



**Office of  
Employee Relations**

Handbook for  
Management/Confidential  
Employees

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## **A. INTRODUCTION**

The managerial/confidential (M/C) group, as defined by the Taylor Law, includes New York State employees with a variety of backgrounds and expertise, encompassing a broad range of occupations. In this group are policy-making managers, middle managers, and specialists in fields as diverse as education, law, computer science, medicine, administrative support, and law enforcement. While the Taylor Law authorizes collective negotiations for most of New York State's public employees, it does not permit M/C employees to organize or to bargain collectively on terms and conditions of employment due to the nature of the work their positions require, as defined by that law.

M/C employees may be designated "managerial" if they (1) formulate policy, (2) assist the employer directly in preparing for or conducting collective negotiations, or (3) play a major role (involving independent judgment) in administering labor agreements. Employees may be designated "confidential" if they assist and act in a confidential capacity to employees designated managerial by virtue of (2) and (3) above.

Throughout this handbook, the term "employee" is used to refer specifically to M/C employees in the classified service of the Executive Branch of New York State government. While much of the information here applies equally to M/Cs in other categories (e.g., the unclassified service), there may be exceptions or differences, and such employees should check with their personnel office for applicability.

This handbook provides an overview of programs and benefits, as well as information on other policies and practices applicable to M/C employees. (See Appendix A, "Moving from a Bargaining Unit into the M/C Group.") It is not intended to be a comprehensive administrative manual, nor is it designed to replace individual benefit plan summaries or specific program announcements or policy memoranda. Rather, the handbook should serve as a useful guide to the benefits and programs available to you and the policies that affect you as an M/C employee. Since the handbook cannot realistically be the one source of information for all programs and policies, references are made to other sources offering more detail on specific programs. You will note that we frequently refer you to your agency or facility personnel office. This is because Personnel/Human Resources/Employee Relations is the best place to get answers to your specific questions.

## **B. APPOINTMENT AND PROMOTION**

### **1. Appointment**

Most management/confidential positions are in the classified service, which is composed of four "jurisdictional" classes – competitive, non-competitive, exempt, and labor. Within the classified service, most positions are in the competitive class. Competitive class positions may be filled permanently, provisionally, or temporarily.

Permanent appointments are made from eligible lists resulting from examinations, either promotion or open-competitive. Permanent appointments may also be made from preferred lists or by transfer, reinstatement, training advance, or Civil Service Commission action. Generally, preferred lists and other reemployment or pre-layoff lists

must be used before other methods of appointment. Permanent non-probationary status provides a form of tenure – protection against removal except for cause – including rights in layoff and reemployment situations, and the opportunity to compete for and transfer to other competitive positions.

Provisional appointments may be made to competitive class positions when there are no preferred list or other reemployment or pre-layoff list eligibles, or when fewer than three persons on the eligible lists are available for appointment. Provisional appointees must meet the minimum qualifications for the position. Provisional appointments are subject to termination when eligible lists are established.

Temporary appointments may also be made to competitive class positions in some instances. Temporary appointees must meet minimum qualifications. Temporary appointments may be subject to termination based on the availability of personnel on eligible and preferred lists.

Non-competitive class positions may be filled by the appointing authority with individuals who meet the minimum qualifications that are established by the Department of Civil Service. These are positions for which it is practicable to examine applicants as to their qualifications, but not practicable to conduct examinations on a competitive basis. Non-competitive appointees have some tenure, layoff, and preferred list rights, although these generally are more limited than those accorded to competitive class positions.

Appointments to non-competitive class positions specifically designated in Appendix 2 of the "Rules for the Classified Service" (Chapter 1 of Title 4 of the Official Compilation of Codes, Rules and Regulations of the State of New York) as "confidential or policy influencing" do not carry such rights.

Exempt class positions have no minimum qualifications and are positions for which neither competitive nor non-competitive examinations are found to be practicable. In practice, most exempt appointments are made by agency heads with the approval of the Governor's Office. Exempt class employees have no tenure protection unless they are veterans who meet certain criteria. They do not have layoff protection or preferred list opportunity.

Labor class positions, which involve unskilled labor, are generally filled by the appointing authority. Some employees in this class have limited tenure, layoff, and reemployment protection.

## **2. Probationary Period**

The rules and regulations of the Department of Civil Service (Title 4 of the *Official Compilation of Codes, Rules and Regulations of the State of New York*) require a basic probationary term of 26 to 52 weeks for all competitive appointments and for original, permanent appointments in the non-competitive, exempt, and labor classes. For those promoted or transferred, probation is from 8 to 26 weeks for M/C positions in grades 13 and below, and from 12 to 52 weeks for M/C positions in grades 14 and above. The

probationary term for a trainee coincides with the term of training services, regardless of length.

If an employee is promoted and does not complete the required probationary period in the new position, they may elect to return to the title held prior to the promotion.

### **3. Promotion**

Vacant competitive class positions are filled by promotion of employees based upon performance on competitive examinations. Non-competitive class employees do not formally compete for promotion to non-competitive positions, although certain of these positions are filled from within State service. In these instances, appointment is based upon review of the employee's qualifications and experience. Minimum qualifications established for the position must be satisfied. There are also provisions to afford non-competitive class employees the same opportunities to take promotion examinations as exist in the competitive class under certain conditions. Promotion to positions in the exempt class are effected through supervisory evaluations and selection.

### **4. Disciplinary Procedure**

Section 75 of the Civil Service Law outlines the rights of an M/C employee involved in a disciplinary action. Under this section, an employee who is subject to a disciplinary action is entitled to representation rights and to a hearing on stated charges before an impartial hearing officer. The burden of proving employee incompetence or misconduct lies with the official or supervisor who filed the written charges.

The following categories of M/C employees are covered under Section 75:

- Employees holding permanent appointments in the competitive class.
- Eligible veterans as defined in Section 85 of the Civil Service Law.
- Exempt volunteer firefighters as defined in the General Municipal Law.
- Employees who have completed five continuous years of service in the non-competitive class since last entry into State service and who do not hold positions designated as confidential or requiring the performance of functions that influence policy.

## **C. COMPENSATION**

### **1. Annual Salary**

Salaries for the majority of M/C employees are determined in accordance with a statutory salary schedule, which is formulated by the Office of Employee Relations and the Division of the Budget, recommended by the Governor, and approved by the Legislature. The M/C salary schedule establishes a hiring rate and job rate (top level of regular pay for the position) for each salary grade other than M-8, which has no job rate.

Salaries for commissioners and those in other statutory (OS) positions are set by law. Generally, an employee moves from the hiring rate to the job rate over a six-year period based on satisfactory performance.



Positions in the competitive, non-competitive, and labor classes are usually assigned to statutory salary grades. Positions in the exempt class are compensated at rates that are nonstatutory (NS), or not fixed by law. The salaries of exempt class employees, however, are frequently equated to statutory grade positions with comparable responsibilities.

## **2. Performance Evaluation and Merit Compensation**

The Performance Evaluation and Merit Compensation Program for M/C employees is a two-part program consisting of a system for evaluating employee performance and a system for payment of added compensation. The performance evaluation system provides a means for improving agency operations and employee performance through the development of a mutual understanding of performance objectives between the employee and supervisor. The system also serves to provide M/C employees with valuable feedback on their performance strengths and areas needing improvement, as well as identifying where additional training or developmental work is indicated.

Although each agency has been given the flexibility to design an appraisal mechanism suited to its particular needs, the evaluation process is subject to broad Statewide guidelines. The process requires that the employee be evaluated in writing at least annually and that the supervisor meet with the employee to discuss the evaluation. The standard evaluation period runs from April 1 through March 31.

