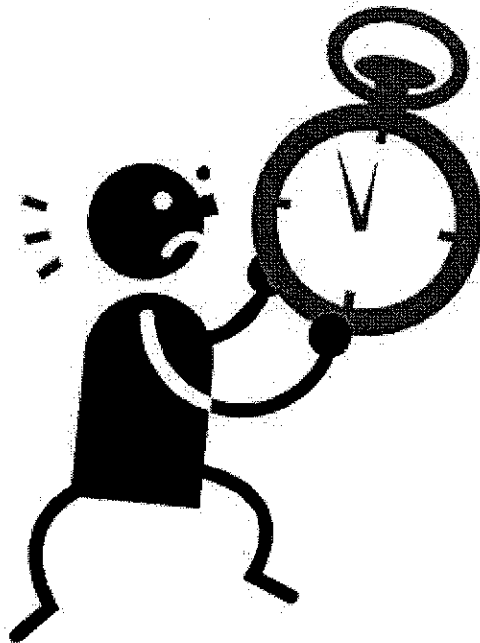


Supervisor's Guide to Classified Time & Attendance



Supervisors Guide to Time & Attendance

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Attendance and Leave Basics

Basic Workweek/Adjustments

Depending on your job, the basic workweek for full-time annual salaried employees is 37 1/2 or 40 hours a week. The normal workday is 8 hours, plus mealtime, for employees working 40 hours per week and 7 1/2 hours, plus mealtime, for those working a 37 1/2-hour week. The workweek begins on Thursday and ends at the close of business the following Wednesday. Your supervisor will tell you what your schedule is and he/she must approve any changes. An employee may be directed to work additional hours whether or not eligible for overtime pay. Changes in an employee's basic workweek and/or day will be made with advance notification (at least 30 days) except during emergencies.

Meal Period

Employees who work more than 6 hours a day must take a daily meal break at least 30 minutes in length. Failure to take a meal break does not permit the employee to shorten the workday, nor does it entitle the employee to compensatory time or overtime payment. The supervisor will inform the employee of when their meal period is.

Rest Periods

The granting of rest periods is discretionary, but recommended, especially for employees whose responsibilities are of a routine nature. Supervisor will determine the time for these breaks. Rest periods should be of a reasonable duration. As a guide, more than two 15-minute periods per 7½ or 8-hour day would be considered excessive under normal working conditions. Employees may not skip one break in order to extend the length of the other break, nor may employees extend meal break or shorten their workday if they do not take their breaks. Break times includes travel time to and from the break location.

Attendance Records

Employees are required under the State Finance Law to maintain an accurate daily record of attendance on the appropriate forms. These serve as the basis for paying employees. The record of attendance must show actual hours worked including arrival and departure times at the beginning and end of the workday, meal periods, leave credits earned/used, and absences not charged to leave credits. Employees must forward their signed record of attendance (timesheet) to their supervisor for review and certification. Since the time record is a payroll voucher, falsification of an employee's attendance or time record constitutes a very serious violation and is a basis for counseling and/or disciplinary action. Failure to properly sign and certify time records may also result in a delay in the processing of paychecks.

Tardiness

Supervisors will tell employees when and where to report to work. If an employee arrives at their workstation late, either at the start of the workday or after the meal period, they are tardy.

Most employees regularly report to work on time except when restricted from doing so because of unusual, nonrecurring circumstances or emergencies. Such employees need not be penalized for occasional tardiness. When individuals know in advance that they will be unavoidably late for work, they should notify their supervisor. In addition to these penalties, an unsatisfactory performance rating may be given and/or disciplinary action taken, where appropriate, in the case of chronic offenders. Since being late places an unfair burden on others, repeated tardiness will result in disciplinary action.

In accordance with the Attendance Rules for the Classified Service, the following tardiness penalty schedule is in effect for employees at The College at Brockport who have neither been counseled nor disciplined for tardiness within the 12 months prior to the pay period in which the tardiness occurs:

TARDINESS

PENALTY

(Within each two-week pay period)

1 or 2 incidents not to exceed a total of 14 minutes

None

More than 2 incidents not exceeding 14 minutes

¼ hour

1 or more incidents totaling 15 Minutes or more

¼ hour for each 15 minutes or fraction thereof up to 2 hours

Excess over 120 Minutes

½ hour for each 15 minutes or fraction thereof

In accordance with this schedule, deductions from accruals for tardiness will be made from compensatory time, vacation or personal leave credits, in that order. If there are no leave credits to charge a pay cut will occur.

Supervisors are responsible for keeping tardiness to a minimum. Chronic tardiness must be addressed through counseling and discipline and reflected in the employee's annual performance rating. If employees have received counseling and/or discipline for tardiness within the 12 months prior to the pay period in which additional tardiness occurs, this penalty schedule may not apply to them and their tardiness may result in both a pay cut and penalties imposed through negotiated disciplinary procedure.

Call-In Requirements

An employee who is unexpectedly and unavoidably absent from work, such that prior approval for the absence could not be obtained, and who notifies the appropriate official (employee's immediate supervisor) within two hours after the beginning of his/her workday, may be allowed to charge such absence to leave credits provided the employee furnishes an acceptable satisfactory explanation for such absence.

