

## NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

TABLE OF CONTENTS  
Part-Time Employment

Appendix D

Page 1 of 1

<u>Title</u>	<u>Page</u>	<u>Issued</u>
Introduction	1	7/92
Appendix Organization	1	7/92
Definitions	2	7/92
Eligibility	3	7/92
Section 20.1 (27.1) Basic Workweek	4	7/92
Section 20.2 (27.2) Record of Attendance	4	7/92
Section 20.3 (27.3) Tardiness	5	7/92
Section 21.1 (28-1.1) Sundays and Holidays	5	7/92
Section 21.2 (28-1.2) Vacation	6	7/92
Section 21.3 (28-1.3) Sick Leave at Full-Pay	8	7/92
Section 21.4 (28-1.4) Extended Sick Leave	9	7/92
Section 21.5 (28-1.5) Sick Leave at Half-Pay	10	7/92
Section 21.6 (28-1.6) Personal Leave	10	7/92
Section 21.7 (28-1.7) Leave for Extraordinary Weather Conditions	11	7/92
Section 21.8 (28-1.8) Workers' Compensation Leave	11	7/92
Section 21.9 (28-1.9) Leave for Subpoenaed Appearance and Jury Attendance	12	7/92
Section 21.10 (28-1.10) Leave for Civil Service Examinations	13	7/92
Section 21.11 (28-1.11) Leave for Quarantine	13	7/92
Section 21.12 (28-1.12) Leave Required by Law or Negotiated Agreement	13	7/92
Section 21.13 (28-1.13) Leave for Civil Defense Duties	14	7/92
Section 22.1 (29.1) Leave of Absence; Duration	14	7/92
Section 22.2 (29.2) Successive Leaves of Absence	14	7/92
Section 23.1 (30.1) Payment for Accruals Upon Separation	14	7/92
Section 23.2 (30.2) Payment for Accruals Upon Entry Into Armed Forces	15	7/92
Section 23.3 (30.3) Payment for Overtime Accruals Upon Appointment, Promotion or Transfer	15	7/92
Section 24.1 (31.1) Crediting Other Public Employment as State Service	15	7/92
Section 25.1 (32.1) Suspension of Rules	15	7/92
Section 26.1 (33.1) To Whom Rules Apply	16	7/92
Education Leave	16	7/92
Section 26.2 (33.2) Exceptions	16	7/92
Section 26.3) (----) Application of Attendance Rules to Employees in Negotiating Units	16	7/92
Chart of Accrual Rates		
Introduction	17	7/92
Formula for Calculating Accruals for Part-Time Employees	17	7/92
Accrual Rates - 37½ Hour Basic Workweek	19	7/92
Accrual Rates - 40 Hour Basic Workweek	20	7/92

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 1 of 20

#### INTRODUCTION

This Appendix gathers, in a single location, information on attendance and leave benefits for part-time employees. It contains (1) a capsule description of provisions applicable to part-time employees in bargaining units and designated M/C, (2) identification of differences in application of benefits that are affected by working part-time rather than full-time, and (3) cross-references to other sections of the Manual that discuss the benefits in more detail. This Appendix does not contain a full description of the application of each leave provision for part-time employees because so much is identical to that for full-time employees. For this reason, the Appendix must be read in conjunction with the referenced portions of the Manual for the reader to have a full understanding of the topic.

It is important to note that attendance and leave benefits are not automatically prorated for part-time employees. Some are; some are available without proration and some are not available at all under certain conditions. Therefore, the reader should not generalize from benefit to benefit.

#### APPENDIX ORGANIZATION

The title of each division of this Appendix references the applicable Attendance Rules provisions and follows the organization of the main body of this Manual (with the exception of eligibility on p. 3). For example, the heading "Section 21.1 (28-1.1) Sundays and Holidays" references the Rules governing Sundays and Holidays in Section 21.1 for non-M/C employees and in Section 28-1.1 for M/C employees. Section 21.1 of this Manual also contains the interpretive material on holiday benefits. (The Manual follows the organization of the Rules for non-M/C employees.)

Under the heading is a brief description of how to apply the benefit for part-time employees. A full description of the benefit is found in the main body of the Manual.

At the end of each section references may be included. These will identify specific material that must be read to get a complete picture of the benefit as it is available to part-time employees. The location of the general discussion of the benefit is already identified by the section heading and should be reviewed each time a benefit is studied.

#### DEFINITIONS

Part-Time - To be considered part-time for attendance and leave purposes, an employee must normally or routinely be scheduled to work less than 75 or 80 hours per biweekly pay period. This definition applies

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 2 of 20

regardless of whether the employee is annual-salaried, hourly or per diem.

In most cases the work schedule and the payroll percentage for annual-salaried employees will be equivalent. In contrast, hourly and per diem employees are not identified with a specific payroll percentage.

Full-Pay Status - To be considered to be in full-pay status an employee must either work, charge leave accruals, or be on full paid leave (for example, workers' compensation leave with pay or jury leave) for the duration of his/her work schedule. For example, an employee scheduled to work  $2\frac{1}{2}$  days per week is in full-pay status if he/she works one full day, charges vacation one-half day and is on jury duty for one full day.

