

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

**ATTENDANCE AND LEAVE MANUAL**

**POLICY BULLETIN 2008-05**

Appendix C

September 2008

Page 1 of 1

TO: Manual Holders  
FROM: Blaine Ryan-Lynch, Director of Staffing Services  
SUBJECT: Alternative Work Schedule (AWS) Approval Procedure

Attached is Policy Bulletin 2008-05, Alternative Work Schedule (AWS) Approval Procedure.

Since 1978 it has been the policy of the state to encourage and promote the implementation of AWS programs where they are consistent with agency operational and programmatic needs. In order to facilitate agency development of AWS programs, the attached Approval Procedure provides agencies with step-by-step guidance on developing an AWS proposal, consultation with unions, and the review process for AWS proposals.

Questions concerning the Approval Procedure may be directed to the Attendance and Leave Unit at 518-457-2295 and to the GOER AWS designees, Richard Ahl, Assistant Director, and Lynda Scalzo, Employee Relations Associate, at 473-8375.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2008-05**

Appendix C

September 2008

Page 1 of 8

**ALTERNATIVE WORK SCHEDULE APPROVAL PROCEDURE**

<b>TABLE OF CONTENTS</b>	<b>Page</b>
<b>A. Alternative Work Schedule Approval Procedure</b>	<b>1</b>
<b>B. Background and General Policy</b>	<b>2</b>
<b>C. Types of Alternative Work Schedules</b>	<b>2</b>
<b>D. Steps to Developing an Alternative Work Schedule Proposal</b>	<b>3</b>
<b>1. Preliminary Consultation</b>	<b>3</b>
<b>2. When Filing is Required</b>	<b>3</b>
<b>a. Complete Written Proposal</b>	<b>3</b>
<b>b. Extension Request</b>	<b>3</b>
<b>3. Filing Procedure</b>	<b>4</b>
<b>a. Submission of Draft Proposal</b>	<b>4</b>
<b>b. Union Consultation</b>	<b>4</b>
<b>c. Submission of Final Proposal</b>	<b>4</b>
<b>E. Contents of the Proposed Alternative Work Schedule</b>	<b>4</b>
<b>1. Type of Proposed Schedule</b>	<b>4</b>
<b>2. Organizational Units and Positions Affected</b>	<b>4</b>
<b>3. Program Impact</b>	<b>5</b>
<b>4. Cost Implications</b>	<b>5</b>
<b>5. Duration of the Program</b>	<b>5</b>
<b>6. Administrative Implications</b>	<b>6</b>
<b>7. Opt-out Procedures</b>	<b>7</b>
<b>8. Employee Relations Implications</b>	<b>7</b>
<b>F. Union Consultation</b>	<b>7</b>
<b>G. Monitoring Responsibilities</b>	<b>8</b>
<b>H. Revocation of Approval</b>	<b>8</b>

**A. Alternative Work Schedule Approval Procedure**

This policy bulletin describes the Alternative Work Schedule Approval Procedure (Approval Procedure) that agencies must follow to develop and implement alternative work schedule proposals. A prior approval procedure was contained in Budget Policy and Reporting Manual Item G-068, dated November 8, 1985. The procedure described in G-068 required review of proposed alternative work schedules by the Division of the Budget (DOB), the Department of Civil Service Attendance and Leave Unit (A&L Unit), and the Governor's Office of Employee Relations (GOER). G-068 was rescinded by DOB in 1999. GOER and the A&L Unit continue to have responsibility for approval of alternative work schedules.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2008-05**

Appendix C

September 2008

Page 2 of 8

## **B. Background and General Policy**

Since 1978 State agencies have been encouraged to consider whether use of alternative work schedules would facilitate meeting operational and programmatic needs.

It is the policy of the State to encourage and promote the implementation of alternative work schedules in those agencies of government where the use of an alternative work schedule will:

- Increase the availability of public services or otherwise enhance the productivity of state government operations;
- Increase the number of qualified persons available for recruitment into state government; and
- Improve employee morale, reduce absenteeism and/or tardiness, and (as appropriate) enhance the delivery of necessary care and services.

