

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL

ADVISORY MEMORANDUM NO. 93-02

Section 26.1


June 23, 1993

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

Retain until December 31, 1995

TO: State Departments and Agencies

FROM: Peter Elmendorf, Director 
Personnel Services Division

SUBJECT: Attendance and Leave Guidelines for Employees
Participating in the Voluntary Reduction in Work Schedule
Program

The Voluntary Reduction in Work Schedule (VRWS) Program which was continued for Managerial/Confidential (M/C) employees for fiscal years 1992-1993, 1993-1994, and 1994-1995, has also been extended for Professional, Scientific and Technical Services (PS&T) Unit employees for fiscal years 1993-1994 and 1994-1995 effective June 3, 1993, for administration payrolls and June 10, 1993, for institution payrolls. The program is described in detail in the Governor's Office of Employee Relations (GOER) memorandum issued on May 27, 1993.

In summary, a full-time employee may reduce his or her work schedule by 30 percent or less, voluntarily trading income for time off. The adjustment in salary must be made in minimum increments of five percent. The corresponding adjustment in work schedule is accounted for by earning and charging a new category of accrued leave--Voluntary Reduction Credits (VR Credits). The participating employee and agency enter into a formal Voluntary Reduction in Work Schedule agreement, setting the terms and conditions of the employee's participation in the program.

The following guidelines describe the way in which the leave provisions of the Attendance Rules, negotiated agreements, and related laws and policies apply to VRWS participants.

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ATTENDANCE AND LEAVE GUIDELINES
VOLUNTARY REDUCTION IN WORK SCHEDULE PROGRAM

Eligibility

The 1993-1995 VRWS Program is available to M/C and PS&T employees who have 26 consecutive payroll periods of full-time annual-salaried State service immediately prior to entering a VRWS program. Time on VRWS, sick leave at half-pay, short-term disability under the Income Protection Plan or absence due to a work-related injury or illness is counted as full-time annual-salaried service for this purpose.

An exception will be made to the requirement that employees have 26 consecutive payroll periods of full-time service for those PS&T employees who were participating in the fiscal year 1990-1991 VRWS program and who transitioned to part-time status upon termination of such program. The chart on page 12 provides a comparison of the leave benefits accruing to employees on a part-time schedule and those on a VRWS schedule to assist employees in making informed decisions.

Under the previous program guidelines, VRWS was available to employees in the PS&T Unit and to those designated M/C who were full-time annual-salaried employees as of April 1, 1984, and to employees who first entered these units between April 1, 1984, and April 1, 1986, as full-time annual-salaried employees. Employees eligible for VRWS under the previous guidelines continue to be eligible during 1993-1995 even if they never before participated in the program.

The Voluntary Reduction in Work Schedule Agreement

The employee and the agency must enter into a written agreement providing for voluntary reduction in work schedule and salary which specifies:

1. the duration of the agreement.
2. the percentage of salary reduction (5 percent increment--minimum 5 percent, maximum 30 percent).
3. the method in which the corresponding reduction in work schedule will occur. (The schedule adjustment may provide for liquidation of VR credits within the pay period in which they are earned, or the credits may be

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"banked" for future use. Credits may be liquidated according to a fixed preapproved schedule specified in the agreement, such as to shorten the workday or to take off every Friday or the month of August, or they may be used on an intermittent basis subject to prior supervisory approval.)

- (a) An employee's fixed schedule of VR time off, once the VR schedule has been agreed to by management, cannot be changed without the consent of both parties except in an emergency. In the event an employee's schedule is changed without his/her consent, the employee may appeal this action through an expedited grievance procedure.
- (b) VR time used as intermittent time off will be subject to scheduling during the term of the VRWS agreement and will require prior approval by the employee's supervisor.

VRWS agreements can be terminated at any time by mutual agreement of both parties.

Review of VRWS Denial

The procedure described in the GOER guidelines allows employees who have been denied participation in the VRWS program to request a written statement of the reason for such denial.

Earning VR Credits

An employee who has elected to reduce his/her salary and work schedule by 30 percent or less will accrue VR credits on a biweekly basis, in minimum increments of 5 percent of such employee's full-time biweekly schedule (75 or 80 hours) and in an amount equivalent to the percentage by which such employee has agreed to reduce his/her salary.

For example, an employee whose normal full-time work schedule is 75 hours in a biweekly pay period who elects to reduce his/her salary by 5 percent would be credited with 1/2 day (3 3/4 hours) of VR credits per pay period. An employee whose normal full-time work schedule is 80 hours in a biweekly pay period who elects to reduce salary by 20 percent would be credited with two days (16 hours) of VR credits per pay period.

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There is no set maximum number of VR credits which may be accrued; rather, the amount of VR leave which can be accrued depends upon the length of the VRWS agreement, the rate at which VR credits are accrued, and arrangements for liquidating accrued VR credits.

Using VR Credits

VR credits may be used in units as small as 1/4 hour. VR credits may be used within the pay period in which they are earned or they may be "banked" for future use in accordance with the terms of the VRWS agreement. Unless the VRWS agreement specifically establishes a schedule for use of VR credits, employees must obtain prior supervisory approval before using them.

VR credits may be utilized to reduce the workday or the workweek or to provide a block of time off with pay. Such credits may be utilized to cover absences properly chargeable to any other leave category.

The following examples illustrate some of the ways in which VR credits may be used:

1. An employee who enters into a VRWS agreement to reduce his/her salary and work schedule by 20 percent and to utilize the VR credits accrued by taking Fridays off would work eight days per pay period, earn and liquidate two days of VR credits, and receive 80 percent salary.
2. If the same employee entered into an agreement to "bank" VR credits, such employee would continue to work ten days per pay period and receive 80 percent pay and two VR days to "bank" for future use; if this employee liquidated VR credits by taking off one pay period, the employee would receive 80 percent pay and two VR days for the pay period and would charge ten VR days to cover the ten-day absence.

Advancing VR Credits

Agencies may advance VR credits in an amount not to exceed the number of hours the employee is normally paid for in one pay period under the VRWS agreement. If an employee terminates his/her employment and has a VR debt, the agency shall recover the debt from the employee's lagged salary payment for his/her last pay period at work.

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Time Record Maintenance

Although there is no requirement that existing VR (or other leave credits) be exhausted prior to the beginning of a new VRWS agreement, agencies will need to segregate, for M/C employees, the recording of accrued and unused 1992-1993 VR credits from those earned under 1993-1995 VR agreements. VR credits earned by M/C employees under the 1992-1993 program are available for use as any other leave credits until September 30, 1993. Agencies should encourage employees to use these VR credits on a priority basis. (The previous VRWS program for PS&T employees ended March 31, 1991, and therefore PS&T employees will not have any previously earned VR credits.)

