completion of at least six months of additional service.

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Maximum Grant Permitted

The following format may be helpful in calculating an employee's eligibility for discretionary and mandatory sick leave at half-pay. Part A calculates the total eligibility for sick leave at half-pay. Part B shows that portion of the total that is available on a mandatory basis. Note that mandatory entitlement is expressed in terms of days.

A. Total Eligibility for Sick Leave at Half-Pay

Total Amount of State Service
(Exclusive of periods of Leave
Without Pay)

Years Months Days

Total Pay Periods of Sick Leave at
Half-Pay Eligibility (1 pay period
for each completed 6 months of service)

Pay Periods

Minus

Amount of Sick Leave at Half-Pay Used Prior
to 4/1/88 (all discretionary)

Pay Periods

Minus

Amount of Sick Leave at Half-Pay Used After
4/1/88 (both discretionary and mandatory)

Pay Periods

Equals

Remaining Eligibility for Sick Leave
at Half-Pay

Pay Periods

B. Mandatory Portion

Total Amount of State Service Since 4/1/85
(Exclusive of periods of Leave
Without Pay)

Years Months Days

Total Mandatory Sick Leave at Half-Pay
Eligibility (1.5 days for each completed
6 months of State service)

Days

Minus

Amount of Mandatory Sick Leave at Half-Pay
Used Since 4/1/88

Days

Equals

Remaining Eligibility for Mandatory Sick Leave
at Half-Pay

Days

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Probationary Employees

Probationary employees, who have no permanent status in any State position other than the position in which they are serving the probationary term are not entitled to sick leave at half-pay on either a mandatory or a discretionary basis until they have successfully completed such probationary period. These employees are not "permanent employees" within the meaning and intent of Section 21.5 of the Attendance Rules or of the contract article. Although they hold their positions by permanent appointment, they are not permanent employees unless and until they acquire permanent status upon completion of the required probationary period.

Accordingly, a probationary employee serving a 24-month or 30-month probationary period is not eligible for nor entitled to sick leave at half-pay upon completion of one year of service, but upon successful completion of the probationary period which may take as long as three years. Also a probationary employee who has accumulated five or six years of service because of a previous period or periods of service, and who has no permanent status in any State position, is not eligible for or entitled to sick leave at half-pay until completion of the probationary period.

Employee Requests for Sick Leave at Half-Pay

Employee requests for sick leave at half-pay must be submitted in accordance with agency or facility procedural requirements. Employees must be notified of these requirements. An employee is not entitled to be placed on sick leave at half-pay immediately and automatically upon liquidation of all leave accruals.

An employee cannot be placed on sick leave at half-pay if the employee chooses instead to go on sick leave without pay.

Sick Leave at Half-Pay for Less Than Full Day Absences

In no case may sick leave at half-pay be granted for less than full day absences; e.g., an employee cannot be in full-pay status for less than a full day and be granted sick leave at half-pay for the remainder of such day either at the beginning or the end of a period of sick leave at half-pay or for a single day.

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Determinations of Permanent Disability

It is consistent with the intent of the Attendance Rules and this contract provision that an otherwise eligible employee with remaining entitlement to sick leave at half-pay who continues to be disabled be granted such sick leave at half-pay up to the date of termination of employment due to disability. It is not intended that an agency cancel the remaining sick leave at half-pay for which such employee is eligible and place the employee on leave without pay pending termination of employment due to disability. However, remaining eligibility for sick leave at half-pay need not extend the employment beyond the point it would otherwise terminate by action of law, Rule or regulation.