

 <b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b> <b>DIRECTIVE</b>	TITLE <b>Sick Leave at Full Pay</b>		NO. 2204
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SUPERSEDES DIR #2204 Dtd. 07/23/19	DISTRIBUTION A	PAGES PAGE 1 OF 5	DATE LAST REVISED
REFERENCES (Include but are not limited to) Directive #2202; NYS Attendance and Leave Manual for State Agencies	APPROVING AUTHORITY 		

**I. DESCRIPTION:** This directive explains the earning and utilization of sick leave credits. Sick leave is an absence with pay necessitated by an illness or disability. For the purpose of this directive, illness or disability may be the result of pregnancy or childbirth. Additional information regarding the use of sick leave is contained in Directive #2202, "Attendance Control Program," and the New York State Attendance and Leave Manual - Sections 21.3, 21.4, 26.1, and Appendices A, B, C, D, and F (4 NYCRR 21.3).

**II. EARNING SICK LEAVE ACCRUALS**

- A. Full-time annual salaried employees normally earn sick leave accruals at a rate of 7 1/2 hours (if they work a 37 1/2 hour week) or 8 hours (if they work a 40 hour week) for every two biweekly pay periods. The exceptions are:
  - 1. Ten month Professional, Scientific and Technical Services Bargaining Unit employees are entitled to an annual adjustment of sick leave in an amount equivalent to that which could be earned in 22 payroll periods.
  - 2. All Management/Confidential employees hired after January 1, 1986 with no prior creditable State service and those Management/Confidential employees who opt to join the Income Protection Plan (IPP) earn eight days sick leave accruals per year, four days at each six-month interval. For a comprehensive explanation of the IPP Program, see Appendix F of the Attendance and Leave Manual.
- B. Part-time annual salaried employees and per diem hourly paid employees who meet the eligibility requirements are credited with sick leave on a prorated basis in accordance with the number of hours worked biweekly. Eligibility requirements are defined in Sections 21.3 and 26.1, and Appendix D of the Attendance and Leave Manual.
- C. An employee must be in full pay status for at least seven out of ten scheduled working days during a biweekly pay period in order to earn sick leave credits for that period. For employees whose biweekly work schedules consist of less than ten working days refer to Section 26.1 of the Attendance and Leave Manual to determine the days that an employee must be in full pay status to earn accruals.
- D. Maximum accrual of sick leave credits is as follows:

<u>Bargaining Unit</u>	<u>No. of Days</u>
Administrative	200
Professional, Scientific & Technical	200
Operational	200
Institutional	200
Management/Confidential	200
Security	225
Security Supervisors	225

### III. SICK LEAVE ACCRUALS UTILIZATION

- A. No minimum period of employment is required for use of sick leave accruals.
- B. Sick leave accruals are not to be used in less than one-quarter hour units.
- C. Sick leave without pay is not an option while sick leave credits are available. If any employee is sick, sick accruals must be charged unless: The absence is approved/designated FMLA, the employee will be losing vacation accruals because they will be going over the maximum amount allowed, or because an employee is approaching an anniversary date and will be losing personal leave. In the latter two instances, the proper procedure for requesting the use of alternate accruals must be followed.
- D. Illness in the Employee's Family: In addition to personal illness, employees may use sick leave accruals towards absences needed for medical or dental appointments as well as illness or death in their immediate family. The latter instance, termed "Family Sick Leave," may not exceed: 15 days for PEF, M/C, and Council-82 employees; 25 days for CSEA employees; or 30 days for NYSCOPBA employees, in a calendar year. Immediate family is defined in Section 21.3 of the Attendance and Leave Manual or Negotiated Agreement.  
  
Medical or Dental Appointments: Request must be made as stated in Directive #2202, Section II-C, "Granting of Prior Approved Sick Leave (Doctor's Appointments, Medical Tests, etc.)."
- E. Notification: An employee who must use sick leave credits should notify his or her supervisor on the first day of absence within two hours after the beginning of the workday. If a substitute employee is normally required, notification should be provided no later than one hour prior to the start of the workday or shift.
- F. Medical Documentation: Refer to Directive #2202 for specific medical documentation requirements.

### IV. TRANSFER, SEPARATIONS, AND RETIREMENT SERVICE CREDIT

- A. When an employee is transferred, accumulated sick leave accruals are generally transferred with that employee. See Section 21.3 and 24.1 of the Attendance and Leave Manual for further clarification
- B. When a former employee is reinstated or re-employed within a year after separation for other than disciplinary reasons, sick leave accruals accumulated up to the time of separation and unused at the time of separation are restored. When an employee is reinstated by the Civil Service Commission after more than a year's separation, sick leave accruals supported by adequate records are restored.
- C. At the time of retirement, employees who are members of the Employees' Retirement System may use up to 200 days of sick leave to obtain retirement credit on a day-for-day basis. Employees may also use up to 200 days of sick leave to offset health insurance premiums at retirement. Facility Personnel Offices can provide equations on how to compute health insurance costs at retirement.

### V. EXTENDED SICK LEAVE: (Reference Section 21.4 of the Attendance and Leave Manual)

- A. The purpose of advancing sick leave credits is to provide short term protection against loss of income because of personal illness for employees who have exhausted all earned leave credits and for new employees who have not had an opportunity to accumulate enough credits to cover the period of absence.

Before advancing sick leave credits, such factors as the employee's work performance and attendance records, as well as whether it is anticipated that the employee will return to work, must be considered. Under normal circumstances, sick leave credits should not be advanced when an employee will not be able to return to work.