Accrual Guidelines

Leave benefits constitute another valuable part of your total compensation. The three major types of paid leave are annual leave (vacation), sick leave and personal leave. Additional leave benefits, including paid holidays are described below. The leave benefits available to you depend on a number of factors. Some of the factors are: your pay basis (whether you are employed on an annual salary or hourly basis), your work schedule (full-time or part-time), and/or your length of service. Breaks in service or leaves of absence can also affect your benefits. Check with the Payroll Office about how these factors affect you.

The following summary applies to **annual salaried** employees (employees working at or above 50%) subject to the Attendance Rules for Employees in New York State. It only provides a general overview. Nothing contained here supersedes the specific benefits provided by the Civil Service Law, Civil Service Rules and Regulations, or applicable collective bargaining agreements.

ANNUAL LEAVE (VACATION)

Annual leave is also known as vacation leave. Employees earn annual leave credits each biweekly pay period if they are in full pay status for 7 out of 10 days in that pay period (prorated for part-time employees, 70% of their required work scheduled) . **New employees are credited with vacation once they have completed 13 biweekly pay periods of qualifying service.** At that point they are credited with vacation accruals, which are retroactive to their date of appointment. During the first seven years of service, employees generally earn annual leave at the rate of a half day per biweekly pay period (3.75 hours for 37.5 hour week and 4 for a 40 hour week, prorated for part-time employees). Bonus days are credited on their vacation anniversary date at the rate of one day for each year of completed service for the first seven years of service, so that an employee earns one bonus day at the end of the first year, two bonus days at the end of the second year and so on up to seven bonus days for the seventh year.

After seven years, most employees earn vacation at 20 days per year (5.75 for a 37.5 hour week and 6 for a 40 hour week, prorated for part-time employees). They are also eligible for additional vacation days after 15 or 20 years of service, depending on their bargaining unit.

Annual leave credits (vacation) must be at 40 days on April 1st each year (300 hours for a 37.5 hour week or 320 for a 40 hour week, prorated for part-time employee). Annual leave credits (vacation) above 40 days on April 1st are forfeited.

Employees must have prior approval from their supervisor to use vacation credits. An employee who submits a written request for the use of vacation is entitled to a written response to his/her request within 5 working days from the receipt of the request. If the request is denied the supervisor must provide the reason for the denial in writing.

Upon separation from State service, employees may receive a lump sum payment for accrued and unused vacation credits up to a maximum of 30 days (prorated for part-time employees) if they meet the eligibility requirements for that payment.

PERSONAL LEAVE

Personal leave may be used for conducting personal business, religious observances, and absences due to extraordinary weather conditions, or vacation. Personal leave is granted each year on your personal leave anniversary date. New employees are granted their personal leave on their hire date. Most employees are credited with five personal leave days per year (prorated for part-time employees). Unused personal leave expires at the close of business on the day before your personal leave anniversary date.

Prior approval from the supervisor is required, although exceptions may be made in emergency situations. The employee does not have to state a reason to use personal leave, provided prior approval is obtained. Approval to use personal leave is normally granted subject to operating needs. However, approval for the use of personal leave for religious observance must be granted unless the absence would interfere with proper conduct of the college functions.

SICK LEAVE

Accrued sick leave provides you with protection against loss of income if you are unable to work because of illness, visit to the physician, dentist, or the death of a family member. The use of sick leave is restricted for these purposes. It is not and may not, be used as additional vacation or personal leave.

Employees earn sick leave each biweekly pay period if they are in full pay status for 7 out of 10 days in a biweekly pay period (prorated for part-time employees, 70% of their required work scheduled). The sick leave accrual rate is 13 days per year (3.75 for a 37.5 hour week and 4 for a 40 hour week, prorated for part-time employees). The maximum amount of sick leave that can be accrued is 200 days (1600 hours if work 8 hour days and 1500 if work 7.5 hour day).

Up to 15 days per calendar year may be used for family illness or death in the family. Under the Attendance Rules, family is any relative, relative-in-law, or any person who lives in the employee's household. Use of family sick leave is limited to situations where the employee's presence is required to provide care for a family member.

It is not permissible to use sick leave for vacation or for 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 or homemaking duties because no direct care is being provided for the ill family member.

Employees who have exhausted sick leave credits may charge their absences against other leave accruals (i.e., annual, personal leave). When all other accruals are exhausted, an employee may be eligible for sick leave at half pay, participation in the Leave Donation Program, or placement on sick leave without pay.

Section 71 of the Civil Service Law allows for termination of an employee absent for one cumulative year due to an occupational injury or illness or two cumulative years in the event of an assault. Section 73 of the Civil Service Law allows for termination of an employee who has been absent for one continuous year for a non-occupational illness or injury. Supervisors should contact the Personnel Office for more information regarding these provisions of the law.

Employees must notify their supervisor when they are absent because of illness. While employees are not routinely required to provide medical documentation for absences of four days or less, you may be asked to provide medical documentation as a condition of use of sick leave. Abuse or excessive use of sick leave credits may be cause for disciplinary action.

