Employees’ and Supervisors’ Guide To Leave Benefits for Classified Staff

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Additional information can be obtained from:
New York State Attendance and Leave Manual and GOER’s An Orientation to Employment in the Empire State
PURPOSE

This handbook was prepared to assist SUNY Plattsburgh supervisors in the interpretation and application of the attendance and leave provisions of the collective bargaining agreements and the Attendance Rules for employees in the New York State departments and institutions. It should be viewed as a worksite companion piece to the Department of Civil Service New York State Attendance and Leave Manual, which is available at the website below. It is intended to offer guidance to supervisors in day-to-day issues of attendance supervision. It is not intended to be applicable to all situations, nor does it supersede the terms of duly negotiated agreements, laws, rules or regulations, or otherwise established policies or practices of State departments or agencies.

Because of the cost and impact of inappropriate use of sick leave on productivity and morale, the handbook places an especially strong emphasis on insuring the appropriate use of sick leave. It is designed to supplement rather than to replace programs offered by agencies. Since it addresses only broad policies and common procedures, each agency is encouraged to continue to provide supervisors with formal training and informal guidance in specific agency policies and procedures. In addition, supervisors are encouraged to discuss problems or unusual circumstances with their supervisors or the Human Resource Services department.

This handbook covers attendance and leave policies and procedures for full-time annual classified service employees subject to the Civil Service Attendance Rules. It does not cover part-time, seasonal, hourly or per diem employees, academic and professional staff in the State University system, uniformed members of the Division of State Police, or employees in the Division of Military and Naval Affairs.

ORGANIZATION

The handbook provides an overview of leave benefits available to State employees and the general policies governing them. It is important to keep in mind that certain aspects of leave policies may vary from bargaining unit to bargaining unit. Accordingly, it is essential to remember that specific answers to specific questions about attendance and leave issues may be different depending on the bargaining unit of the employee involved. It is also important to keep in mind that this handbook provides only a basic overview of leave policies. Supervisors should continue to consult with the Human Resource Services department for guidance on specific or complex questions.

Additional information can be obtained from:
Governor’s Office of Employee Relations (GOER)  https://www.goer.ny.gov/
ATTENDANCE AND LEAVE
Policies and Procedures

A. Introduction - Why Do We Have Leave Benefits?

State employees have difficult and demanding jobs. In recognition of this fact the State provides employees with a variety of leave benefits which protect them from loss of earnings when they require time off from work. Each leave benefit is designed to meet specific employee needs. For example, vacation provides employees with a respite from work during which they may re-energize and revitalize; personal leave is intended to provide employees with time off without loss of pay to attend to matters of personal business, emergencies, and religious observance, and may also be used as vacation; and sick leave is intended for absences caused by personal illness, visits to the doctor or dentist, and illness or death in the family.

When used properly, leave benefits are of value to both the State and the employees. They provide employees with income protection in the event of illness and when time off is required to fulfill personal and family obligations. This in turn can reduce outside pressures, which can adversely affect work performance. In addition, it can improve employee morale. Furthermore, in most instances proper use of leave allows the State to plan for absences in advance.

Proper use of leave makes good sense. This is especially true with sick leave. Accumulated sick leave means a paycheck when the employee cannot work and needs it most. Accrued sick leave also pays off at retirement, when up to 200 days worth of credits are factored in to calculate the employee's length of service, on which the amount of the pension check is based. Sick leave accumulations up to 200 days are also applied to pay or help pay the employee's portion of health insurance premiums during retirement.

Leaves are both valuable and necessary benefits which employees are entitled to use. However, the right of the employee to use leave benefits must be balanced with the need of the State to efficiently conduct business and provide services. In an effort to achieve this balance, policies and procedures governing the use of leave benefits have been developed. The supervisor, through effective administration of these policies and procedures, can insure that leave benefits are properly used and scheduled in a manner consistent with the operating needs of the State.

B. Basic Attendance and Leave Issues

1. Basic Workweek

The Attendance Rules establish that the basic workweek for full-time annual salaried employees, except those employees determined ineligible to earn overtime under the rules of the Division of the Budget, is 40 hours. The workweek may be reduced to 37.5 hours, by the appointing authority, with the approval of the Division of the Budget. The basic workweek for overtime-ineligible employees is also 37.5 or 40 hours as determined by the appointing authority. The basic workweek establishes the minimum number of hours, which must be worked by an employee each week. It does not preclude a supervisor from requiring an employee to work overtime when necessary. An employee may be directed to work overtime whether or not eligible for overtime pay. Similarly, the basic workweek does not preclude an employee from working less than the established number of hours when time off is approved by the supervisor in accordance with the appropriate leave policies.
2. Normal Workday

The normal workday for employees is 8 hours, exclusive of mealtime, for 40-hour employees, and 7.5 hours, exclusive of mealtime for 37.5 hour employees. In certain situations employees' responsibilities are such that they are required to remain on duty during meal periods and in this case the meal period is considered part of the workday. Alternate work schedules, which are available in many State agencies, may also deviate from the norm. Information concerning the availability of alternative work schedules may be obtained by contacting the Human Resource Services department.

3. Meal and Rest Periods

It is the responsibility of the appointing authority to establish the time allowed for meals and rest periods. The meal period should be at least one-half hour in duration. The granting of rest periods is discretionary, but recommended, especially for employees whose responsibilities are of a routine nature. Rest periods, where granted, should be of a reasonable duration. As a guide, more than two 15 minute periods per 7.5 or 8 hour day, would be considered excessive under normal working conditions. Employees who do not use rest times are not allowed to either shorten the workday, lengthen the meal period or receive any form of overtime compensation or compensatory time. NYS Labor Law requires employees to take a ½ hour meal break for shifts of more than six hours.

4. Record of Attendance

Adequate and accurate records of attendance must be maintained for each employee. Employees must record daily time records of actual hours worked, including arrival and departure times both at the beginning and the end of the workday and meal period, leave credits used, and absences not charged to leave credits. This recordkeeping can be on forms, or on an electronic timekeeping system subject to review and approval by the employee’s supervisor. Recordkeeping is done after the time has been worked. It is not acceptable to complete the time record prior to completing the work day.

At SUNY Plattsburgh, employees represented by CSEA, PEF, PBAofNYS, and NYSCOPBA must complete a bi-weekly time sheet, which must be reviewed/certified by his/her supervisor and is due in the Payroll office on the Thursday following the end of the covered payroll period and no later than the Monday following that period. Falsification of an employee's time record constitutes a serious violation and is a basis for counseling and/or disciplinary action. Supervisory authorization of a falsified time record is also a basis for action, therefore supervisors should carefully monitor for accuracy.

5. Types of Absences

Employee absences fall into several categories.

A scheduled absence is one for which advance notice is given, such as use of vacation or personal leave, use of sick leave for a routine dentist appointment. These also constitute authorized absences, if approved by the supervisor.

An absence may be authorized but unscheduled. For example, an employee telephones the supervisor to say, "I don't feel well. I seem to have the intestinal flu. I need to stay home," and the supervisor agrees. Or the employee might say, "My furnace blew up last night, and I need to be here to meet the repair people. I'd like to take the day off and charge it to personal leave," and the supervisor agrees.

An absence may be unauthorized. An unauthorized absence is one for which the employee does not receive approval from the supervisor. For example, if an employee is absent without seeking permission from, or reporting the absence to the supervisor, the absence is unauthorized. If the supervisor denies an employee's request to use personal or annual leave, saying, for example, that the unit cannot afford to have the employee take leave on the day in question and the employee is absent anyway, the absence is unauthorized.

Although an employee is required to obtain prior supervisory approval for an absence, emergency circumstances may sometimes prevent the employee from doing so. For example, the employee may require emergency medical attention. In such circumstances, the supervisor may authorize the employee to charge the absence to appropriate leave credits after the fact. Post approval of an absence is at the discretion of the supervisor. In determining whether to approve an absence after it has occurred, the supervisor must carefully consider the circumstances.
surrounding the absence. Some factors which a supervisor might consider in making such a determination include the nature of the emergency and whether it was such that it prevented the employee from notifying the supervisor.

If the supervisor does not approve the leave either before or after the absence, it is unauthorized.

C. Sick Leave

State employees accrue sick leave to be used if they or, under certain circumstances, members of their families are ill or need medical care. More specifically, sick leave is a benefit available to employees to protect them from loss of income in the event of a personal illness or disability, visits to the doctor, dentist, or other health practitioner and illness or death in the family. The use of sick leave is restricted to these purposes. It is not, and may not be used as, additional vacation or personal leave.

