
 Corrections and Community Supervision DIRECTIVE	TITLE Sick Leave at Half Pay		NO. 2206
			DATE 06/05/2019
SUPERSEDES DIR #2206 Dtd. 05/03/16	DISTRIBUTION A	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) New York State Attendance and Leave Manual	APPROVING AUTHORITY 		

- I. SCOPE:** This directive outlines the conditions that must be met and the procedures to be followed whenever an employee requests sick leave at half pay.
- II. AUTHORITY**
- A. Section 21.5, New York State Attendance and Leave Manual
 - B. Contractual Agreements
 - CSEA - Administrative Services Unit (Art. 10.8)
 - Institutional Services Unit (Art. 10.15)
 - Operational Services Unit (Art. 10.9)
 - PEF - PS&T (Art. 12.20)
- III. ELIGIBILITY**
- A. Any permanent employee who has completed probation, or any probationary, temporary, or provisional employee who has a permanent hold on a position for which he or she has completed probation, and has one year of continuous service, may be granted sick leave at half pay at the discretion of the appointing authority, if the absence is a documented personal illness or disability (exception: see Section III-D below).
 - B. Employees absent on an approved work-related disability who have exhausted their contractual paid leave benefits and their accruals must be granted sick leave at half pay, provided they remain disabled and document the continued disability.
 - C. Sick leave, annual leave, holiday, and overtime credits must be exhausted prior to granting half pay (an employee who has less than a total of one full day of accrued leave is considered to have exhausted leave credits). Personal leave does not have to be exhausted.
 - D. Refer to appropriate contractual agreements and the contract interpretation pages of the NYS Attendance and Leave Manual (Section 21.5) before denying a request for sick leave at half pay. In some instances, sick leave at half pay is mandated. For Management/Confidential requests, refer to the NYS Attendance and Leave Manual (Appendix F).
 - E. If the absence is designated as qualifying under the Family Medical Leave Act, sick leave at half pay cannot be denied.
- IV. MAXIMUM GRANT**
- A. A permanent or contingent permanent employee may be granted a cumulative total of sick leave at half pay of no more than one biweekly pay period for each completed six months of State service on the payroll at full pay or half pay.

- B. Each time an employee requests half pay, the employee's record is to be reviewed for total eligibility. Previous periods of half pay granted are to be deducted and the difference will be the remaining eligibility. The Office of the State Comptroller (OSC) can identify periods of half pay and leaves without pay granted by other State agencies.
- C. Time spent on military leave without pay counts as State service towards eligibility for sick leave at half pay.
- D. When calculating eligibility for 10-month employees, consider September through June as one year. An employee who has worked three school years would be eligible for six biweekly pay periods at half pay.
- E. Sick leave at half pay used in conjunction with an approved Workers' Compensation claim is restored upon receipt of a Workers' Compensation Board Award crediting NYS for that period of time. The restored half pay eligibility may not be used again for absences attributed to the same injury/claim. This period of time, however, may be used as eligibility toward a different injury/accident or for a non-work-related disability.
- F. Sick leave at half pay may only be granted in full day units.

V. ANNUAL, SICK, AND PERSONAL LEAVE

- A. An employee on sick leave at half pay is not credited with biweekly accruals.
- B. Periods of half pay are counted as State service to determine the rate at which annual leave is earned and accumulated.
- C. Employees on sick leave at half pay receive personal leave and bonus annual leave credits on their anniversary date(s). A month before the employee exhausts sick leave at half pay eligibility, the Personnel Clerk should notify the employee of the two available options:
 - 1. Request to be restored to full pay status for the length of time covered by the accruals prior to going on leave without pay.
 - 2. Request to leave the accruals on the books: When the Personnel Clerk is notified of the posting of accruals by the Timekeeper, a written notification is to be sent to the employee informing him or her of the options. No employee will be restored to full payroll status without his or her written consent. The Department recommends a letter in which the employee can designate his or her selection and return it to the Personnel Clerk for processing.

VI. PROCEDURE

A. Facility Employees

- 1. Employee: Submits request for sick leave at half pay in writing to the Deputy Superintendent for Administrative Services or Superintendent, including the expected duration of the illness, and the date of the most recent examination or treatment. Conforming, up-to-date medical documentation must be in the possession of the Medical Information Officer or on file. Retroactive approval can be granted as long as the employee has submitted their written request within one week from the exhaustion of their accruals.

If the employee is absent due to a Workers' Compensation-related disability, he or she is not required to submit a request for Workers' Compensation at half pay, nor can the administration deny its use even if the employee is on time and attendance control.

2. Deputy Superintendent/Superintendent
 - a. Determines whether employee is on formal attendance control;
 - b. Confirms that conforming, up-to-date medical documentation is in the possession of the Medical Information Officer, or on file;
 - c. Forwards request and recommendation to facility Personnel Office; and
 - d. Ensures that contractual agreements are met.
3. Personnel Clerk
 - a. Requests Timekeeper to provide current accrual balances;
 - b. Confirms employee's eligibility for half pay; and
 - c. Processes the appropriate NYSTEP transaction, forwarding relevant documents to the Bureau of Personnel in Albany.

If the request has been denied by the Deputy Superintendent or Superintendent, the employee shall be informed of the reason for the denial in writing.

Transactions may not be processed for more than three pay periods at a time. Each succeeding transaction must be based on medical documentation confirming continued disability.

Medicals must be submitted on a monthly basis or sooner, depending upon previous anticipated return to duty date.

4. Bureau of Personnel: Approves the transaction, if appropriate.

B. Central Office and Board of Parole Employees

1. Employee: Submits request for sick leave at half pay in writing to the Medical Information Officer, including signed and dated Physician's statement that provides a brief general description of the illness (as required in Directive #2202), the expected duration of the illness, and the date of the most recent examination or treatment. Retroactive approval can be granted as long as the employee has submitted their written request within one week of the exhaustion of their accruals.
2. Bureau of Personnel
 - a. Requests Timekeeper to provide current accrual balances. Determines half pay eligibility;
 - b. Submits all information to the Medical Information Officer for review. Medical Information Officer will forward information with recommendation to the Director of Personnel or designee for final approval; and
 - c. If approved, processes transaction; if disapproved, the employee and supervisor are notified in writing.

C. Community Supervision Field Employees

1. Employee: Submits request for sick leave at half pay in writing to the Regional Administrative Assistant, including signed and dated Physician's statement that provides a brief general description of the illness (as required in Directive #2202), the expected duration of the illness, and the date of the most recent examination or treatment. Retroactive approval can be granted as long as the employee has submitted their written request within one week of the exhaustion of their accruals.

2. Regional Administrative Assistant
 - a. Requests Timekeeper to provide current accrual balances. Determines half pay eligibility;
 - b. Submits all information to the Medical Information Officer for review. Medical Information Officer will forward information with recommendation to the Director of Personnel or designee for final approval; and
 - c. If approved, processes transaction; if disapproved, the employee and supervisor are notified in writing.