Prorate - To compute a percentage of a full-time benefit or leave accrual based upon the percentage a part-time employee works. For example, a part-time stenographer who works half-time is entitled to 50% of the leave accruals of a full-time stenographer.

Prorated Day - A portion of a full-time day based upon the total percent a part-time employee works per pay period regardless of the particular part-time schedule worked. For example, if the regular full-time day is  $7\frac{1}{2}$  hours, a prorated day for all half-time employees is  $3\frac{3}{4}$  hours. This is true whether the half-time work schedule is half a day every day,  $2\frac{1}{2}$  full days a week, five alternating full days every pay period or another half-time schedule.

Creditable Service - Employment that can be counted when determining an individual's vacation anniversary date. Generally, creditable service is that during which an employee is working a qualifying schedule and which is neither preceded by nor followed by a break in service that exceeds one year. In addition, creditable service for PS&T Unit and RRSU employees is employment that can be counted to determine the earning of sick leave and vacation bonus days, the granting of personal leave and the crediting of sick leave at half-pay eligibility. Pages C-3 and C-4 of Section 21.2 describe in detail the contract provisions which eliminate the earning of bonus vacation days during the first and second years of continuous service for PS&T Unit employees hired after April 1, 1988. Pages C-6 through C-11 of Section 21.5 describe the crediting and use of sick leave at half-pay for PS&T Unit employees who earn sick leave at the 10-day rate. Finally, creditable service is employment that can be counted to determine whether or not an M/C employee has service prior to January 1, 1986, which gives him/her the option to enroll in the Income Protection Plan or remain with the sick leave accrual system.

Qualifying Schedule - A schedule which may entitle part-time employees to earn leave credits or, in the case of per diem and hourly employees, to count the employment toward entitlement to start earning leave credits. For annual salaried employees, a qualifying schedule is a fixed number of hours five days a week or at least half-time on a biweekly basis ( $37\frac{1}{2}$  hours or

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 3 of 20

40 hours per pay period) on a schedule set in advance by management. For per diem and hourly employees, during the period in which they are working toward attaining Attendance Rules coverage, a qualifying schedule is at least 3 3/4 hours a day, five days a week, or at least half-time on a biweekly basis (37 1/2 hours or 40 hours per pay period) on a schedule set in advance by management. Once per diem and hourly employees have attained Attendance Rules coverage, a qualifying schedule for them is the same as a qualifying schedule for annual salaried employees.

#### ELIGIBILITY

Less than full-time employees' entitlement to Attendance Rules coverage and eligibility to earn and be credited with leave accruals is based on the percentage of full-time worked, the work schedule and the pay basis (annual salaried, per diem or hourly). Specific criteria for determining an individual's entitlements are explained in Section 26, "Applicability," of the Manual. Pages C-1 through C-9 of Section 26.1 contain a detailed description of the contract provisions which add a number of criteria through which a less than full-time employee may become eligible for leave provisions.

In summary, part-time employees meeting the following criteria are eligible for Attendance Rules coverage and are eligible to accrue leave:

1. All annual salaried employees are covered by the Attendance Rules but cannot earn accruals unless they meet the criteria in 2. below.
2. Annual salaried employees and per diem and hourly employees who have attained Attendance Rules coverage who:
  - a. work a fixed schedule five days per week (no minimum number of hours) or
  - b. work at least half-time (37 1/2 or 40 hours per pay period) on a regularly scheduled basis. (PS&T Unit employees may be deemed to be employed to work a qualifying schedule of at least half-time by combining part-time employment with two appointing authorities to meet this threshold. See pages C-1 through C-3 of Section 26.1 for a detailed discussion of these provisions.)
3. Per diem and hourly employees who are working toward gaining Attendance Rules coverage and
  - a. who are scheduled to work a fixed schedule five days per week of at least 3 3/4 hours per day or are scheduled to work at least half-time (37 1/2 or 40 hours per pay period) on a regularly scheduled workweek  
and

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 4 of 20

- b. are so employed for nine continuous months.
- c. Employees in bargaining units represented by the CSEA, Inc. and those designated M/C who are anticipated to be employed on a qualifying schedule for nine continuous months are entitled to immediate eligibility to accrue time and observe holidays, subject to the same limitations applicable to annual salaried employees, although they must work nine months with a qualifying schedule as described in 3.a. before attaining Rules coverage.

#### SECTION 20.1 (27.1) BASIC WORKWEEK

Basic workweek provisions of the Attendance Rules generally do not apply to part-time employees. Usually the appointing authority establishes the basic workweek for each part-time employee individually based on program needs, including the number of hours to be worked and the work schedule per pay period. The number of hours a part-time employee is scheduled to work in a biweekly pay period can be expressed as a percent of the full-time schedule (75 or 80 hours) of the position held. The work schedule is then set by determining when those hours will be worked during the pay period. For example, a 50% employee might work ten half-days; three full days one week and two the other; or one full week on and one off.

#### SECTION 20.2 (27.2) RECORD OF ATTENDANCE

Part-time employees are subject to the requirements of this Section, both rule and contract provisions, in the same manner and to the same extent as full-time employees.