## **C. Types of Alternative Work Schedules**

The common types of alternative work schedules (AWS) are staggered hours, the compressed workweek, the compressed pay period, and use of part-time employees on a year-round basis. \* Participation in an AWS has no effect on an employee's overtime eligibility or ineligibility.

Staggered hours are a type of alternative work schedule that provides for assignment or selection of beginning and ending times at different fixed intervals that do not vary from day to day. Staggered hours do not permit employees to arrive and depart at different times on different days. Overlapping schedules of predetermined hours are established for the total work force. Employees work a fixed number of hours each day, always between the same starting and quitting hours. Starting times are usually staggered at 15 minute intervals; however, variations of 20, 30, and 45 minutes are also common. Staggered hours schedule options are either assigned by management or chosen by employees subject to management approval. Some flexibility can be built into this system by permitting employees to switch starting times during specified "open periods" or with the approval of the supervisor.

Compressed workweeks are a type of alternative work schedule that shortens the number of days in a workweek by lengthening the number of hours worked per day. For example, the normal five day eight-hour schedule may be compressed into four days of ten hours each or 3 days of 13 1/3 hours each. In addition to variations in the number of days worked, the specific days worked can vary. For a four-day schedule, workdays may be Monday through Thursday, Saturday through Tuesday, etc., depending on agency needs. Once the schedule has been determined, this should ordinarily remain fixed for the employee.

Compressed pay periods are a type of alternative work schedule in which employees work a full pay period in less than ten days. For example, an employee may compress the number of hours in a biweekly payroll period over nine days by lengthening some or all nine days in the pay period. In addition to variations in the number of days worked, the specific days worked can vary. Once the schedule has been determined, this should ordinarily remain fixed for the employee.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2008-05**

Appendix C

September 2008

Page 3 of 8

Reference(s): Alternative work schedules are described in detail in Section 20.1, Basic Workweek, of the Attendance and Leave Manual.

*Note: Voluntary Reduction in Work Schedule (VRWS) agreements and individualized work schedules are not subject to this Approval Procedure. VRWS is not a type of alternative work schedule. Similarly, a temporary schedule change requested by a single employee and approved by a supervisor is an individualized work schedule and not an alternative work schedule.*

\* Please note that although part-time employment is considered a type of AWS, it is not subject to this Approval Procedure.

## **D. Steps to Developing an Alternative Work Schedule Proposal**

### ***1. Preliminary Discussion with A&L Unit and GOER***

Agencies should consult with GOER and the A&L Unit when developing an AWS. Such preliminary discussions are particularly helpful in avoiding creation of alternative work schedules that violate the Attendance Rules, the negotiated agreements, and/or the Fair Labor Standards Act (FLSA).

Discussion with the A&L Unit may address questions about types of alternative work schedules and methods of implementing those schedules consistent with the Attendance Rules, negotiated agreements, and Fair Labor Standards Act. Discussion with AWS designees at GOER may address parameters for the alternative work schedule, such as the organizational units in which the schedule will be made available, work schedule issues, and guidance concerning consultation with the duly designated representatives of the State employees who will be affected by the AWS.

References: In developing an AWS proposal, agencies should refer to the discussion of Alternative Work Schedules in Section 20.1, Basic Workweek, of the Attendance and Leave Manual, and to Section E, *Contents of the Proposed Alternative Work Schedule*, below.

### ***2. When Filing is Required***

#### ***a. Complete Written Proposal***

Agencies must file complete AWS written proposals under the following circumstances:

- When creating a new AWS;
- When an agency seeks to extend an existing approved AWS to a new organizational unit not specifically covered in the original approval (for example, when seeking to extend to a field unit an AWS approved for the administrative unit); and
- When changing or adding the type of AWS (for example, replacing a staggered hours schedule with a compressed workweek schedule).