The Personnel Office may direct an employee to undergo a medical examination by a professional selected by the State. An exam may be ordered to determine whether the employee's absence is due to illness and the employee is therefore entitled to sick leave, or whether the employee is well enough to return to work after an absence. In some cases, the Personnel Office may refuse to permit an employee to return to work from an extended sick leave absence until the employee submits medical documentation or is examined by a State physician. If such an examination is ordered, it will be at the State's expense. An employee's failure to report for such an examination may lead to disciplinary action.

Although there is no lump sum payment for unused sick leave at time of separation, 200 days of unused sick leave may be applied at retirement toward health insurance premiums and counted as additional retirement service credit.

An employee who is reemployed by the State within a year of separation, or who is reinstated by the Civil Service Commission, or who is appointed while on the preferred list, will have unused sick leave credits restored.

HOLIDAYS

The following days are paid holidays for New York State employees. Eligible employees have the opportunity once a year to elect to receive either holiday pay or holiday leave for time worked on holidays. Most State offices are closed on these days, except when the day is designated as a floating holiday.

New Year's Day	Labor Day
Dr. Martin Luther King, Jr. Day	Columbus Day
Lincoln's Birthday	Election Day
Washington's Birthday	Veterans' Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

If a holiday falls on a Sunday, the following Monday is designated as the date of observance. Holidays that fall on a Saturday are normally observed on Saturday. However, when a holiday falls on a Saturday, the State may designate another day to be observed as the holiday.

Employees required to work on scheduled holidays may be eligible for additional compensation or compensatory time off. Holiday compensation is available only for work performed during the hours that correspond to the employee's normal work hours. Unused holiday leave is lost one year after it is earned. Full-time employees (some part-time employees) are credited with a day of holiday leave if a holiday falls on their regular day off (pass day). If any of these holidays falls on a Sunday, it is observed as a paid holiday on the following Monday.

Some of the holidays listed may be designated by the State as "floating holidays." A "floating holiday" is one where State offices are open and employees are required to work on that day unless they have supervisory approval to observe the floating holiday. If an employee works on a day designated as a "floating holiday," the employee may take another day off at any time within one year with supervisory approval. Traditionally, Lincoln's Birthday and Election Day have been so designated. An employee must use a floating holiday within a 12-month period or forfeit the day.

Certain eligible veterans who have elected to receive holiday pay for work on holidays may also be entitled to a day of holiday leave under Section 63 of the Public Officers Law if required to work on Memorial Day and/or Veterans' Day. A similar benefit is available under Section 249 of the Military Law to certain eligible former reservists in connection with work on Independence Day, July 4.

Employees 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 rate of time and one-half.

There is no cash compensation of unused holiday leave upon separation from employment.

Hourly Employees Accruals:

Employees appointed to an hourly position are required to work 50% or more continuously and complete nine months (19 biweekly pay periods) without a break in service before they are covered under the Attendance Rules. Continuously means the employee was scheduled to work a qualifying schedule (50 % or greater) for 19 pay periods. Approved absences which cause the employee to fall below a qualifying schedule do not constitute a break in service.

Upon completion of the required 19 pay periods, an employee is covered by the Attendance Rules on the first day of the following pay period. The employee is granted personal leave and retroactive sick and vacation leave for each of the pay periods during which he/she was in full pay status for 7 out of 10 days (prorated for part-time employees). Hourly employees who work part-time and have attained Attendance Rules coverage, are entitled to observe paid holidays to the extent they fall on days they are normally and regularly required to work or actually do work.

LEAVES

(* available to all employees regardless of attendance coverage)

***MILITARY LEAVE**

Under Section 242 of the New York State Military Law, Reservists and National Guard members are entitled to military leave with pay for up to 30 calendar days or 22 workdays (whichever provides the greater benefit) of military leave for ordered military duty in a calendar year or a continuous period of absence that spans more than one calendar year. Employees are expected to notify their agencies as soon as possible regarding their need for military leave. A copy of the employee's military orders is required. Employees receiving military leave with pay may also be required to provide a copy of their Leave and Earnings Statement or other evidence confirming the actual performance of military duty.

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 military leave without pay for this purpose. Employees must be allowed to use leave credits other than sick leave during such period of leave, at their option, after exhausting their entitlement to military leave with pay under Section 242.

<http://www.brockport.edu/hr/Leaves/documents/militaryleave.pdf>

***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 7 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.

<http://www.brockport.edu/hr/Leaves/bonedonorleave.html>

***LEAVE FOR BREAST CANCER SCREENING**

Section 159-b of the Civil Service Law allows male and female employees to take up to four hours annually of paid leave without charge to leave credits for the purpose of breast cancer screening.

<http://www.brockport.edu/hr/Leaves/breastcancerscreening.html>

***LEAVE FOR PROSTATE CANCER SCREENING**

Legislation enacted in July 2004 (Chapter 237, Laws of 2004) amended the Civil Service Law to entitle employees to take up to four hours of paid leave annually for screening for prostate cancer. Beginning October 25, 2004, the benefit took effect for the remainder of the 2004 year. Every public employee shall be entitled to absent themselves and shall be deemed to have a leave of absence from their duties or service as such public employee of this state, for a sufficient period of time, not to exceed four hours on an annual basis, to undertake a screening for prostate cancer.