1. Accruing Sick Leave

Most employees accrue 13 days of sick leave per year, one-half day of sick leave for every two weeks on the state payroll. There are two exceptions: employees in the Professional, Scientific and Technical Services Unit hired after March 31, 1982 accrue 10 days per year; and the Management/Confidential employees who are enrolled in the Income Protection Plan accrue sick leave at the rate of 8 days per year.

To earn sick leave credits, most employees must be in full pay status (not on unpaid leave or leave at half pay) for seven of the ten workdays in each biweekly pay period. Employees on compressed workweeks must be in full pay status for a proportionate number of days in each pay period.

2. Family Sick Leave/Bereavement Leave

There are no separate leave categories for family sick leave and bereavement leave. However, employees may use up to 25 days of accumulated sick leave credits per year for death and/or illness in the immediate family. Such use is subject to the approval of the supervisor, but authorization should not be unreasonably denied.

The guideline for family illness is that the employee's presence must be medically necessary for the employee to qualify to use sick leave. A few examples of appropriate use of family sick leave include providing direct care for an ill family member; accompanying a family member to a doctor's appointment either because the family member is unable to go alone (because of age or illness) or because the employee must be present as a responsible adult to receive the medical information concerning the family member's condition; being present with a spouse on the day of delivery of a child and to provide direct care following her release from the hospital; being present at the hospital during surgery or other medical emergency of a family member. These examples are only illustrative. You should discuss any questions about requests for family sick leave with the Human Resource Services department.

Sick leave for bereavement purposes may be properly used for a death in the employee's family. It may not be used to attend the funeral of someone other than a family member.

Although there are some differences among the contract provisions, family is usually defined as any person who lives in the employee's household or blood relatives or in-laws, regardless of place of residence.

3. Proper Sick Leave Use

It is appropriate for an employee to use sick leave to stay home or in a hospital or health care facility to recover from an illness, injury, operation or childbirth. Sick leave can also be used for reasonable travel time and visits to the doctor, dentist or other health practitioners because of illness, emergency, routine examination or preventive care. It may also be used for family sick leave. Local appointments do not entitle an employee to take a full day of sick leave.

4. Improper Sick Leave Use

It is not proper to use sick leave for vacation or such personal chores as picking up medicine at a drug store, picking up glasses from an optician or delivering a hearing aid for repair. No medical services are being performed on such trips. Nor is family sick leave appropriate when employees absent themselves to assume housekeeping, homemaking or babysitting duties normally performed by another family member because no direct care is being provided for an ill family member.
5. Sick Leave and Overtime Compensation

For the purpose of earning and payment of overtime compensation for CSEA, an absence charged to sick leave accruals during a workweek shall be treated as follows:

(a) when mandatory overtime is worked, a scheduled absence charged to sick leave accruals is time worked;
(b) when mandatory overtime is worked, an unscheduled absence charged to sick leave accruals is time worked;
(c) when voluntary overtime is worked, a scheduled absence charged to sick leave accruals is time worked;
(d) when voluntary overtime is worked, an unscheduled absence charged to sick leave accruals is not time worked with respect to all hours of voluntary overtime worked up to the amount of absence charged to sick leave accruals in that workweek.

6. Documentation

Consistent with applicable contractual provisions, the supervisor has the right to ask for satisfactory medical documentation of sickness - a written explanation from a doctor, hospital or other recognized practitioner - before approving use of sick leave for an absence. This documentation is at the employee's expense. It may be required either on a one-time basis or in the form of a standing order requiring documentation of every future absence during a specified period of time. Generally, documentation is not required for illnesses of a few days because an employee does not always see a doctor for a brief illness. When medical documentation is required, it must be satisfactory to the State. Documentation may be unsatisfactory, for example, if it is not specific, does not state an anticipated date of return, or fulfill a specific request to comment on the employee's ability to perform specified duties. If a doctor's statement is unsatisfactory, the State does not have to accept it. If this is the case, the employee should be advised of what is required and be given a reasonable opportunity to obtain acceptable documentation.

Medical documentation must be treated confidentially. It should be handled so as to prevent its review by anyone who does not have a business need to see it. Some of the contracts provide that one person be designated at the local level to confidentially receive medical documentation and should authorize supervisors to grant sick leave. Questions concerning documentation should be addressed to the Human Resource Services department.

Medical documentation is requested for the use of four or more consecutive sick days. This should be provided to the Human Resource Services department as soon as possible.

Medical documentation must be reviewed and approved by the supervisor prior to approving the time record for those employees that are required to provide medical documentation as a result of their attendance history or to utilize cancer screening, jury duty, and other leaves. Human Resource Services can assist with this at the supervisor’s request or when the employee prefers, for purposes of confidentiality, to provide the documentation directly to Human Resource Services.

7. Medical Examination

The State has the right to direct an employee to undergo a medical examination by a professional selected by the State. An exam may be ordered to determine whether the individual is too ill to work, well enough to return to work after an absence or in need of additional medical attention for a condition, which is affecting job performance. If such an examination is ordered, it will be at the State's expense. An employee's unexcused failure to report for such an examination may lead to disciplinary action.

8. Light Duty Guidelines

The following parameters apply to a return to work agreement before an employee has fully recovered from a non-work related injury or illness.

- Employee must be able to perform the full duties of his/her position. Additional personnel will not be provided to assist in the performance of regular duties.
- Before returning to work, employee must submit medical certification from the treating physician to Human Resource Services and/or immediate supervisor stating that the employee may return to work and what his/her limitations, if any, will be and for how long.
- Use of medication must not affect ability to operate machinery, if required, or to make reasonable judgments.
- There must be no danger of further injury or illness to the employee or co-workers by returning to work.
- The employee must be able to provide a needed service to the campus in his/her regular position.
- The supervisor, Human Resource Services, and the employee must be in agreement of the arrangement before a return to work date can be finalized.
• The employee will need to provide medical certification from the treating physician when the need for light
duty limitations has ended.
Any further questions may be directed to Human Resource Services at 518-564-5062.

D. Sick Leave At Half-Pay
In addition to the paid sick leave discussed above, permanent state employees, except M/C employees who are enrolled in
the Income Protection Plan, are eligible for ten days of sick leave at half pay for every six months of service. Temporary
employees are not eligible for this benefit.

To draw sick leave at half-pay, an employee must have at least a year of cumulative State service and must be absent because
of personal illness or disability. Sick leave at half-pay may not be used for sickness of a family member or for regularly
scheduled visits to a doctor or dentist. The employee must exhaust vacation, sick leave, personal leave, holiday leave, and
overtime credits before being granted sick leave at half-pay. Under some contracts the granting of sick leave at half-pay is
mandatory if the employee meets specified eligibility criteria. Sick leave at half-pay shall be granted immediately following
exhaustion of leave credits except to employees who have been formally disciplined for leave abuse within the preceding
year.

E. Work-Related Accidents/Workers’ Compensation
If an employee has been involved in a work related accident, they must:
• Complete an accident report
• Call the Accident Reporting System (ARS) at 1-888-800-0029
• Seek medical assistance, if necessary
• Forward accident report and medical documentation to Human Resource Services
• Supervisors should report any safety hazards to Environmental Health and Safety Office

Employees who are out of work due to a work related accident must have medical documentation to support their absence.
Each full day of absence should be charged to leave accruals up to five full days but also indicate Workers’ Compensation
on their time record. On the sixth day of absence, the employee will be placed on a workers’ compensation leave without
pay and removed from the regular payroll. They will then be paid by the insurance carrier, The State Insurance Fund.
Payment is based on level of disability as determined by their doctor and the union contract. An employee who is absent
from work due to an occupational (worker’s compensation) injury or illness is entitled to a leave of absence for one
cumulative year per injury unless the employee has been found to be permanently disabled. If the employee is permanently
disabled, the employee may be terminated even if the cumulative year has not been exhausted. An employee may apply to
Civil Service, within one year of the termination of the disability, for reinstatement. If Civil Service/Employee Health
Services determine that the disability has ceased, the employee must be restored to his/her former title, if vacant, or placed
on a preferred list.

During a workers’ compensation absence, employees are expected to be under a doctor’s care that include regular doctor’s
visits and usually physical therapy. A doctor’s note is required every 30 days. The employee may not return to work
without a release from their doctor and must be approved by Human Resource Services and their supervisor before their
return.

Note: Members of PEF, PBAofNYS and NYSCOPBA should contact Human Resource Services for options for Workers’
Compensation leave.