The merit compensation system is designed to distribute specific performance advance, longevity, and merit award payments to eligible full-time and part-time annual salaried employees. An employee whose salary is below the job rate for his or her salary grade is eligible to receive a performance advance each year in the amount of one sixth of the salary range for the grade. Performance advances are generally effective after the rating period has ended unless the agency has taken steps to withhold it for performance reasons.

A performance advance raises the employee's salary until the job rate is reached. Longevity payments, which are increases to base salary, are available to employees in grades 17 and below whose salaries have been at or above the job rate for their salary grade for five or more years.

## **3. Promotional Increase**

An employee who is promoted into a competitive position receives either the hiring rate for the new position or a percentage increase based on basic annual salary, whichever is greater. In salary grades M/C 3 to M/C 23, the percentage increase consists of 1.5 percent plus an additional 1.5 percent for each grade advanced. Employees in salary grades M-1 to M-8 receive a 1.5 percent increase plus a three percent increase for each grade advanced.

## **4. Overtime Compensation**

Although it is the policy of New York State to hold overtime to a minimum, employees may occasionally be required to work beyond the basic workweek. Only certain

positions are eligible for overtime pay, as determined by the Division of the Budget. In general, employees eligible for overtime pay who work in excess of the 37½ hour basic workweek but not more than 40 hours are entitled to compensatory time on a straight-time basis. Overtime eligible employees who work in excess of 40 hours earn either overtime pay or compensatory time at the rate of time and one-half. Employees who choose compensatory time instead of overtime pay may accrue up to 240 hours of compensatory time for hours worked in excess of 40 per week. After employees have accrued the maximum hours, they must be compensated for all additional overtime in cash.

Employees are generally expected to travel on their own time. However, certain travel time or service while traveling may be compensable if undertaken for State business, authorized in advance, and spent as part of the employee's principal work activity (e.g., going from job site to job site). Travel between the employee's residence and official work station or any transportation terminal is not included in the calculation of overtime. Questions about eligibility for overtime compensation should be directed to the employee's personnel office.

#### **5. Overtime Meal Allowance**

An employee who works at least three hours beyond the normal daily schedule or at least six hours overtime on a day off, is eligible for reimbursement of one meal at \$6.00. Any employee who is required to work at least nine hours overtime on a day off or six or more hours beyond the normal daily schedule is allowed two overtime meal allowances. Payment for these allowances is made through the payroll process; employees should contact their personnel office for details.

#### **6. Uniform Allowance**

The Office of Employee Relations provides an annual uniform cleaning and maintenance allowance to M/C employees in selected titles who are required to wear uniforms as part of their jobs. Payment is made annually by the Office of the State Comptroller to all eligible full-time, annual salaried employees and to those on leave at half pay. Employees on leave without pay receive the allowance upon return to the payroll.

#### **7. Geographic Area Pay Differential**

The Director of Classification and Compensation of the Department of Civil Service may authorize additional pay for employees in the same or related occupations to facilitate their recruitment and retention in those areas where salaries and employment practices of other employers adversely affect the ability of the State to recruit and retain a competent work force. This action is subject to approval by the Director of the Budget. The pay differential is considered an addition to, not part of, the employee's basic annual salary.

#### **8. Shift Pay Differential**

The Director of Classification and Compensation may authorize additional pay for employees who work other than normal day shifts in specific occupations, under

specified conditions. The differentials are subject to approval by the Director of the Budget and are an addition to, not part of, an employee's basic annual salary.

### **9. Other Pay Differentials**

Depending on location, job title, and requirements, an employee may be entitled to increased minimum hiring rates (based on the advanced qualifications of prospective appointees or recruitment difficulties), occupational pay (to appropriately compensate employees in relation to their immediate occupational subordinates), inconvenience pay (for employees required to work four or more hours between 6:00 p.m. and 6:00 a.m. in a regular tour of duty), location pay (for employees whose principal place of employment or official station is in the City of New York or the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, or Westchester), or hazardous duty pay (for employees exposed to hazardous working conditions in certain agencies, facilities, and locations under specified conditions for which they are not otherwise compensated). These differentials are authorized by the Director of Classification and Compensation and are subject to approval by the Director of the Budget. Occupational pay, inconvenience pay, location pay, and hazardous duty pay are considered additions to, not part of, an employee's basic annual salary.

### **10. Holiday Compensation**

Employees who are required to work during their regularly scheduled work hours on a State holiday will receive additional compensation unless the holiday falls on their regularly scheduled day off (pass day). Employees in salary grades M/C 22 and below who work on State holidays receive, at their option, either holiday pay (straight time) or holiday leave for the time worked on those days. To receive holiday leave for holiday service, employees may file waivers of holiday pay with their agency personnel offices. Waivers may be revoked or filed annually between April 1 and May 15 or, for new employees, at the time of appointment. Employees in grades M/C 23 and above do not have this option. They are ineligible for holiday pay, but instead receive holiday leave corresponding to the number of hours worked on the holiday. Geographic, occupational, location, inconvenience, and shift pay are part of the holiday pay computation where appropriate.

When a holiday falls on a regularly scheduled day off, employees are entitled to holiday leave unless the State designated another day off in its place. Employees who are eligible for overtime and who are scheduled or directed to work on a holiday that falls on a regular day off may receive overtime compensation in addition to holiday pay or holiday leave. Employees who are ineligible for overtime receive only the applicable holiday leave or holiday pay for working on a holiday that falls on a regular day off.

An employee who has not been scheduled to work, but is called in to work during his or her regularly scheduled hours of work on a State holiday that is a day other than the employee's regular day off, is guaranteed at least one-half day's holiday pay or holiday leave, as appropriate, regardless of the actual number of hours worked. If the employee works more than one-half day, compensation equals the number of hours worked.

## **11. Unemployment Insurance**

State employees are covered by the provisions of New York State Unemployment Insurance Law. Employees who cease working for New York State through no fault of their own may be eligible to receive weekly cash benefits while they look for new jobs. More information is available from agency personnel offices or local unemployment insurance offices.

## **D. REIMBURSEMENTS**

### **1. Travel Reimbursement**

M/C employees whose duties require them to be in travel status will be reimbursed according to guidelines established by the Office of the State Comptroller. (See Office of the State Comptroller *Travel Manual*, available at <https://osc.state.ny.us/agencies/travel/manual.pdf>)

Employees should contact their agency personnel or finance offices for further information on travel reimbursement and for specific reimbursement rate schedules.

### **2. Moving Expense Reimbursement**

An employee who is promoted, transferred, or reassigned for the convenience of the State, or a new employee recruited by the State for a position in which it has been determined that a shortage of qualified candidates exists, may be reimbursed for individual and family basic moving expenses up to an established maximum (Under Section 202 of the State Finance Law and regulation thereunder). An employee is not eligible, however, for related expenses such as selling or buying a house or renting temporary quarters. Reimbursement shall not be granted if the distance between the employee's old and new place of employment, or between the new place of employment and place of residence at the time of employment, is less than 35 miles. Employees will also be ineligible for reimbursement if the transfer or reassignment is the result of demotion, is for educational or training purposes, or is at the request of the employee and not expressly for the convenience of the State.

Reimbursement is made according to regulations issued by the Division of the Budget as Part 154 of Title 9 of the *Official Compilation of Codes, Rules and Regulations of the State of New York*.

## **E. ATTENDANCE AND LEAVE BENEFITS**

Attendance and leave policies for M/C employees are specified in the "Attendance Rules for Employees in New York State Departments and Institutions" (Parts 27 through 33 of Title 4 of the Official Compilation of Codes, Rules and Regulations of the State of New York) and the accompanying manual to these rules, as administered by the Department of Civil Service. The following paragraphs are brief synopses of the detailed rules and regulations. Please note that these discussions apply only to full-time, annual salaried employees in the classified State service.