Effective April 15, 1986, the Federal Fair Labor Standards Act (FLSA) applies to State employees and takes precedence over State law, rules and contracts concerning overtime eligibility. Being employed on a part-time basis is not a criterion for exemption from overtime pay under FLSA. Beginning on that date, therefore, annual salaried part-time employees are eligible for overtime unless their titles are exempt under FLSA criteria.

Also, both full- and part-time employees in titles which do not meet FLSA criteria for overtime exemption who are paid on an hourly or per diem basis are eligible for overtime whenever they work more than 40 hours in a workweek. Specific interpretation is provided by the Director of the Budget's overtime bulletins, rules and regulations.

Part-time employees should keep time records in the same manner as full-time employees in the same title. For example, a half-time Clerk needs to keep



# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 5 of 20

the same detailed time records as a full-time Clerk and a two-fifths time Physician needs to keep a positive record of presence and absence in the same manner as a full-time Physician.

#### SECTION 20.3 (27.3) TARDINESS

Part-time employees are subject to the requirements of this Section, both rule and contract provisions, in the same manner and to the same extent as full-time employees who are employed in the same title.

#### SECTION 21.1 (28-1.1) SUNDAYS AND HOLIDAYS

Part-time employees who have Attendance Rules coverage or who have been granted anticipated eligibility are eligible to observe those holidays which fall on days they are normally and regularly required to work or actually do work, up to a maximum of 7 1/2 or 8 hours. In addition, certain part-time employees either designated M/C or in the three units represented by CSEA have an additional holiday benefit if they are regularly scheduled to work on Fridays when a holiday falls on a Saturday.

The Rules and contracts establish twelve holidays each year that eligible State employees may observe. Part-time employees are eligible for only those that coincide with regularly scheduled workdays or those on which they actually work. Part-time employees are not "guaranteed" 12 holidays as full-time employees are. There is one exception to this. Employees in CSEA-represented bargaining units and those designated M/C, who are regularly scheduled to work on Fridays and meet the other eligibility criteria, may be eligible for holiday leave for holidays that fall on Saturday. See Section 21.1, p. C-6.

When a holiday coincides with a workday for a part-time employee, the employee who is observing the holiday is entitled to observe the holiday for the number of hours in the employee's normal schedule; i.e., holidays are not prorated. For example, a 50% time employee whose schedule is 3 3/4 hours a day, five days a week, observes a Monday holiday for those 3 3/4 hours. A 50% time employee whose schedule is five 7 1/2 hour days out of each ten days in a pay period would observe a holiday that coincided with a workday for 7 1/2 hours.

Eligible part-time employees who are regularly scheduled to work or do work on a day designated as a floating holiday should be credited with a floating holiday equivalent to the number of hours they are scheduled to work or actually do work on a day designated as a floating holiday. For example, the employee whose schedule is 7 1/2 hours on Monday and Tuesday and 3 3/4 hours on Wednesday will be credited with 7 1/2 hours for a floating holiday which falls on a Tuesday and 3 3/4 hours for a floating holiday which falls on a Wednesday.

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 6 of 20

The part-time employee who works on a holiday is entitled to credit for all hours worked up to a maximum of one shift, 7½ or 8 hours, regardless of the employee's regular schedule on that day. For example, an employee whose regular schedule is 4 hours on Monday who is required to work on the Monday Labor Day holiday for 8 hours is credited with 8 hours worked.

Part-time employees who are paid on an hourly or per diem basis who have been granted anticipated eligibility or who have gained Attendance Rules coverage receive the same holiday benefits as part-time annual salaried employees.

Because there are a number of specific provisions concerning part-time employees' holiday observance, the references identified below should be reviewed carefully.

#### References

Attendance Rules Sections 21.1 and 28-1.1, Manual Section 21.1, pp. 3, C-1, C-4, C-5, C-6, C-7.

#### SECTION 21.2 (28-1.2) VACATION

Eligible part-time employees are credited with 6 1/2 prorated days of paid vacation after working 13 biweekly pay periods. Thereafter, 1/2 prorated vacation day is earned each biweekly pay period up to the seventh anniversary. Vacation is accrued at the rate of 20 prorated days per year after that date. Part-time employees are required to meet the same eligibility requirements, receive the same number of prorated days of vacation and are subject to the same limitations (40 prorated days) as full-time employees. Employees' eligibility for additional vacation days (bonus days) is dependent upon length of service and negotiating unit.

To be eligible to earn vacation credits during any particular pay period, a part-time employee must be in full pay status a minimum number of scheduled workdays during that pay period as follows:

<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

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 7 of 20

Vacation bonus days during the first seven years (for those employees eligible to earn them) and additional vacation credits after 15 or 20 years are earned on a prorated basis which is determined by an employee's percentage of full-time scheduled to work during the pay period within which the anniversary date falls.

The maximum number of vacation days (40) and the maximum number of days for which an employee may receive a lump sum payment (30) are prorated based on the percentage of full-time worked. For example, a half-time employee may be eligible to accrue up to forty half-days and receive payment upon separation for thirty half-days of vacation.

When an individual moves to a part-time position from another position where he/she was eligible to accrue leave credits and is eligible to bring forward vacation credits previously earned, this employee is entitled to retain all credits previously earned. If the employee has more than his/her new prorated maximum upon moving, such employee retains all these credits and his/her eligibility to continue to accrue while exceeding the maximum depends on the provisions of his/her new bargaining unit.