F. Mandatory Alternate Duty
New York State has negotiated a Mandatory Alternate Duty Program that is designed to assist employees in returning to
work from a workers’ compensation disability prior to resumption of full job duties and to enable agency management to
utilize the capabilities of those employees who would otherwise be unable to return to duty. The employee must be 50%
or less disabled and have a prognosis of full recovery within 60 calendar days. If eligible, the employee is returned to the
payroll at full pay. To determine eligibility, the employee’s physician must complete a physical capabilities form that must
be evaluated by Human Resource Services and the employee’s supervisor. Management has the authority to make
mandatory alternate duty assignments to tasks that can be performed by the employee which may not necessarily fall within
the employee’s regular salary grade, title series, or job duties. Management is expected to accommodate the employee as
much as possible and exercise sound judgment and consistency in the development of mandatory alternate duty assignments.
G. Vacation

1. Accruing Vacation Credits

State employees accrue between 13 and 25 days of annual leave or vacation per year, depending on unit, years of service and date of hire. To earn vacation credits employees must be in a full pay status for seven of the 10 workdays in each biweekly pay period. Employees on compressed workweeks must be in full pay status for a proportionate number of days in each pay period.

2. Vacation Accumulation

Vacation credits may be accumulated up to a maximum of 40 days, a maximum of 30 days for which an employee or employee's estate is entitled to receive cash compensation in the event of the employee's death, retirement, or separation from service. Some of the union agreements provide that an employee may exceed the maximum vacation accumulation during a fiscal or calendar year, provided that the balance does not exceed the maximum at the end of such a year.

To the extent possible, supervisors should schedule vacation in such a manner as to avoid employees losing vacation as a result of reaching the maximum accrual. To assist in this task, departments and agencies may develop reasonable policies designed to encourage the use of vacation in a manner consistent with the intent of the benefit and the needs of the agency and the employee. Such policies may encourage employees to take or schedule vacation when their accruals total a prescribed number of days; however, such policies must reflect the fact that employees are allowed to accumulate 40 days or more if eligible. For example, it would be reasonable to encourage employees to take or schedule a vacation when their vacation accruals reach 35 days.

3. Use of Vacation Credits

The employee must obtain prior supervisory approval to use vacation credits. However, there is no restriction on what vacation may be used for. Vacation must be granted at the time requested by the employee to the extent practicable in light of the needs of the department to provide the service it is charged to provide. A supervisor may not arbitrarily or unreasonably deny an employee's properly submitted request for vacation time off. A supervisor may, however, withhold authorization when the resulting absence would have a negative effect on departmental operations.

Vacation time can assist in reducing employee stress and burnout, thereby contributing to an employee's mental and physical well-being. Accordingly, employees should be encouraged to take at least two weeks vacation a year, if accrued credits are available.

4. Vacation Scheduling

Consistent with contractual requirements, each agency may establish reasonable procedures to be followed by employees in requesting vacation time. The procedures may specify, for example, how far in advance the employee must schedule the use of vacation credits. Vacation time should be generally scheduled in advance to reflect the respective needs and interests of both the employee and the department. However, it is within the discretion of the supervisor to waive the advance authorization requirement.

Most of the collective bargaining agreements provide that in instances where more employees request the same vacation time off than can reasonably be spared for operational reasons, vacation requests will be granted by order of seniority. Where this requirement exists the agency may generally designate a date or dates or period or periods of time in which an employee must request a block of vacation time in order to have seniority apply. Some of the agreements require that the union mutually agree upon such date(s) or period(s).

When reviewing vacation requests, a supervisor should keep in mind that employees often have to coordinate vacation schedules with other family members, to make travel arrangements, plans, etc. Accordingly, the supervisor should respond to a request in a specific amount of days and/or provide the employee with a written statement of the reasons for denial. In such instances, the supervisor need only provide a brief statement outlining the reason(s) for denial. Although the written statement need not be so lengthy or explicit as to serve as justification for the denial, common courtesy dictates that it clearly outlines the reasons. Consult the appropriate bargaining agreement for specific time frame and with the department for local practices.
In administering the annual leave benefits, supervisors are responsible for scheduling vacation in a manner which is consistent with both the operating needs of the department and the needs and interests of the employees. Accordingly, the supervisor should work with employees to schedule vacation at times which are mutually convenient to both the agency and the employees.

H. Personal Leave

Employees receive up to 5 days of personal leave per year, depending on bargaining unit, date of hire, and years of service. This leave - not sick leave - is intended to cover absences for reasons such as religious observance and personal business. It may also be used as vacation.

The employee must meet agency deadlines in obtaining advance permission to use personal leave except, of course, in the case of an emergency when approval must be sought afterward. Approval normally is granted as long as governmental functions will not be impaired. The employee does not have to state a reason for such leave. However, when a request for personal leave has been denied, an employee may benefit by providing a reason in order to have the request reconsidered.

The employer must grant approval for personal leave for religious observances, unless absence would interfere with proper conduct of governmental functions.

Personal leave is not cumulative. Any unused amount expires at the close of business the day before the individual's personal leave anniversary date.

I. Holidays

1. Floating holidays

State employees receive 12 paid holidays per year, two of which the State may designate as floating holidays for most employees. The designation of floating holidays must be announced in April of each fiscal year. If a holiday is so designated, it should be treated as a regular workday. On the date of the holiday, employees in full pay status are credited with 7.5 or 8 hours floating holiday as appropriate. Employees may use floating holidays subject to agency procedures for requesting time off. Floating holidays may be used in units of a ¼ workday. An employee must use a floating holiday within a twelve month period or forfeit the day.

Holidays are not floated for PBAofNYS or NYSCOPBA.

2. Earning Holiday Leave

If a holiday falls on a Sunday the following Monday is designated as the date of observance. If a holiday falls on a Saturday the State may designate another day to be observed as a holiday but normally does not. If another day is not designated, the holiday is accrued as an earned holiday.

If a holiday falls on an employee's regular day off (pass day), the employee is entitled to receive holiday leave in the amount of the employee's standard workday. An employee who is required to work on a holiday is given the option of receiving holiday leave or additional compensation (holiday pay) for time worked on the holiday. An employee may waive holiday pay for all holidays which fall during the period of the waiver, but may not do so for an individual holiday. New employees receive additional compensation until they are eligible to make an election in the waiver period. The waiver period is April 1 to May 15 of each year.

Eligible employees in CSEA who are required to work on the days observed by the State as the Thanksgiving and Christmas Day holidays are eligible to receive holiday compensation in the form of holiday pay or holiday leave at the time and one-half rate.

3. Holiday Leave Accumulation

Generally, employees are not entitled to cash compensation for unused accrued holiday leave upon separation from State employment. However, in PBAofNYS and NYSCOPBA the time is added to accrued vacation credits and the rules concerning liquidation of vacation credits apply to liquidation of holiday credits. In addition, some of the contracts require that holiday leave be used within one year after it is earned or be forfeited. Accordingly, supervisors
should encourage employees to use holiday leave as soon as possible after it is earned. Absences which would otherwise be charged to personal or vacation leave credits should be charged to holiday leave, provided the employee is not approaching the maximum accumulation for vacation leave credits or the employee's personal leave anniversary date.

4. Use of Holiday Leave

The use of holiday compensatory leave is subject to prior supervisory approval, consistent with the operating needs of the agency. As with personal leave and annual leave credits, such authorization should not be unreasonably or arbitrarily withheld.

J. Other Leaves

1. Employee Organization Leave

Employee Organization Leave (EOL) is release time without charge to an employee’s accumulated leave credits, which is granted to designated representatives or officers of the union for the purpose of conducting union business. The intent of EOL is to protect employees who are designated as representatives of the union from loss of earnings or leave credits for time spent conducting union business during regularly scheduled work hours. Employees are not entitled to receive any form of overtime compensation or compensatory time off for time spent conducting union business outside of the regularly scheduled workday. There are two general categories of EOL: (1) EOL which is used to conduct the internal affairs of the union; and (2) EOL which is used to directly represent employees.

Each collective bargaining agreement establishes blocks of time to be used by the union's designees to participate in the internal affairs of the union. Internal union affairs include such activities as Board meetings, Committee meetings, and Delegate meetings. Absences of individual employees to participate in such activities, with the time charged to the union's block of EOL days, are subject to the following: (1) The union must provide the Governor's Office Of Employee Relations with advance notice as to the date and purpose of the meeting and the specific employees designated to participate; and (2) The individual employee must obtain advance approval of the supervisor to be absent on the specified day(s). Approval is subject to the operating needs of the Department, but should not be unreasonably withheld.

