
 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Time and Attendance Rules - Personal Leave</b>		NO. 2207
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SUPERSEDES DIR# 2207 Dtd. 07/22/15	DISTRIBUTION A	PAGES PAGE 1 OF 3	DATE LAST REVISED
REFERENCES (Include but are not limited to) New York State Attendance and Leave Manual; Contract Agreements; 7NYCRR, Ch. II, Part 62; Civil Service Policy Bulletins 1992-01 & 1993-04	APPROVING AUTHORITY 		

- I. **DESCRIPTION:** This directive provides information on personal leave for those employees covered by the New York State Attendance Rules.
- II. **REFERENCES:** Authority: Section 21.6 - State Attendance and Leave Manual and Contract Articles

CSEA:	Administrative Services	-	10.9
	Institutional Services	-	10.10
	Operational Services	-	10.10
PEF:	PS&T	-	12.10, 12.11, & 12.19
NYSCOPBA:	Security Services	-	14.2
Council 82:	Security Supervisors	-	14.2

III. **POLICY**

A. Personal Leave Anniversary Date

1. The anniversary date for most employees is the first day on which they reported for work.
2. The anniversary date for per diem and hourly paid employees is the first day of the payroll period following the payroll period in which they became eligible for rules coverage, not the date of appointment.
3. Anniversary dates are adjusted only when the employee is not on the payroll\* in which the anniversary date falls.

\*Employees in the CSEA & PEF bargaining units who are absent on Workers' Compensation Leave Without Pay are credited with their Personal Leave days on their anniversary date. Refer to Civil Service Policy Bulletin 1992-01 for CSEA and Civil Service Policy Bulletin 1993-04 for PEF.

4. An employee who moves from one State agency to another retains his or her original anniversary date and any unused personal leave credits are transferred with him or her provided the position to which he or she moves is covered by the Attendance Rules.

B. Crediting Personal Leave

1. Personal leave is credited at the rate of five days annually for all full-time annual salaried employees on their anniversary date. Personal leave is prorated for part-time or per diem employees.

NOTE: 10-month employees will be granted four days of personal leave at the beginning of each school calendar. These four days must be used by the end of the school calendar.

2. An employee not on the payroll (Sick Leave Without Pay (SLWOP), Leave Without Pay (LWOP), Leave of Absence (LOA), etc.) when the anniversary falls will be credited with personal leave upon return to the payroll. The date of return will become the employee's new anniversary date for personal leave.
3. When an employee is off the payroll for less than one year and returns prior to his or her anniversary date, unused credits will be restored and the same anniversary date will be retained.
4. Personal leave is not cumulative. Any personal leave credits remaining on the close of business prior to the anniversary date will expire.

C. Use of Personal Leave

1. Personal leave credits are to be used at a time convenient to, and approved in advance by, the employee's supervisor. It is intended that the needs of the State take precedence over the needs of the employee.
2. Charges to personal leave may be used in conjunction with annual leave but shall have the same limitations as those imposed for the use of annual leave.
3. Personal leave accruals cannot be charged for an absence on a day designated for the employee's bargaining unit as a holiday by New York State; however, personal leave accruals can be charged for an absence on a day designated for the employee's negotiating unit as a floating holiday by New York State.
4. With the approval of the supervisor, personal leave may be used to cover tardiness.
5. Requests for personal leave for absences necessitated by religious observance obligations should be approved, unless such absence would interfere with the proper conduct of government functions.
6. All personal leave must be used in multiples of one quarter hour.
7. It is reasonable to deny use of personal leave, except in a case of extreme emergency, to temporary employees hired to complete a job in an emergency situation or during peak work load periods.
8. Under no circumstances will payments for unused personal leave credits be made.
9. An employee should not routinely be required to give a reason for requesting use of personal leave provided the employee has submitted the request in advance; however, an employee seeking special consideration or reconsideration of a denial to use personal leave is obligated to provide information sufficient to explain the request.

NOTE: For CSEA Operational Services Unit, an employee who is unexpectedly and unavoidably absent from work, such that prior approval for the absence could not be obtained, and who notifies the appropriate official within two hours after the beginning of his or her workday, may be allowed to charge such absence to personal leave credits provided the employee furnishes an acceptable explanation for such absence.

D. Floating Days Off for 10-Month Employees

1. There are three "floating days" included in the school calendar. These days are established as the first three calendar days of the school year and Teachers/Vocational Instructors are credited with three floating days provided they work. If partial days are worked, then partial credit is received; and if no days are worked, then no credit is received nor is an accrual charged. Establishment of fewer than three floating days will occur only through the local labor-management agreement. However, in no instance shall there be more than three floating days. Employees paid on an hourly basis (as opposed to an annual-funded basis) are not credited with floating days as they receive pay rather than time for working those days.
2. The floating days credited cannot carryover from year to year.
3. Since employees may not be compensated in cash for floating days off, it is necessary that such time off be scheduled prior to separation from their Teacher/Vocational Instructor/Education Supervisor position.
4. No teacher will work more than 185 days during the school year. Floating days shall be used no later than June 10<sup>th</sup>.
5. Employees unable to work any of the designated floating days shall notify the facility prior to the start of the workday. Employee absences taken on floating days will not be charged against accruals.
6. These extra days off are to be recorded in a separate leave category.
7. Employees can use the credited floating days in 15-minute segments as long as they have worked at least that amount of time in the first three days of the school year. Requests for use of accumulated floating time off must be made at least 24 hours in advance and can be used for any portion of the classroom module. Requests for floating days off will be made in writing, and will be subject to the supervisor's approval. Such requests will not be unreasonably denied. Responses to requests for floating days off will be given within three days.