- B. All employees who earn and accumulate sick leave in accordance with the Attendance Rules are eligible for advanced sick leave of up to five days for personal illness at the discretion of the Director of Personnel for Central Office, Community Supervision, and Board of Parole employees; or the Superintendent for facility employees.
1. The employee must have exhausted all earned vacation, sick leave, holiday leave, personal leave, and overtime compensatory time credits.
  2. An employee's outstanding balance of advanced sick leave cannot exceed five days at one time.
  3. All advanced sick leave is to be repaid as soon as practicable after the employee's return to work. These credits are to be repaid from subsequent accumulations of vacation, overtime compensatory time, holiday leave, or sick leave. Personal leave may not be required to be used for repayment purposes.
  4. Upon termination of the employee's services, the value of any advanced sick leave that has not been repaid will be deducted from any compensation due the employee.
  5. Sick leave credits may be properly advanced to avoid a payroll deduction in cases of short-term personal illness; however, such credits should not be advanced simply to postpone a leave of absence without pay.
  6. Employees enrolled in the Income Protection Plan Program cannot be advanced sick leave.
- C. Use of Alternate Accruals: Under limited circumstances, employees in the Institutional Services bargaining unit may be denied use of alternate leave credits as sick leave following exhaustion of sick leave credits. See Article 10.20 of the Institutional Services Unit Agreement and Section 21.3, page C-11 of the New York State Attendance and Leave Manual for specific requirements. For employees in other bargaining units, use of alternate accruals as sick leave following exhaustion of sick leave credits will not be denied in any circumstance where the absence meets the approval and documentation requirements applicable to the use of sick leave. Regardless of bargaining unit, use of alternate credits shall not be denied in situations involving absences under the Family Medical Leave Act.

NOTE: In such absences of three days or less (or four days or less for employees in the CSEA bargaining units) documentation is mandatory for all use of alternate accrual requests.

1. Facility Employees
  - a. Employee: Submits request for use of alternate accruals in writing to the appropriate Deputy Superintendent or Superintendent. Conforming, up-to-date medical documentation must be in the possession of the Medical Information Officer or on file. If the employee is absent due to a Workers' Compensation related disability, he or she is not required to submit a request for alternate accruals, nor can the administration deny its use even if the employee is on time and attendance control.

Retroactive approval can be granted as long as the employee has submitted their written request within one week from the exhaustion of their sick accruals.

- b. Deputy Superintendent/Superintendent
  - (1) Determines whether employee is on formal attendance control. See Article 10.20 of the Institutional Services Unit Agreement and Section 21.3, page C-11 of the New York State Attendance and Leave Manual for specific requirements.
  - (2) Confirms that conforming, up-to-date medical documentation is in the possession of the Medical Information Officer or on file.
  - (3) Forwards request and recommendation to facility Personnel Office. Ensures that contractual agreements are met.
- c. Personnel Clerk: Requests timekeeper to provide current accrual balances and confirms if employee's use of alternate accruals is appropriate. 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.

## 2. Central Office and Board of Parole Employees

- a. Employee: Submits request for use of alternate accruals in writing to the Medical Information Officer. Conforming, up-to-date medical documentation must be included with the request 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 sick accruals.
- b. Medical Information Officer
  - (1) Requests timekeeper to provide current accrual balances. Determines if the use of alternate accruals is appropriate.
  - (2) Reviews for final approval.
  - (3) If the request has been denied, the employee shall be informed of the reason for denial in writing.

## 3. Community Supervision Field Employees

- a. Employee: Submits request for use of alternate accruals in writing to the Regional Administrative Specialist. Conforming, up-to-date medical documentation must be included with the request 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 sick accruals.
- b. Regional Administrative Specialist
  - (1) Requests timekeeper to provide current accrual balances. Determines if the use of alternate accruals is appropriate.
  - (2) The Regional Administrative Specialist, acting in the capacity of the Medical Information Officer, reviews all information. The Regional Administrative Specialist will forward information with recommendation to the Central Office Personnel Representative for final approval.
  - (3) If the request has been denied, the employee shall be informed of the reason for denial in writing.

## VI. LEAVE DONATION PROGRAM

- A. The Leave Donation Program is available to employees represented by CSEA, PEF, Council 82, and NYSCOPBA, as well as to those employees designated M/C. Both donor and recipient employees must be covered by valid leave donation agreements or the M/C Attendance Rules. Under these rules and agreements, employees in participating units may donate to eligible employees in the same unit, in other participating units, and across agency lines regardless of whether the donor and recipient are family members.
- B. In order to donate vacation credits an employee must meet the following eligibility criteria:
1. Have a minimum vacation balance of at least ten days after making the donation. (There is no maximum number of days which can be donated to an individual employee so long as the individual donor has a vacation balance of at least ten days after making the donation.)
  2. Donations must be made in full day (7.5 or 8 hour) units, regardless of the work schedule or percentage of employment of the donor or the recipient.
  3. Employees may not donate vacation credits which would otherwise have been forfeited.
- C. In order to receive donated leave credits, an employee must meet the following eligibility criteria:
1. Be subject to the Attendance Rules or otherwise eligible to earn leave credits.
  2. Be absent due to a non-occupational personal illness or disability for which medical documentation satisfactory to management is submitted as required.
  3. Have exhausted all leave credits (leave credits are deemed to be exhausted if the employee has a balance of less than the number of hours in the employee's normal workday).
  4. Be expected to continue to be absent for at least two biweekly payroll periods (28 consecutive calendar days) following exhaustion of leave credits or sick leave at half-pay.
  5. Must not have had any disciplinary actions or unsatisfactory performance evaluations within the employee's last three years of State employment.
- D. Donated credits may be used either after exhaustion of leave credits and prior to sick leave at half-pay or after exhaustion of sick leave at half-pay, at the recipient's option.
- E. Recipient employees are deemed to be in **leave without pay** status for attendance and leave purposes while charging donated leave credits.