Separations

Employees who resign, retire, die, are laid off or terminated for any reason during the period of the agreement are entitled to a lump sum payment for all accrued and unused VR credits. There is no maximum number of days for which payment can be processed.

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 carry forward unused VR credits. Continuation of the VRWS agreement is at the discretion of management.

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 are entitled to a lump sum payment for unused VR credits unless the employee requests and the new agency or facility/institution accepts the transfer of VR credit(s).

Provisions for Payment of Unused VR Credits in Exceptional Circumstances

The provision to provide for payment of unused VR credits in exceptional cases is continued. The procedures and very limited circumstances under which such payments can be made are described beginning on page 6 of the May 27, 1993, GOER memorandum.

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Overtime

Time charged to VR credits does not count as time worked for purposes of determining entitlement to overtime.

Holidays

Employees participating in a VRWS agreement continue to be treated like full-time employees and are, therefore, guaranteed twelve holidays per year.

If a holiday falls on a scheduled VR day, the employee observes the holiday and "banks" the VR day for future use. However, if an employee who is eligible for holiday compensation is required to work on a holiday which would have been his/her scheduled VR day, the employee "banks" the VR day and receives holiday pay or holiday leave as appropriate.

Personal Leave

On their personal leave anniversary date, VRWS participants are credited with prorated days of personal leave based on their VRWS percentage. An employee electing to participate in a VRWS program will have his/her existing personal leave balance prorated to reflect the VRWS percentage. Upon termination of participation in the VRWS agreement, the employee's unused personal leave balance will be adjusted. (This adjustment of personal leave is identical to the treatment of employees who change from full-time to part-time status or the reverse. For a full discussion of this adjustment, please refer to the Attendance and Leave Manual, Appendix D.)

Where the VRWS agreement provides for a preapproved schedule of VR time off, management approval is required when an employee requests to charge a prescheduled VR day to personal leave rather than to VR credits.

Vacation

Employees participating in a VRWS program accrue vacation and are credited with vacation bonus days on a prorated basis based on their VRWS percentage.

Employees participating in a VRWS agreement continue to be subject to the same vacation maximum as a regular full-time employee. An employee's existing vacation balances are not

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prorated or adjusted upon commencement of a VRWS agreement or upon its termination. However, although vacation bonus days earned on an anniversary date which falls during a period of VRWS are prorated, there is no adjustment for this proration when the VRWS program ends.

Time charged against VR credits counts as time in full pay status for purposes of determining whether the employee meets the requirement of seven out of ten days in the pay period in full pay status to accrue vacation for that period.

An employee on approved vacation remains on his/her VR schedule, receiving reduced salary and earning the appropriate amount of VR credits.

Where the VRWS agreement provides for a preapproved schedule of VR time off, management approval is required when an employee requests to charge a prescheduled VR day to vacation rather than to VR credits.

Sick Leave

Employees participating in a VRWS program accrue sick leave on a prorated basis based on their VRWS percentage. An employee's existing sick leave balance is not prorated or adjusted upon commencement of a VRWS agreement or upon its termination. Employees on a VRWS program continue to be subject to the same sick leave maximum as a regular full-time employee.

Time charged against VR credits counts as time in full pay status for purposes of determining whether the employee meets the requirements of seven out of ten days in full pay status to accrue sick leave for that period.

An employee on approved sick leave remains on his/her VR schedule receiving reduced salary and earning the appropriate amount of VR credits. For example, an employee who has reduced his/her salary and work schedule by 30 percent and who is absent an entire pay period on sick leave continues to receive 70 percent salary, earns three VR days and charges ten days of accrued leave to cover the absence. Instead of "banking" the three days of VR leave for future use, such employee may charge seven days of sick leave and the three days of VR leave to cover the absence. When VR credits are used as sick leave, existing provisions concerning medical documentation apply.

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We have included on pages 13-15 charts for accrual and grant rates for employees on VRWS.

Sick Leave at Half-Pay

Eligible permanent employees participating in VRWS agreements continue to be entitled to the sick leave at half-pay for which they are otherwise eligible. Accrued VR credits must be liquidated along with all other accruals prior to the grant of sick leave at half-pay.

The amount of half-pay salary received is one-half of the VRWS salary and such employee earns one-half the usual number of VR credits per pay period.

However, on the first day of the pay period following 28 consecutive calendar days of absence on sick leave at half-pay, the VRWS agreement is cancelled. At that point, the employee's salary becomes one-half of his/her normal full-time salary and such employee no longer accrues VR credits. (Of course, if the employee returns to work prior to the date on which the agreement would have been cancelled, that cancellation is voided. Also, VRWS agreements may be terminated at any time by mutual agreement.)

Income Protection Plan

Employees participating in a VRWS program who also participate in the Income Protection Plan earn sick leave on a prorated basis based upon their VRWS percentage and in accordance with the criteria established for the Income Protection Plan. (See Attendance and Leave Manual, Appendix F, Attendance Rules for Managerial/Confidential employees for details of the Income Protection Plan program.)

Employees covered under the Income Protection Plan have their VRWS agreement cancelled on the day they begin receiving STD/LTD benefits.

Workers' Compensation Benefits

Participation in a VRWS agreement has no impact on an employee's eligibility for or entitlement to workers' compensation benefits pursuant to Rule or contract. Initially, an eligible employee granted such benefit would continue his/her VRWS agreement receiving the reduced salary and earning the appropriate number of VR credits. A description of the impact that the four workers' compensation programs have on VRWS agreements follows.

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The Leave Program

Pursuant to the provisions of the Attendance Rules and the negotiated agreements, for accidents occurring prior to April 1, 1986, for PS&T employees and September 1, 1986, for M/C employees, a waiting period in connection with workers' compensation leave may be required. The VRWS agreement would have no effect on that waiting period. For example, an employee who elects an 80 percent VRWS agreement continues to receive 80 percent of salary and earns two days of VR credits and charges ten days to sick leave accruals. Following the ten-day waiting period, the employee would charge absences to workers' compensation leave and bank VR time.

On the first day of the pay period following 28 consecutive calendar days of absence due to a work-related injury or illness, the VRWS agreement is cancelled. At that point, the employee receives workers' compensation leave benefits based on the full-time salary and no longer earns VR credits. (Of course, if the employee returns to work prior to the date on which the agreement would have been cancelled, that cancellation is voided. Also, VRWS agreements may be terminated at any time by mutual agreement.)

