State University of New York

Memorandum to Presidents

July 11, 1973

Office of the Vice Chancellor
for Personnel and Employee Relations

Managerial-Confidential Benefits - Classified and Professional Service Employees

Listed below are benefit improvements which have been extended to management-confidential employees in the classified service, effective April 1, 1973. These improvements were recently negotiated by the State with the Civil Service Employees Association for members of the four negotiating units represented by CSEA. Many matters which are within agency discretion, such as maintenance of time records, leave for professional meetings and other benefits are not included in this listing. Such benefits and prerogatives for management-confidential employees should be administered in a manner which gives appropriate recognition to their special status.

This list does not include the recently adopted life insurance program, which has been previously announced.

1. Holiday Observance

A managerial/confidential employee who is entitled to time off with pay on days observed as holidays by the State as an employer shall be granted compensatory time off when any such holiday falls on a Saturday, provided, however, that managerial/confidential employees G-22 and below scheduled or directed to work on any such Saturday may receive additional compensation in lieu of such compensatory time off as provided below.

2. Holiday Pay

Managerial/confidential employees at G-22 and below who work on days observed as holidays by the State as an employer will receive, at their option, additional compensation for time worked on such days or compensatory time off. Such additional compensation for each such full day worked will be at the rate of 1/10 of their bi-weekly rate of compensation.
Such additional compensation for less than a full day of such work will be prorated. Such rate of compensation will include geographic, locational, inconvenience and shift pay as may be appropriate to the place or hours worked. In no event will an employee be entitled to such additional compensation or compensatory time off unless he has been scheduled or directed to work.

An employee electing to take compensatory time off in lieu of holiday pay shall notify the appropriate payroll agency in writing of his intention to do so with the understanding that such notice constitutes a waiver of his right to receive additional compensation for holidays worked; provided, however, that an employee shall have the opportunity to revoke his waiver or file a waiver, if he had not already done so, by notifying his Personnel Office in writing between April 1, 1974 and May 15, 1974 or between April 1, 1975 and May 15, 1975 of his revocation or waiver, in which event such revocation or waiver shall remain in effect until further notice.

3. Compensatory Time Off

Compensatory time off in lieu of holidays earned after April 1, 1973 shall be recorded in a separate leave category.

4. Additional Vacation Credit

A. Managerial/confidential employees having 20 or more years of continuous State service and who are entitled to earn and accumulate vacation credits shall earn additional vacation credit as follows:

<table>
<thead>
<tr>
<th>Completed Years of Continuous Service</th>
<th>Additional Vacation Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 to 24</td>
<td>1 day</td>
</tr>
<tr>
<td>25 to 29</td>
<td>2 days</td>
</tr>
<tr>
<td>30 to 34</td>
<td>4 days</td>
</tr>
<tr>
<td>35 or more</td>
<td>5 days</td>
</tr>
</tbody>
</table>

B. An eligible employee shall receive additional vacation credit on the date on which he would normally be credited with additional vacation in accordance with the above schedule and shall thereafter be eligible for additional vacation credit upon the completion of each additional 12 months of continuous State service. Continuous State service in this case shall mean
uninterrupted State service, in pay status, as an employee. A leave of absence without pay, or a resignation followed by reinstatement or reemployment in State service within one year following such resignation, shall not constitute an interruption of continuous State service for this purpose; provided, however, that leave without pay for more than six months or a period of more than six months between resignation and reinstatement or reappointment, during which the employee is not in State service, shall not be counted in determining eligibility for additional vacation credits under this provision.

C. Nothing contained herein shall be construed to provide for the granting of additional vacation retroactively for periods of service prior to April 1, 1973.

5. Alternative Holidays

A managerial/confidential employee may choose either Election Day or Martin Luther King Day as a holiday. The procedure for making selection will be discussed in a future OER memorandum.

6. Vacation Credit Accumulation

Vacation credits may be accumulated up to 40 days; provided, however, that in the event of death, retirement or separation from service, an employee compensated in cash for the accrued and unused accumulation may only be so compensated for a maximum of 30 days.

7. Sick Leave Accumulation

A managerial/confidential employee who is entitled to earn and accumulate sick leave credits may accumulate such credits up to a total of 190 days. No more than 165 days of such credits may be used for retirement service credit or to pay for health insurance in retirement.

8. Workmen's Compensation Leave With Pay

A. An employee necessarily absent from duty because of occupational injury or disease as defined in the Workmen's Compensation Law who is allowed leave from his position for the period of his absence necessitated by such injury or disease shall be (a) first granted compensation leave with pay
without charge to leave credits not exceeding cumulatively six months, and (b) upon exhausting leave with pay benefits under (a) above be allowed to draw accrued leave credits, and (c) upon exhausting leave with full pay benefits under (a) and (b) above, be allowed sick leave at half pay for which he may be eligible during such leave unless (1) there is good and sufficient reason to believe that the disability resulting from such injury or disease is not job related or is primarily due to some pre-existing medical condition; (2) there is good and sufficient reason to believe that the employee could report for work on a full-time or part-time basis; (3) the employee's services would have been terminated or would have ceased under law; or (4) the employee's claim for benefits is controverted by the State Insurance Fund.