The agreements are less specific with regard to union leave for employee representation. The contracts generally provide that a "reasonable" number of employees will be granted a "reasonable" amount of EOL to engage in such activities as representation of the employees in the processing of grievances, participation in negotiations with the State, and attendance at labor/management committee meetings. Although there are no specified limits on the amount of such EOL, any absences for these purposes are also subject to the advance approval of the employee's supervisor. Such approval may be withheld when the resulting absence would unduly interfere with operational needs.

EOL for collective negotiations and for labor/management meetings is also subject to the approval of the management representatives with whom the negotiations, meetings, etc., are being held, i.e. Governor's Office of Employee Relations, the Human Resource Services department, facility-level official responsible for employee relations.

EOL for grievance representation may be granted only to authorized designees of the employee organization and may be used only for the specific purpose of investigating and processing grievances. The investigation of grievances is applicable only to the period of time prior to the filing of the grievance and through the second stage of the grievance procedure. The processing of grievances is limited to such time as is reasonable and necessary for appearances at grievance hearings or reviews.

Additional time spent preparing for grievance hearings or reviews, subsequent to time authorized for grievance investigations as described above, is not appropriate use of EOL. However, time off which is properly charged to employee leave credits (excluding sick leave) may be granted for this purpose.

Grievance representatives, as well as other designees of employee organizations who may be entitled to use EOL for specific purposes at specified times, are required to comply with the same attendance requirements as all other employees. They are required to be at their work stations performing their assigned work duties except when they are using leave credits or are on EOL for a specified purpose at a specific time with the advance approval of their
supervisors. Supervisors are entitled to know the specific reason for the use of EOL (excluding details of a particular grievance), the amount of EOL which will be required and where the employee may be reached during the absence.

In administering this leave provision, supervisors should keep in mind that the primary responsibility of every State employee is to provide services to the State. EOL should not be granted when it would unduly interfere with the proper functioning of the department or agency. However, while the supervisor has both the right and the responsibility to monitor the use of EOL to ensure that its use does not interfere with the reasonable operating needs of the State, the supervisor also has a responsibility to insure that employees who are designated as eligible to use EOL are not unreasonably or arbitrarily denied the opportunity to do so.

Questions concerning the use of EOL should be directed to the Human Resource Services department.

### 2. Court Appearances and Jury Duty

To allow an employee to perform civic duties without penalty, he or she may report for jury duty or as a witness in a court or quasi-judicial matter without charge to leave credits, provided the employee is not party to the action.

A supervisor may request satisfactory proof that the employee's presence is required for such purposes. In addition, the employee must provide a record of jury duty attendance from the court for each individual day of attendance.

Employees should generally be required to report for duty in their agencies at all times when their attendance for court or jury purposes is not required. However, employees who have devoted a full day to jury duty or a court appearance, and who are scheduled to work a full shift other than a regular day shift, may at the discretion of the appointing authority be granted leave with pay for the scheduled shift. The supervisor may opt to reschedule the employee to the day shift for the duration of jury duty or court assignment. The supervisor is required to reschedule shifts, where practicable, for employees in the Operational, Institutional, and Administrative Services Units. Under no circumstances may an employee be granted compensatory time off in lieu of ordered appearances and jury duty attendance on a pass day, a Saturday, Sunday or holiday.

Although employees should generally be encouraged to fulfill their civic duties, they may be encouraged, but may not be required, to request a deferment of jury duty responsibilities when it is deemed necessary for the efficient conduct of government business.

### 3. Civil Service Examinations

Upon sufficient advance notice to their supervisors, employees are entitled to receive leave at full pay without charge to leave credits for the purpose of taking a New York State Civil Service Examination which is scheduled during regular work hours, or to be interviewed for a State position provided the employee did not initiate the interview. Reasonable travel time and mealtime, if appropriate, should also be granted in connection with this leave. Some of the agreements additionally require that where practicable the employee be given the eight hours preceding an examination off.

Time off for this purpose of reviewing or appealing examinations must be charged to credits other than sick leave. A supervisor may not deny use of leave for this purpose where, as a result of the denial, the employee is denied the opportunity to review or appeal an examination which the employee has taken.

### 4. Military Duty

In accordance with Section 242 of the Military law, employees who are members of the National Guard or a reserve component of the Armed Forces who are called to active reserve duty, are entitled to receive up to 30 calendar days or 22 workdays of Military Leave with full pay each year. Employees are required to submit their duty orders to their supervisors in advance. Military Leave with full pay may not be used in less than full day units. After exhausting the 30 calendar days or 22 workdays of leave with full pay, employees are entitled to leave without pay for this purpose up to a cumulative total of four years of voluntary service. Employees may be allowed use of vacation or personal leave credits during such a period of leave subject to the prior approval of the appointing authority. Regular days off and shift assignments are not to be rescheduled to avoid military drills during working hours.
The use of Military Leave with proper orders is mandatory and is not within the discretion of the supervisor. Additional Military Leave provisions may apply, contact Human Resource Services.

5. Time Off To Vote
Employees who are required to work on Election Day, and who do not have sufficient time to vote outside of working hours, are entitled to receive up to two hours without charge to leave credits to vote. Sufficient time to vote is defined as four consecutive hours between the opening of the polls and the start of the employee’s work shift or between the end of the employee's work shift and the closing of the polls. Such time should be granted at either the beginning or the end of the workday as designated by the supervisor, unless otherwise mutually agreed to by the supervisor and the employee. If the employee requires time off to vote, the employee is required to notify the supervisor not more than ten and not less than two days prior to Election Day.

6. Absence - Extraordinary Circumstances
Employees who have reported to work and are directed by the appointing authority to depart early because of extraordinary circumstances beyond their control are not required to charge the resulting absence to accrued leave. **Supervisors are not authorized to direct early departures.**

**Full-day absences due to extraordinary circumstances must be charged to leave credits.** In certain cases the Civil Service Commission may subsequently suspend the Attendance Rules to excuse such absences without charge to leave credits. Please note that these instances are very rare and are never invoked unless the extraordinary circumstances affect large numbers of State employees.

Supervisors should acquaint themselves with agency policies and procedures concerning extraordinary circumstances.

7. Professional Leave
Employees in the Professional, Scientific and Technical Services Unit, and those employees designated Management/Confidential may receive leave with pay to attend job-related seminars and conferences of professional organizations and/or take a job-related professional examination. The number of professional leave days allowed per year and the guidelines governing the use of such days varies among units. However, the use of professional leave is uniformly subject to supervisory approval.

8. Maternity and Child Care Leaves
The Attendance Rules of the State of New York, in conjunction with the Policies of the Board of Trustees and the collective bargaining agreements covering College employees, require that **sick leave only be charged during a period of disability.** Under this guideline, disability arising from pregnancy or childbirth is treated the same as any other disability in terms of eligibility for, and entitlement to sick leave.

The period of disability begins when the doctor’s certification deems it to begin. This varies with each individual based on medical condition as determined by the attending physician. The Human Resource Services department will require medical certification for all extended periods (usually defined as an absence of four or more days) of disability, which would include pregnancy/maternity.

The period of medical disability ends when the doctor’s certification deems it to end. Most pregnancy/maternity disability absences span a six to eight week period, but each situation can vary. The guiding principle in this procedure is that the individual employee will be entitled to charge sick leave for the pregnancy/maternity period during the time so indicated by the employee’s physician.

All employees absent for an extended period of disability are required to present a return-to-work authorization from the doctor before she/he will be allowed to return to work. It also is required that **all employees absent for an extended period of disability keep the Human Resource Services department apprised of their status.** The Human Resource Services department will correspond periodically with the disabled employee requesting updates using the College’s standard medical form. These updates usually are requested on a monthly basis, but would not be required for the standard child birth disability period of six to eight weeks.
New York State Attendance Rules provide that a woman medically disabled due to pregnancy or childbirth is eligible for sick leave at half pay. This eligibility is subject to some limitations: 1) the individual must have one year of State service; 2) all other leave credits must be exhausted; 3) the employee’s current work schedule must qualify her for sick leave at half pay; and, 4) the employee must be permanent or contingent permanent on the date the sick leave at half pay is to begin. There are other ground rules for the granting of this leave that apply differently to each bargaining unit. It is recommended that all questions be referred to the Human Resource Services department.