Employees in ASU, ISU, OSU, Security and Security Supervisors must request use of vacation and have the request denied in order to continue to accrue above the 40-day prorated maximum until the first April 1 following the move. Employees in these five units who became part-time during the fiscal year and had more than their prorated maximum on April 1 have their vacation accruals frozen on that date and are precluded from invoking the contract provisions to accrue over maximum until their accruals drop below their prorated maximum. In addition, those who are over the full-time maximum of 40 days (300 or 320 hours) are reduced to the full-time maximum on April 1 and their accruals are frozen at that level. For example:

1. A full-time 37 1/2 hour workweek employee in the Administrative Services Unit with 25 days (187.5 hours) of vacation becomes 50% in September and is immediately over the vacation maximum (150 hours). This employee invokes the contract provision and continues accruing vacation until the end of the fiscal year. On March 31 this employee has 225 hours vacation which she will keep on April 1 since it is less than the full-time maximum (300 hours). This employee's vacation credits are frozen at 225 hours until she reduces them to 150 hours when she can again invoke the contract provision to accrue over maximum.

2. A full-time 40-hour workweek employee in the Security Services Unit with 43 days (344 hours) of vacation becomes 80% in January, invokes the contract provision and continues to accrue vacation until March 31 when he has 360 hours of vacation. This employee's vacation credits are reduced to 320 hours (the full-time maximum) on April 1 and then are frozen at 320 hours until he reduces them to 256 hours when he can again invoke the



# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 8 of 20

contract provision to accrue over maximum.

Employees in the PS&T and Rent Regulation Services Units continue to accrue without any special actions on the part of the employees until the first April 1 following the move. On April 1, employees in these two groups who became part-time during the previous fiscal year are entitled to retain all vacation credits up to the full-time maximum of 40 days (300 or 320 hours) but are precluded from earning additional vacation credits until their credits are down to the part-time prorated maximum. For example:

1. A full-time 40-hour workweek employee in the PS&T Unit has 30 days of vacation (240 hours) and becomes half-time in June. This employee continues to accrue and use vacation and has 220 hours on March 31. She will retain this vacation on April 1 since it is less than the full-time maximum (320 hours) but she will be precluded from accruing more vacation credits until she reduces her credits to the prorated maximum (160 hours).

2. A full-time 37 1/2-hour workweek employee in the RRS Unit has 41 days of vacation (307.5 hours) and becomes 80% in May. This employee continues to accrue and use vacation and has 326.25 hours on March 31. His accruals will be reduced to 300 hours, the full-time maximum, on April 1 and he will be precluded from accruing more vacation credits until he reduces his credits to the prorated maximum (240 hours).

3. A full-time M/C employee with a 37 1/2 hour workweek has 45 days of vacation (337.5 hours) on June 30 and becomes a 50 % employee on July 1. The employee continues to accrue without any special action on the part of the employee. On December 31 the employee has 305 hours of vacation. On January 1 her accruals will be reduced to 300 hours, the full-time maximum, and she will be precluded from accruing more vacation credits until her credits are reduced to the part-time prorated maximum (150 hours).

For affected employees in any of these units, these provisions apply only following a change from full-time to part-time. Employees who have always worked part-time are subject to the applicable prorated maximum on April 1 or January 1, as appropriate. For employees who move from full-time to part-time and have their accruals frozen, there is no time period within which their accruals must be reduced to the prorated maximum. However, when that does happen, the accruals are no longer frozen and all of the other rule and contract provisions concerning vacation maximums are applicable.

#### SECTION 21.3 (28-1.3) SICK LEAVE AT FULL-PAY

Eligible part-time employees accrue sick leave in prorated days each pay period from the employee's first pay period. Part-time employees are required to meet the same eligibility requirements for use of sick leave, receive the same number of prorated sick leave days (prorated maximum is

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 9 of 20

dependent upon bargaining unit) and are subject to the same limitations as full-time employees.

Full-time employees subject to the Attendance Rules are eligible to use up to fifteen days of accrued sick leave each calendar year for illness or death in the family. For a part-time employee, this is fifteen prorated days based upon the percentage of full-time worked. A full-time employee is limited to fifteen - 7 1/2 or 8 hour days of family sick leave per year for a total of 112.50 or 120 hours. A part-time employee is limited to a prorated number of hours. For example, a 50% employee is eligible for fifteen - half days (56.25 or 60 hours) of family sick leave each year.

To be credited with sick leave for any pay period, an eligible employee must be in full pay status for a minimum number of that employee's scheduled workdays during the pay period as follows:

<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

Part-time employees earn sick leave at the rate of 1/2 prorated day for each qualifying pay period or at the rate of ten prorated days per year for certain employees in either PS&T or RRS Unit positions.

Eligible part-time employees may accrue a maximum of 190 (ASU), 200 (ISU, OSU, PS&T, RRSU, M/C) or 225 (SSU and Security Supervisors) prorated days of sick leave and use 165 prorated days at the time of retirement as retirement service credit and to pay health insurance premiums in retirement.

#### References

Section 21.3, p. C-3.