<http://www.brockport.edu/hr/Leaves/documents/prostatescreening.pdf>

LEAVE FOR CIVIL SERVICE EXAMINATIONS/ INTERVIEWS

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.

An interview which results from response to a canvass letter or other agency-initiated inquiry directed to a specific employee is not deemed to be employee-initiated. An employee is deemed to have initiated an interview if the interview is the result of a phone inquiry made by the employee, an unsolicited resume submitted by the employee or a response to a posting.

***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 supervisor is required.

***LEAVE FOR JURY DUTY AND COURT APPEARANCES**

To allow employees to perform their civic duties without penalty, an employee who has been determined to be overtime eligible is entitled to leave with pay without charge to credits to report for jury duty or appear as a witness in a court or quasi-judicial proceeding in response to a subpoena or other order, provided the employee is not a party to the action.

Employees deemed to be ineligible for overtime are entitled to leave with pay without charge to leave credits for jury duty and for absences of less than a full workweek to appear in court or before a quasi-judicial body in response to a subpoena or other order, even if they are a party to the action. When overtime ineligible employees are absent for full workweeks to appear in court, they are entitled to paid leave only if they are not parties to the action. A workweek is the Thursday through Wednesday payroll period.

***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.

LEAVE TO VOTE

Employees who are required to work on Election Day and who do not have sufficient time to vote outside of working hours, may take up to two hours of leave with pay without charge to credits, which when added to voting time available outside working hours will enable them to have sufficient time to vote. Four consecutive hours between the opening of the polls and the beginning of the employee's work shift or between the end of his/her work shift and the closing of the polls is considered sufficient time to vote. 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.

SICK LEAVE AT HALF PAY

Full-time annual salaried employees may be eligible for discretionary sick leave at half pay if they are absent due to personal illness, have at least one cumulative year of State service, have permanent non-probationary status and have exhausted all your accrued leave credits, including personal leave, vacation and sick leave. Sick leave at half-pay must be granted immediately following exhaustion of leave credits to eligible permanent employees, except those who have been formally disciplined for leave abuse within the preceding year.

Individuals may be granted sick leave at half pay equivalent to one biweekly pay period of sick leave at half pay for each six months of State service

Employees who have been formally disciplined for leave abuse within the preceding year shall be granted sick leave at half-pay following ten consecutive workdays of absence, unless such waiting period is waived by the appointing authority.

Employees are required to submit satisfactory medical documentation as a condition of being granted sick leave at half-pay. Sick leave at half-pay is not granted automatically. The employee must specifically request to be placed on sick leave at half-pay.

<http://www.brockport.edu/hr/Leaves/documents/sickleavehalfpay.pdf>

LEAVE DONATION PROGRAM

The Leave Donation Program permits employees to donate vacation days to eligible co-workers. Recipients have usually been absent for extended periods due to personal illness and have exhausted all their leave accruals. Program provisions may vary based on bargaining unit.

Vacation days must be donated in full-day units (7½ or 8 hours). There is no limit on the number of times an eligible donor may make donations. Donated credits not used by recipients are returned to the donor, provided the donor is employed in the same agency as the recipient.

An employee's continuing eligibility to participate in this program must be reviewed by the agency personnel office at least every 30 days and more frequently if appropriate, based on current standards as to what constitutes satisfactory medical documentation.

Recipient employees are deemed to be in leave without pay status while charging donated leave credits. They do not earn accruals or observe holidays, nor do they receive personal leave or vacation bonus days if their anniversary dates fall while using donated leave credits. Time charged to donated leave credits does not count as service for earning additional eligibility for sick leave at half-pay.

Donations may be solicited by the recipient employee, on his or her behalf by co-workers, or by local union representatives. The employing agency may not solicit donations on the employee's behalf. The identity of donors is confidential and may not be disclosed.

Employees who wish to participate in this program, either as a donor or a recipient, should contact their personnel office for additional information.

<http://www.brockport.edu/hr/procedures/documents/payrollleavedonation.pdf>

LEAVE FOR PREGNANCY, CHILDBIRTH, AND CHILDCARE

Permanent employees who are disabled because of pregnancy or childbirth are eligible for the same disability benefits available to other employees who incur a temporary disability. Temporary employees are eligible for all benefits, except sick leave at half pay, until employment would otherwise terminate. Normally, sick leave and other disability benefits are available for use four weeks prior to the anticipated due date and six weeks following the actual delivery date. If your disability begins prior to this period or extends beyond it, you will need to provide specific medical documentation.

