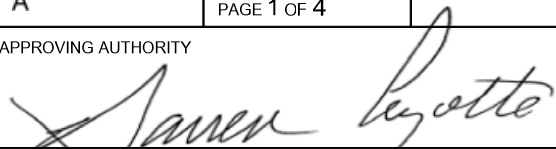
	Department of Corrections and Community Supervision	TITLE Annual Leave		NO. 2203
DIRECTIVE				DATE 02/04/2025
SUPERSEDES DIR #2203 Dtd. 12/01/23		DISTRIBUTION A	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) Civil Service Attendance and Leave Manual		APPROVING AUTHORITY 		

I. DESCRIPTION: This directive explains the earning, accumulation, and liquidation of annual leave credits.

II. INFORMATION

A. Credits Earned by Employees with Seven Years or Less of State Service

1. Eligible employees entering State service are credited with six-and-one-half days of vacation upon completion of 13 qualifying bi-weekly payroll periods. If the new employee is not on the payroll for at least seven full working days in any period during these first 13 bi-weekly segments, that particular payroll period is not considered qualifying for the 13 necessary pay periods. After the initial 13 bi-weekly payroll period is completed, employees earn and are credited vacation days at the rate of one, half day for each bi-weekly payroll period. Vacation credits are not earned for any bi-weekly payroll period unless the employee was in full-pay status for at least seven working days in that period.

NOTE: Employees that separate from State service prior to the completion of 13 qualifying pay periods in full-pay status are not eligible for payment for accrued vacation.

2. Extra vacation time is credited to employees with seven years or less of State service by granting one additional vacation or bonus day for each completed year of continuous service up to a maximum of seven days. These days are credited on the employee's anniversary date.
3. Employees on military leave of absence without pay do not earn vacation credits, including the extra vacation (bonus days) for each completed year of continuous service. On return from military leave, an employee earns vacation credits corresponding with their total service (including time spent on military leave) and is credited with the appropriate bonus days on their next anniversary date following return from military leave.

Example: An employee receives one bonus day on their first vacation anniversary date with the State, but shortly after is placed on a military leave of absence for 18 months, missing their second vacation anniversary bonus day due to being on military leave without pay. Upon return, the employee will be credited with three bonus days on their third vacation anniversary date.

B. Credits Earned by Employees with More than Seven Years of State Service

1. Employees who work a 37½-hour workweek receive 20 days of vacation each year, earned on a bi-weekly basis and credited at the rate of five-and-three-quarters hours every 14-day pay period that the employee was in full-pay status for seven of the 10 workdays. At the beginning of the last payroll period in December, an additional half hour is credited to adjust annual leave credits.
2. Employees who work a 40-hour workweek receive 20 days of vacation each year earned on a bi-weekly basis and credited at the rate of six hours every 14-day pay period that the employee was in full-pay status for seven of the 10 workdays. At the beginning of the last payroll period in December, an additional four hours are added to adjust annual leave credits.

C. Additional Vacation Credit: Employees with 15 or more years of continuous State service earn additional vacation credit each year on the anniversary date of their employment according to the following schedule:

<u>COMPLETED YEARS OF CONTINUOUS SERVICE</u>	<u>CSEA ADMINISTRATIVE SERVICES UNIT</u>	<u>ALL OTHER BARGAINING UNITS</u>	<u>MANAGEMENT/ CONFIDENTIAL</u>
15 to 19	1 day	-	-
20 to 24	2 days	1 day	1 day
25 to 29	3 days	2 days	2 days
30 to 34	4 days	3 days	4 days
35 or more	5 days	4 days	5 days

Leave without pay for more than six months, or a period of more than six months between separation from State service and reinstatement or reappointment, cannot be considered "continuous service" and will not be counted in determining eligibility for additional vacation credits. The employee's Vacation Anniversary Date will be adjusted to reflect the leave of absence. Employees on military leave without pay for more than six months will not have their Vacation Anniversary Dates adjusted.