#### SECTION 21.4 (28-1.4) EXTENDED SICK LEAVE

Eligible part-time employees are subject to this Section in the same manner and subject to the same limitations and restrictions as full-time

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 10 of 20

employees. For example, the maximum advance for personal illness is five prorated days.

#### SECTION 21.5 (28-1.5) SICK LEAVE AT HALF-PAY

Eligible permanent part-time employees who have at least one year of State service may be granted prorated sick leave at half-pay for personal illness after sick leave at full pay, vacation, holiday and overtime credits are exhausted. Part-time employees are required to meet the same eligibility requirements, receive the same number of pay periods of prorated sick leave at half-pay and are subject to the same limitations as full-time employees.

The accruing of pay periods of eligibility for sick leave at half-pay is not prorated. A part-time employee who is eligible to accrue leave credits earns one pay period of sick leave at half-pay entitlement for each six calendar months of qualifying State service in the same manner as a full-time employee. The rate of pay an employee earns while drawing sick leave at half-pay is prorated. The employee drawing sick leave at half-pay is paid 1/2 of his/her regular part-time salary. For example, a half-time employee on sick leave at half-pay is earning 1/2 of 1/2 pay; i.e., 25% of a full-time salary.

For a discussion of sick leave at half-pay for PS&T Unit employees who earn sick leave at the 10-day rate see Section 21.5, pp. C-6 through C-8.

#### SECTION 21.6 (28-1.6) PERSONAL LEAVE

Eligible part-time employees are credited annually with five prorated days of personal leave. (Certain RRS Unit employees are eligible for three prorated days of personal leave and certain PS&T Unit employees initially receive three days of personal leave which is gradually increased to five. See Section 21.6, pp. C-6, C-7 and C-8 -- C-10 for a discussion of these benefits.) Part-time employees, like full-time employees, are entitled to five or three prorated days (based on the percent of full-time worked) of personal leave in a 12-month period. Employees whose percentage of full-time worked changes from pay period to pay period must therefore have personal leave credits converted to reflect that change.

For example, a full-time 37 1/2 hour workweek employee changes to 1/2 time employment and had three days (22 1/2 hours) of personal leave on his/her last day as a full-time employee. He/She is entitled to be credited with three 1/2 days (11 1/4 hours) of personal leave upon beginning the part-time schedule. Conversely, a half-time 20 hour per week employee who has one prorated day (four hours) of personal leave is entitled to retain

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 11 of 20

one full-time day (eight hours) of personal leave upon beginning a full-time schedule.

Part-time employees who have personal leave are subject to the same requirements, both rule and contract provisions, in the same manner and to the same extent as full-time employees on the use of personal leave.

#### SECTION 21.7 (28-1.7) LEAVE FOR EXTRAORDINARY WEATHER CONDITIONS

Eligible part-time employees are subject to the provisions of this Section of the Rules and contracts concerning extraordinary weather conditions to the same extent and under the same limitations and restrictions as full-time employees.

For example, part-time employees sent home under the directed early departure provisions of the negotiated agreements are excused for the remainder of their work period on that day, without charge to credits, in the same manner that full-time employees are so excused.

#### SECTION 21.8 (28-1.8) WORKERS' COMPENSATION LEAVE

Eligible part-time employees absent from work because of an on-the-job accident or job-related illness are eligible for workers' compensation leave with pay for up to six calendar months (131 workdays for M/C employees) or award and supplemental pay benefits for up to nine calendar months (39 weeks) depending upon bargaining unit and date of accident or incident.

Part-time employees subject to the Supplemental Pay Program are entitled to 39 weeks of supplemental benefits in the same manner as full-time employees. Both the wage award and the supplemental payment will be based on the employee's part-time salary. One calendar week of absence will constitute a week of supplemental benefits, regardless of the number of workdays in the employee's schedule during that week.

Part-time employees subject to the Leave Program receive workers' compensation leave with pay on regularly scheduled workdays in the same manner as full-time employees. Part-time employees in positions in the ASU, ISU, OSU, PS&T or RRS Units and those designated M/C are subject to the provisions concerning waiting periods in the same manner as full-time employees for all injuries. The Security Services and Security Supervisors Units agreements do not have a waiting period provision. (See p. C-10 of Section 21.8.)

When calculating the amount of workers' compensation leave used (for disabilities covered by the Leave Program), the same principles apply to employees who work less than full-time as those who work full-time. An

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 12 of 20

employee who is absent for a block of time has used the number of calendar days in the entire period including all regularly scheduled workdays and other calendar days. When an employee is absent intermittently, a day counts as a day, without regard to the number of hours in the regular work schedule or for the percentage of full-time worked. In addition, absences for less than a whole day are counted as fractions of a day based on the number of hours the individual is normally scheduled to work on that day.

Some examples follow:

1. A half-time employee who works four hours on Tuesdays and eight hours on Wednesdays has used two days of leave when he/she is absent all day Tuesday and Wednesday.

2. A half-time employee whose work schedule is ten hours on Saturday who is absent five hours on Saturday has used one-half day's leave entitlement. This same employee is scheduled to work five hours on Sundays and so when absent five hours on Sunday has used one day's leave entitlement.