The Supplemental Pay Program

Effective for accidents on or after April 1, 1986, and before July 1, 1993, for PS&T employees and on or after September 1, 1986, and before July 1, 1992, for M/C employees, disabilities are covered by the Workers' Compensation Supplemental Pay Program described in the Attendance and Leave Manual, Section 21.8, pages C-1 through C-9 and C-21 through C-33.

Under the Workers' Compensation Supplemental Pay Program an employee who is disabled will continue on his/her VRWS agreement pending placement on the supplemental payroll or until the last day of the pay period following 28 consecutive calendar days of absence, whichever occurs first. At the time the employee becomes eligible to be reccredited with the leave used during this period, all credits charged, including VR credits, are reccredited to the employee. For example, an employee absent for three weeks who is on an 80 percent VRWS agreement will charge 15 days to leave credits, earn three days of VR time, and 80 percent of salary. When he/she is reccredited with time used, this employee will be reccredited with the 15 days of leave credits used, including any VR

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credits charged. If a waiting period is served, the employee charges leave credits and banks VR time. (Of course, if the employee returns to work prior to the date on which the agreement would have been cancelled, that cancellation is voided. Also, VRWS agreements may be terminated at any time by mutual agreement.)

PS&T Medical Evaluation Program

For accidents occurring on or after July 1, 1993, PS&T employees are covered by the Medical Evaluation Program. Under this program a disabled employee who elects the Medical Evaluation Program may charge credits during the five workday waiting period and will then be placed on leave without pay. The VRWS agreement is cancelled effective the first day of leave without pay.

Employees who do not charge credits for the waiting period and those who choose coverage under the Workers' Compensation Law only, will be on leave without pay as of the first day of absence and the VRWS agreement will be cancelled immediately.

At the point the VRWS agreement is cancelled, the employee receives workers' compensation leave benefits based on the full-time salary and no longer earns VR credits.

M/C Interim Benefit

For accidents occurring on or after July 1, 1992, the interim M/C benefit applies. The employee charges leave credits effective the first day of absence. On the first day of the pay period following 28 consecutive calendar days of absence due to a work-related injury or illness, the VRWS agreement is cancelled. (Of course, if the employee returns to work prior to the date on which the agreement would have been cancelled, that cancellation is voided. Also, VRWS agreements may be terminated at any time by mutual agreement.)

Jury/Court Leave

An employee granted jury/court leave pursuant to the provisions of the Attendance Rules remains on the VR schedule, receiving reduced salary and earning the appropriate number of VR credits. Where jury duty coincides with scheduled VR time, the VR leave is cancelled and the employee is placed on jury leave, "banking" the VR credits.

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Military Leave

An employee granted military leave pursuant to provisions of the Military Law remains on the VR schedule, receiving reduced salary and earning the appropriate number of VR credits. Where a day of military leave (with or without pay) coincides with a scheduled VR day, the approved VR leave is cancelled and the employee is placed on military leave, "banking" the VR credits.

For purposes of calculating a reservist's entitlement to 30 calendar days or 22 workdays of military leave with pay per year, scheduled VR days are treated as scheduled workdays for which the employee has a preapproved request for leave; that is, when a conflict exists between a scheduled VR day and ordered military duty, the "request" for VR leave is cancelled and the day then becomes a day of military leave chargeable against the 30 calendar day or 22 workday maximum entitlement.

Leave for Pregnancy, Childbirth, Child Care and Adoption

Employees participating in a VRWS agreement continue to be eligible for leave for pregnancy, childbirth, child care and adoption as described in the Department of Civil Service policy statements on this subject dated January 28, 1982, and March 11, 1982, and incorporated into contractual agreements. Employees requesting such leave should be reminded of the appropriate expiration date for VR credits.

Civil Service Examinations and Interviews

An employee granted time off without charge to credits for the purpose of participating in Civil Service examinations (and related interviews) pursuant to provisions of the Attendance Rules and negotiated agreements remains on VRWS, receiving reduced salary and earning the appropriate number of VR credits. Where a scheduled examination or interview coincides with scheduled VR time, the employee is granted leave without charge to credits to take the examination and "banks" the equivalent amount of VR time. For example, an employee whose scheduled VR day is Monday and who takes a Civil Service examination on Monday morning is placed on leave with pay without charge to accruals on Monday morning and banks 1/2 day of VR credit. He/she continues to be absent Monday afternoon as previously scheduled on VR time.

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Comparison of Leave Benefits for
Part-Time and VRWS Schedules

Benefit Category	VRWS	Part-Time
Vacation Accruals	Prorated	Prorated
Vacation Balance	Retain current balance. Full-time maximum applies.	Retain current balance. Prorated maximum applies. Consult personnel office if exceed prorated maximum since eligibility to continue to accrue varies by bargaining unit.
Vacation Bonus Days	Prorated. No adjustment upon return to full-time.	Prorated. No adjustment upon return to full-time.
Sick Leave Accruals	Prorated	Prorated
Sick Leave Balance	Retain current balance. Full-time maximum applies.	Retain current balance but cannot earn additional sick leave if exceed prorated maximum.
Personal Leave	Current balance prorated. New grant prorated based on VR schedule. Unused balance converted to full-time days upon return to full-time.	Current balance prorated. New grant prorated based on part-time schedule. Unused balance converted to full-time days upon return to full-time.
Holidays	Observe all holidays as a full-time employee.	Observe only those holidays that fall on workdays. Exception - certain M/C employees observe Saturday holidays if they work the preceding Friday.

NOTE: Proration of leave credits is based on the percentage of time the employee is working when accruals are credited.

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ACCRUAL RATES FOR EMPLOYEES ON A VOLUNTARY REDUCTION IN WORK SCHEDULE (VRWS)						
40 HOUR BASIC WORK WEEK						
Percent of Salary Reduction	30%	25%	20%	15%	10%	5%
SICK LEAVE - 13-DAY ACCRUAL RATE						
Annual Entitlement in Hours	72.80	78.00	83.20	88.40	93.60	98.80
No. of Hours Accrued Per Biweekly Pay Period	2.80	3.00	3.20	3.40	3.60	3.80
No. of Hours in Adjustment Given Annually/Semiannually	None Required					
SICK LEAVE - 10-DAY ACCRUAL RATE						
Annual Entitlement in Hours	56.00	60.00	64.00	68.00	72.00	76.00
No. of Hours Accrued Per Biweekly Pay Period	2.00	2.25	2.25	2.50	2.75	2.75
No. of Hours in Adjustment Given Annually/Semiannually	4.00/ 2.00	1.50/ .75	5.50/ 2.75	3.00/ 1.50	.50/ .25	4.50/ 2.25
VACATION						
Annual Entitlement at 13-day Rate	Same As: SICK LEAVE - 13-DAY ACCRUAL RATE					
Annual Entitlement at 20-day Rate	112.00	120.00	128.00	136.00	144.00	152.00
No. of Hours Accrued Per Biweekly Pay Period	4.25	4.50	4.75	5.00	5.50	5.75
No. of Hours in Adjustment Given Annually/Semiannually	1.50/ .75	3.00/ 1.50	4.50/ 2.25	6.00/ 3.00	1.00/ .50	2.50/ 1.25