#### ***b. Extension Request***

Agencies are not required to submit a complete written proposal when simply extending the time period of a current program beyond its scheduled termination date. In such cases, agencies are

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2008-05**

Appendix C

September 2008

Page 4 of 8

required to provide (1) a written statement to the A&L Unit advising them of the new period for the existing AWS; and (2) documentation confirming that union consultation has taken place.

**3. *Filing Procedure***

**a. *Submission of Draft Proposal***

To avoid AWS policies that violate pertinent rules, laws, or contractual provisions, agencies should submit draft AWS proposals for comments and suggestions prior to consultation with employee unions. Draft proposals are submitted to the A&L Unit for comments and suggestions. The A&L Unit will forward the draft proposal to the AWS designees at GOER for their comments and suggestions.

**b. *Union Consultation***

Agencies proceed to consult with the unions as described in Section F, *Union Consultation*, below, after receiving comments and suggestions from the A&L Unit and AWS designees at GOER.

**c. *Submission of Final Proposal***

Following union consultation, agencies must submit their final AWS proposal, along with confirmation of union consultation, for formal approval. The final proposal is submitted to the A&L Unit. Following their approval, the A&L Unit will forward the final proposal to the AWS designees at GOER for their review. Agencies will be notified of final approval by GOER.

Agencies must have final approval prior to implementing an AWS. Accordingly, agencies need to allow sufficient time for submission and review of both draft and final proposals.

If the proposed alternative work schedule involves creating new positions or reclassifying existing positions, the new AWS cannot be implemented until the position requests have been approved. See Section E(4)(b) *Cost Implications*, below.

**E. Contents of the Proposed Alternative Work Schedule**

The proposed alternative work schedule should be submitted in the following format and agencies must include all of the elements described below:

**1. *Type of Proposed Schedule***

Identify what AWS is proposed for adoption. The common forms of AWS are staggered hours, the compressed workweek, and the compressed pay period. Describe the proposed schedule including starting time, ending time, meal periods, number of workdays, etc. See Section C, *Types of Alternative Work Schedules*, above, for a description of types of alternative work schedules.

**2. *Organizational Units and Positions Affected***

Identify what work units and positions will participate, including the number of employees. If the AWS will apply to the entire agency, describe any conditions for participation.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE**  
**ATTENDANCE AND LEAVE MANUAL**  
**POLICY BULLETIN NO. 2008-05**

Appendix C

September 2008

Page 5 of 8

**3. Program Impact**

- a. Describe how the alternative work schedule will meet the goals described in Section B, *Background and General Policy*, above.
- b. Describe how it will meet the operational and programmatic needs of the agency.
- c. Describe how the alternative work schedule will be evaluated in relation to these goals and objectives and how it will be modified or discontinued if they are no longer being met. Describe how program improvements will be measured after the alternative work schedule is put into effect.
- d. Explain how adequate coverage will be maintained and how supervision will be maintained.

**4. Cost Implications**

- a. Clarify the impact the proposal will have on personal service expenditures, fringe benefits, overtime, or other cost related items. AWS proposals which result in increased overtime costs or other increased operational expenditures are not consistent with the long standing goal of the AWS program to generate additional efficiencies and are strongly discouraged.
- b. Identify the specific positions, if any, that the agency has requested be established, reclassified, or filled in order to implement the proposal. If the proposed change in work schedule involves creating new positions or reclassifying existing positions, the new work schedule cannot be implemented until the position requests have been approved in accordance with established procedures by the Department of Civil Service and the Division of the Budget. The requests for such positions should be filed simultaneously with the complete AWS proposal (See Section D(2), *When Filing is Required*, above).