All New York State employees, regardless of gender, are entitled to leave without pay for the purpose of child care for up to seven months following the date of delivery (or upon employee request, commence when the child is released from the hospital). In adoption situations, the employee may take leave for this purpose starting any time from the date the adopted child is placed with the family to the effective date of the adoption. For purposes of computing the seven month period of mandatory leave, periods during which the employee was absent for disability are included: the mandatory seven month period is not extended by the granting of disability leave nor the use of accrued leave. During said seven month period, employees who accrue annual leave shall be permitted, upon request, to use annual leave before being granted leave without pay. The College may not request that an employee exhaust all accrued leave before being granted child care leave without pay. Except in the case of extended medical disability, any leave of absence beyond seven months shall be at the discretion of the President. During the seven month period following childbirth or adoption, the granting of leave for child care is mandatory upon request from either parent. If both parents are State employees, leave for child care is mandatory for one parent at a time. Parents may elect to split the mandatory seven month leave into two separate blocks of leave with each parent entitled to one continuous period of leave but not to exceed a combined total of seven months of leave and not to extend beyond seven months from the date of delivery. The President, at his/her discretion, may approve other arrangements for shared leave.

Temporary and probationary employees without permanent status may be entitled to leave with full pay and/or without pay as described above. However, these employees are not eligible for leave beyond that date when their employment would otherwise terminate.

9. Family and Medical Leave Act
The Federal Family and Medical Leave Act (FMLA) requires employers to provide up to 12 weeks of job-protected leave per calendar year to eligible employees for the following reasons: For incapacity due to pregnancy, prenatal medical care or child birth; To care for the employee’s child after birth, or placement for adoption or foster care; to care for an employee’s spouse, son or daughter, or parent, who has a serious health condition; or For a serious health condition that makes the employee unable to perform the employee’s job.

Eligibility Requirements - Employees are eligible if they have worked for at least one year and 1,250 hours over the previous 12 months.

Definition of Serious Health Condition - A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave – Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations.

Employee Responsibilities – Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedure. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military leave. Employees also must inform the
Employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

**Employer Responsibility** – Employers must notify employees requesting leave if their leave will be designated as FMLA protected and the amount of leave counted against the employee’s leave entitlement. If the leave or employee is not eligible, the employer must notify the employee of the reason.

**Military Family Leave Entitlements** – Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Human Resource Service should be contacted for guidance on FMLA leave issues.

10. **Cancer Screening**

NY State Civil Service Law entitles employees to take up to four hours of paid leave annually, for the purpose of Cancer Screening. Leave for cancer screening is not cumulative and expires at the close of business on the last day of each calendar year.

Travel time is included in the four-hour cap. Absence beyond the four-hour cap must be charged to leave credits. Employees are entitled to a leave of absence for cancer screening which is scheduled during the employees’ regular work hours. Employees who undergo screenings outside their regular work schedule do so on their own time. Employees will be required to provide satisfactory medical documentation indicating that the absence was for the purpose of screening for cancer. A Cancer Screening form is available on the HRS website to bring to your medical provider. It is the employee’s responsibility to provide this or other acceptable documentation. If such documentation is not forthcoming, the employee will be placed on leave without pay for the duration of the absence.

11. **Leave for Bone Marrow and/or Organ Donation**

Section 202-b of the New York State Labor Law provides that any employee of the State will be allowed up to seven workdays of leave with pay without charge to accruals to undergo a medical procedure to donate bone marrow and up to 30 workdays to serve as an organ donor. There are notification and medical documentation requirements for these leaves.

12. **Voluntary Reduction in Work Scheduling (VRWS)**

Voluntary Reduction in Work Schedule (VRWS) provides agencies with a flexible mechanism for allocating staff resources while permitting employees to reduce their work schedules to reflect personal needs and interests. Some examples of the use of VRWS include shorter workday, shorter workweek, block of time off and intermittent time off.

Full-time annual-salaried members in CSEA and PEF with at least one year of service are eligible to voluntarily trade income for time off. Participation in a work reduction program requires supervisory approval. The employee develops the plan to be approved by supervisory personnel. The plan for a reduced work schedule must include duration, percent of work schedule and salary reduction and the schedule for the use of the time earned.

Questions regarding use of this program should be directed to Human Resource Services. Participation in VRWS impacts the employee’s benefits.
13. Leave for Emergency Volunteers

Section 82-a of the Civil Service Law authorizes paid leave for full or partial days for volunteer firefighters and volunteer ambulance squad members while engaged in the actual performance of firefighter ambulance duties during a state of emergency declared by the Governor. Prior approval of the appointing authority is required.

14. Leave for Red Cross Volunteers

Section 82-b of the Civil Service Law provides up to 20 workdays of paid leave without charge to leave credits per calendar year for employees who are certified by the American Red Cross as disaster volunteers to participate in specialized relief operations. Requests for the services of such volunteers are made in writing by the Red Cross to the appointing authority and are subject to the approval of the appointing authority.

15. Rights of Nursing Mothers to Express Breast Milk in the Work Place

New York State Labor Laws requires an employer to provide reasonable unpaid break time or permit an employee to use paid break time or meal time each day to allow an employee to express breast milk for her nursing child for up to three years following child birth. The employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. No employer shall discriminate in any way against an employee who chooses to express breast milk in the workplace.

When using unpaid break time, upon election of the employee, the employee shall be allowed to work before or after her normal shift to make up the amount of time used during the unpaid break time(s) for the expression of breast milk so long as such additional time requested falls within the employer’s normal work hours. However, regular unpaid meal periods used for the purpose of expressing breast milk cannot be made up, by working additional time, since they are not part of the employee's normal work day. An employee who elects to make up time should be deemed to be on an individualized work schedule as insofar as the appointing authority may adjust the arrival and departure times and the length of the meal period of individual employees. The schedule adjustment should not be used to shorten an unpaid meal period.

16. Leave for Blood Donation

New York State Labor Law provides blood donation leave to employees. With respect to blood donation leave, the guidelines require the employer to provide to employees on a calendar year basis one of the two options listed below.

(a) Off-Premises Donation
One three-hour period of leave per calendar year for off-premises blood donation. Such leave is unpaid unless charged to appropriate leave credits. The employer may require the employee to provide reasonable notice of at least three working days prior to the day on which the blood donation leave will be taken. However, if the employee fills a position that is essential to the operation or necessary to comply with legal requirements, the employer can require up to 10 days notice of the employee’s intent to use blood donation leave.

(b) Blood Donation Leave Alternatives
At least two opportunities in a calendar year to donate blood at a time and place set by the employer, including blood drives at the place of employment. The amount of time granted is the time necessary to donate blood and to recover, including travel time to and from the donation site. This option is paid leave without charge to leave credits. The Guidelines define reasonable notice as two days prior to the day on which leave will be taken. If the employer elects this option and the employee notifies the employer that he or she is unable to participate because the employee is or was on leave, the employer must either make another alternative available to the employee or allow the employee to take time off as described in (a) above.

K. Inappropriate Leave Usage

1. Sick Leave

The majority of employees use sick leave properly, but a number of agencies have found that improper use of sick leave is a serious problem. While improper use of any benefit is troublesome, improper use of sick leave is particularly difficult because it cannot be anticipated. It causes reassignment or delay of work, additional costs for overtime pay and deterioration of public services. In addition, inappropriate use of sick leave can create morale problems for coworkers who must pick up the slack for the absent employee or who may be the target of criticism aimed at the sick leave abuser. Improper use of sick leave credits can also harm the individual employee, by eroding the employee's
protection against loss of income in the event of an accident or extended illness and depriving the employee of extra service credits upon retirement.

As a supervisor, you are responsible to insure that employees are adequately informed about policies relating to the use of sick leave, and to monitor the use of sick leave to insure that it is used appropriately.

a. Identification of Problems

* Drawing the Line
There is no hard and fast rule as to when sick leave use becomes inappropriate. Identification of inappropriate leave usage requires that the supervisor exercise judgment and discretion. Each case must be handled individually and the facts and circumstances surrounding the case carefully considered and evaluated.

When reviewing employee attendance, particular attention should be paid to frequent unscheduled absences, patterns in the usage of sick leave, or situations where the supervisor has reason to believe that the sick leave was used for other than the intended or allowable purposes. If, after a review and analysis of the available information, a supervisor is concerned or has questions about either the frequency or appropriateness of sick leave use, it is both appropriate and necessary for the supervisor to address the situation with the employee. Ignoring attendance problems will only allow them to continue and become worse. In fact, by ignoring or failing to address them properly, a supervisor provides employees with tacit approval, thereby leading them to believe that their attendance is acceptable and encouraging problems to continue.