B. An employee allowed leave with pay under this section may elect to draw accrued leave credits for part or all of his absence from duty before being granted leave with pay under (a) above.

C. If it is subsequently determined that an employee was not entitled to compensation leave with pay without charge to leave credits for any period for which he was granted such leave as provided hereinabove, he shall be required to make reimbursement for such paid leave from current or subsequent accumulations of leave credits at a rate and in a manner determined by the appointing authority.

D. An employee who draws leave credits as provided in paragraph A shall be entitled to restoration of such credits, including those used for absences of less than a full day, as are used during a period of absence for which an award of compensation has been made and credited to the State as reimbursement for wages paid. An employee who is necessarily absent from duty as described hereinabove may be granted compensation leave with pay without charge against leave credits for absences of less than a full day where such employee returns to work on a part-time basis.

E. An employee who is allowed leave with full pay as provided in paragraph A shall be allowed such leave with pay when absent from duty for the purpose of attending a hearing scheduled by the Workmen's Compensation Board or a Board-ordered medical examination.

9. Travel
A. Meal and Lodging Expenses
The State will reimburse, on a per diem basis as established by rules and regulations of the Comptroller, managerial/confidential employees who are eligible for travel expenses, for their actual and necessary expenses incurred while in travel status in the performance of their official duties for hotel lodging, meals and incidental expenses related thereto (hotel tips, etc.) for a full day at rates stated in the following schedule:

**Effective April 1, 1973:**

(a) In the City of New York and the counties of Nassau, Suffolk, Rockland and Westchester, not to exceed $26.00, except as specified by the Comptroller in accordance with law.

(b) In places elsewhere within the State of New York, not to exceed $20.00, except as specified by the Comptroller in accordance with law.

(c) In places outside the State of New York, at least $25.00 per day except as specified by the Comptroller in accordance with law.

**Effective April 1, 1975:**

(d) In the City of New York and the counties of Nassau, Suffolk, Rockland and Westchester, not to exceed $27.00, except as specified by the Comptroller in accordance with law.

(e) In places elsewhere within the State of New York, not to exceed $21.00, except as specified by the Comptroller in accordance with law.

**B. Mileage Allowance**

The State agrees to provide, subject to rules and regulations of the Comptroller, a maximum mileage allowance rate per mile for the use of personal vehicles for managerial confidential employees eligible for such allowance in connection with official travel as follows:

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>Effective April 1, 1973</td>
<td>11 cents</td>
</tr>
<tr>
<td>Effective April 1, 1974</td>
<td>11-1/2 cents</td>
</tr>
<tr>
<td>Effective April 1, 1975</td>
<td>12 cents</td>
</tr>
</tbody>
</table>
C. Extended Travel

The State agrees to provide $8.00 additional travel expense reimbursement for each weekend to any employee who is in overnight travel status provided he is in overnight travel status for at least 10 consecutive days at least 300 miles from his home and his official station.

10. Leave for Professional Examinations

Upon proper advance notice, a managerial/confidential employee may absent himself from duty without charge to leave credits for the purpose of participating in one professional examination each year in his discipline. In the event such examination is administered in several parts, the several parts shall be considered a single examination. Absence required for travel shall be charged to appropriate leave credits.

11. Payment of Personal Property Damage Claims

Subject to reasonable rules and regulations of the Comptroller, a managerial/confidential employee shall be reimbursed for the payment of claims not in excess of $300 submitted by him which are approved by the appointing authority or his designee, for personal property damaged or destroyed by an inmate, patient or client of such department or agency in the course of such employee's performance of his official duties without fault.

12. Alternate Examination Dates

In the event a managerial/confidential employee is unable to participate in an examination because of the death, within seven days immediately preceding the scheduled date of an examination, of his grandparent, parent, spouse, sibling, child or a relative living in the employee's household, such employee shall be given an opportunity to take such examination at a later date, but in no event shall such examination be rescheduled sooner than seven days following the date of death. The Department of Civil Service shall prescribe the appropriate procedures for reporting the death and applying for the examination.

13. Grievances
Managerial/confidential employees shall continue to be covered under the grievance procedure established by Executive Order 42.

14. Disciplinary Actions

Managerial/confidential employees shall continue to be covered by the provisions of Sections 75 and 76 of the Civil Service Law. Sections 75 and 76 have been interpreted to require in each case the appointment of a hearing officer who has no knowledge of the facts of the case.

With respect to management/confidential employees in the professional service, we are informed that such employees are covered by the new travel and mileage allowances immediately. The other benefits listed above are not relevant to the employment situation of the members of the professional service. Professional service management/confidential employees will become eligible for the group insurance plan upon their designation as management by PERB in August 1973.

cc: Chancellor Boyer

This memorandum addressed to Presidents, State-operated campuses

Copies for information only sent to: Personnel Officers