**5. Duration of the Program**

- a. Generally, when an agency is implementing a new AWS, or extending an existing AWS to a new organizational unit, it is appropriate to pilot the AWS for a short period of time to evaluate its consistency with operational and programmatic goals. If the agency is seeking approval for an AWS pilot, indicate the period of the pilot (usually six months or one year), evaluation plans for the pilot program and what happens when the pilot is over.
- b. The AWS proposal must have a beginning date and an end date (for example, a one-to-two-year period might be appropriate). Prior to the end date, the agency would determine whether the program should be discontinued, modified, and/or continued for a new time period. If modified, see Section D(2), *When Filing Is Required*, above to determine if a new AWS proposal must be submitted.
- c. The proposal should state that management retains the right to end or suspend the AWS prior to the termination date of the program in an emergency or where it is determined by management to be necessary in order to carry out the mission, purposes, objectives, and policies of the State.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2008-05**

Appendix C

September 2008

Page 6 of 8

**6. *Administrative Implications***

Agencies must analyze and describe the administrative implications of the proposed AWS on agency policies.

- a. Describe the agency's policy regarding meal periods and rest periods and the impact of the proposal on such policies.
- b. Describe the agency's policy regarding tardiness penalties and the impact of the proposal on such policy.
- c. Describe the method the agency will use to maintain accurate time records under the proposed alternative work schedule. If the existing method is to continue, the agency should describe that method.
- d. Attach sample schedules and sample time cards for both overtime eligible and overtime ineligible employees. The time cards should also indicate the manner in which holidays will be treated. The agency must show how the schedule works and must account for how employees charge leave credits. This must be done for both overtime eligible and overtime ineligible employees.
- e. Additional information needed to develop compressed pay period schedules is set forth below.

Overtime eligible employees on compressed pay period schedules must account for 37.5 or 40 hours in each workweek. Hours in excess of 40 in a workweek must be compensated at the overtime rate. Such employees on compressed pay period schedules with a 37.5 hour basic workweek could, for example, be scheduled to work five days/37.5 hours plus 2.5 additional hours credited as overtime compensatory time in week 1 of a biweekly payroll period (five 7.5-hour days plus .5 hour of overtime compensatory time each day), and four days/37.5 hours in week 2 (four longer days totaling 35 hours in addition to charging, during those four days, the 2.5 hours of overtime compensatory time earned in week 1). Credits charged for days of absence in week 1 would correspond to the number of hours that fall within the employee's 37.5 hour basic workweek and the employee would not earn overtime compensatory time on that day. Credits charged for a day of absence in week 2 equal the number of hours the employee was scheduled to work on that day and any overtime compensatory time scheduled to be charged on that day.

Overtime ineligible employees on compressed pay periods must account for 75 or 80 hours each biweekly payroll period. They may exceed 40 hours in one of the two workweeks in a pay period as part of a compressed pay period schedule and be scheduled to work fewer than 37.5 or 40 hours in the alternate workweek so long as they are scheduled to work the required 75 or 80 hours in the biweekly payroll period. Credits charged for days of absence correspond to the number of hours the employee was scheduled to work on that day.

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2008-05**

Appendix C

September 2008

Page 7 of 8

**7. *Opt-out Procedures***

The AWS proposal should address whether employee participation in the proposed AWS will be optional or required and, once participation has begun, the circumstances under which an individual employee and/or a manager can terminate the employee's participation in the AWS.

- a. Clarify whether an employee's participation in the proposed AWS will be optional or required. If participation will be required, describe what provision, if any, is made for special circumstances.
- b. Once participation in the AWS has begun, describe the circumstances, if any, under which an employee and a manager may mutually agree to terminate or modify the employee's participation in the AWS at any time.
- c. Describe whether an employee may, at his/her option, terminate participation in the AWS and elect to return to a standard workweek. If so, describe the procedures that need to be followed by the employee, including appropriate notice to management. If return to the standard workweek at employee option is permissible, describe whether the employee can elect to do so at any time or only during "open periods."
- d. Describe the circumstances under which a manager, at his/her option, may elect to terminate an employee's participation in an AWS with appropriate notice.

**8. *Employee Relations Implications***

When submitting the final proposal, agencies must confirm that consultation has occurred with responsible union representatives of the affected employees as described in Section F, *Union Consultation*, below. Include the name of the union(s), name(s) of union official(s) and union office of the union officials with whom consultation has been held and the outcome of that consultation, including issues raised. Any signed letters from the union(s) indicating their approval of the alternative work schedule must be attached to the written proposal.