Employees, without regard to gender, are entitled to childcare leave without pay for up to seven months from the date of delivery. The postnatal period of medical disability is included in this seven-month period. Once the medical disability period (as stated above) has ended, the employee may no longer charge sick leave; however, absence may be charged to

other credits such as vacation and personal leave, at the employee's option. Once these accruals are exhausted, employees are placed on leave without pay for the remainder of the seven months. Of course, you need not request leave for the entire seven-month period if you wish to resume work earlier. If both parents are State employees, several options may exist for them. One parent may elect to take the childcare leave, they may elect to split the seven-month leave, or they may request concurrent leave, subject to agency discretion.

<http://www.brockport.edu/hr/Leaves/documents/classifiedmaternityleavepolicy.pdf>

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Employees who meet certain service requirements are entitled, through the federal Family and Medical Leave Act (FMLA), to take leave of up to 12 weeks per year for serious personal or family health conditions. This leave can also be used for the arrival of a new child by birth, adoption, or foster placement. Although FMLA leave is unpaid, the employee may elect to charge appropriate leave credits in order to continue income during such an absence.

<http://www.brockport.edu/hr/Leaves/documents/Microsoft%20Word%20-%20fmlaupdate2-10.pdf>

OVERTIME COMPENSATORY TIME

Overtime eligible employees whose basic workweek is 37½ hours, who are directed to work additional hours, accrue overtime compensatory time for hours worked between 37½ and 40 hours in a Thursday through Wednesday payroll workweek. Such overtime compensatory time must be liquidated by the end of the fiscal year following the fiscal year in which it was earned. At separation from State service, employees can be compensated for up to 30 days of overtime compensatory time.

SUPERVISORS ROLE IN MONITORING ATTENDANCE

The supervisor plays a critical role in communicating attendance policies and requirements to employees. The supervisor also plays a key role in identifying attendance problems and preventing their further development.

Authorized Absence - An authorized absence is one which is approved by the supervisor in advance or, under certain circumstances, at the time the absence occurs or after it has occurred.

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

Authorized but Unscheduled Absence - An authorized but unscheduled absence is one for which approval was not obtained in advance but for which the supervisor subsequently grants approval.

Unauthorized Absence - 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 vacation leave because the unit cannot afford to have the employee take leave on the day in question and the employee is absent anyway, the absence is also unauthorized.

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 should consult with the Personnel Office for guidance on this matter.

Preventing Attendance Problems

A. Communicating Expectations Regarding Attendance

The majority of employees use 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 co-workers who must pick up the slack for the absent employee. Improper use of sick leave credits can also harm the individual employee, by taking away the employee's protection against loss of income in the event of an accident or extended illness, and depriving the employee of extra service credit and health insurance premium credit upon retirement.

As a supervisor, you are responsible for making sure that employees are adequately informed about policies relating to the use of sick leave, and for monitoring the use of sick leave to ensure that it is used appropriately.

Every supervisor is expected to help set the tone concerning sick leave. By merely expressing honest interest in an employee, as in 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 is more likely to mention the cause of absence. If some support from the supervisor is needed, it can be given at that time.

Furthermore, supervisors should make all employees aware that attendance records are reviewed regularly, that absenteeism has a negative impact on the work unit and is one factor examined in evaluating individual work performance, and that failure to maintain acceptable attendance may lead to discipline or even dismissal. Supervisors should explain and enforce agency call-in procedures. Sick leave is a benefit for those who need it, but use should not be automatically approved.

B. Creating a Positive Work Environment

Absenteeism can mask other problems. An employee may call in sick when illness is not the real problem. The underlying reason may be a negative attitude toward the job or work in general.

It is important to let employees 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 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 that is more meaningful.

4. Identification of Problems

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 should be carefully considered and evaluated.

When reviewing employee attendance, particular attention should be paid to frequent unscheduled absences, patterns in 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.

Supervisors should be alert to the following danger signals which may indicate inappropriate leave use:

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 Personnel Office for guidance.

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

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 logbook for notes and computations about employee attendance. Some supervisors find it helpful to calculate and log the rate of absenteeism monthly or quarterly.

Of course, not all extensive absence is related to abuse. Employees with good attendance records may have periods of time when illness or personal or family problems have an impact on their attendance.

Subject to certain restrictions, medical documentation may be requested to support the employee's need to be absent. Questions about medical documentation should be discussed with the Personnel Office. In some cases, the Personnel Office may require a medical examination as a condition of use of or return from sick leave.

When absenteeism is due to family or personal problems, the supervisor may consider suggesting that the employee contact the Employee Assistance Program (EAP), pointing out that it can provide referrals for help with a wide variety of problems.

5. Addressing the Problem

A. Informal Intervention

Attendance problems should first be addressed informally through conversation with the employee, giving the employee an opportunity to improve attendance. Ignoring attendance problems will only allow them to continue and become worse. In fact, by ignoring problems or failing to address them promptly, a supervisor provides employees with tacit approval. This leads employees to believe that their inappropriate use of leave is acceptable and enables problems to continue.

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 to address the situation with the employee through informal discussion. In doing so, the supervisor should remember that not all excessive sick leave use is due to abuse. For example, the discussion may reveal that the use of sick leave is due to underlying medical or personal problems. Depending on the results of the discussion, the supervisor should consult with the Personnel Office about appropriate next steps. These steps might include appropriate referral (for example, to EAP), requests for medical documentation, or formal intervention such as counseling and discipline.