3. A half-time employee who is scheduled to work 37 1/2 hours one week of a pay period and not at all the other week, has used 14 calendar days of workers' compensation leave if he/she is absent continuously for a full pay period and remains unable to report for work on the next scheduled workday.

4. A half-time employee who is scheduled to work two 10-hour days each week who is absent for one scheduled workday has used one day of entitlement. This same employee who is absent for 7 1/2 hours on a workday has used 3/4 day of entitlement.

5. An 80% employee whose work schedule is four 7 1/2-hour days each week is granted workers' compensation leave but no waiver of the waiting period. The waiting period is the number of hours normally and regularly worked by the employee in a pay period, i.e., 60 hours (8 days) for this individual, that will be charged to leave credits.

#### References

Section 21.8, pp. C-10, C-15, C-20.

#### SECTION 21.9 (28-1.9) LEAVE FOR SUBPOENAED APPEARANCE AND JURY ATTENDANCE

Eligible part-time employees should be granted jury/court leave with pay on the same basis and subject to the same limitations and restrictions that are applicable to full-time employees.



# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 13 of 20

Leave under this Section is intended to protect an employee from loss of salary and is available, under qualifying circumstances, whenever there is a conflict between the employee's schedule and the required court appearance or jury duty.

#### SECTION 21.10 (28-1.10) LEAVE FOR CIVIL SERVICE EXAMINATIONS

Eligible part-time employees are entitled to leave under the provisions of this Section in the same manner and to the same extent as full-time employees.

Whenever there is a conflict between the employee's regular schedule and an appropriate Civil Service examination, this Section and the related agreements should be applied; i.e., there is no prorating of the amount of time off a part-time employee may request.

#### SECTION 21.11 (28-1.11) LEAVE FOR QUARANTINE

Eligible part-time employees are entitled to leave under this Section of the Attendance Rules in the same manner, to the same extent and subject to the same limitations and restrictions as full-time employees. A part-time employee who is quarantined for two weeks receives his/her regular biweekly salary without charge to leave credits just as a full-time employee would under the same circumstances.

#### SECTION 21.12 (28-1.12) LEAVES REQUIRED BY LAW OR NEGOTIATED AGREEMENT

Such leaves include military leave, time off to vote, sick leave for per diem employees and vacation for all employees. Eligible part-time employees are covered by the provisions of Section 21.12 of the Attendance Rules on "Leaves Required by Law" and applicable sections of the negotiated agreements.

In regard to military leave, eligible part-time employees who are members of the National Guard or any reserve force who are called to active duty are entitled to military leave with prorated pay up to 30 calendar days or 22 workdays in any calendar year or in any continuous period of absence, whichever is greater. Additionally, any part-time employee entering active military duty (reservist, volunteer, draftee) is also entitled to a leave of absence without pay from his/her position while engaged in, and while going to and from, military duty.

For example, a half-time employee who works five half-days each week is entitled to one day of military leave for each day of conflict with the work schedule, regardless of the number of hours in his/her workday. For a half-time employee who works two 10-hour days on Saturday and Sunday, a "drill" weekend is two workdays of military leave regardless of the number of hours

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 14 of 20

in the employee's workday.

Part-time employees are eligible for leave for professional meetings and leave for professional examinations based on the same eligibility criteria and the same limitations and restrictions as full-time employees. These two types of leave are available based on a conflict between the employee's work schedule and the meeting or examination. There is no proration of approved time off and no availability of the benefit when meetings or examinations do not conflict with the regular work schedule. For example, a half-time employee whose work schedule is 8 hours on Wednesday and Thursday and 4 hours on Friday requested and received approval for professional meeting leave for a Thursday and Friday. This counts as two days of professional meeting leave. See Section 21.12, pp. C-1 and C-2 for a more detailed discussion of the negotiated benefits for PS&T and RRS Unit employees.

#### SECTION 21.13 (28-1.13) LEAVE FOR CIVIL DEFENSE DUTIES

Part-time employees who have Attendance Rules coverage are eligible for this discretionary leave in the same manner, to the same extent and subject to the same limitations and restrictions as full-time employees. For example, part-time employees may be granted up to five of their scheduled workdays for Civil Defense drills. This benefit is not prorated. An employee with a three-hour schedule one day has used one day of entitlement to be absent for three hours and an employee with a six-hour schedule has used one day to be absent six hours.

#### SECTION 22.1 (29.1) LEAVE OF ABSENCE; DURATION

Part-time employees who have Attendance Rules coverage are eligible for leaves without pay pursuant to this Rule subject to the same limitations and restrictions as full-time employees. This includes discretionary leaves as well as leaves pursuant to the State policy on leave for pregnancy, childbirth, child care and adoption. The length of the leave is in calendar months and is not prorated based on the employee's part-time schedule.

#### SECTION 22.2 (29.2) SUCCESSIVE LEAVES OF ABSENCE

The limitations on successive leaves of absence apply uniformly to all employees eligible to be granted leaves under Section 22.1 (29.1).

#### SECTION 23.1 (30.1) PAYMENT FOR ACCRUALS UPON SEPARATION

Part-time employees who meet the same eligibility criteria as full-time employees are entitled to receive a lump sum payment at the time of separation for accrued and unused vacation credits up to a maximum of 30 prorated days based on the individual's percent of full-time worked.