Agencies are reminded to discuss employee relations implications with the AWS designees at GOER. Work Schedule revisions must be consistent with current contractual provisions regarding workday/workweek, where applicable and relevant.

**F. *Union Consultation***

Consultation with duly designated representatives of the state employees who will be affected by the work schedule must take place after the draft proposal has been reviewed by the A&L Unit and GOER and before the final proposal is submitted. See Section D(3), *Filing Procedure*, above. It is advisable to involve representatives of employee organizations at both the local and agency level in discussions leading to the development of alternative work schedules.

Based on GOER's analysis and/or relevant contract arbitration awards, the following should be considered as the proposed alternative work schedules are discussed with the employee organizations:



**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL  
POLICY BULLETIN NO. 2008-05**

Appendix C

September 2008

Page 8 of 8

- Consultation should occur before management reaches their final decision.
- Consultation should be held with responsible agents of the employee organization, either local presidents/division leaders and/or field representatives.
- Consultation should include analysis and consideration of objections the employee organization may have to the proposed change and of alternatives they may propose.
- Records of the consultation should be retained, including the dates, names and union offices of the union officials with whom consultation has been held. Any signed letters of agreement obtained from the unions should also be retained.

Agencies are reminded that consultation with the unions must take place prior to filing an AWS proposal with the A&L Unit for final approval.

**G. Monitoring Responsibilities**

The A&L Unit is responsible for monitoring alternative work schedules. Therefore, the A&L Unit is authorized to make such inspections and require such information from agencies as may be necessary to fulfill these monitoring responsibilities.

**H. Revocation of Approval**

In the event it is determined that the policy and goals set forth in Section B, *Background and General Policy*, above, are not being achieved by a particular alternative work schedule arrangement, the A&L Unit and GOER may require that such schedules be discontinued.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

ATTENDANCE AND LEAVE MANUAL

TABLE OF CONTENTS  
Alternate Work Schedules  
Application of the Attendance Rules  
Compressed Work Week

Appendix C

Page 1 of 1

<u>Title</u>	<u>Page</u>	<u>Issued</u>
Introduction	1	7/92
Pass Days	1	7/92
Holidays	1	7/92
Holiday Pay	2	7/92
Vacation	2	7/92
Sick Leave	3	7/92
Family Sick Leave	3	7/92
Vacation and Sick Leave	3	7/92
Extended Sick Leave	3	7/92
Personal Leave	4	7/92
Leave for Civil Defense Duties	4	7/92
Workers' Compensation Leave/Workers' Compensation Benefit	4	7/92
Jury Leave	4	7/92
Military Leave	5	7/92

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Alternative Work Schedules Application of the Attendance Rules Compressed Workweek

Appendix C

Page 1 of 5

#### Introduction

Executive Order 68 encourages the establishment of alternative work schedules where consistent with agency needs. The Attendance Rules for State employees provide that the basic workweek will be 40 hours and that the basic workweek may be reduced (by the agency with the approval of the Division of the Budget) to 37 1/2 hours and five days or an approved equivalent work schedule. (See Section 20.1 of this manual for further information.)

Although the Rules contain no other reference to full-time employees who work fewer than five days each week (e.g., four 10-hour days or three 12 1/2-hour days), the Rules have been interpreted and applied to provide equitable treatment of employees who do not work a standard or traditional five-day workweek. The following indicates those provisions of the Rules requiring interpretation and summarizes how they are applied to ensure that persons employed to work full-time receive the same leave benefits (no more and no less) irrespective of the number of days in the workweek. For purposes of illustration, full-time employment is considered here to be a 40-hour workweek. The same principles apply to the 37 1/2-hour workweek.

#### Pass Days

For a full-time employee, a pass day is any non-workday; i.e., a regular day off. In the case of a four-day, 40-hour workweek, the employee has three pass days.