## 1. Basic Workweek

The basic workweek for full-time annual salaried employees is 40 hours or an approved equivalent work schedule. Alternative work schedules, including staggered hours, flextime, and compressed schedules, are available in a number of agencies. A 1978 executive order (Executive Order No. 68) encourages agencies to consider implementation of such schedules. An appointing authority may reduce the basic workweek, with approval of the Division of the Budget, to 37 ½ hours. This does not preclude an employee from being directed to work additional hours, whether or not eligible for overtime pay.

## 2. Holidays

The official holidays for New York State employees are:

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
Juneteenth	Christmas Day
Independence Day	

Each fiscal year, the State can designate up to two of these days as floating holidays. State offices remain open on such floating holidays and employees who are eligible to observe holidays will, on each of these dates, receive credit for one day of holiday leave. In recent years, Lincoln's Birthday and Election Day have been so designated.

## 3. Vacation

### • During the First Through Seventh Years of Service

A new full-time, annual-salaried employee is credited with 6 ½ days of vacation after 13 biweekly pay periods with no break in service of more than one year. After that, the employee accumulates vacation at the rate of one-half day per pay period during each year of service through the first seven years. An M/C employee earns bonus vacation days on his or her vacation anniversary date. The number of bonus days earned equals the employee's completed years of continuous service.

• **More Than Seven Years of Service**

Following completion of seven years of service, an M/C employee earns 20 days of vacation for each 26 pay periods. Employees with 20 or more years of continuous service earn additional vacation credits upon completion of each additional 12 months of service, as follows:

<b>Completed Years</b>	<b>Additional Vacation Days</b>
20 - 24	1
25 - 29	2
30 - 34	4
35 or more	5

**Leave of Absence/Resignation**

A leave of absence without pay or resignation followed by reinstatement or reemployment in State service within one year does not constitute an interruption of continuous State service for the purpose of determining vacation credits. Unpaid leave for more than six months, however, will not be counted in determining eligibility for additional vacation credits.

**Accrued Vacation Payment**

In the event of death, retirement, separation from service, or movement to an unclassified position, an employee (or the employee's estate) is paid in cash for up to 30 days of accrued vacation. Employees who leave State service as a result of disciplinary action or resign following disciplinary charges are not eligible for payment. Agencies may require that employees who voluntarily resign provide two weeks notice prior to the last day of work to be eligible for this payment.

**Credit Accumulation**

On January 1st of each calendar year, an employee's accrued vacation may not exceed 40 days, although total vacation accruals may exceed this limit at other times during the year. An employee who accumulates more than 40 days of vacation credits in a calendar year must use the amount over 40 days or lose it on the last day of the calendar year.

**4. Sick Leave**

**Earning and Accrual**

Sick leave is earned and accumulated by two different methods for M/C employees — one method for employees who are enrolled in the M/C Income Protection Plan (IPP), and another method for those not enrolled in the IPP. (See the Disability Coverage section of this handbook for a discussion of disability benefits under the IPP.)

**For Non-IPP Participants:**

Employees not enrolled in the M/C Income Protection Plan earn sick leave at the rate of one-half day each biweekly pay period for a total of 13 days per year. Sick leave may be accumulated to a maximum of 200 days. Employees who do not have enough credits to cover an absence due to illness may be advanced up to five days of sick leave (extended sick leave) for personal illness. These days must be repaid as soon as possible following a return to work. Permanent non-probationary employees who have at least one year of State service are eligible for sick leave at half pay after exhausting all leave credits. For each completed six months of State service, the employee may be eligible for one biweekly payroll check at half pay.

**For IPP Participants:**

Employees enrolled in the M/C Income Protection Plan are credited with four days of sick leave each six months for a total of eight days per year. Sick leave may be accumulated to a maximum of 200 days. IPP participants are not eligible for sick leave at half pay or extended sick leave since insured short-term and long-term income protection is provided through the IPP.

**Use of Sick Leave**

An employee may use sick leave for personal illness and visits to a doctor or dentist or other recognized medical practitioner. Additionally, up to 25 days per year may be used for illness or death in the family. Agencies may require satisfactory medical documentation before approving a charge against sick leave.

There is no provision for cash payment for unused sick leave upon separation from State service. However, an employee who retires directly from State service may use up to 200 days of unused sick leave for retirement service credit on a day-to-day basis and up to 200 days to offset the cost of health insurance in retirement. For the latter, the value of unused sick leave is converted to a monthly credit, which is applied toward paying any contribution the employee makes for health insurance for the rest of his or her life.

**Disability Terminations**

Pursuant to Section 73 of the Civil Service Law, agencies are authorized to terminate disabled employees after one year of continuous absence, regardless of remaining leave accruals or eligibility for sick leave at half pay. For non-IPP participants, there is no guarantee that any leave benefits will be payable beyond one year. Under the IPP, employees receiving long-term disability benefits can still be terminated after one year of continuous absence, but long-term disability benefits continue to be payable as long as the disability continues.

**5. Leave Donation Program**

M/C employees may participate in the Leave Donation Program. This program permits the voluntary donation and receipt of accrued vacation credits for use as sick leave by other employees who, because of long-term personal illness, have exhausted their leave accruals. Donations across agency lines by the donor employee are permitted. Eligibility requirements to participate are available from agency personnel offices.

## 6. Leave for Pregnancy, Childbirth, Child Care, and Adoption

Pregnancy and childbirth are treated in the same manner as any other disability and in accordance with the above sick leave provisions. An employee, male or female, must be granted, upon request, a leave of absence without pay for child care purposes for up to seven months following delivery. Leave beyond this period may be granted at the discretion of the appointing authority. In cases of adoption, unpaid child care leave for either parent will be granted for a total of up to seven months. Absences for child care and adoption purposes may be charged to vacation, overtime compensatory time, or personal leave credits. However, use of leave credits does not extend the seven-month period. (See Appendix B for details.) There are other child care benefits noted below that may be used up to, and in some situations, beyond the seven months.

## 7. Paid Family Leave

Paid Family Leave benefits are available as of January 1, 2018 for Management/Confidential (M/C)-designated employees in bargaining units 06, 18, 46, and 66.

- **Full-time employees:** Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.
- **Part-Time employees:** Employees who work a regular scheduled of less than 20 hours per weeks are eligible after working 175 days, which do not need to be consecutive.

Employees are eligible regardless of citizenship and/or immigration status.

New York's Paid Family Leave provides job-protected, paid time off so you can:

- Bond with a newly born, adopted or fostered child,
- Care for a family member with a serious health condition, or
- Assist loved ones when a spouse, domestic partner, child or parent is deployed abroad on active military service.

Paid Family Leave for Child Bonding purposes can be used for up to one year from the date of the child's birth or placement.

More information on these qualifying events and how Paid Family Leave applies to your time and attendance can be found at

[https://cs.ny.gov/attendance\\_leave/pb17-02.pdf](https://cs.ny.gov/attendance_leave/pb17-02.pdf).

You can continue your health insurance while on leave and are guaranteed the same or comparable job after your leave ends. If you contribute to the cost of your health insurance, you must continue to pay your portion of the cost while on Paid Family Leave.



## **8. Paid Parental Leave**

Paid Parental Leave benefits are available as of February 14, 2023, and provides 12 weeks of paid leave for unrepresented executive branch State employees to bond with a newly born, adopted, or fostered child.

All unrepresented executive branch employees who work full-time or who work at least 50% part-time are eligible for this benefit. Such employees are eligible beginning on their first day of service. Employees are not required to have Attendance Rules coverage to be granted this benefit.

Paid Parental Leave is available to any gestational, non-gestational, adoptive, or foster parent who meets certain eligibility criteria for unrepresented executive branch employees. All other child care leave benefits, including sick leave accruals, family sick leave benefits, Family Medical Leave Act (FMLA), Income Protection Plan (IPP), and Paid Family Leave (PFL), remain unchanged and available for use when applicable.