D. Per Diem and Hourly Employees: Employees paid on a *per diem* or hourly basis, who work a regularly scheduled workweek of at least three-and-three-quarters hours per day (37½-hour week) or four hours per day (40-hour week), five days per week, or who are scheduled to work at least half-time on a schedule set in advance by management, are eligible to earn vacation credit following the completion of 19 pay periods of uninterrupted employment (without a break of more than one complete pay period), provided they have been in full-pay status for the appropriate number of workdays in each of 13 or more of such pay periods. See Appendix D, Section 21.2, "Vacation," of the Civil Service Attendance and Leave Manual to determine the appropriate number of workdays required to be considered in full-pay status.

Once coverage under the Attendance Rules is attained, these employees are eligible to earn vacation credit on a prorated basis in the same manner as annual salaried employees and should be credited with vacation accruals retroactive to the beginning of their **continuous** service as if they had been subject to the attendance rules during this period.

E. Accumulation of Annual Leave

1. The maximum number of annual leave days which may legitimately be accumulated by an employee does not establish an unqualified right to accumulate 40 days by foregoing scheduled vacations when this is contrary to the best interests of the employee's unit as determined by their supervisor. Every effort should be made by an employee to liquidate vacation credits prior to reaching the authorized limit.
2. Employees should be aware of their accrual balances and make sure that this maximum is not exceeded on the established vacation leave accrual cap date for their bargaining unit.
3. An employee's vacation credit accumulation may exceed the maximum, provided, however, that the employee's balance of vacation credits may not exceed 40 days on their vacation leave accrual cap date each year:

<u>Bargaining Unit</u>	<u>Accrual Cap Date</u>
Management/Confidential	January 1
CSEA	April 1
PEF	April 1
NYSCOPBA	April 1
Council 82	April 1

F. Liquidation of Vacation Credits

1. General: In absence of a local (facility) employee-management agreement, the following general guidelines will apply to the liquidation of vacation credits:
 - a. Whenever possible, vacation leave is granted at the time requested by the employee. Disapprovals must be in writing and may have to be answered within a specific time limit. Consult the specific collective bargaining agreement for details.
 - b. Should too many employees request the same vacation days, seniority may be used to determine the vacation scheduling in accordance with the appropriate union contract.
 - c. To assist in scheduling vacations, an operating unit may find it necessary to establish a date prior to which an employee's request for their annual leave schedule must be submitted.
2. Use of Credits: Vacation credits are liquidated, subject to supervisory approval, in units of at least one quarter hour.

3. Payment for Accrued Vacation

- a. Compensation for accrued vacation will be made in one lump-sum payment. Lump-sum payment for accrued vacation will not be made to an employee until after the end of the second bi-weekly pay period which follows the date of separation. An employee re-employed or reinstated in State service within that period is not eligible for a lump-sum payment.
- b. The delay in payment of accrued vacation time for two bi-weekly pay periods does not apply to employees who are laid off, retire, or die.
- c. When an employee separates from State service for any reason, they will not be paid for more than 30 days of unused vacation credits. Payment can be made without any waiting period so long as all outstanding timesheets have been approved by the employee's supervisor and submitted to the Timekeeping Office for processing.
- d. Compensation of vacation accruals will not be made for new employees who separate from State service prior to completion of the initial 13 qualifying bi-weekly payroll period.
- e. An employee is required to give two weeks written notice of their intention to resign in order to be paid for accrued vacation time. Two-weeks' notice is defined as 14 calendar days prior to an employee's last scheduled working day. The Bureau of Personnel is not obligated to arrange payment of unused annual leave to an employee who resigns without giving adequate notice (i.e., two weeks written notice).

- G. Conversion of Vacation Credits: When transferring from a position with a basic workweek of 37½ hours to one of 40 hours per week (or vice versa), and once the Timekeeper has updated the Leave and Accrual Tracking System (LATS) with this new information, vacation credits are automatically converted in LATS to reflect the employee's updated balance. Note that the number of days the employee had accrued prior to the conversion will remain the same.

Examples:

1. An employee who had accrued 10 days (75 hours) of annual leave in a position with a basic workweek of 37½ hours would receive a conversion of annual leave to 10 days (80 hours) of annual leave when assigned to a new position that has a 40-hour workweek.
2. An employee who had accrued 10 days (80 hours) of annual leave in a position with a basic workweek of 40 hours would receive a conversion of annual leave to 10 days (75 hours) of annual leave when assigned to a new position that has a 37½-hour workweek.