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 15 of 20

A part-time employee who separates from service shall receive a lump sum payment for overtime compensatory time earned for hours worked between 37 1/2 and 40, up to a maximum of 30 full-time days, in the same manner and subject to the same limitations and restrictions as a full-time employee. (See the Budget Director's Rules and Regulations on overtime.) Since this overtime compensatory time is earned in lieu of salary on an hour-for-hour basis, payment for these hours will be for all hours up to 30 full-time days (225 or 240 hours.)

Part-time employees who are eligible to earn compensatory time for hours worked over 40 are entitled to receive a lump sum payment for all hours accrued in accordance with Payroll Bulletin P-491 issued by the Office of the State Comptroller on September 11, 1986.

#### SECTION 23.2 (30.2) PAYMENT FOR ACCRUALS UPON ENTRY INTO ARMED FORCES

Part-time employees who enter military service are eligible for lump sum payments subject to the same limitations and restrictions as full-time employees. Part-time employees can be compensated for a maximum of 30 prorated days, not 30 full-time days.

#### SECTION 23.3 (30.3) PAYMENT FOR OVERTIME ACCRUALS UPON APPOINTMENT, PROMOTION OR TRANSFER

A part-time employee who moves from one department or agency to another shall receive payment for overtime compensatory time, up to a maximum of 30 full-time days, in the same manner and subject to the same limitations and restrictions as a full-time employee.

#### SECTION 24.1 (31.1) CREDITING OTHER PUBLIC EMPLOYMENT AS STATE SERVICE

Part-time employees who have Attendance Rules coverage and who are eligible to earn and be credited with vacation, sick leave and personal leave are eligible to move service and leave credits between agencies under a reciprocal agreement in the same manner and subject to the same limitations and restrictions as full-time employees.

#### SECTION 25.1 (32.1) SUSPENSION OF RULES

Should the Civil Service Commission suspend the Attendance Rules due to an extraordinary emergency, both full-time and part-time employees affected by the emergency are eligible for any benefits accruing from the suspension in the same manner and subject to the same limitations and restrictions. If the Commission suspends the Rules to allow absence from work without charge to credits, for example, both full-time and part-time employees scheduled to work that day would be excused for the number of hours in their regular schedules.

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

ATTENDANCE AND LEAVE MANUAL

Part-Time Employment

Appendix D

Page 16 of 20

SECTION 26.1 (33.1) TO WHOM RULES APPLY

Eligibility for Attendance Rules coverage and ability to accrue leave credits are discussed on pages 3-4 of this Appendix.

Education Leave

Eligible part-time employees may receive education leave with or without pay in accordance with individual agency programs and at the discretion of the appointing authority. Additionally, agencies may grant employees leave without pay for education up to two years.

SECTION 26.2 (33.2) EXCEPTIONS

Summer employees or summer replacements may be hired on a full- or part-time basis and are subject to the provisions of this Section which restrict summer employees from being granted personal leave and from accruing vacation.

SECTION 26.3 (--) APPLICATION OF ATTENDANCE RULES TO EMPLOYEES IN NEGOTIATING UNITS

Part-time employees, the same as full-time employees, are entitled to attendance and leave benefits as provided by the negotiated agreements. When there is a difference between the provisions of the Rules and agreements, they are read together and provisions of the agreements are controlling.

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 17 of 20

#### CHART OF ACCRUAL RATES

##### Introduction

The following chart of suggested rates of accrual is for agency information and use, if accrual methods are not currently in place. The guiding principle in establishing the rates shown on the chart is that each employee should receive his/her full entitlement to leave credits over the course of each year in an equitable and efficient manner.

The biweekly accrual rates and periodic adjustments which follow are minimal standards that must be met in order to ensure that the employee receives his/her full entitlement. There is nothing to prevent agencies from adjusting accruals more frequently than semiannually. Indeed, in some cases biweekly or quarterly adjustments would be more appropriate. The agency should exercise reasonable judgment in adjusting accruals to bring employees to their full entitlement.

##### Formula for Calculating Accruals for Part-Time Employees

For this example, use  
50% part-time  
employment and a 13  
day accrual rate.

##### Steps

##### Example

1. Percent of Full-Time Worked x No. of  
hours in Full-Time Day divided by 100 =  
No. of Hours in Prorated Day  $\frac{50}{100} \times 7.50 = 3.75$  hours in a day
- (In shorthand: hours in prorated day =  
no. hours scheduled per pp + 10)
2. No. of Hours in Prorated Day x No. of  
Days Annual Earning = Hours Per Year  
Annual Entitlement (round to nearest 1/4  
hour)  $3.75 \times 13 = 48.75$  hrs/year
3. Hrs/Yr + 26 pay periods = hrs/pay period  
(no rounding)  $48.75 + 26 = 1.875$  hrs/pay period



NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
ATTENDANCE AND LEAVE MANUAL

Part-Time Employment

Appendix D

Page 18 of 20

NOTE: If the number calculated in step 3 is a 1 or 2 digit decimal, stop here and use this number as biweekly accrual rate.