Employees may take leave with pay for up to 12 weeks for each qualifying event, defined as the birth of a child or placement of a child for adoption or foster care. Paid Parental Leave is available for use once every 12-month period. A qualifying event begins the 12-month period. Paid Parental Leave may begin on the date of birth, the day of adoption or foster care placement or anytime thereafter within seven months. An employee's ability to use Paid Parental Leave ends seven months from the date of the qualifying event. If a qualifying event occurred within seven months before February 14, 2023, an employee may use Paid Parental Leave, however the employee's use of Paid Parental Leave must end within seven months of the qualifying event.

Paid Parental Leave may be used in combination with all other paid and unpaid childcare leave benefits. Paid Family Leave, Income Protection Plan, and usage of accruals cannot run concurrently with Paid Parental Leave and may be taken at the appropriate time in addition to Paid Parental Leave.

If both parents are employed by a New York State Agency, both parents may use Paid Parental Leave, even if they work for the same appointing authority.

Paid Parental Leave cannot be used intermittently and must be taken in a block of time. Employees do not have to take the full 12 weeks, but once they return from Paid Parental Leave, they can no longer use this leave.

### **Status of Employees on Paid Parental Leave**

For attendance and leave purposes, employees are deemed to be in leave without pay status while using Paid Parental Leave. They do not earn biweekly leave accruals or observe holidays, nor do they receive personal leave or vacation bonus days if their anniversary dates fall while they are using Paid Parental Leave. In such cases, the personal leave anniversary date changes to the date of return to work or placement on sick leave at half-pay, and the employee receives personal leave on the adjusted anniversary date. The vacation anniversary date is adjusted if the period of continuous

absence on Paid Parental Leave and any other kind of childcare leave, except where the employee charges accruals on such leave, exceeds six continuous months. If such period is less than six months, the employee retains the same vacation anniversary date and is credited with vacation bonus days upon return to work.

Voluntary Reduction in Work Schedule (VRWS) agreements must be suspended on the first day of the payroll period in which an employee begins their Paid Parental Leave.

Time on Paid Parental Leave does not count as service for earning additional eligibility for sick leave at half-pay.

While using Paid Parental Leave, employees continue to be covered by their existing insurance benefits. Employees continue to have health insurance premiums, retirement contributions, and other payroll deductions withheld from their paycheck.

Employees using Paid Parental Leave continue to receive retirement service credit for days in while on leave as it is considered full pay status for this purpose.

Paid Parental Leave may not be used to extend employment beyond the point it would otherwise end by operation of law, rule, or regulation.

## **9. Federal Family and Medical Leave Act (FMLA)**

The Family and Medical Leave Act of 1993 requires the granting of leave to employees for serious family or personal illness or in connection with the birth or placement of a child for adoption or foster care. Employees are eligible for coverage if they have been employed by New York State for at least twelve cumulative months or 52 cumulative weeks, and have performed a minimum of 1250 hours of service during the 12 months immediately preceding the date the leave is requested to begin. FMLA leave is unpaid leave. However, an M/C employee may elect to charge appropriate leave credits pursuant to provisions of the Attendance Rules. Eligible employees may take leave for up to 12 workweeks in a calendar year for the following reasons:

1. The birth of the employee's child and to care for the child.
2. The placement of a child with the employee for adoption or foster care.
3. To care for a spouse, child, or parent who has a serious health condition.
4. A serious health condition that renders the employee incapable of performing the functions of their position.

Employees are entitled to continuation of health and certain other insurances during any period of FMLA leave.

For further information on the FMLA, to determine whether eligibility requirements are met, or to obtain an application for family and medical leave, employees should contact their personnel office.

## **10. Personal Leave**

An employee is credited upon appointment to State service, and each year thereafter on the anniversary of such appointment, with five days of personal leave. It may be used for such activities as the conduct of personal business or religious holiday observance, and may also be used as vacation. Personal leave not used within a year is forfeited.

## **11. Workers' Compensation Leave**

It is essential that an employee report any job-related accident immediately to his or her supervisor and/or to the personnel office. Failure to do so could result in loss of benefits available to the employee for absence due to an occupational injury.

Employees who sustain job-related injuries may be eligible for benefits under the New York State Workers' Compensation Law as described in the Disability Coverage section of this handbook. In addition, depending on the date of injury, employees may qualify for benefits provided by New York State as an employer.

Workers' Compensation benefits for accidents or injuries that occurred prior to September 1, 1994 are determined based on the date of injury. For accidents and injuries that occurred on or after September 1, 1994, employees are entitled to use their accrued leave credits from the first day of disability. Subsequently, benefits under the Income Protection Plan or sick leave at half pay or leave without pay may be available as appropriate. The accrued leave credits used will be restored to the employee if the Workers' Compensation Board determines that the period of disability is covered by the Workers' Compensation Law. Any restoration of accruals will be prorated to reflect the wage award issued by the Workers' Compensation Board.

Section 71 of Civil Service Law entitles employees who have suffered a work-related injury or illness to a leave of absence for a cumulative period of one year. For injuries that were sustained as a result of an assault, a leave of absence for up to 24 months is provided.

A detailed explanation of the rights and responsibilities of employees wishing to avail themselves of these benefits is available from agency personnel offices.

## **12. Other Leaves**

Employees are also eligible for leaves for a variety of other purposes, including Civil Service examinations, jury duty, civil defense duty, ordered military duty, cancer screening, bone marrow and organ donation, and professional examinations and meetings.

With respect to attendance at professional examinations, meetings, conferences or seminars, M/C employees may be allowed time off from work without charge to leave credits at the discretion of the appointing authority. This policy neither limits nor guarantees the amount of time that may be approved for such purposes.

### **13. Voluntary Reduction in Work Schedule**

The Voluntary Reduction in Work Schedule (VRWS) program permits employees to trade a percentage of income for an equivalent amount of time off. Employees may reduce their work schedules and salaries from a minimum of five percent up to a maximum of 30 percent, with agency approval. Participating employees suffer no reduction in benefits for health insurance, dental insurance, vision care, the Income Protection Plan, or survivors' benefits, although leave accruals are prorated. For the purposes of general salary increases and performance advances, the employee's basic annual salary is treated as though it had not been reduced.

### **14. Leave Benefits for Part-Time Employees**

Depending upon work schedule and pay basis, employees who work part-time may be eligible for some of the attendance and leave benefits described above. Specific information is available from agency personnel offices.

## **F. EDUCATION AND TRAINING**

### **1. Management Training and Development Programs**

The Office of Employee Relations (OER) designs training for supervisors and managers across New York State government. OER also provides consulting and facilitation services to assist agencies with planning and organizational change. For more information please contact the Workforce and Organizational Development Unit at [wodu@oer.ny.gov](mailto:wodu@oer.ny.gov) or at (518) 474-6772.

### **2. Tuition Reimbursement**

OER provides tuition reimbursement to M/C designated employees. For more information visit the OER website for M/C Tuition Reimbursement.

## **G. QUALITY OF WORK LIFE PROGRAMS**

### **1. Worksite Child Care Centers**

New York State was the first state to establish a network of child care centers for public employees. More than twenty centers, hosted by agencies around the State, serve children from eight weeks to five years of age. Many centers also offer summer camp programs for school-age children. Enrollment priority is given to children of State employees. This cooperative, joint labor/management project is funded by the Office of Employee Relations on behalf of M/C employees. Funding is also provided by the Civil Service Employees Association (CSEA), Public Employees Federation (PEF), Council 82-AFSCME, United University Professions (UUP), District Council 37(DC-37), Graduate Student Employees Union (GSEU), and the NYS Correctional Officers and Police Benevolent Association (NYSCOPBA).