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ACCRUAL RATES FOR EMPLOYEES ON A VOLUNTARY REDUCTION IN WORK SCHEDULE (VRWS)						
37 1/2 HOUR BASIC WORK WEEK						
Percent of Salary Reduction	30%	25%	20%	15%	10%	5%
SICK LEAVE - 13-DAY ACCRUAL RATE						
Annual Entitlement in Hours	68.25	73.25	78.00	83.00	87.75	92.75
No. of Hours Accrued Per Biweekly Pay Period	2.50	2.75	3.00	3.00	3.25	3.50
No. of Hours in Adjustment Given Annually/Semiannually	3.25/ 0.00	1.75/ 0.00	None	5.00/ 2.50	3.25/ 0.00	1.75/ 0.00
SICK LEAVE - 10 DAY ACCRUAL RATE						
Annual Entitlement in Hours	52.50	56.25	60.00	63.75	67.50	71.25
No. of Hours Accrued Per Biweekly Pay Period	2.00	2.00	2.25	2.25	2.50	2.50
No. of Hours in Adjustment Given Annually/Semiannually	.50/ .25	4.25/ 0.00	1.50/ .75	5.25/ 0.00	2.50/ 1.25	6.25/ 0.00
VACATION						
Annual Entitlement at 13-day Rate	Same As: SICK LEAVE - 13-DAY ACCRUAL RATE					
Annual Entitlement at 20-day Rate	105.00	112.50	120.00	127.50	135.00	142.50
No. of Hours Accrued Per Biweekly Pay Period	4.00	4.25	4.50	4.75	5.00	5.25
No. of Hours in Adjustment Given Annually/Semiannually	1.00/ .50	2.00/ 1.00	3.00/ 1.50	4.00/ 2.00	5.00/ 2.50	6.00/ 3.00

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GRANT RATES FOR EMPLOYEES ON A VOLUNTARY REDUCTION IN WORK SCHEDULE (VRWS)						
40 HOUR BASIC WORK WEEK						
Percent of Salary Reduction	30%	25%	20%	15%	10%	5%
IPP SICK LEAVE GRANT						
Annual Entitlement in Hours	44.80	48.00	51.20	54.40	57.60	60.80
No. of Hours Per Grant Date	22.40	24.00	25.60	27.20	28.80	30.40
PERSONAL LEAVE GRANT*						
Annual Entitlement in Hours	28.00	30.00	32.00	34.00	36.00	38.00

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37 1/2 HOUR BASIC WORK WEEK						
Percent of Salary Reduction	30%	25%	20%	15%	10%	5%
IPP SICK LEAVE GRANT						
Annual Entitlement in Hours	42.00	45.00	48.00	51.00	54.00	57.00
No. of Hours Per Grant Date	21.00	22.50	24.00	25.50	27.00	28.50
PERSONAL LEAVE GRANT*						
Annual Entitlement in Hours	26.25	28.25	30.00	32.00	33.75	35.75

*Based on eligibility for five days of personal leave as a full-time employee.

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Purpose

The purpose of this Section is to identify the classes and groups of employees subject to, or specifically exempted from, the Attendance Rules.

Eligibility for Coverage under the Attendance Rules

Only employees compensated on an annual salary, hourly, biweekly or per diem basis and holding positions in the classified service of the Executive Branch of State service are eligible for coverage under the Attendance Rules for Employees in New York State Departments and Institutions. This includes employees holding full- or part-time positions on temporary, permanent, provisional or seasonal bases in the competitive, noncompetitive, exempt or labor classes. (For purposes of this discussion employees compensated on a biweekly basis are equated to hourly employees and are subject to the same requirements and receive the same benefits as hourly employees. Therefore, all references to hourly employees should be considered as including biweekly employees.)

The Attendance Rules do not apply to employees holding positions as described above if they are:

- a. compensated on a per diem or hourly basis and do not work at least 3 3/4 hours a day and five days a week, or do so work but have not been so employed continuously for nine months (see "Employees Who Are Compensated on a Per Diem or Hourly Basis," page 3 of this Section), or
- b. employees of the Department of Taxation and Finance who are employed in Surrogates' offices pursuant to Section 249-dd of the Tax Law, or
- c. employed in positions the principal duty of which is the teaching or instruction of patients or inmates, or the direct supervision of such teaching or instruction, compensated in accordance with Section 136 of the Civil Service Law and subject to agency attendance rules for institution teachers.

Although subject to the Attendance Rules, an employee may not be eligible to earn and accumulate vacation or sick leave or to be credited with personal leave; e.g., annual salaried employees who work on a part-time basis and are not required to

Related Contract Provisions

C-5
C-8
Sec. 21.1,
C-7

C-1
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work a fixed number of hours, five days a week, and employees designated as "summer employees" or "summer replacements" in accordance with Section 26.2 of the Attendance Rules. Exemptions from specific provisions of the Rules are set forth in each Rule and in the appropriate sections of this Manual.

The Attendance Rules do not apply to employees holding positions in the Legislative or Judicial branch or positions in the unclassified service; e.g., department and agency heads, the professional service of State University, State Police, Military and Naval Affairs (excluding Disaster Preparedness Commission), public authorities and other public benefit corporations such as the State University Construction Fund and the Roosevelt Island Operating Corporation.

For the purpose of determining applicability of the Attendance Rules an employee who separates from service and is

- reinstated or reemployed within one year of separation,
- reinstated or reemployed at any time while eligible for reinstatement from a preferred list, or
- reinstated at any time by action of the Civil Service Commission or Department in accordance with Section 5.4 of the Civil Service Rules or Sections 71 and 73 of the Civil Service Law,

is treated as though he/she were on leave without pay during such separation. An employee who separates from service and is not reinstated or reemployed within one year, or reinstated or reemployed as described above, is treated as a "new" employee for the purposes of the Attendance Rules.