Attendance problems should be first addressed through counseling. If counseling fails to correct the problem, it may be necessary to take disciplinary action. Further information about counseling and discipline processes is provided elsewhere in this handbook. In addition, supervisors are encouraged to contact the Human Resource Services department for further guidance in both the identification and handling of attendance problems.

* Danger Signals
Supervisors may want to study specific areas of sick leave usage:

**Frequency**
Supervisors of small units may be able to quickly spot employees with high absenteeism. But most supervisors will have to make a point of periodically examining attendance records. A supervisor checking employee records should give particular scrutiny to unscheduled absences.

**Patterns**
Employees who misuse sick leave may have a history of one-day "illnesses." They may have a pattern of Monday or Friday "illnesses" which extend weekends or other unscheduled days off, or they may have a pattern of using sick days to "bridge" holidays and days off.

**Length**
Excessively long absences usually are due to extended illnesses, occupational injury, or leaves of absences. Because medical judgments often are involved, this is one of the hardest areas of abuse to detect - although short-term absences may be harder to control. The supervisor who suspects that an employee is overextending an authorized absence should contact the Human Resource Services department for guidance.

To monitor absenteeism, it is essential to have accurate written attendance records which show absences as well as time worked. It may also be a good idea for a supervisor to keep a personal log book for notes and computations about employee attendance. Some supervisors find it helpful to calculate and log the rate of absenteeism monthly or quarterly.

Even if approved at the time, sick leave use which later emerges as a part of a pattern of abuse may be considered part of a systematic violation.

Of course, not all extensive absence is related to abuse. If an employee's sick leave use has become extensive, the supervisor may want to suggest that the employee see a doctor or offer to have the Human Resource Services department schedule an Employee Health Service examination in an effort to identify the problem. The supervisor may suggest that the employee contact the Employee Assistance Program, pointing out it can
get the person help for a wide variety of difficulties such as financial, family, marital, drug or alcohol and emotional problems.

b. Addressing the Problem

* Prevention

Absenteeism may mask other problems. An employee may call in sick when illness is not a real problem. Underlying causes may be a negative attitude toward the job or work in general, or a family or other personal problem.

Studies have shown a definite connection between an employee's working conditions and attendance. The better the conditions, the better the attendance. A similar connection may exist between attendance and the employee's opinion of the supervisor.

Factors affecting the work environment are not always within the control of the supervisor. However, the supervisor can have an impact on one of the most positive factors: an atmosphere that is pleasant and emphasizes cooperation.

It is also important for a supervisor to make a point of giving praise where it is due. It can be private, public, in the form of a memorandum to be included in the employee's personnel file, or in the form of a desirable assignment such as training a new employee. Being told when a job is well done can be instrumental in building job satisfaction and confidence.

In a related vein, it is important for employees to know the rules and regulations and the standards by which they will be judged, including those for attendance.

People generally are interested in their work and care a great deal about it. However, unless the supervisors make consistent efforts to keep employees informed about developments in the work group, department and agency, turmoil and low morale may result.

Both absenteeism and high turnover may signal employee dissatisfaction with the work itself. In some instances where work is repetitive and routine, job enrichment techniques may be explored as a way of increasing employee satisfaction. Job enrichment does not mean more work; it means work is more meaningful. For example, a clerk who performs only one aspect of a clerical or technical procedure may find the work more meaningful if assigned a combination of tasks which add variety, make greater use of employee skills and results in a sense of project completion.

* Setting the Tone

Every supervisor is expected to help set the tone concerning sick leave; it is a benefit for all those who need it, but its use should not be approved unquestioningly.

The supervisor is expected to enforce a variety of notification procedures which vary from agency to agency and department to department, but the essential purpose is the same: to allow supervisors and managers to rearrange work schedules and get substitutes if necessary, and to make sure services to students, parents, visitors, members of the campus community, and other employees are not impaired.

By merely expressing honest interest in an employee by saying, "Welcome back. I hope you're feeling better," the supervisor indicates that the absence did not go unnoticed. If the expression is made in private, the employee may be more likely to mention the cause of absence. If some support from the supervisor is needed it can be given at that time.

The supervisor also should make all employees aware that:

--attendance records are reviewed regularly;

--absenteeism creates hardship for co-workers and detracts from the effectiveness of the work group;
--absenteeism is one factor examined in evaluating individual work performance; and

--failure to maintain acceptable attendance may lead to discipline or even dismissal.

After making sure that everyone knows about the policies, a supervisor must enforce them uniformly. The supervisor can do a number of things to signal that absenteeism is an area of concern.

When calling in sick, employees should speak with their direct supervisor or another supervisor if theirs is on vacation or out for the day. If the supervisor has not arrived, the employee should be instructed to call back. In the case of shift work, another person may be designated to receive such calls. Employees should not be permitted to simply leave a message with the secretary or with another employee. The secretary should be instructed not to accept such messages. Employees should be asked to call in sick each day of absence. They should not be allowed to call in once and say they will be out indefinitely. The exception is an occasion such as a hospital stay, where there would be advance discussion about a relatively long-term absence and likely date of return.

A supervisor also should discourage calls from friends or relatives to report an employee's absence.

*Counseling
When the supervisor identifies an employee whose attendance is below par, the supervisor should talk with the employee informally and privately in a counseling session, which is also known as a supervisory conference. Counseling is non-punitive, and is intended to be a positive and constructive device aimed at modifying the employee's behavior. Privacy in a counseling session is essential for two reasons: treating an employee with the dignity and respect the employee deserves, and insuring that there is no audience to pressure either side into posturing. If the supervisor has no office, some other appropriate quiet spot should be sought.

Without making accusations, the supervisor should call to the employee's attention the pattern of sick leave usage, for example, a number of absences which follow or precede weekends or pass days. A counseling session should not be unpleasant or intimidating. It is a time for both people to exchange information. The supervisor should present the facts of the situation: dates of absence, reasons given at the time, the impact on productivity, scheduling and morale. The employee should be invited to give an explanation. The supervisor should listen to the employee's response, outline the improvement expected, and specify a time to meet again to review progress. The supervisor should keep notes for future reference, including the date of the meeting and topics and specifics discussed.

Counseling should never be done on impulse. The facts should first be gathered and analyzed. A supervisor who conducts an unwarranted counseling session builds a foundation for mistrust and disrespect from employees.

Little will be achieved if tempers flare, and it is up to the supervisor to maintain an atmosphere of calm and to avoid a heated exchange, even if the employee responds with sarcasm or anger.

The supervisor should describe the impact of unacceptable attendance on the work group and should express confidence that the employee's behavior can change. This allows the meeting to end on a positive note.

The supervisor should also be attentive to the employee's explanations. In some cases the employee may feel the situation is too sensitive or too complex to be shared in depth with the supervisor. The supervisor should have information from the Human Resource Services department on the Employee Assistance Program. (Plattsburgh's EAP function is located in Beaumont Hall; telephone extension 3277.) The information should explain how someone might contact the EAP for help or referral to available services which range from alcoholism treatment to family counseling. Union representation at a counseling session is not required, but a supervisor may permit a union representative to be present. This is at the supervisor's discretion. The supervisor may in some instances believe that the presence of a union representative will help solve a problem. The supervisor may want to consult the Human Resource Services department for agency policy on the topic.

*Counseling Memoranda
Generally every counseling discussion after the first session should be confirmed in writing by a follow-up memorandum to the employee. The supervisor should tell the employee in the course of discussion to expect the memo, so it does not come as a surprise or threat.

It should be written within one day of the discussion, and it should summarize the counseling session. The summary should not include points which were not part of the meeting, and should not be characterized as a disciplinary measure or reprimand-- it is neither.

A counseling memo should include:

--date of the meeting;
--the reason for the meeting (dates of absence, tardiness);
--a summary of the effect of the employee's absenteeism;
--a summary of employee's response;
--the corrective steps expected, and the target date;
--arrangements for a follow-up meeting; and
--a notation of where memo copies are distributed.

After review by proper managers, the supervisor should deliver the original memo to the employee, file a copy in the employee's official personnel file and tell the employee it has been so filed. The employee may file a rebuttal statement in the official personnel file.

* Performance Evaluation Conferences
Supervisors and employees meet to discuss and agree on performance objectives for each upcoming evaluation period, and then at the end to discuss how well those objectives were met. Attendance is clearly a critical part of performance, and this is an ideal time for supervisors to reinforce earlier discussion about shortcomings in attendance.