#### Holidays

All employees who work full-time (40-hour workweeks) are entitled to observe twelve 8-hour holidays each year--96 hours of holiday time off with pay, compensatory time off or holiday pay.

The employee who works four 10-hour days receives eight hours of holiday compensatory time when a holiday falls on one of his/her pass days and eight hours of holiday time off with pay when absent on a holiday. When he/she works on a holiday, the employee receives eight hours of compensatory time off or holiday pay. If he/she is absent for ten hours on a holiday, he/she charges eight hours to the holiday and two hours to any appropriate leave credits; e.g., holiday compensatory time credited for holidays which fall on one of his/her pass days, vacation or personal leave. If he/she works ten hours on a holiday, he/she is credited with eight hours of holiday pay or compensatory time off in addition to his/her normal pay for the ten hours.

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Alternative Work Schedules Application of the Attendance Rules Compressed Workweek

Appendix C

Page 2 of 5

**NOTE:** For the purpose of determining an employee's specific entitlement, each employee's holiday is the first eight work hours of the shift for a 40-hour workweek.

A floating holiday also is defined as eight hours for a full-time employee. Individuals working a full-time compressed schedule who are eligible for floating holidays receive eight hours as appropriate.

#### Holiday Pay

Additional compensation for time worked on a holiday is provided under the "Holiday Compensation" Rules of the Director of the Budget and pursuant to negotiated union agreements.

A full-time employee working ten hours a day, four days a week, is entitled to holiday pay for time worked on a holiday but calculation of this holiday pay is based on the first eight hours or the actual hours worked during the first eight hours of the shift, whichever is less. For ten hours worked on a holiday, he/she would receive holiday pay for eight hours plus his/her regular pay for the ten-hour workday. The full-time employee cannot receive holiday pay for more than 96 hours of holidays annually, irrespective of his/her weekly work schedule.

**NOTE:** Beginning with the 1985-88 agreements, the CSEA and PEF agreements provide for holiday pay for employees who work on Thanksgiving and Christmas to be paid at "the rate of 3/20 of the employee's biweekly rate of compensation." Other holiday pay is at "the rate of 1/10 of the employee's biweekly rate of compensation." Employees who receive holiday leave in lieu of holiday pay for work on these holidays receive holiday leave on an hour for hour basis, not a time and one half basis.

#### Vacation

An employee who works a normal 40-hour workweek consisting of five 8-hour days receives from 13 (104 hours) to 25 (200 hours) days of vacation annually depending on his/her length of service and bargaining unit. An employee who works four 10-hour days weekly, or other full-time alternative work schedule, also receives from 13 (104 hours) to 25 (200 hours) days of vacation annually. Like all full-time employees, he/she is credited with vacation at the rate of four hours or six hours of vacation biweekly, receives additional vacation for 15 or more years of service at the rate of eight hours for each day earned, can accumulate up to 320 hours of vacation (see Section 21.2, "Vacation," p. C-6, on exceptions to the 40-day maximum) and can be paid a lump sum upon separation up to a maximum of 240 hours.

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Alternative Work Schedules Application of the Attendance Rules Compressed Workweek

Appendix C

Page 3 of 5

#### Sick Leave

A full-time employee working a 40-hour workweek is credited with 1/2 day of sick leave each pay period at the rate of four hours for each 1/2 day for an annual allowance of 13 days or 104 hours. (See Section 21.3, "Sick Leave," p. C-3, on employees who earn ten days per year sick leave and Appendix F, "Attendance Rules for Managerial/Confidential Employees," for IPP participants who are granted eight days per year.)

#### Family Sick Leave

Full-time, 40-hour workweek employees are eligible to use up to 15 days (120 hours) of accumulated sick leave per calendar year for illness or death in the family as provided in the Attendance Rules.

#### Vacation and Sick Leave

A full-time employee with a five-day workweek must be in full-pay status for seven of ten workdays in a biweekly pay period to earn vacation or sick leave credits for that pay period. A full-time employee who works a lesser number of days in a biweekly pay period must be in full-pay status for a lesser number of days as indicated below.