Employees Who Are Compensated on An Annual Salary Basis

An eligible employee who is employed on an annual salary basis is entitled to immediate coverage under the Attendance Rules. The employee is, for example, immediately entitled to the holidays provided by the Attendance Rules and is eligible for certain other types of leave, such as leave for Civil Service examinations. Provided a fixed number of hours five days a week is worked, the employee is immediately eligible for personal leave and to earn sick leave. (Reference should be made to the individual Rules and the corresponding sections of this Manual for detailed explanations of eligibility requirements for the provisions of each Rule.)

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For information concerning coverage under the Attendance Rules for employees who move between annual salaried and per diem or hourly positions see appropriate subdivisions below.

Employees Who Are Compensated on A Per Diem Or Hourly Basis

Employees who are compensated on a per diem or hourly basis are not entitled to immediate coverage under the Attendance Rules. Such employees must:

- a. be employed on a regularly scheduled workweek of at least 3 3/4 hours a day and five days a week, and
- b. be so employed continuously for nine months (19 biweekly pay periods) without a break in service exceeding one full biweekly pay period. Employed continuously means the employee was scheduled by management to work a qualifying schedule for 19 consecutive biweekly pay periods. Approved absences which cause an employee to drop below a qualifying schedule do not constitute a break in service so long as management has not directed the employee to work less than a qualifying schedule. An employee's service is broken when management directs an employee not to work for one full payroll period plus one day or more in the following pay period, or for single but recurring pay periods. Service is also broken when management simply reduces an employee's schedule to the point that it is no longer a qualifying schedule (for example below half time) for two or more consecutive pay periods or for single but recurring pay periods.

Upon completion of the required 19 biweekly pay periods such an employee is covered by the Attendance Rules on the first day of the following pay period (the first day of the 20th biweekly pay period). The employee's personal leave anniversary date is the first day of the 20th biweekly pay period. The employee is granted retroactive sick leave for each pay period during which he/she was in pay status for seven out of ten days. Provided the individual has completed at least 13 payroll periods in full pay status for seven out of ten days, the employee is also entitled to retroactive vacation credits for those pay periods he/she was in full pay status for seven out of ten days. The employee's vacation anniversary date is the date upon which the individual's qualifying 19 consecutive pay periods began.

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Time spent on military leave counts toward the 19 pay period requirement for a per diem or hourly paid employee to be covered by the Attendance Rules.

For information concerning coverage under the Attendance Rules for employees who move between per diem or hourly positions and annual salaried positions, see the appropriate subdivisions below.

A per diem or hourly paid employee who has attained coverage under the Attendance Rules continues to be covered by the Rules although he/she may not be working at least 3 3/4 hours a day five days a week. Such an employee may not, however, be eligible to earn and accumulate vacation and sick leave credits or be credited with personal leave. (See Sections 21.2, "Vacation," 21.3, "Sick Leave," and 21.6, "Personal Leave," in this Manual.)

Per diem employees who are not covered by the Attendance Rules may be granted sick leave as provided by Section 18(c) of the Labor Law and vacation as provided by Section 71 of the Public Officers Law. (See Section 21.12, "Leaves Required by Law," of the Manual.)

See Appendix E, Seasonal Employment, for information concerning per diem or hourly paid employees who are designated seasonal and who have not attained Attendance Rules coverage.

Movement From Annual Salaried Position to Per Diem or Hourly Paid Position

When an employee moves to a per diem or hourly paid position more than one year following separation from the annual salaried position:

- a. The employee must establish eligibility for coverage under the Attendance Rules as a new per diem or hourly paid employee and is not entitled to restoration of any leave credits earned during the earlier period of employment in the annual salaried position.
- b. When eligibility under the Attendance Rules is established (employed on a regularly scheduled workweek of at least 3 3/4 hours a day and five days a week and so employed continuously for 19 payroll periods without a break in service exceeding one full payroll period), the employee's total State service is counted in determining eligibility for sick leave at half-pay.

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When an employee moves to a per diem or hourly paid position less than one year, but more than one payroll period, following separation from the annual salaried position:

- a. If the employee had completed 19 payroll periods of service in the annual salaried position, he/she retains eligibility for coverage under the Attendance Rules and is otherwise subject to the Rules as if movement were between two annual salaried positions.
- b. If the employee had completed fewer than 19 payroll periods in the annual salaried position he/she loses eligibility for coverage under the Attendance Rules pending completion of 19 payroll periods in the per diem or hourly paid item.
 - (1) Vacation and sick leave credits accumulated and unliquidated at time of separation from the annual salaried position are restored when the employee completes the 19 payroll periods, at which time he/she is also credited with vacation and sick leave for those payroll periods of service in the per diem or hourly paid item during which the individual was in full-pay status for seven of ten workdays.
 - (2) Personal leave credits outstanding at time of separation from the annual salaried position are not restored. On the first day of the payroll period following completion of the 19 payroll periods of service in the per diem or hourly paid item the employee is credited with personal leave and this becomes the new personal leave anniversary date.
 - (3) The employee's vacation anniversary date as of the date of separation from the annual salaried position is retained unless the break in service following separation from the annual salaried position exceeds six months, in which case such date is adjusted in accordance with Attendance Rule 21.2(d)(1). (See "Anniversary Date for Vacation Purposes," Section 21.2 of this Manual.)

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NOTE: If an employee separates prior to completion of the 19 payroll periods of service in the per diem or hourly paid item, he/she is entitled to a lump sum payment for any vacation accruals for which compensation was not paid at the time of separation from the annual salaried position, such payment to be made by the current employing agency.

When an employee moves to a per diem or hourly paid position within one payroll period following separation from the annual salaried position:

- a. If 19 payroll periods of service had been completed in the annual salaried position, the employee retains eligibility for coverage under the Attendance Rules and is otherwise subject to the Rules as if the movement was between two annual salaried positions.
- b. If fewer than 19 payroll periods had been completed in the annual salaried position, the employee loses eligibility for coverage under the Attendance Rules pending completion of an additional number of pay periods of service in the per diem or hourly paid position which when added to the former will total 19.
 - (1) Vacation and sick leave credits accumulated and unliquidated at time of separation from the annual salaried position are restored to the employee upon completion of the total of 19 payroll periods at which time he/she is also credited with vacation and sick leave for those payroll periods of service in the per diem or hourly paid item during which the individual was in full-pay status for seven of ten workdays. If the employee had completed fewer than 13 payroll periods in the annual salaried position, he/she should be credited with vacation for that period of service upon completion of the total of 19 payroll periods of service.
 - (2) Personal leave credits outstanding at time of separation from the annual salaried position are not transferred or restored to the employee. On the first day following completion of the total of 19 payroll periods of service (annual salaried service plus per diem or hourly paid service), the employee is credited with personal leave and this date becomes the new personal leave anniversary date.