* Discipline
When all earlier efforts have failed, the employer must turn to discipline. Discipline must be consistent and progressive to be effective. It is common sense that an employee should be notified a problem exists and given a chance to improve before being disciplined.

But when efforts fail, the supervisor may ask the Human Resource Services department to review a case history and decide whether to prepare a formal notice of discipline specifying charges and proposing a penalty. Possible penalties include a letter of reprimand, fine, suspension, demotion or termination. Generally, a modest penalty is sought in the first disciplinary action against an employee for a time and attendance problem.

Most potential disciplinary situations would require a supervisor to present actual attendance records, copies of counseling memoranda and pertinent performance evaluations for examination to determine whether disciplinary action is appropriate, and whether the supervisor has exhausted all reasonable efforts to solve the problem.

A supervisor may also be asked to show that the rules have been consistently and uniformly applied to all. The foundation for action is formed by the supervisor's records substantiating systematic review of attendance patterns, notice to employees where those patterns seem to be a problem and efforts to correct problems.

A supervisor who condones or ignores violations of attendance rules is derelict in fulfilling a major element of supervisory responsibility. Such inaction could be cause for disciplinary measures against the supervisor.

*CSEA Time and Attendance Disciplinary Process
CSEA contracts provide for an expedited disciplinary process for cases, which involve a notice of discipline based solely on time and attendance, including tardiness. The process provides for a permanent umpire to review time and attendance disciplinary grievances in accordance with a schedule, which sets forth minimum and maximum penalties for offenses. The schedule takes into account frequency of previous discipline in the time and attendance category and the severity of the current charges.

The determinations of the permanent umpire are confined to the guilt or innocence of the grievant and the appropriateness of the proposed penalty. If an employee is found guilty, the umpire can uphold or reduce the proposed penalty in accordance with the schedule and, where appropriate, direct the grievant to attend counseling sessions or other programs jointly agreed upon by the State and CSEA.

The decision of the permanent time and attendance umpire is final and binding upon the parties and is not subject to appeal in any other forum, except in the case where a penalty of dismissal is upheld by the umpire. In such cases the decision and award may be reviewed in accordance with Article 75 of the Civil Practice Law and Rules.

Generally, all notices based solely on time and attendance will proceed before the umpire. There is one exception. If within the past three years an employee has been found guilty or settled two prior notices of discipline not solely related to time and attendance, the State has the option of proceeding with a notice of discipline based solely on time and attendance before either an umpire or a regular disciplinary arbitrator. Thus, the employer may opt to restrict the penalty sought to those stipulated in the time and attendance schedule or propose a more serious penalty and proceed to arbitration. This exception does not apply to notices of discipline based solely on tardiness. Additional information regarding this procedure may be obtained by contacting the Human Resource Services department.

2. Tardiness

Tardiness is arrival for work after the official beginning of working hours, or return to work after the expiration of the time designated for meals without the approval of the supervisor. Many agencies have adopted tardiness penalty schedules. Where such schedules are in place, tardiness must be treated in accordance with the penalty schedule. SUNY Plattsburgh has a tardiness penalty schedule in place (see below).

Each agency should inform employees of its tardiness penalties, and the amount of tardiness it regards as excessive and subject to disciplinary action or assignment of a less than satisfactory performance rating.

The State may excuse tardiness when uncontrollable conditions affect arrival time of a group of employees, but full-day absences may not be excused without charge to credits.

The State may excuse tardiness, but not full-day absences or early departures for volunteer firefighters and ambulance squad members who are on assignment. Absences must be charged to appropriate leave credits. Supervisors may require proof that the employee was actually on duty as a volunteer.

Since being late places an unfair burden on others, tardiness is a serious matter. The schedule below shows automatic penalties for tardiness. The assessment of these penalties does not mean no other disciplinary action will be taken where necessary.

<table>
<thead>
<tr>
<th>Tardiness</th>
<th>Penalty</th>
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<tbody>
<tr>
<td>(within each two week period)</td>
<td></td>
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<tr>
<td>One or two latenesses not to exceed a total of 14 minutes</td>
<td>None</td>
</tr>
<tr>
<td>More than two latenesses not exceeding 14 minutes</td>
<td>¼ hour</td>
</tr>
<tr>
<td>One or more latenesses totaling 15 minutes or more</td>
<td>¼ hour for each 15 minutes or fraction thereof up to 2 hours</td>
</tr>
<tr>
<td>Excess over 120 minutes</td>
<td>½ hour for each 15 minutes or fraction thereof</td>
</tr>
</tbody>
</table>
3. Unauthorized Absences

As discussed earlier in this manual, an unauthorized absence is one for which the employee does not obtain approval from the supervisor either before or after the absence. Unauthorized absences constitute grounds for counseling and/or disciplinary action and should, therefore, be immediately addressed by the supervisor. In determining what action is appropriate, the supervisor should consider the following factors: (1) the nature of the absence (i.e., the duration and circumstances of the absence), (2) the employee's past attendance record, and (3) whether there have been previous attempts at correcting the improper behavior. Supervisors are encouraged to consult with their supervisor or the Human Resource Services department for guidance on this matter.
SUNY College at Plattsburgh
Flex time Work Scheduling
CSEA-ASU

Purpose:
To provide a framework for flexible work scheduling that allows for efficient and effective delivery of services to students, employees and the public. The objectives to be achieved by flexible work scheduling are:
1) relieve personal and/or family pressures of employees
2) enhance employee morale
3) reduce unplanned use of leave
4) improve operations wherever possible

Eligibility:
All classified administrative employees are eligible for flex time; however, participation in flex time work scheduling is not automatic. All such proposals must be approved by the department head with appropriate consultation. Notification to Payroll and Human Resource Services of an approved flex time work schedule will be accomplished through the use of the “work schedule” section of the standard time sheet.
This procedure covers the flex time program for CSEA-ASU (clerical staff) during the academic year (usually mid-August through mid-May.) There is a similar but separate set of guidelines for Summer flex time work schedules.

General Guidelines:
1) Official College office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday. Departments must be open and functioning during these hours. As a general rule, “staffing” an office with a student unfamiliar with the operations of the department, to simply answer the phone and take messages, or turning on voicemail is not adequate. However, adequately trained student employees may appropriately staff offices in place of CSEA-ASU employees. The determination of a student employee’s ability to adequately fill in for regular staff is made by the department supervisor in consultation with the clerical staff member.
2) Offices/departments will not be closed during official hours except in cases of emergency and with the appropriate approvals.
3) It is acknowledged that there are some offices/departments whose normal operating hours are necessarily different than the 8-4:30 standard. Official College hours and any deviations from them will be clearly defined by the supervisors of these departments, communicated to all employees in each department and filed with Human Resource Services on September 15th of each year.
4) The supervisor’s definition of departmental operational needs will be the primary determining factor with regard to flex time work schedule requests.
5) Flex time must not result in a diminution of services rendered by the office or department.
6) Participation will be voluntary.
7) In cases of conflict, shift assignment seniority (as references in Article 44 of the CSEA agreement) will be the determining factor.
8) Innovative problem-solving that allows employees to participate in flex time scheduling is encouraged.

Ground Rules:
1) Requests for work schedule changes will be directed to supervisors by employees at least two weeks before the requested starting date. Emergency requests will be considered as soon as possible.
2) Employees may request starting times up to one hour before the regular shift start time or one hour after the scheduled shift ending time. Start and ending times must fall on the hour or half hour.
3) Lunch breaks may be requested for 30, 60 or 90 minutes.
4) The minimum duration of a flex time scheduling period is four weeks. There is no maximum period; unless otherwise specified, all requests will be presumed to be for an indefinite period, i.e., until further notice.
5) The flex schedule itself should not change more often than weekly.
6) Flex time work schedule changes may not begin until the supervisor has approved the change. This approval must be communicated to Payroll and Human Resource Services by means of completing the “work schedule” section of the standard time sheet.
7) Should an employee want to alter or discontinue an existing flex work schedule, or a supervisor determines that an existing flex work schedule must be changed or discontinued, the individual seeking to initiate the change will inform the other with at least two weeks notice. The change of schedule would be noted in the same manner on the time sheet.
8) A department’s operating needs and the delivery of services must be the primary considerations when evaluating requests to start, alter, or end flex work schedules. Every effort must be made to balance an employee’s personal needs with those of her/his department.

9) The assessment of each department’s operating needs, as determined by the department head and reviewed by the appropriate Executive Council member, must be considered final, and there is no appeal process available to employees.