<u># of Workdays In Pay Period</u>	<u># of Days in Full Pay Status</u>
9	6
8	6
7	5
6	4
5	3
4	3
3	2
2	1 1/2

#### Extended Sick Leave

Full-time, 40-hour workweek employees may be granted up to five days (40 hours) of extended sick leave under the Attendance Rules (five days at the rate of eight hours per day) irrespective of whether they work a two-, three-, four- or five-day workweek. (IPP enrollees are not eligible for extended sick leave; IPP ineligible employees hired on or after January 1, 1986 may be granted a maximum of four days of extended sick leave. See Appendix F, "Attendance Rules for Managerial/Confidential Employees.")

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Alternative Work Schedules Application of the Attendance Rules Compressed Workweek

Appendix C

Page 4 of 5

#### Personal Leave

A full-time employee working a 40-hour workweek is credited with five days or 40 hours of personal leave annually whether he/she has a two-, three-, four- or five-day workweek. (See Section 21.6, p. C-6 and C-8, on employees who receive less than five days per year.)

#### Leave for Civil Defense Duties

A full-time employee is eligible for up to five days of leave for civil defense drills--five days at the rate of eight hours per day or a total of 40 hours.

#### Workers' Compensation Leave/Workers' Compensation Benefit

An employee who has Attendance Rules coverage is eligible for up to six calendar months of workers' compensation leave with full pay without charge to credits or nine months of salary supplement depending upon bargaining unit and date of accident/incident. (See Section 21.8 and Appendix F for a complete discussion of the various employer provided benefits for workers' compensation injuries.) In addition, all such employees are eligible for a cumulative total of up to one calendar year (365 days) of workers' compensation leave for a single illness or injury. Calculation of both the six months and the cumulative year is based on calendar days; that is, each full day of absence counts as one day of entitlement and each partial day counts as a fraction of a day toward the cumulative totals. The number of hours in an employee's schedule on any one day is relevant only when calculating a partial day absence. For example, a five-hour absence for a person who works a ten-hour day counts as 1/2 day of entitlement. (See Section 21.8 for a more complete discussion of calculating these cumulative totals.)

#### Jury Leave

Any employee subject to the Attendance Rules for State employees is entitled to leave with pay without charge to leave credits for absences necessitated by jury service or subpoenaed court appearances. However, this leave is allowed only to the extent the employee is required to be in attendance at court on days and during hours he/she is normally and regularly required to work. Accordingly, an employee who has a three-day workweek may be granted jury leave for absences only on those three days and may be required to report for duty during his/her normal and regular working hours when his/her court attendance is not required. If required to appear in court on a non-working day, the employee makes the appearance on his/her "own time," and he/she is not entitled to any work schedule change to avoid having to make these appearances on his/her "own time." See Section 21.9 of the Manual for further discussion of this leave provision.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

**ATTENDANCE AND LEAVE MANUAL**

Alternative Work Schedules  
Application of the Attendance Rules  
Compressed Workweek

Appendix C

Page 5 of 5

Military Leave

Employees' eligibility for military leave with full pay for 30 calendar days or 22 workdays, whichever is greater, each calendar year, pursuant to Section 242 of the Military Law is not changed by an alternative work schedule. An eligible employee is entitled to this leave whenever there is a conflict between his/her work schedule and the period of ordered military duty including necessary travel time. The number of calendar days of entitlement is counted in the same manner; i.e., beginning with the first day of conflict, military leave is counted on a day-for-day basis through the last day of the employee's ordered military duty plus necessary travel time. The number of workdays of entitlement likewise is counted in the same manner; i.e., each scheduled workday that an employee has a conflict requiring him/her to be absent while performing military duty is counted as one workday of entitlement. When an employee has a one-day conflict, it counts as one calendar day or one workday of military leave regardless of the number of work hours in the employee's schedule on that day.