B. Formal Intervention

If the employee does not respond to informal intervention after being afforded the opportunity to improve his or her attendance, it may be necessary to consider more formal intervention. Such situations should be discussed with the Personnel Office. Depending on the circumstances, the following types of intervention may be undertaken:

Performance Evaluation Conferences

Supervisors and employees meet to discuss and agree on performance objectives for each upcoming evaluation period, and meet again at the end of the period 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.

Counseling

Counseling is not punitive and is intended to be a positive and constructive device aimed at modifying the employee's behavior. Supervisors should consult with the Personnel Office before undertaking counseling. A helpful reference is *The Supervisor's Guide to Counseling*, which is available from the Personnel Office.

Generally, every counseling discussion after the first session should be confirmed in writing by a follow-up memorandum to the employee.

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

Discipline

When all earlier efforts have failed, the employer must turn to formal disciplinary procedures.

Discipline must be consistent and progressive to be effective. It is common sense that an employee should be notified that a problem exists and given a chance to improve before being disciplined.

But when these efforts fail, the supervisor may ask the Personnel Office 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 time and attendance problems.

Most agencies would require a supervisor to present the actual attendance records, copies of counseling memoranda and pertinent performance evaluations for examination to determine whether disciplinary action is merited, and whether the supervisor has exhausted all other 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.

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 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 NYS Civil Practice Law and Rules.

Generally, all notices of discipline 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 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.

Accrual Guidelines - Collective Bargaining Units

Bargaining Unit	Represented by:	Vacation Accruals	Additional Vacation Accruals	Personal	Sick
Administrative Services NU02 (Clerical & Secretarial)	CSEA	<p>Accrual Rate is 3.75 hours per pay period for years 1-7 after the completion of 7 years accrual rate goes to 5.75 hours.</p> <p>Yrs of Service</p> <p>1 13 days per year 2 14 days per year 3 15 days per year 4 16 days per year 5 17 days per year 6 18 days per year 7 19 days per year 8 20 days per year</p> <p>** vacation credits may not exceed 40 days (300 hours) on April 1 of any year.</p>	<p>Completed years service</p> <p>15 to 19 1 day 20 to 24 2 days 25 to 29 3 days 30 to 34 4 days 35 or more 5 days</p>	<p>Employees receive 5 days of personal leave each year on the employee's anniversary date.</p>	<p>All full-time employees accumulate 13 days of sick leave per year/ 3.75 hours per pay period. Sick leave credits may accumulate up to a total of 200 days.</p>
Operational Services NU03 (Facilities)	CSEA	<p>Accrual Rate is 4 hours per pay period for years 1-7 after the completion of 7 years accrual rate goes to 6 hours per pay period.</p> <p>Yrs of Service</p> <p>1 13 days per year 2 14 days per year 3 15 days per year 4 16 days per year 5 17 days per year 6 18 days per year 7 19 days per year 8 20 days per year</p> <p>** vacation credits may not exceed 40 days (320 hours) on April 1 of any year.</p>	<p>Completed years service</p> <p>20 to 24 1 day 25 to 29 2 days 30 to 34 3 days 35 or more 4 days</p>	<p>Employees receive 5 days of personal leave each year on the employee's anniversary date.</p>	<p>All full-time employees accumulate 13 days of sick leave per year/ 4 hours per pay period. Sick leave credits may accumulate up to a total of 200 days.</p>