4. If the number calculated in step 3 is not a 1 or 2 digit decimal, use the nearest quarter-hour rate below hrs/pay period as biweekly accrual rate. (1.875)  
1.75 hours
5. Hrs/pp minus biweekly accrual rate = biweekly adjustment (no rounding)  $1.875 - 1.75 = \underline{0.125}$
6. Biweekly adjustment x 26 = Annual Adjustment (rounded to 2 decimals)  $0.125 \times 26 = \underline{3.25}$

Verification

1. Biweekly adjustment x 26 - Hours earned in 26 pp.  $1.75 \times 26 = 45.50$   
(Annual earnings)
2. Hours earned + annual adjustment = annual entitlement as calculated in step 2 above.  $45.50 + 3.25 = \underline{48.75}$
3. Annual entitlement - annual earnings = annual adjustment as calculated in step 6 above.  $48.75 - 45.50 = 3.25$

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE**

**ATTENDANCE AND LEAVE MANUAL**

**Part-Time Employment**

Appendix D

Page 19 of 20

**ACCUAL RATES - 37 1/2 HOUR BASIC WORKWEEK**

Percent of Full Time Scheduled to Work	50%	60%	70%	75%	80%	85%	90%	95%
# Hours in One Prorated Day	3.75	4.50	5.25	5.625	6.00	6.375	6.75	7.125
<b>SICK LEAVE 13-DAY ANNUAL ACCRUAL RATE</b>								
# Hours Per Year	48.75	58.50	68.25	73.25	78.00	83.00	87.75	92.75
# Hours Accrued Per Pay Period	1.75	2.25	2.50	2.75	3.00	3.00	3.25	3.50
# Hours in Adjustment Given Either Annually/ Semiannually	3.25	none	3.25	1.75	none	5.00/ 2.50	3.25	1.75
<b>SICK LEAVE 10-DAY ANNUAL ACCRUAL RATE</b>								
# Hours Per Year	37.50	45.00	52.50	56.25	60.00	63.75	67.50	71.25
# Hours Accrued Per Pay Period	1.25	1.50	2.00	2.00	2.25	2.25	2.50	2.50
# Hours in Adjustment Given Either Annually/ Semiannually	*5.00/ 2.50	*6.00/ 3.00	.50/ .25	4.25	1.50/ .75	5.25	2.50/ 1.25	6.25
<b>VACATION</b>								
# Hours Per Year at 13-Day Rate	Same as above - Sick Leave at 13-Day Rate							
# Hours Per Year at 20-Day Rate	75.00	90.00	105.00	112.50	120.00	127.50	135.00	142.50
# Hours Accrued Per Pay Period	2.75	3.25	4.00	4.25	4.50	4.75	5.00	5.25
# Hours in Adjustment Given Either Annually/ Semiannually	3.50/ 1.75	*5.50/ 2.75	1.00/ .50	2.00/ 1.00	3.00/ 1.50	4.00/ 2.00	5.00/ 2.50	6.00/ 3.00

NOTE: \* If annual adjustment exceeds one prorated day; recommend at least a semiannual adjustment or a more frequent adjustment if appropriate.

# NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

## ATTENDANCE AND LEAVE MANUAL

### Part-Time Employment

Appendix D

Page 20 of 20

#### ACCRUAL RATES - 40 HOUR BASIC WORKWEEK

Percent of Full Time Scheduled to Work	50%	60%	70%	75%	80%	85%	90%	95%
# Hours in One Prorated Day	4.00	4.80	5.60	6.00	6.40	6.80	7.20	7.60
SICK LEAVE 13-DAY ANNUAL ACCRUAL RATE								
# Hours Per Year	52.00	62.40	72.80	78.00	83.20	88.40	93.60	98.80
# Hours Accrued Per Pay Period	2.00	2.40	2.80	3.00	3.20	3.40	3.60	3.80
# Hours in Adjustment Given Either Annually/ Semiannually	None Required							
SICK LEAVE 10-DAY ANNUAL ACCRUAL RATE								
# Hours Per Year	40.00	48.00	56.00	60.00	64.00	68.00	72.00	76.00
# Hours Accrued Per Pay Period	1.50	1.75	2.00	2.25	2.25	2.50	2.75	2.75
# Hours in Adjustment Given Either Annually/ Semiannually	1.00/ .50	2.50/ 1.25	4.00/ 2.00	1.50/ .75	5.50/ 2.75	3.00/ 1.50	.50/ .25	4.50/ 2.25
VACATION								
# Hours Per Year at 13-Day Rate	Same as above - Sick Leave at 13-Day Rate							
# Hours Per Year at 20-Day Rate	80.00	96.00	112.00	120.00	128.00	136.00	144.00	152.00
# Hours Accrued Per Pay Period	3.00	3.50	4.25	4.50	4.75	5.00	5.50	5.75
# Hours in Adjustment Given Either Annually/ Semiannually	2.00/ 1.00	*5.00/ 2.50	1.50/ .75	3.00/ 1.50	4.50/ 2.25	6.00/ 3.00	1.00/ .50	2.50/ 1.25

NOTE: \* If annual adjustment exceeds one prorated day; recommend at least a semiannual adjustment or a more frequent adjustment if appropriate.