**Highlights of other pertinent Attendance Rules**

**Breaks** - are intended to provide relief at the approximate midpoint of each half of a work shift. At SUNY Plattsburgh, CSEA-ASU employees are allowed a fifteen-minute break approximately midway through the morning and afternoon. Breaks cannot be skipped to shorten a workday or lengthen a lunch period. A break in the workday is a privilege, not an entitlement.

**Ad hoc work schedule change** - is a change in work schedule that is requested for a single day, or for a shorter duration than the minimum four weeks covered in this procedure. Supervisors may authorize ad hoc work schedule changes, but should do so advisedly. If an employee requests and is granted a work schedule change, for example for a single day, she/he should note it as such on the timesheet and the supervisor should certify her/his approval.

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**Plattsburgh State University of New York**  
**Flex time Work Scheduling**  
**CSEA-OSU**

**Purpose:**
To provide a framework for flexible work scheduling that allows for efficient and effective delivery of services to students, employees and the public. The objectives to be achieved by flexible work scheduling are:

1) relieve personal and/or family pressures of employees  
2) enhance employee morale  
3) reduce unplanned use of leave  
4) improve operations wherever possible

**Eligibility:**  
All classified operational services employees are eligible for flex time; however, participation in flex time work scheduling is not automatic. All such proposals must be approved by the department head with appropriate consultation. Notification to the Payroll and Human Resources Offices of an approved flex time work schedule will be accomplished through the use of the “work schedule” section of the standard time sheet.  
This phase of the flex time program will be available to all employees represented by CSEA-OSU and covers maintenance, janitorial and heating plant personnel.

**General Guidelines:**

1) This procedure is not intended to change the “core” operating hours for any of the maintenance, janitorial or heating plant areas.

2) It is acknowledged that there are some areas within Maintenance and Operations that must continue to function outside of the “core” operating hours, such as the full-time Cleaner who works the “transition” shift of 3:30 p.m. – 12 midnight. This procedure is not intended to affect these types of work schedules.

3) The supervisor’s definition of departmental operational needs will be the primary determining factor with regard to evaluation of flex time work schedule requests.

4) Flex time must not result in a diminution of services rendered by the department.

5) Participation will be voluntary.

6) In cases of conflict, shift assignment seniority (as referenced in Article 44 of the CSEA agreement) will be the determining factor.

7) Innovative problem-solving that allows employees to participate in flex time scheduling is encouraged.
Ground Rules:

1) Requests for work schedule changes will be directed to supervisors by employees at least two weeks before the requested starting date. Emergency requests will be considered as soon as possible.
2) Employees may request starting times up to one hour before the regular shift start time or one hour after the scheduled shift ending time. Start and ending times must fall on the hour or half hour.
3) Lunch breaks may be requested for 30, 60 or 90 minutes.
4) The minimum duration of a flex time scheduling period is four workweeks. There is no maximum period; unless otherwise specified, all requests will be presumed to be for an indefinite period, i.e., until further notice.
5) The flex schedule itself should not change more often than weekly.
6) Flex time work schedule changes may not begin until the supervisor has approved the change. This approval must be communicated to the Payroll and Human Resources Offices by means of completing the “work schedule” section of the standard time sheet.
7) Should an employee want to alter or discontinue an existing flex work schedule, or a supervisor determines that an existing flex work schedule must be changed or discontinued, the individual seeking to initiate the change will inform the other with at least two weeks notice. The change of schedule would be noted in the same manner on the time sheet.
8) A department’s operating needs and the delivery of services must be the primary considerations when evaluating requests to start, alter, or end flex work schedules. Every effort must be made to balance an employee’s personal needs with those of her/his department.
9) The assessment of each department’s operating needs, as determined by the department head and reviewed by the appropriate Executive Council member, must be considered final, and there is no appeal process available to employees.

Highlights of other pertinent Attendance Rules

Breaks - are intended to provide relief at the approximate mid-point of each half of a work shift. At SUNY Plattsburgh, CSEA-OSU employees are allowed a fifteen-minute break approximately midway through the morning and afternoon (or first and second halves of the shift.) Breaks cannot be skipped to shorten a workday or lengthen a lunch period. A break in the workday is a privilege, not an entitlement.

Ad hoc work schedule change - is a change in work schedule that is requested for a single day, or for a shorter duration than the minimum four weeks covered in this procedure. Supervisors may authorize ad hoc work schedule changes, but should do so advisedly. If an employee requests and is granted a work schedule change, for example for a single day, she/he should note it as such on the timesheet and the supervisor should certify her/his approval.

9/06/02
Release Time is defined as time off from normal work hours, not required to be charged to leave credits, for attendance at a college event/function for which such time has been authorized by the college President or designee.

An employee’s use of Release Time is not automatic. Permission must be sought from the supervisor to attend the event/function if that attendance is during work hours. Permission to attend may be denied by the supervisor if such attendance would significantly disrupt operations.

While permission to grant Release Time may not be automatic, neither should it be routinely denied. Every effort should be made by the supervisor to make adjustments within a department or office to accommodate attendance at an authorized event/function.

Release Time will be considered for educational purposes when those events are sponsored by the college, offered under negotiated programs or considered job-related or career-related. Employees utilizing their SUNY tuition waiver, NYS/CSEA Partnership voucher, or other waivers are not automatically eligible for Release Time. However, if denied the employee and supervisor may reach a Flex Time* agreement, Voluntary Reduction in Work Schedule (VRWS)* agreement, or the employee may elect to charge leave accruals to attend a course during normal work hours.

Course work must meet one of the following criteria to be approved as job-related:

- It is specifically required by New York State, or by law or regulation, to maintain salary, status, or job; or
- It directly supports or improves skills required for current job assignments, duties, or responsibilities.

Course work must meet one of the following criteria to be approved as career-related:

- It directly prepares employees for advancement within the employee's current title series or occupation;
- It directly develops the administrative or management capacity of employee's; or
- For non-degreed employees, it is course work necessary to obtain an undergraduate degree to qualify them for job opportunities within State service at the paraprofessional or professional level.

Based on current Federal guidelines, even if course work meets these conditions, it does not sufficiently meet the test of job-relatedness if:

- It is required to meet the minimum educational requirements to qualify employees for permanent status in present job assignments; or
- It is part of a program of study that can qualify employees for a new occupation or profession, even if there are no plans to enter that occupation or profession.

*See Flex Time Work Scheduling and Voluntary Reduction in Work Schedule (VRWS) agreements for further details.
State University of New York College at Plattsburgh  
Request for Release Time for Educational Purposes  

Name:  
Title:  
Department:  

Release time requested from: AM PM to: AM PM  

Duration from: / / to: / /  
month day year month day year  

Days per week: Monday Tuesday Wednesday Thursday Friday other  

Normal shift: from: AM PM to: AM PM  

Course Number & Title:  
Course Description:  

This course is Job Related Career Related Other  

Explanation of how course meets the identified criteria for release time:  

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Please allow me release time to attend the course identified above.  

Employee Signature:  

Supervisor Approval:  

Dean/Director Approval:  

Please note: Supervisor and Dean/Director approval is from an operational perspective; final approval is with Human Resource Services as the President's designee for granting release time.  

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Human Resource Services: Approved Denied  

(Signature) (Name) (Title) (Date)  

Original to Official Personnel file  
cc: Payroll office Employee Supervisor  

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State University of New York College at Plattsburgh
Procedure for Late/Absent Classified Employee Time Records

Time records are due the day following the end of the pay period and are considered late the following Monday.

When an employee time record is late:

1. The **first time** a record is late, Payroll will notify the employee via phone, e-mail or memorandum requesting immediate submission of the absent time record. If the record is not received by the paychecks are released, the employee may pick up his/her paycheck in the Payroll office when submitting the delinquent time record.

2. The **second time** a record is late, an e-mail or memorandum will be sent to the employee and employee’s supervisor with a copy to the employee’s personnel file. This notification will also inform the employee that delinquent time records may jeopardize the right to direct deposit. The employee will be required to obtain his/her paycheck from the Payroll office in exchange for the time record.

3. The **third time** a record is late, and the employee has direct deposit, the direct deposit will be cancelled. The employee will not be allowed to return to direct deposit until the time records have been submitted according to procedure for a period of 3 months. In addition, a letter to the direct supervisor will be copied to the employee’s personnel file and copied to others in the employee’s chain of command.

4. If this process does not resolve the issue of late time records, the respective Vice President will be notified to rectify the situation.