Accrual Guidelines - Collective Bargaining Units

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Institutional Services NUJ04 (Nurse, Lab)	CSEA	<p>Accrual Rate is 3.75 hours per pay period for years 1-7 after the completion of 7 years accrual rate goes to 5.75 hours.</p> <p>Yrs of Service</p> <table border="0"> <tr><td>1</td><td>13 days per year</td></tr> <tr><td>2</td><td>14 days per year</td></tr> <tr><td>3</td><td>15 days per year</td></tr> <tr><td>4</td><td>16 days per year</td></tr> <tr><td>5</td><td>17 days per year</td></tr> <tr><td>6</td><td>18 days per year</td></tr> <tr><td>7</td><td>19 days per year</td></tr> <tr><td>8</td><td>20 days per year</td></tr> </table> <p>** vacation credits may not exceed 40 days (300/320 hours) on April 1 of any year.</p>	1	13 days per year	2	14 days per year	3	15 days per year	4	16 days per year	5	17 days per year	6	18 days per year	7	19 days per year	8	20 days per year	<p>Completed years service</p> <table border="0"> <tr><td>20 to 24</td><td>Additional vac. Credits 1 days</td></tr> <tr><td>25 to 29</td><td>2 days</td></tr> <tr><td>30 to 34</td><td>3 days</td></tr> <tr><td>35 or more</td><td>4 days</td></tr> </table>	20 to 24	Additional vac. Credits 1 days	25 to 29	2 days	30 to 34	3 days	35 or more	4 days	<p>Employees receive 5 days of personal leave each year on the employee's anniversary date.</p>	<p>All full-time employees accumulate 13 days of sick leave per year/ 3.75 hours per pay period. Sick leave credits may accumulate up to a total of 200 days.</p>
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Management Confidential- Classified NUJ06 (Support staff for MC Professional)	N/A	<p>Accrual Rate is 3.75 hours per pay period for years 1-7 after the completion of 7 years accrual rate goes to 5.75 hours.</p> <p>Yrs of Service</p> <table border="0"> <tr><td>1</td><td>13 days per year</td></tr> <tr><td>2</td><td>14 days per year</td></tr> <tr><td>3</td><td>15 days per year</td></tr> <tr><td>4</td><td>16 days per year</td></tr> <tr><td>5</td><td>17 days per year</td></tr> <tr><td>6</td><td>18 days per year</td></tr> <tr><td>7</td><td>19 days per year</td></tr> <tr><td>8</td><td>20 days per year</td></tr> </table> <p>** vacation credits may not exceed 40 days (300 hours) on April 1 of any year.</p>	1	13 days per year	2	14 days per year	3	15 days per year	4	16 days per year	5	17 days per year	6	18 days per year	7	19 days per year	8	20 days per year	<p>Completed years service</p> <table border="0"> <tr><td>20 to 24</td><td>Additional vac. Credits 1 days</td></tr> <tr><td>25 to 29</td><td>2 days</td></tr> <tr><td>30 to 34</td><td>3 days</td></tr> <tr><td>35 or more</td><td>4 days</td></tr> </table>	20 to 24	Additional vac. Credits 1 days	25 to 29	2 days	30 to 34	3 days	35 or more	4 days	<p>Employees receive 5 days of personal leave each year on the employee's anniversary date.</p>	<p>Full-time employees who enter state service after 1/1/86 earn 8 days per year. Sick leave is credited in 4 day increments twice a year.</p>
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Accrual Guidelines - Collective Bargaining Units

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Professional, Scientific & Technical Services (PS&T employees) NU05	PEF	<p>Accrual Rate is 3.75 hours for 37.5 hour work schedule or 4 hours for 40 hour work schedule, per pay period for years 1-7 after the completion of 7 years accrual rate goes to 5.75 hours. (37.5 hour week) or 6 hours per pay period (40 hour week).</p> <table border="1"> <thead> <tr> <th>Yrs of Service</th> <th>Accrual Rate</th> </tr> </thead> <tbody> <tr><td>1</td><td>13 days per year</td></tr> <tr><td>2</td><td>14 days per year</td></tr> <tr><td>3</td><td>15 days per year</td></tr> <tr><td>4</td><td>16 days per year</td></tr> <tr><td>5</td><td>17 days per year</td></tr> <tr><td>6</td><td>18 days per year</td></tr> <tr><td>7</td><td>19 days per year</td></tr> <tr><td>8</td><td>20 days per year</td></tr> </tbody> </table> <p>** vacation credits may not exceed 40 days (300/320 hours) on April 1 of any year.</p>	Yrs of Service	Accrual Rate	1	13 days per year	2	14 days per year	3	15 days per year	4	16 days per year	5	17 days per year	6	18 days per year	7	19 days per year	8	20 days per year	<p>Completed years of service</p> <p>20 to 24 25 to 29 30 to 34 35 or more</p> <p>Additional years va. Credits</p> <p>1 days 2 days 3 days 4 days</p>	<p>Employees receive 5 days of personal leave each year on the employee's anniversary date.</p>	<p>All full-time employees accumulate 13 days of sick leave per year/ 3.75 hours per pay period (37.5 hour week) or 4 hours per pay period (40 hour week). Sick leave credits may accumulate up to a total of 200 days.</p>
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Management Confidential-Professional NU13	Not Applicable	<p>Accrue 1.75 days per month 1 bonus day credited on January 2nd each year. Vacation credits may not exceed 40 days on December 31st of any year.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>	<p>Accrue 1.75 days per month. Sick leave credits may accumulate up to a total of 200 days.</p>																		