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- (3) The employee's vacation anniversary date as of the date of separation from the annual salaried position is retained.

NOTE: An employee who separates prior to completion of the total of 19 payroll periods, is entitled to a lump sum payment for any vacation accruals for which compensation was not paid at time of separation from the annual salaried position, such payment to be made by the current employing agency.

Movement from Per Diem or Hourly Paid Position to Annual Salaried Position

When an employee moves to an annual salaried position more than one year following separation from the per diem or hourly paid position:

- a. The employee is entitled to immediate coverage under the Attendance Rules as an annual salaried employee; but is not entitled to restoration of any leave credits earned during the earlier period of employment in the per diem or hourly paid position. Total State service is counted in determining eligibility for sick leave at half-pay.
- b. The employee must complete 13 payroll periods of service without a break in service of more than one year, and be in full-pay status seven of the ten workdays in each of these payroll periods, to be eligible to earn vacation. The date of appointment to the annual salaried position is the anniversary date for vacation purposes.

When an employee moves to an annual salaried position less than one year, but more than one payroll period following separation from the per diem or hourly paid position:

- a. The employee is entitled to immediate coverage under the Attendance Rules as an annual salaried employee.
- b. If the 19 payroll periods of qualifying service in the per diem or hourly paid position have been completed, all vacation, sick leave and personal leave credits accumulated and unliquidated at the time of separation from the per diem or hourly paid position

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are transferred, and the employee continues to earn and accrue vacation and sick leave credits beginning on the date of employment in the annual salaried position. The anniversary date for vacation purposes is the date of appointment to the per diem or hourly paid position unless the break in service following separation from the per diem or hourly paid position exceeds six months, in which case such date is adjusted in accordance with Attendance Rule 21.2(d)(1). (See "Anniversary Date for Vacation Purposes," Section 21.2 of this Manual.) The anniversary date for personal leave purposes remains the same as when the employee separated from the per diem or hourly paid position provided the movement takes place within one year of the date he/she was last credited with personal leave. (See "Personal Leave Anniversary Date," in Section 21.6 of this Manual.)

- c. If 19 payroll periods of qualifying service have not been completed in the per diem or hourly paid position, the employee must complete the 13 required payroll periods in the annual salaried position before being eligible to earn and accrue vacation credits. The anniversary date for vacation purposes will be the date of appointment to the annual salaried position. This date is also the anniversary date for personal leave purposes.

When an employee moves to an annual salaried position within one payroll period following separation from the per diem or hourly paid position:

- a. The employee is entitled to immediate coverage under the Attendance Rules as an annual salaried employee.
- b. If the 19 payroll periods of qualifying service have already been completed in the per diem or hourly paid position, the vacation, sick leave and personal leave credits are transferred with the employee, and he/she continues to earn and accrue credits in the same manner as was done in the per diem or hourly paid position. The anniversary dates for vacation and personal leave purposes remain the same.

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- c. If the employee has completed more than 13, but fewer than 19 payroll periods in the per diem or hourly paid position, having been in full-pay status for seven of the ten workdays in 13 payroll periods without a break in service of more than one complete payroll period, the employee is entitled to earn and accrue vacation and sick leave credits immediately and to be credited with vacation and sick leave for the completed payroll periods in the per diem or hourly paid position. The anniversary date for vacation purposes is the date of appointment to the per diem or hourly paid position. The anniversary date for personal leave purposes is the date of appointment to the annual salaried position.
- d. If the employee has completed fewer than 13 payroll periods in the per diem or hourly paid position the employee is not credited with vacation until completion of the number of payroll periods in the annual salaried position which, when added to the completed payroll periods in the per diem or hourly paid position, total 13 payroll periods in which the employee was in full-pay status for seven of the ten workdays. At that time he/she is credited with vacation for these 13 pay periods. The anniversary date for vacation purposes is the date of appointment to the per diem or hourly paid position. When appointed to the annual salaried position, the employee is credited with sick leave for the payroll periods in which he/she was in full-pay status for seven of ten workdays while employed in the per diem or hourly paid position. The employee is credited with personal leave when appointed to the annual salaried position and that date is the personal leave anniversary date.

Status of Employees on Educational Leave With Pay

The Attendance Rules contain no reference to education leave with pay; such leaves are authorized by enabling legislation, regulations and policies of the various agencies which have such programs.

The underlying premise in the application of the Rules to employees on education leave as discussed below is that it is reasonable that there be a relationship between the earning of leave accruals and the requirement to charge accruals.

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Employees granted leave with pay to attend professional or technical schools or schools at the college or university level as full-time students in accordance with agency educational leave programs, or for professional development purposes (e.g., sabbatical leaves), who are not required to charge absences to accruals or to report to work when school is not in session should not earn leave accruals during the period of education leave.

Overtime, sick leave and vacation accruals as of the effective date of the educational leave with pay, and vacation bonus days which would have been credited during the period of leave, should be reccredited to the employee upon termination of the leave and return to duty. Personal leave should also be restored unless the employee's personal leave anniversary date falls during the period of leave in which case he/she should be credited with personal leave upon return to duty but retains the original anniversary date.

Employees granted leave with pay to attend training institutes or seminars on a full-time basis for less than a school semester or on a part-time basis continue to be subject to the Attendance Rules without modification. Such employees who are required to charge all absences to leave credits and to report to work when school is not in session would appropriately earn full credits during the period of their education leave. Such leaves for training purposes should be considered as assignments to duty for purposes of applying the Attendance Rules.

An employee granted education leave with pay to attend college on a part-time basis; e.g., half-time for a semester or more while continuing to work half-time who is not required to charge absences from school to leave credits or to report to work for additional hours when school is not in session, should be credited with leave credits as a half-time employee each payroll period and would charge accruals only for absences from work in accordance with his/her half-time schedule.

Agencies are free to adopt policies that are more restrictive so long as employees are apprised in advance of the terms and conditions of the leave.

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Negotiating Units:

Administrative Services Unit Article 10.11
Institutional Services Unit Article 10.16
Operational Services Unit Article 10.16
Professional, Scientific & Technical Services Unit
Article 12.19
Rent Regulation Services Unit Article 12.15
(Seasonal employees in the three CSEA Units)

Effect:

The subject contract items do not provide any additional benefit for annual salaried employees in terms of eligibility for Attendance Rules coverage since all annual salaried employees are automatically covered by the Attendance Rules. However, the contract articles provide an additional way for part-time, annual salaried employees to become eligible to accrue leave credits.

