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MNHS

30 August 2011

MEMORANDUM FOR All DMNA CSEA Employees and Supervisors

SUBJECT: HUMAN RESOURCES BULLETIN 2011-03, *CSEA Deficit Reduction Plan*

1. On 15 August 2011, employees in the Civil Service Employees Association, Inc. (CSEA) bargaining units ratified a collective bargaining agreement for State Fiscal Years (SFY) 2011-12 through 2015-16.
2. In the collective bargaining agreement between the State and CSEA, and in accordance with Chapter 491 of the Laws of 2011, all employees in the Division of Military and Naval Affairs (DMNA) bargaining unit, regardless of funding source, are subject to the SFY 2011-12 and 2012-13 Deficit Reduction Plan (DRP).
3. For the remainder of SFY 2011-12, affected full-time employees will be provided with the equivalent of five days of Deficit Reduction Leave (DRL) [otherwise referred to as "furlough days"] to be used in the current SFY ONLY. DRL will be pro-rated for less than full-time employees.
4. The DRP for SFY 2011-12 reduces affected full-time employees' compensation by 3.333% for each payroll period starting with payroll number 11 (August 18-31, 2011) paid on 14 September 2011 and will last 15 biweekly pay periods.
5. Generally, the five days of DRL will be based on a full-time employee's basic workweek of either 37.5 or 40 hours. For DMNA firefighters, the DRL will be 53 hours.
6. Deficit Reduction Leave will be available for employee use commencing on 15 September 2011. Supervisors and employees must ensure that all employees are able to use their entire allotment of DRL prior to the end of SFY 2011-12 (31 March 2012). DRL days off are at the employee's election but are subject to supervisory approval.

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7. Essentially, supervisors and employees should follow the same guidelines as Annual Leave accruals for the utilization of DRL. DRL:
 - a) Must be requested in advance.
 - b) Is subject to operational needs and supervisory approval.
 - c) May be used in ¼ hour units.
 - d) May not be used for unscheduled absences such as calling in sick.
 - e) In the event more than one request for the same day is received within the same timeframe, requests should be approved based on seniority and operational needs.
8. The DRP makes a one-time exception for SFY 2011-12 for annual leave accruals. On 01 April 2012, DRP affected full-time employees may carry a balance up to 45 days of annual leave (AL) rather than the usual maximum of 40 days. Again, this is for end of SFY 2011-12 ONLY.
9. Affected full-time employees maintain "full pay status" for the purposes of earning accruals, holiday eligibility, overtime and health benefits.
10. Where applicable, the DRP biweekly deductions will be applied to certain benefits such as location pay, holiday pay, inconvenience pay and military stipend payments. Other benefits are not impacted such as longevity payments, pre-shift briefing payments, overtime pay and overtime meal allowances.
11. Hourly employees: Agencies will provide hourly employees with an appropriate pro-rated amount of DRL at the beginning of the DRP. The DRL will be based on an individual's schedule during the first five months of the SFY and the schedule the agency plans for them to continue working in the remainder of the SFY. Hourly employees' DRL will be calculated on an individual basis. Affected individuals and supervisors will be notified by MNHS once the DRL is determined.
12. Separations: Employees that are separated from service for any reason during the DRP period will forfeit all unused DRL credits. The State will recoup monies from employees separating from state service during the DRP period who have used DRL days in excess of the State's biweekly deductions. The monies will be deducted from any lump sum payout due and owing to the employee. If a lump sum payout is not owed, the State will use legal means available to recoup the funds. There is no lump sum payment for unused days of DRL.
13. Personnel Matters: DRP calculations will be impacted by various personnel matters such as Worker's Compensation Leave, Sick Leave at Half Pay, leave under the Family and Medical Leave Act and Leave without Pay status. Supervisors and employees must ensure timely notification to MNHS if an employee has any change in status. Where applicable, MNHS will provide DRL adjustments and notifications on a case-by-case basis.
14. DRL may not be used for the Leave Donation Program.

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15. **New Hires:** Any employees who join the bargaining unit after the commencement of the DRP will be appropriately pro-rated an amount of DRL that corresponds to the number of pay periods left in the DRP for SFY 2011-12. The pro-rated amounts will be calculated on a case-by-case basis and DRL will be credited to new employees as soon as practicable from date of hire. MNHS will notify individuals and supervisors.
16. With supervisory approval, employees with prior approved leave requests, for any dates after 15 September 2011, may be allowed to switch the charges and apply the dates against DRL if they wish.
17. **Time Records:** The agency is examining the best options for recording DRL on the biweekly time record. An additional bulletin will be issued with detailed instructions for making time record modifications.
18. Supervisors must help ensure employees are using DRL credits by 31 March 2012. MNHS will send out notifications in January to any individuals who have not yet started using DRL to ensure they are submitting requests for DRL use before 31 March 2012.
19. **Overtime:** Per the Division of Budget, "The flexible design of the DRP will facilitate agency management in scheduling coverage of all needed shifts without the use of additional overtime. Agency management must ensure that overtime is not worked or utilized that would not have otherwise been worked or utilized in the absence of the DRP....The Division of the Budget will closely monitor biweekly agency overtime reports to track changes in overtime use compared to corresponding biweekly periods in the 2010-11 SFY." All supervisors are reminded that overtime requires prior approval from MNHS. Separate guidance will be sent out regarding the proper and acceptable justification information for requesting overtime approval.
20. As this is a new and evolving program, supervisors and individuals are encouraged to communicate and contact MNHS with any questions and concerns. While this memorandum will answer some of the specifics relating to DRL use, many individualized situations may not be covered. Please do not try to interpret the procedures independently.
21. If you have any questions regarding the Deficit Reduction Plan please contact please contact MNHS at (518) 786-4830.
22. This memorandum will be posted on the DMNA website under the State Employees tab at www.dmna.state.ny.us.

FOR THE ADJUTANT GENERAL:


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