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MNHS

22 November 2011

MEMORANDUM FOR All DMNA Supervisors and Management/Confidential Employees

SUBJECT: HUMAN RESOURCES BULLETIN 2011-06, *Management/Confidential (M/C) Deficit Reduction Plan/Salary Actions*

1. On 15 November 2011, the Division of the Budget released Budget Bulletin B-1197 indicating that all M/C employees in the Executive Branch are subject to the provisions of the Deficit Reduction Plan (DRP) regardless of Attendance Rules coverage.
2. For State Fiscal Year (SFY) 2011-12, the DRP reduces M/C employee's compensation by 4.198% for the last nine pay periods starting with payroll #17 (10 November – 23 November 2011) for the check dated 7 December 2011, and 2.008% for all paychecks which are paid in 2012-13 SFY.
3. As of 15 November 2011, M/C employees will be provided with the equivalent of nine days of Deficit Reduction Leave (DRL) to be used before the end of SFY 2012-13 (27 March 2013). DRL will be pro-rated for less than full-time employees. Full-time employees will be credited with 67.5 hours or 72 hours of DRL for basic workweeks of 37.5 or 40 hours respectively. For DMNA Airport Firefighter 3's, the DRL will be 95.25 hours.
4. Supervisors and employees must ensure that all employees are able to use their entire allotment of DRL prior to the end of SFY 2012-13 (27 March 2013). DRL days off are at the employee's election but are subject to supervisory approval. With supervisory approval, employees with prior approved leave requests, for any dates after 15 November 2011, may be allowed to switch the charges and apply the dates against DRL if they wish.
5. 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.

MNHS

SUBJECT: HUMAN RESOURCES BULLETIN 2011-06, *Management/Confidential (M/C) Deficit Reduction Plan/Salary Actions*

d) May not be used to cover unscheduled absences, such as employees calling in sick, but may be used for preplanned appointments, with prior supervisory approval, including medical appointments or prescheduled absences normally charged to sick leave.

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.

6. The M/C DRP makes a one-time exception for the 2013 calendar year for annual leave accruals. On 1 January 2013, DRP effected M/C employees may carry a balance up to 45 days of annual leave rather than the usual maximum of 40 days. Again this is for calendar year 2013 ONLY.

7. Affected full-time employees maintain "full pay status" for the purposes of earning accruals, holiday eligibility, overtime and health benefits.

8. Where applicable, the DRP biweekly deductions will be applied to certain benefits such as location 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.

9. 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.

10. 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. DRL will need to be adjusted for an employee who leaves an M/C position for a position in another bargaining unit.

11. DRL may not be used for the Leave Donation Program.

12. New Hires: Any new employee 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 and SFY 2012-13. 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.

13. Time Records: Please see Human Resources Bulletin 2011-04, *Deficit Reduction Plan – Deficit Reduction Leave/Time Record Submission* for proper completion of time records in relation to the DRP and the use of DRL.

MNHS

SUBJECT: HUMAN RESOURCES BULLETIN 2011-06, *Management/Confidential (M/C) Deficit Reduction Plan/Salary Actions*

14. Supervisors must help ensure M/C employees use DRL credits by 27 March 2013. MNHS will send out notifications in January 2013 to any individuals who have not yet used DRL to ensure they are submitting requests for DRL use before 27 March 2013.
15. **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. Please see TAG Memorandum, dated 27 October 2011, subject: Overtime Work for State Employees.
16. 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.
17. **Performance Advances:** Included in Budget Bulletin B-1197 is information indicating eligible M/C employees will receive performance advances for State Fiscal Year 2011-12.
18. Employees must be on the payroll when performance advances are paid; such payment will be retroactive to 1 April 2011. Employees must have been eligible for a 2011-12 performance advance on 1 April 2011 (i.e., served in an eligible position for 13 consecutive payroll periods in SFY 2010-11 and have a salary in an eligible salary range). Performance advances are scheduled to occur on 21 December 2011.
19. Performance advances for statutorily paid (graded) and non-statutorily paid (equated to grade) employees will automatically be provided to M/C employees having a salary which is in an approved salary range, (i.e., graded or equated to a salary grade). Such performance advances will be paid in increments of one-sixth of the applicable salary range; however, an advance may not cause a salary to exceed the job rate of the position.
20. Flat-salaried employees (when no salary range exists), employees in "not-to-exceed" positions, or employees with a salary outside the boundaries of an approved salary range are not eligible to receive a performance advance.
21. Performance advances may also be provided to M-8 and M/C non-statutorily paid employees in positions having a salary which is in an approved non-equated (discretionary) salary range.
22. **Longevity Payments:** Longevity payments for M/C employees will be paid in a separate paycheck dated 21 December 2011 for eligible M/C employees on the payroll. Such longevity payments shall be made in the amount of \$1,250 to eligible salary grade 17 and below employees with at least 5, but less than 10, years of continuous service at or above the job rate and in the amount of \$2,500 to eligible salary grade 17 and below employees with 10 or more

MNHS

SUBJECT: HUMAN RESOURCES BULLETIN 2011-06, *Management/Confidential (M/C) Deficit Reduction Plan/Salary Actions*

years of continuous service at the job rate. Such payments will be in addition to and will not be considered part of basic annual salary and shall be paid by separate check.

23. Merit Awards: There is no information available at this time; however, when information becomes available, additional notification will follow.

24. If you have any questions regarding the Deficit Reduction Plan please contact MNHS at (518) 786-4830.

25. This memorandum will be posted on the DMNA website under the State Employees tab at www.dmna.state.ny.us.

FOR THE ADJUTANT GENERAL:

/s/

MARILYN HARTLEY
Director, Human Resources
Management