For further information including a listing of the worksite child care centers contact Work-Life Services at (518) 473-8091, or send email to [worklife@oer.ny.gov](mailto:worklife@oer.ny.gov).

## **2. Dependent Care Advantage Account**

The Dependent Care Advantage Account (DCAAccount) is a flexible spending account benefit that allows employees to pay for eligible dependent care expenses with pre-tax dollars. Eligible expenses include care for individuals who live in your household at least 8 hours a day. For example, daycare, before/after school programs, pre-school programs, summer day camps and for elder care expenses or expenses related to non-medical care for a disabled dependent.

This pre-tax reimbursement benefit offered under the Flex Spending Account (FSA) program enables employees to save significantly on their dependent care expenses, and the State may contribute up to \$1000 toward an employee's DCAAccount when they enroll, depending on their income. For a complete list of State contributions visit the Flexible Spending Account website at <https://oer.ny.gov/fsa>.

The enrollment period occurs every fall, but employees with an eligible change in status may enroll throughout the plan year. For a complete list of eligibility guidelines, and eligible expenses visit the Flexible Spending Account website at <https://oer.ny.gov/fsa>. Questions may be sent to [fsa@oer.ny.gov](mailto:fsa@oer.ny.gov) or call 1-800-358-7202.

## **3. NYS-Ride**

NYS-Ride (pronounced NICE Ride) is a pre-tax benefit that helps you save money on public transportation costs and contributes to a greener environment. With the NYS-Ride benefit you can also enjoy pre-tax savings on qualified parking expenses. This program is sponsored by OER and administered by Edenred Benefit Solutions (Edenred).

You can use your commuter benefit to pay for a variety of public transit costs with pre-tax dollars. It's like a discount on your eligible commuter expenses. When you enroll, simply choose your fare and agree to payroll deductions. Your order will be sent directly to you.

You can enroll in NYS-Ride at any time. Orders, changes, or cancellations must be made by 11:59 p.m. EST by the first of the month, two months before the benefit month. For example, if you want to change or cancel your order for the July commuting month, you must do so by May 1.

To learn more about NYS-Ride visit <https://oer.ny.gov/nys-ride> or call Edenred Customer Service at (888) 235-9223.

## **4. Retirement Planning Information**

On behalf of M/C employees, OER partially underwrites pre-retirement planning seminars for executive branch State employees. The seminars are offered regularly at various locations across the State and are designed for employees who are retirement-eligible or within five years of retirement eligibility. For more information on seminar schedules, contact your agency liaison to learn how to enroll. For a list of agency liaisons, visit the website at <https://oer.ny.gov/directions-pre-retirement-seminar-contact-information>.

A comprehensive pre-retirement guide has also been developed and is available to assist employees with the many aspects of retirement planning. For a printable version of the comprehensive Self-Help Guide to Pre-Retirement Planning, 23 short videos, a retirement checklist, monthly pre-retirement planning tips and helpful links visit <https://oer.ny.gov/pre-retirement-planning-information>.

## **5. Employee Assistance Program**

The Employee Assistance Program (EAP) is a free, voluntary, and confidential assessment and referral service designed to help employees and their families resolve work-related and personal problems. Some of the issues EAP can help with include financial, legal, personal and work relationships, alcohol and drugs, stress, conflict and anger, gambling, retirement, eldercare, parenting and child care, grief, depression or other mental health, illness and disability, domestic violence, life changes, and work and life balance.

When you contact EAP, a specially trained EAP coordinator will offer to meet with you in-person, or by phone, to assess your needs and, when additional help is needed, to refer you to an array of resources in your community and online. Your EAP coordinator understands the nature of public service and the unique culture of your agency and has an in-depth knowledge of local community resources as well as the state's health benefit plans and other benefits.

Everyone has problems from time to time. For help 24/7, call 800-822-0244 or visit the website at <https://oer.ny.gov/eap>.

## **H. HEALTH, DENTAL AND VISION BENEFITS**

### **1. Health Insurance**

New York State offers two group health insurance options for its employees: enrollment in the Empire Plan or enrollment in a Health Maintenance Organization (HMO). While representing different approaches to health insurance protection, they both provide a full range of benefits and the opportunity to limit out-of-pocket expenses.

#### **Costs**

New York State helps pay for your health insurance coverage. After the State's contribution, you are responsible for paying the balance of your premium through biweekly deductions from your paycheck. For Empire Plan and HMO enrollees in the titles allocated or equated to Salary Grade 9 and below, the State will pay 88 percent of the cost of the premium for enrollee coverage and 73 percent of the additional cost for dependent coverage. For Empire Plan and HMO enrollees in titles allocated or equated to Salary Grade 10 and above, the State will pay 84 percent of the cost of the premium for enrollee coverage and 69 percent of the additional cost for dependent coverage. If you are enrolled in an HMO, the State's maximum contribution toward the cost of your premium will be 100 percent of its dollar contribution to the hospital/medical/mental health and substance abuse components of the Empire Plan premium.

Employees may pay their share of the health insurance premium on a pre-tax basis.

### **Changes in Enrollment Status**

If an employee wishes to change health insurance coverage as a result of a birth, death, or other change in family status, they must submit an application for change to the agency health benefits administrator in the personnel office.

### **Change of Plan Option**

An employee may apply for a change of health insurance plan during the annual option transfer period, traditionally held in the fall.

### **Leave Without Pay**

If an employee takes leave without pay or is otherwise temporarily removed from the payroll, they may pick up the full cost of the health insurance program and thereby continue coverage while off the payroll. Should such leave without pay occur as part of an authorized leave under FMLA, they may be entitled to continue coverage by paying the employee share. Arrangements for continued coverage must be made in advance through the personnel office.

### **Layoff**

In the event of layoff, an employee may be eligible to purchase continued health insurance coverage for up to one year by paying the employee share of coverage cost.

### **Continuation of Coverage under COBRA**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 requires the State to provide for continuation of health insurance coverage for up to 18 months for employees who lose coverage due to voluntary or involuntary termination (other than for gross misconduct) or reduction in work hours. An employee's spouse or dependents are eligible for continuation of coverage for up to 36 months upon the employee's death, entitlement to Medicare, or following a divorce or legal separation, or when dependent children reach the maximum age for coverage under the plan. More information about continuation of coverage can be obtained from agency personnel offices.

### **Waiver of Premium**

If an employee covered by the State's health insurance program (the Empire Plan or certain HMOs) is totally disabled and is on authorized leave without pay, unpaid Family and Medical Leave, or on a preferred list for reinstatement, the requirement that they pay a premium may be waived for a period of up to one year. Additional information is available from agency personnel offices.

### **Retirement Coverage**

Covered employees may be eligible to continue health insurance coverage in retirement if, at retirement, they have completed at least ten years of State service in a benefits eligible position.

## **Benefits**

Specific information and publications covering health plan benefits are available on the Department of Civil Service's website at <https://cs.ny.gov/ebd>.

### **2. Prescription Drug Benefits**

M/C employees who are enrolled in the Empire Plan are eligible for prescription drug benefits under the New York State Prescription Drug Plan. Enrolled employees, retirees, and their eligible dependents may obtain prescription drugs at a community pharmacy or through the plan's mail service pharmacy. Eligibility for dependent children will continue up to age 26 regardless of marital or student status.

To receive prescription drugs at a participating pharmacy, the enrollee must present their New York Government Employee Benefit Card and prescription and pay a copayment (see plan booklet for details). When a non-participating pharmacy is used, enrollees must pay the pharmacy the full cost of the prescription and submit a completed reimbursement form. Forms are available at agency personnel offices. Up to a 90-day supply of medication may be obtained, with refills for up to one year.