Accrual Guidelines - Collective Bargaining Units

Bargaining Unit	Represented by:	Vacation Accruals	Additional Vacation Accruals	Personal	Sick																										
Graduate Students Graduate/Teaching Assistants NU28	GSEU	Not Applicable	Not Applicable	Not Applicable	Following a semester of service an employee is granted 5 days for personal illness. This leave is not cumulative.																										
Security Services NU 21 Agency Law Enforcement NU 31	NYSCOPBA Council 82, AFSCME	<p>Accrual Rate is 4 hours per pay period for years 1-7 after the completion of 7 years accrual rate goes to 6 hours per pay period.</p> <p>Yrs of Service</p> <table border="0"> <tr><td>1</td><td>1 day</td></tr> <tr><td>2</td><td>2 days</td></tr> <tr><td>3</td><td>3 days</td></tr> <tr><td>4</td><td>4 days</td></tr> <tr><td>5</td><td>5 days</td></tr> <tr><td>6</td><td>6 days</td></tr> <tr><td>7</td><td>7 days</td></tr> </table> <p>** vacation credits may not exceed 40 days (320 hours) on October 1 of any year.</p>	1	1 day	2	2 days	3	3 days	4	4 days	5	5 days	6	6 days	7	7 days	<p>Completed years of service</p> <table border="0"> <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>3 days</td></tr> <tr><td>35 or more</td><td>4 days</td></tr> </table> <p>Additional vac. Credits</p> <table border="0"> <tr><td>1 day</td></tr> <tr><td>2 days</td></tr> <tr><td>3 days</td></tr> <tr><td>4 days</td></tr> </table>	20 to 24	1 day	25 to 29	2 days	30 to 34	3 days	35 or more	4 days	1 day	2 days	3 days	4 days	<p>Employees receive 5 days of personal leave each year on the employee's anniversary date.</p>	<p>All full-time employees accumulate 13 days of sick leave per year/ 4 hours per pay period.</p> <p>Sick leave credits may accumulate up to a total of 225 days, however no more than 200 days may be used for retirement service credit.</p>
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Professional Service Unit - Faculty NU 08	UUP	Not Applicable	Not Applicable	Not Applicable	<p>*Faculty hired prior to 7/1/82 accrue 1.75 days per month</p> <p>*Full-time faculty hired on or after 7/1/82:</p> <table border="0"> <tr><td>Yrs of Service</td><td>Accrue</td></tr> <tr><td>0-1</td><td>1.25 days/month</td></tr> <tr><td>2</td><td>1.33 days/month</td></tr> <tr><td>3,4,5</td><td>1.50 days/month</td></tr> <tr><td>6</td><td>1.66 days/month</td></tr> <tr><td>7</td><td>1.75 days/month</td></tr> </table> <p>* Part-time Faculty who teach:</p> <table border="0"> <tr><td>1 course</td><td>0.25 day/month</td></tr> <tr><td>2 courses</td><td>0.50 day/month</td></tr> <tr><td>3 courses</td><td>1.00 day/month</td></tr> </table>	Yrs of Service	Accrue	0-1	1.25 days/month	2	1.33 days/month	3,4,5	1.50 days/month	6	1.66 days/month	7	1.75 days/month	1 course	0.25 day/month	2 courses	0.50 day/month	3 courses	1.00 day/month								
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Accrual Guidelines - Collective Bargaining Units

Bargaining Unit	Represented by:	Vacation Accruals	Additional Vacation Accruals	Personal	Sick																								
Professional Service Unit - Professional Employees NU 08	UUUP	<p>*Non- Teaching Professionals hired prior to 7/1/82 accrue 1.75 days per month and 1 bonus day on Jan 2 each year.</p> <p>* Non- Teaching full-time professionals hired on or after 7/1/82:</p> <table border="1"> <thead> <tr> <th>Yrs of Service</th> <th>Vac Accrual</th> </tr> </thead> <tbody> <tr> <td>0-1</td> <td>1.25 days a month</td> </tr> <tr> <td>2</td> <td>1.33 days a month</td> </tr> <tr> <td>3,4,5</td> <td>1.50 days a month</td> </tr> <tr> <td>6</td> <td>1.66 days a month</td> </tr> <tr> <td>7</td> <td>1.75 days a month</td> </tr> </tbody> </table> <p>Plus a bonus day on Jan 2 each year. *</p> <p>Part-time Non Teaching Professionals effective 7/2/10: Earning up to \$12,983 accrue 0.25 days per month. Earning between \$12,984 - \$19,589 accrue 0.50 days per month. Earning between \$19,590-\$26,194 accrue 1 day per month. Earning \$26,195 or higher accrue 1.25 days per month.</p> <p>Vacation accruals may not exceed 40 days on December 31 of any given year (pro-rated for part-time)</p>	Yrs of Service	Vac Accrual	0-1	1.25 days a month	2	1.33 days a month	3,4,5	1.50 days a month	6	1.66 days a month	7	1.75 days a month	Not Applicable	Not Applicable	<p>*Non- Teaching Professionals hired prior to 7/1/82 accrue 1.75 days per month</p> <p>* Non- Teaching full-time professionals hired on or after 7/1/82:</p> <table border="1"> <thead> <tr> <th>Yrs of Service</th> <th>Accrue</th> </tr> </thead> <tbody> <tr> <td>0-1</td> <td>1.25 days a month</td> </tr> <tr> <td>2</td> <td>1.33 days a month</td> </tr> <tr> <td>3,4,5</td> <td>1.50 days a month</td> </tr> <tr> <td>6</td> <td>1.66 days a month</td> </tr> <tr> <td>7</td> <td>1.75 days a month</td> </tr> </tbody> </table> <p>* Part-time Non Teaching Professionals effective 7/2/10: Earning up to \$12,983 accrue 0.25 days per month. Earning between \$12,984 - \$19,589 accrue 0.50 days per month. Earning between \$19,590-\$26,194 accrue 1 day per month. Earning \$26,195 or higher accrue 1.25 days per month.</p> <p>Sick leave credits may accumulate up to a total of 200 days.</p>	Yrs of Service	Accrue	0-1	1.25 days a month	2	1.33 days a month	3,4,5	1.50 days a month	6	1.66 days a month	7	1.75 days a month
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