

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

ATTENDANCE AND LEAVE MANUAL

Applicability  
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Section 26.2

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Applicability of Attendance Rules to Summer Employees or Summer Replacements

Purpose

The purpose of this Section is to explain the applicability of the Attendance Rules to persons designated as summer employees and to identify restrictions on their entitlement to certain leave credits.

Eligibility

Employees are considered summer employees or summer replacements if they are:

- a. employed on a temporary basis in an annual salaried position and their employment is limited to all or parts of the months of June, July, August or September, and are
- b. designated, upon appointment, as summer employees or summer replacements by the appointing authority.

The designation of employees as summer employees or summer replacements for the purposes of this Rule is discretionary with the appointing authority. Appointment letters should indicate that employment is temporary summer employment and the appointee is ineligible to receive personal leave and to accrue vacation credits. This Rule applies primarily to the kinds of positions filled by students during the school vacation. It does not apply to permanent or "seasonal" employees.

Leave Benefits for Summer Employees

Summer employees or summer replacements are appointed to annual salaried positions, so they are covered by the Rules except that they do not earn vacation credits and they are not entitled to personal leave. They are covered by all other provisions of the Rules (i.e., jury leave, leave for Civil Service exams, sick leave, etc.).

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Continued Employment or Reemployment Within One Year

On occasion, a summer employee is retained beyond the end of the summer or returns to State service as a "non-summer" employee within one year of separation from the summer position. Such continued employment or reemployment within one year retroactively voids the "summer employee" designation. The employee's vacation anniversary date then becomes the date of appointment to the summer position (except as adjusted because of a separation or leave without pay in excess of six months). Upon completion of a cumulative total of 13 biweekly payroll periods on a qualifying schedule, including payroll periods in the summer position, the employee is retroactively credited with the vacation credits that would have been earned during the period of designated summer employment. The personal leave anniversary date is the date of appointment to the "non-summer" annual salaried position.

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