Employees who are enrolled in HMOs are not covered by this plan but are covered for prescription drug benefits according to the provisions of their particular plans. Details on coverage for those employees are available from individual HMOs.

### **3. Dental Insurance**

New York State provides M/C employees with a group dental insurance plan, currently administered by Group Health Incorporated (GHI), an Emblem Health Company. The entire cost of the premium is paid by the State. After six months of service, the employee and dependents are covered on the first day of the next calendar month. The plan covers a broad range of dental work. If an employee chooses to use a participating dentist, all covered services are paid by the plan after a \$25 deductible. If the employee chooses to use a non-participating dentist, reimbursement is made in accordance with an indemnity fee schedule. Detailed information, including the fee schedule, is contained in materials available from agency personnel offices.

### **4. Vision Care**

Annual salaried employees who work at least half-time and their dependents are eligible for vision care coverage under the M/C Vision Care Plan. If an employee chooses to use a participating provider for vision care needs, the Plan covers the entire cost of an examination and an allowance toward eyeglasses (selected from among a large variety of frames available under the Plan). Daily wear contact lenses are also covered, but require a co-payment. If the employee chooses a non-participating provider, they must pay the provider and reimbursement will be made directly to the employee according to a fixed schedule. An occupational vision care benefit covers the cost of an additional pair of eyeglasses for employees determined to have occupation-related vision problems and who require special eyeglasses for work; however, this benefit must be used in conjunction with a regular examination provided by a participating optometrist.



Vision care benefits are available to each covered employee or dependent once in any 24-month period. When employees or covered dependents require vision care services, they should call the participating provider of their choice and advise the provider that they are covered under the New York State Vision Care Plan. The provider is responsible for obtaining authorization from the Plan before providing services. Employees who choose to use a non-participating provider must contact the Plan to obtain a claim form. For more detailed information, visit the website or call the Vision Care Plan at the number listed in the Directory in Section N.

## 5. Health Care Spending Account

The Health Care Spending Account is a benefit offered under the Flex Spending Account that allows employees to pay for medically necessary health care expenses with pre-tax dollars. This includes medical, hospital, laboratory, prescription drug, dental, vision, and hearing expenses that are not reimbursed by insurance or other benefit plans. The enrollment period occurs every fall, but employees who experience eligible changes in status may enroll throughout the plan year. Call 1-800-358-7202 for enrollment materials and more information, or visit the Flex Spending Account website at <https://oer.ny.gov/fsa>. Also, Questions may be emailed to [fsa@oer.ny.gov](mailto:fsa@oer.ny.gov).

## I. RETIREMENT COVERAGE

### 1. Employees' Retirement System

The New York State and Local Employees' Retirement System (ERS) is organized in tiers. Tiers are assigned to employees based on the date they first join the retirement system and determine what retirement benefits an employee is eligible for. For more information go to <https://osc.state.ny.us/retire>.

<b>You Are In:</b>	<b>If You Joined:</b>
Tier 1	Before July 1, 1973
Tier 2	July 1, 1973 through July 26, 1976
Tier 3	July 27, 1976 through August 31, 1983
Tier 4	September 1, 1983 through December 31, 2009
Tier 5	January 1, 2010 through March 31, 2012
Tier 6	April 1, 2012 or after

If you started employment with New York State before January 2, 2010 and would like specific information regarding your retirement benefits, contact your personnel office or the ERS for assistance in determining your membership tier and benefit package.

The descriptions of the above tiers are necessarily brief and do not reflect all possible retirement benefit options available to members in those tiers. Retirement benefits and the formulas for their calculation vary by tier and are based on final average salary and years of service. Detailed information on retirement benefits is provided in booklets on each tier, which are available from the New York State and Local Employees' Retirement System or on their website at <https://osc.state.ny.us/retire>.

## **2. Crediting Other Service**

If you move from one state agency to another, or to any public employer participating in the ERS, without a break in service, you will maintain continuous membership. Remember to notify your new employer that you are a member, and give your membership number. If you return to state service after leaving for a time and did not withdraw your contributions when you left previously, you may still be considered a member of the System and can continue to earn service credit. If you withdrew your contributions, you must rejoin the ERS as a new member. Reinstatement of your original membership date and credit for service requires application to the ERS and repayment of the monies previously withdrawn. If you have other service as a member of another public retirement system in New York State, contact the ERS for more information.

## **3. Deferred Compensation Plan**

The New York State Deferred Compensation Plan is a voluntary savings program that allows employees to save for retirement on a tax deferred basis. This program enables employees to defer (contribute through payroll deduction) a portion of their annual salary, not to exceed the current maximum (\$22,500 in 2023) or even more through catch up provisions. Employees do not pay federal, state, or city income taxes on pre-tax contributions or accumulated earnings until the funds are distributed, generally at retirement when most people are in lower tax brackets. Roth contributions are also available.

Investment options include target retirement date funds, a stable value fund, and a variety of stock and bond mutual funds and collective trusts. Additional information is available from the Plan's website at <https://nysdcp.com> or from the Plan's Helpline. (See Directory, Section N)

## **J. DISABILITY COVERAGE**

### **1. M/C Income Protection Plan**

Eligible M/C employees who have creditable State service prior to January 1, 1986 and are appointed to an M/C position on or after that date have 30 days from the date of appointment to elect disability coverage under the M/C Income Protection Plan (IPP) or to participate fully in the State's sick leave accrual program. Eligible M/C employees who do not have creditable State service prior to January 1, 1986 and are appointed to an M/C position on or after that date are automatically covered by the IPP. M/C employees who selected a disability coverage option (either the IPP or full sick-leave benefits) during the open enrollment period in 1985 and employees who select an option

subsequent to that period are covered by that option as long as they are in eligible M/C status. The selection is one-time only and may not be changed at a later date.

The M/C Income Protection Plan consists of short- and long-term disability insurance, which, in combination with sick leave benefits, provides partial income continuation in the event an employee becomes unable to work due to personal illness or injury.

If an employee becomes unable to work due to illness or injury, they must exhaust all sick leave credits before becoming eligible to receive either short term disability (STD) or long term disability (LTD) benefits. However, if your accrued sick leave is not enough to cover the first 14 calendar days of your absence, you may use other leave credits (vacation, personal leave, holiday leave, overtime compensatory time or VRWS credits) or go on leave without pay for the balance of the 14 days. In no event will STD benefits be paid before 14 consecutive calendar days have passed.

After exhausting your sick leave, you may choose which, and how many leave credits you want to use prior to placement on STD. STD then provides 50 percent of base salary up to \$961.54 per week for up to six months from the onset of disability. After six months of disability, LTD benefits are payable at 60 percent of base salary up to \$5,000 per month until the disability ceases, but not beyond age 65 or death. Metropolitan Life Insurance Company currently underwrites both the STD and LTD plans.

Additional information is available from personnel offices, the Employee Benefits Division of the Department of Civil Service, or the Office of Employee Relations. (See Directory, Section N) Disability coverage is also addressed in the discussion of sick leave in the Attendance and Leave section of this handbook.

## **2. Disability Retirement Benefit**

The New York State Employees' Retirement System (ERS) provides a disability retirement benefit for employees who become physically or mentally unable to perform their duties as a result of an accident or some other cause. The benefit is based on the type of disability the employee incurs and the tier of the Employees' Retirement System of which the employee is a member. These benefits are pensions that are provided to employees who are not yet eligible for normal retirement benefits. Additional information is available from the Employees' Retirement System. (See Directory, Section N)

## **3. Ordinary Disability Benefit**

An employee who is a member of the Employees' Retirement System and has at least ten years of service may be eligible for an ordinary disability retirement benefit if it has been determined that the employee is disabled and should begin retirement. The employee (or an authorized representative) must apply for the benefit within 90 days of leaving the payroll or the conclusion of a medical leave of absence. The employee may also be eligible for Workers' Compensation benefits. Tier 3 members may be eligible for a retirement benefit after only five years of service; however, benefits under this provision are reduced by a percentage of Social Security benefits and any payable Workers' Compensation benefits.