Eligibility to Accrue Leave

Part-time annual salaried employees are eligible to accrue leave credits, pursuant to the Attendance Rules, when they work a fixed schedule five days per week. Part-time annual salaried employees now may become eligible to accrue leave credits, pursuant to these contract provisions, if they are employed to work a regular schedule of at least half-time per biweekly pay period. Thus, the subject contract provisions provide an additional means for annual salaried employees to become eligible to accrue leave credits. (Part-time annual salaried employees continue to earn vacation, sick leave and personal leave if they are employed to work five days a week on a fixed schedule.) For the purpose of determining eligibility to accrue leave under these contract provisions, a "regular schedule" or "fixed schedule" is defined as a schedule set in advance by management of at least half-time per pay period.

Whether an employee becomes eligible to accrue time by virtue of being scheduled to work five days per week pursuant to the Attendance Rules or at least half-time per pay period pursuant to contract provisions, such employees must complete the usual 13 biweekly pay periods of service required of all annual salaried employees before being credited with 6 1/2 prorated days (based on time scheduled to work each of the 13 pay periods) of vacation and/or being credited with 1/2 prorated day of vacation each pay period.

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Eligibility to Accrue Leave in the PS&T Unit by Combining Part-Time Positions

In addition to the eligibility afforded by the Attendance Rules, under the contract, at the employee's option, part-time employees must be deemed to be employed to work a qualifying schedule of at least half-time by combining part-time employment with two appointing authorities. Some examples follow:

1. Employee A works ten hours per week (on Monday and Tuesday) at one facility and is hired to work ten hours per week (on Saturday and Sunday) at another facility, bringing the employee's total State employment to 20 hours for prorated accruals.
2. Employee B is employed 50% at agency M, 30% at agency N, and 20% at agency O. Employee B is already eligible for prorated accruals at agency M. Her employment at agencies N and O taken individually is on a nonqualifying schedule. However, under the subject contract article, employee B can combine the 30% and 20% employments at agencies N and O to meet the half-time eligibility requirement for prorated accruals. She then becomes eligible for accruals at the 100% rate. (If this employee worked at agencies M and N only, she would be eligible to combine those employments and be eligible for accruals at the 80% rate.)
3. Employee C is employed 40% at agency T, 30% at agency U and 30% at agency V. Although the employee does not meet eligibility requirements at any of these agencies by itself, under the subject contract article, employee C can combine percentages of employment at any two of these agencies, at the employee's choice, for leave purposes. For example, by combining 40% employment at agency T and 30% employment at either agency U or V, the employee becomes eligible to earn prorated leave accruals at the 70% rate.

In the examples cited above, percentages of employment are added together to determine whether the employee is employed to work a qualifying schedule. Furthermore, biweekly accruals are earned only if the employee meets the requirement of being in pay status for seven out of ten days based on his/her combined work schedule. For any employee whose biweekly work schedule consists of fewer than ten days, the following ratios apply instead:

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of Days in Combined
Biweekly Schedule

of Days in Full
Pay Status Required

9	6
8	6
7	5
6	4
5	3
4	3
3	2
2	1 1/2

Because there is a need for coordination between the two agencies each pay or time card period, to determine an employee's eligibility to earn leave credits for that period, employees who attain eligibility for leave accruals based on this article may be subject to such special attendance reporting requirements as the State may establish. In addition, it will be necessary for each agency to provide the other with confirmation of the employee's work schedule (days and hours) and with a certified copy of the employee's time card or sheet on a timely basis. Appointing authorities are expected to advise employees in writing of any reporting requirements that will be necessary to verify attendance and eligibility to accrue leave pursuant to this provision.

Although eligibility to earn biweekly leave credits is based on combined employment, leave credits are recorded separately with each agency in proportion to the percentage of employment with that agency. Also, charges to leave credits are made separately with each agency, corresponding to the employee's work schedule there.

Under the Attendance Rules, there are no provisions for transfer of leave credits between agencies, except upon separation from one of them.

Nothing in this provision should be construed as superseding existing State policy requiring two or more appointing authorities who enter into a joint employment arrangement initiated by and for the convenience of the agencies (as opposed to initiated by and for the convenience of the employee) to combine percentages of employment for leave eligibility purposes.

Anniversary Dates

The effective date of the CSEA agreements which first contained these provisions for part-time employees was April 1, 1979. The effective date of the PS&T agreement was December 7, 1979 and the

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effective date of the Rent Regulation agreement was April 1, 1984. For employees who first became eligible to accrue leave credits on one of these dates, it is their personal leave anniversary date. Each individual's vacation anniversary date is determined in a manner consistent with his/her total qualifying State service. For example, an employee who had been employed for the past eight years on a half-time, half-pay basis without a break in service which exceeded one year is entitled to earn vacation on a prorated basis at the rate of 20 days per year.

Vacation Bonus Days/Additional Vacation Days

Vacation bonus days credited during the first seven years of employment and additional vacation days credited on and after 20 years of service (or 15 years in ASU) are credited on the basis of the eligible employee's percent of full-time scheduled to work during the pay period within which the anniversary date falls.

Holidays

All part-time annual salaried employees, because they are covered by the Attendance Rules, continue to be entitled to observe paid holidays to the extent they fall on days they are normally and regularly required to work or actually do work irrespective of their eligibility for vacation, sick leave or personal leave. (See Section 21.1, "Sundays and Holidays," p. C-7 concerning holiday benefits for part-time employees.)

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Negotiating Units:

Administrative Services Unit Article 10.11
Institutional Services Unit Article 10.16
Operational Services Unit Article 10.16
(Seasonal employees in the three CSEA Units)

Effect:

The subject contract items, which became effective April 1, 1979, provide an additional way for hourly and per diem employees in those units to become eligible for coverage under the Attendance Rules and to accrue leave credits. The subject contract articles also provide for the granting of anticipated eligibility to hourly or per diem employees who are expected to be employed to work a qualifying schedule for at least 19 consecutive pay periods.

Eligibility

Hourly and per diem employees become eligible for coverage under the Attendance Rules and to accrue leave credits, pursuant to the Attendance Rules, when they work at least 3 3/4 hours a day and five days a week on a fixed schedule for nine continuous months. Effective April 1, 1979, employees who are compensated on an hourly or per diem basis may become eligible for Attendance Rules coverage and to accrue leave credits, pursuant to these negotiated agreements, if they are employed to work at least half-time each pay period on a fixed schedule for nine continuous months.

For the purpose of determining eligibility under the contract articles, a "fixed schedule" or "regular schedule" is defined as a schedule set in advance by management of at least half-time per pay period. To determine when an employee has completed the nine continuous months of qualifying service, employment prior to April 1, 1979 cannot be counted except for the employee who was working on a regularly scheduled workweek of at least 3 3/4 hours a day, five days a week, immediately prior to 4/1/79. Such employee is entitled to have this service counted as qualifying if it was continuous and without a break exceeding one pay period.

