Retain until May 12, 2014

TO: Manual Recipients
FROM: Blaine Ryan-Lynch, Director of Staffing Services
SUBJECT: Designation of Floating Holidays in Lieu of Election Day and Lincoln's Birthday for Contract Year 2012–2013

The Governor's Office of Employee Relations has advised us that floating holidays have been designated in lieu of fixed holidays for Election Day, 2012, and Lincoln's Birthday, 2013.

The guidelines and eligibility criteria applicable to these floating holidays are the same as those that governed Election Day, November 8, 2011 and Lincoln's Birthday, February 13, 2012 which were designated as floating holidays during contract year 2011–2012.

State offices will be open on Election Day, November 6, 2012 and Lincoln's Birthday, February 12, 2013. Managerial/Confidential employees and employees in the Administrative Services, Institutional Services, Operational Services, Professional, Scientific and Technical Services, and Rent Regulation Services Units, who are eligible as described below, will on each of those dates receive credit for a holiday to be used on a date of their choice. The credit(s) for these two floating holidays will be carried as separate entries on time records and will not be merged with holiday leave or holiday compensatory time. Floating holiday credit may be charged in quarter-hour units (or smaller units pursuant to local agreements). Each floating holiday must be used by November 4, 2013, and February 11, 2014, respectively.

For employees in the above units, therefore, November 6, 2012 and February 12, 2013, will not be observed as holidays and are to be treated as regular workdays. An employee's status on November 6, 2012, and February 12, 2013, determines eligibility to be credited with a floating holiday for that day.

To be credited with a floating holiday, an employee must meet the following criteria:

a. The employee must be otherwise eligible to observe holidays under the Attendance Rules and negotiated agreements;

and

b. The employee must be in service on November 6 and/or February 12; that is, the employee must be in full pay status for any portion of his/her work shift on the date in order to earn a floating holiday for that day (for employees for whom these days are pass days, see below).

Employees are deemed to be in full pay status on November 6 and February 12 if, for any portion of their work shift on those days, they work, charge absence to leave credits, are on leave with full pay without charge to leave credits, or are treated as though they are on leave

with full pay (e.g., paid military leave, jury leave, workers' compensation leave with full pay without charge to credits, Workers' Compensation Supplemental Pay Program or Workers' Compensation Statutory Benefit Program, the Professional, Scientific and Technical Services Medical Evaluation Program, or the M/C Workers' Compensation Program). Employees on sick leave at half-pay and employees on leave without pay for the entire day on November 6, 2012, and/or February 12, 2013 are not eligible to be credited with a floating holiday for that day.

Full-time employees for whom November 6 and/or February 12 are pass days are eligible to be credited with a floating holiday(s). Such employees must be in pay status on either their last work shift before their November 6 or February 12 pass day or their first work shift following that pass day in order to be credited with a floating holiday (i.e. employees do not have to be in pay status on both sides of the holiday/pass day to be credited with a floating holiday). Eligible employees are credited with a 7.5 or 8-hour floating holiday, as appropriate.

Eligible part-time employees are credited with a floating holiday if they are regularly scheduled to work or are directed to work on November 6, 2012 and/or February 12, 2013; they are credited with a floating holiday equivalent to the number of hours they are scheduled to work or actually do work on November 6, 2012, and/or February 12, 2013, (up to a maximum of 7.5 or 8 hours for each day).

Subject to agency procedures for requesting time off, eligible employees may use their floating holiday beginning November 6, 2012 and ending with November 4, 2013, and beginning February 12, 2013 and ending with February 11, 2014, respectively.

This memorandum is not applicable to Institution Teachers and other employees subject to Section 136 of the Civil Service Law since such employees are not subject to the Attendance Rules. For those employees, the observance of holidays should be determined by the school calendar in effect in their facilities.

For employees in the Security Services, Security Supervisors, Agency Police Services, State Police Troopers, State Police Commissioned and Noncommissioned Officers, and State Police Investigators negotiating units, Election Day (November 6, 2012), and Lincoln's Birthday (February 12, 2013) are not designated floating holidays. For employees in these units who are eligible to observe holidays, Election Day and Lincoln's Birthday will be observed as fixed holidays. When such employees are required to work on these holidays, their benefits will be determined in the same manner as is currently followed for other holidays on which they are required to work.

Questions concerning application of these eligibility criteria may be directed to your GOER liaison or the Attendance and Leave Unit of this Department at (518) 457-2295.