#### **4. Accidental Disability Benefit**

In the case of disability resulting from an on-the-job accident, an employee who is a member of the Employees' Retirement System may receive a disability pension regardless of length of service if the disabling accident is not a result of the employee's negligence. The employee must file timely written notice of the accident with the New York State Comptroller or with the employing agency. (Notice to the Workers' Compensation Board fulfills this requirement.) In Tiers 1 and 2 and for certain provisions under Tier 3, any accidental disability benefits received through Workers' Compensation are deducted from the ERS disability benefit.

#### **5. Social Security Disability Benefits**

An employee may be eligible for monthly Social Security disability benefits if it is determined that they are, or is expected to be, mentally or physically disabled for a minimum of 12 months and has worked long enough and recently enough under Social Security to be fully insured. The amount of this benefit may be affected by other government payments and disability benefits. For additional information, call any Social Security office or contact the New York State Employee's Retirement System.

#### **6. Workers' Compensation Benefits**

Workers' Compensation is insurance, paid by New York State as an employer, that provides wage replacement benefits and medical care for employees who become disabled due to a work-related injury or illness. Employees are covered for all costs associated with necessary medical care as is required by the nature of their injury or the process of recovery. Employees may also be eligible for wage replacement benefits. For injuries sustained prior to July 1, 2010, wage replacement benefits will be equal to two-thirds of the employee's average weekly wage up to an established maximum. Wage replacement benefits for injuries sustained on or after July 1, 2010 will be up to two-thirds of the State Average Weekly Wage. No wage replacement benefits are paid for the first seven days of disability unless the disability extends beyond 14 days. In that event, the employee may be due wage replacement benefits retroactive to the first day off the job of injury. However, necessary medical care is provided for as long as the disability exists. The Attendance and Leave section of this handbook contains more information on Workers' Compensation Leave benefits.

It is essential that an employee report any job-related accident immediately to his or her supervisor and to the personnel office, where forms are available to apply for Workers' Compensation benefits.

#### **K. DEATH BENEFITS**

If an employee dies while in State service, beneficiaries may receive death benefit payments from the Employees' Retirement System, the Social Security Administration, the Workers' Compensation Board and the M/C Survivors' Benefit Program. Detailed information is available from the Employees' Retirement System and agency personnel offices.

## **1. Employees' Retirement System Benefits**

The Employees' Retirement System provides its members' beneficiaries with death benefits, the amount and type of which vary according to several factors, including cause of death, age, years of service, and tier membership. When death results from an accident occurring on the job (provided the accident did not result from the employee's negligence), a pension equal to one-half the employee's final average salary (or in some cases, the salary during the last year of active service) is paid to the spouse or certain other eligible beneficiaries as prescribed by law. No minimum period of service is required for eligibility. The benefit may be reduced by the amount of any Workers' Compensation benefit paid.

In the case of an employee whose death is not caused by a job-related accident, the Retirement System pays a lump sum to designated beneficiaries based on the employee's age, years of service, tier membership, and other factors. The first \$50,000 of the Ordinary Death Benefit is paid in the form of group life insurance and, as such, is exempt from federal income tax. Formulas for computing the amount of death benefits are detailed in booklets on each retirement tier, available from the Retirement System.

Each employee files a designation of beneficiary upon joining the Retirement System. However, changing life circumstances may call for changes in the designation of a beneficiary. Members may check or change their beneficiary designations by writing to the Employees' Retirement System.

## **2. Social Security Survivors' Benefits**

The family of a deceased employee who is insured by Social Security may be eligible for monthly survivors benefits and an additional one-time lump-sum death payment. The amount of the monthly benefit is a percentage of the monthly amount the deceased worker would have received from Social Security had they lived to retire at age 65. Other factors also determine the amount payable to survivors, such as the number and age of dependents, and whether any dependent has a disability. As with all Social Security benefits, there is a limit (maximum family benefit) on the total amount of benefits that all members of one family may receive based on the earnings record of one worker. The survivor's own work earnings may also affect the amount received from Social Security. Contact any Social Security office for more detailed information.

## **3. Workers' Compensation Benefits**

New York State employees are covered by Workers' Compensation insurance, which provides cash benefits and medical care for employees who become disabled because of job-related injuries or illnesses. If the employee dies from a compensable job-related injury or illness, the surviving spouse and dependents as defined by law are entitled to weekly cash benefits (subject to possible Social Security offsets). The amount is figured as two-thirds of the deceased employee's average weekly wage for the year before the compensable incident up to an established weekly maximum, regardless of how many dependents are involved. Funeral expenses are payable up to \$6,000 in New York City

and Rockland, Westchester, Nassau and Suffolk Counties. In all other counties the amount is \$5,000.

#### **4. M/C Survivors' Benefit Program**

Beneficiaries of M/C employees qualify for a benefit that, when added to the Retirement System's Ordinary Death Benefit, equals one year's salary. The maximum of the two benefits combined may not exceed the lesser of the annual salary or \$50,000 or, if the benefit payable is reduced due to the member's age, five times the Ordinary Death Benefit (payable through the Retirement System) for which the employee is eligible.

The M/C Survivors' Benefit Program is authorized by Section 154-a of the Civil Service Law and is administered by the Employees' Retirement System. To qualify, an employee must meet a length of service requirement and die before the effective date of retirement. Questions concerning specifics of this program may be directed to the Survivors' Benefit Program, Employees' Retirement System. (See Directory, Section N)

#### **5. Accidental Death Benefit**

A \$50,000 accidental death benefit is provided to the survivors or the estate of M/C employees who die as a result of accidental on-the-job injuries, and for whom death benefits have been paid pursuant to the Workers' Compensation Law. This benefit is in addition to, and does not replace, other State death benefits now provided.

In addition, a special fund has been established to provide the children of employees for whom such benefits have been paid with full tuition, up to the amount charged by the State University of New York, to attend any accredited college or university in New York State. This benefit is authorized by Section 154-c of the Civil Service Law and is administered by individual agencies and the Office of Employee Relations.

### **L. OPTIONAL GROUP INSURANCE**

#### **1. Group Life Insurance**

New York State offers an optional group term life insurance program for management/confidential employees called "M/C Life," which is currently underwritten by the Metropolitan Life Insurance Company. Employees who enroll pay the full cost of this insurance. Various levels of coverage are offered at competitive group rates. The plan offers term life insurance for employees and their eligible dependents; an accidental death and dismemberment benefit is also included.

Employees who are non-smokers are eligible for a non-smoker premium discount. To be eligible for the reduced premium schedule, an employee must not have smoked cigarettes, cigars, or a pipe for the 12 months preceding either initial enrollment in the program or September 1 of the year in which a change in status is made.

The major features of the plan are:

- Employees may choose between a fixed amount of life insurance or an amount based on annual salary, with a maximum coverage of \$500,000 available. An employee may select \$5,000, \$10,000, or \$15,000 worth of coverage, or may select from one to five times annual salary (but not to exceed \$500,000).
- In the event of death due to an accident prior to age 70, an additional accidental death benefit equal to the full amount of life insurance coverage (to a maximum of \$250,000) is payable to the beneficiary. Double indemnity payments up to \$500,000 are provided if death is caused by an accident that occurred while the employee was traveling on a common carrier (e.g., bus, train, or commercial airline).
- In the event of accidental dismemberment, half of the accidental death benefit is payable for the loss of a hand, foot, or the sight of one eye. The full amount is payable for any combination of these losses from any one accident.
- Dependent group life insurance is also available: up to 50 percent of the enrollee's benefit to a maximum of \$20,000 for a spouse, and in a flat amount of \$4,000 for each eligible child.
- Enrollees may continue group life insurance or convert to an individual policy upon retirement subject to the terms of the policy and provisions of State Insurance Law. If an individual leaves State service prior to retirement, they also may purchase an individual conversion policy.