Hourly and per diem employees shall continue to acquire Attendance Rules coverage if employed to work at least 3 3/4 hours a day, five days a week, for nine continuous months even though that schedule does not constitute employment on a half-time basis. No employee may be

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granted leave benefits retroactively for service rendered prior to 4/1/79 if first eligible for such benefits on that date.

Anniversary Dates

For hourly and per diem employees attaining Attendance Rules coverage and eligibility to accrue leave credits pursuant to the contract provisions, the earliest vacation anniversary date shall be 4/1/79, since service prior to that date cannot be counted (see "Eligibility" above for an exception).

For hourly and per diem employees, the personal leave anniversary date is the first day of the pay period following completion of the 19 biweekly pay periods of qualifying service, regardless of whether the employee qualifies under the Attendance Rules or the contractual criteria. (See "Anticipated Eligibility" below for an exception.)

Vacation Bonus Days/Additional Vacation Days

For per diem and hourly employees who are scheduled to work part-time, vacation bonus days credited during the first seven years of employment and additional vacation days credited on and after 20 years of service (or 15 years in ASU) are credited on the basis of the eligible employee's percent of full-time scheduled to work during the pay period within which the anniversary date falls.

Holidays

Employees compensated on an hourly or per diem basis continue to become eligible to observe holidays on the day they attain Attendance Rules coverage. (See "Anticipated Eligibility" below for an exception.) Hourly and per diem employees, who work part-time and have attained Attendance Rules coverage, continue to be entitled to observe paid holidays to the extent they fall on days they are normally and regularly required to work or actually do work. (See Section 21.1, "Sundays and Holidays," p. C-7, concerning holiday benefits for part-time employees.)

Anticipated Eligibility

Employees in the Administrative, Institutional and Operational Services Units who are compensated on an hourly or per diem basis and who are employed to work at least 1/2 time on a fixed schedule or at least 3 3/4 hours a day, five days a week, on a fixed schedule and who are expected to be so employed for nine continuous months without a break in service exceeding one full pay period are eligible (effective

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4/1/79) to observe holidays and to accrue, on a prorated basis, vacation, sick leave and personal leave subject to the same limitations and restrictions as apply to employees compensated on an annual salary basis. They are entitled to observe paid holidays and earn and accumulate sick leave and be credited with five days of personal leave as of date of appointment and to earn and accumulate vacation upon completion of the 13 complete pay periods of service required of annual salaried employees. If such hourly or per diem employees are not expected to work the nine continuous months or if it is not certain that they will, in fact, be employed for that length of time, they may not be granted such "anticipated eligibility." This "anticipated eligibility" provision applies to full-time hourly and per diem employees as well as to part-time hourly and per diem employees.

In any event, every hourly or per diem employee must complete the nine months of qualifying service before acquiring Attendance Rules coverage and eligibility for such benefits as jury leave, workers' compensation leave, leave for civil service examinations, etc. Only those hourly and per diem employees who have Attendance Rules coverage (or who have been granted anticipated eligibility to accrue leave credits and observe holidays) are eligible to observe holidays which fall on days they are normally and regularly scheduled to work or actually do work.

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Negotiating Units:

Professional, Scientific & Technical
Services Unit Article 12.19
Rent Regulation Services Unit Article 12.15

Effect:

The subject contract items, which became effective for PS&T on 12/7/79 and for RRSU on 4/1/84, provide an additional way for hourly and per diem employees in these units to become eligible for coverage under the Attendance Rules and to accrue leave credits.

Eligibility

Hourly and per diem employees become eligible for coverage under the Attendance Rules and to accrue leave credits pursuant to the Attendance Rules when they work at least 3 3/4 hours a day and five days a week on a fixed schedule for nine continuous months. Effective December 7, 1979, PS&T employees and April 1, 1984, Rent Regulation employees compensated on an hourly or per diem basis may become eligible for Attendance Rules coverage and to accrue leave credits, pursuant to these negotiated agreements, if they are employed to work at least half-time each pay period on a fixed schedule and are so employed for nine continuous months.

For the purpose of determining eligibility under the contracts, a "fixed schedule" or "regular schedule" is defined as a schedule set in advance by management of at least half-time per pay period. To determine when an employee has completed the nine continuous months of qualifying service, employment prior to December 7, 1979 for PS&T and April 1, 1984 for Rent Regulation cannot be counted except for the employee who was working on a regularly scheduled workweek of at least 3 3/4 hours a day, five days a week immediately prior to December 1, 1979 or April 1, 1984, as appropriate. Such employee is entitled to have this service counted as qualifying if it was continuous and without a break exceeding one pay period.

Effective April 1, 1985, employees in the PS&T Unit have the ability to meet those eligibility criteria by combining part-time employments with up to two appointing authorities to become "at least half-time on a regular schedule." The full discussion of this provision on page C-2 of this Section applies to per diem and hourly employment as well as annual salaried employment.

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Hourly and per diem employees in either unit shall continue to acquire Attendance Rules coverage if they are employed to work at least 3 3/4 hours a day, five days a week, for nine continuous months with one appointing authority even though that schedule may not constitute employment on a half-time basis. No employee may be granted leave benefits retroactively for service rendered prior to December 7, 1979 or April 1, 1984 if first eligible for such benefits on that date.

Anniversary Dates

For hourly and per diem employees attaining Attendance Rules coverage and eligibility to accrue leave credits pursuant to these contract provisions, the earliest vacation anniversary date shall be December 7, 1979 for PS&T employees and April 1, 1984 for Rent Regulation employees, since service prior to those dates cannot be counted (see "Eligibility" above for an exception).

For hourly and per diem employees, the personal leave anniversary date is the first day of the pay period following completion of the 19 biweekly pay periods of qualifying service regardless of whether the employee qualifies under the Attendance Rules or the contractual criteria.

Vacation Bonus Days/Additional Vacation Days

For per diem and hourly employees who are scheduled to work part-time, vacation bonus days credited during the first seven years of employment and additional vacation days credited on and after 20 years of service are credited on the basis of the eligible employee's percent of full-time scheduled to work during the pay period within which the anniversary date falls.

Holidays

Employees compensated on an hourly or per diem basis continue to become eligible to observe holidays on the day they attain Attendance Rules coverage. Hourly and per diem employees who work part-time and have attained Attendance Rules coverage continue to be eligible to observe holidays which fall on days they are normally and regularly scheduled to work or actually do work.