Details of the program are contained in the booklet, *New York State Group Life Insurance Plan: M/C Life*, which is available, together with enrollment applications, from agency personnel offices.

## **2. M/C Personal Lines Insurance Program**

The M/C Personal Lines Insurance Program is an optional mass marketed program that offers M/C employees automobile, homeowners/renters, and personal (umbrella) liability coverage at reasonable cost. It is currently administered by Pearl Insurance. All M/C employees are eligible to take part in this program and may sign up for any of these coverages at any time. Obtaining umbrella liability insurance, however, may require that underlying automobile or homeowner coverage be written through the same company that provides the umbrella coverage. Employees may elect to pay insurance premiums through payroll deduction or by direct payment to Pearl Insurance. To receive additional information and/or a personal rate quotation for any of these coverages, employees should contact Pearl Insurance directly. (See Directory, Section N)

## **M. POLICY DIRECTIVES**

### **1. Sexual Harassment**

See Equal Employment Opportunity Rights and Responsibilities Handbook.

### **2. Sexual Orientation**

See Equal Employment Opportunity Rights and Responsibilities Handbook.

### **3. Age Discrimination**

See Equal Employment Opportunity Rights and Responsibilities Handbook.

### **4. Ethics in Government**

The Ethics Commission was created to restore public trust in government by ensuring compliance with the State's ethics and lobbying laws and regulations. It has jurisdiction over more than 300,000 officers and employees at State agencies and departments, including commissions, boards, State public benefit corporations, public authorities, SUNY, CUNY, and the statutory closely-affiliation corporations; the four statewide elected officials; members of the Legislature and candidates for those offices; employees of the Legislature; certain political party chairpersons; and registered lobbyists and their clients.

The Ethics Commission provides information, education, and advice regarding ethics and lobbying laws and promotes compliance through audits, investigations, and enforcement proceedings. It also issues formal and informal advisory opinions and promulgates regulations on the applicable laws and the effect on those subject to the Commission's jurisdiction.

Finally, the Commission promotes transparency by making required disclosures by those under its jurisdiction available to the public. These disclosures include, but are not limited to, annual financial disclosure statements filed by thousands of individuals and activity and expense reports filed by lobbyists and their clients. More information on ethics is available at <https://ethics.ny.gov>.

### **5. Political Activities**

While New York State employees are not discouraged from participating in the political process, there must be a clear separation between their political activities and their duties as State employees. It is the policy of the State that no employee shall conduct political activities on paid State time or use State equipment, vehicles, or office space for any purpose other than official State business. In addition, employees of New York State shall not use their official authority to influence the political action of any person. Neither shall appointment to or removal from a State civil service protected position, in any manner, be affected by one's political affiliation. Section 107 of the Civil Service Law and Sections 17-156 and 17-158 of the Election Law specify these prohibitions.



## **6. Diversity and Inclusion**

New York State is committed to a culture of respect that values and promotes diversity, inclusion and equal opportunity, free of unlawful discrimination on the basis of protected class status, including, age, race, creed, color, sex, sexual orientation, gender identity, national origin, military or veteran status, disability, predisposing genetic characteristics, marital or family status, domestic violence victim status, arrest record or criminal conviction history, or any other impermissible basis, in all functions performed, and services offered, by New York State employees.

It is the policy of New York State to protect and promote diversity, inclusion and equal opportunity in the State's workforce in accordance with the requirements of the New York State Human Rights Law, Title VII of the Federal Civil Rights Act, the Americans with Disabilities Act, all applicable requirements of New York state and federal law, and Executive Order No. 187 (2018).

## **7. Grievance Procedures for M/C Employees**

Executive Order No. 42 (1970) establishes a procedure for the submission, review, and settlement of M/C grievances. An M/C employee has the right to grieve matters free from interference, coercion, restraint, discrimination, or reprisal. An employee may present his or her case at each step established by the grievance procedure and has the right to representation at each of these steps. A copy of the Executive Order grievance procedure and the rules and regulations that govern it can be found in Appendix F.

The initial steps are handled within the employee's agency, beginning with the supervisor and ending with the appointing authority. The final step of an appeal is heard by the three-member Grievance Appeals Board, composed of non-State employees. The Board reviews those appeals it deems appropriate and may require the personal appearance of the grievant and others. The Executive Order requires that each agency establish formal procedures for the submission of grievances by employees. Copies of an agency's grievance procedure and grievance form may be obtained from the agency personnel or labor relations office. An Executive Order grievance may also be filed in the form of a letter or memo to the employee's supervisor.

## **8. Alcohol and Controlled Substances in the Workplace**

The longstanding policy of the State is that employees who engage in the unlawful distribution, sale or attempted sale, possession, or purchase of controlled substances while at the workplace or while performing in a work-related capacity will be subject to criminal, civil, and disciplinary penalties. Such illegal act, even if engaged in off duty, may result in disciplinary action.

State policy also prohibits on-the-job use of or impairment from alcohol or controlled substances. An employee may be required to undergo a confidential medical examination to ascertain the cause of impairment or disability when there exists a "reasonable suspicion," based on specific, reliable observations, that such impairment or disability is a result of the use of alcohol or a controlled substance. If alcohol or controlled substance use or impairment is found to exist, the appointing authority will

determine the appropriate course of action, which may include disciplinary action, referral to the Employee Assistance Program, or the use of disability leave procedures.

Agencies may have their own policies, procedures, or practices regarding alcohol and controlled substances, which also apply to their employees. A copy of the State's policy on alcohol and controlled substances in the workplace is included as Appendix G.

### **9. Defense and Indemnification of State Officers and Employees**

Section 17 of the Public Officers Law provides for the defense and indemnification of employees who are involved in civil lawsuits based on their employment with New York State. If such civil action or proceeding arises out of an act or omission that occurred while the employee was acting within the scope of official duties, the State will provide for his or her defense or provide reasonable attorneys' fees if the Attorney General cannot provide representation. Likewise, the State will indemnify employees in the amount of any judgement or settlement obtained against them, provided that the injury or damage did not result from intentional wrongdoing on their part. Employees who are involved in any such lawsuit should notify their personnel office and the Attorney General immediately.

### **10. Review of an M/C Employee's Personal History Folder**

Only one official personal history folder is to be maintained for an M/C employee. This folder should contain copies of personnel transactions, and all documents, memoranda, and correspondence relating to the employee's job performance, including written performance appraisals. Copies of such documents, memoranda, and correspondence should be provided to the employee at the time it is placed in the personal history folder.

An employee is to be given the opportunity to review his or her personal history folder in the presence of an appropriate agency official within three working days of a written request to do so. In the event the folder is kept other than at the employee's work location, up to five working days' notice may be required.

An M/C employee has the right to place in the personal history folder a written response to any material they deem to be adverse, with such response being attached to the document at issue.

## **N. DIRECTORY**

The following list is arranged by topic and can prove helpful in getting answers to questions regarding your employment with New York State. Should you need information about a specific employee benefit (insurance) program, contact the listed provider directly or speak with your Agency Human Resource Office.

**1. Attendance and Leave**

**(518) 457-2295**

Department of Civil Service  
Empire State Plaza Agency Building 1  
Albany, New York 12239

**2. Insurance: Automobile, Homeowners and Renters**

**(518) 640-8100 or 800-833-4657**

Pearl Insurance  
12 Cornell Road  
Latham, New York 12110

<https://pearlinsurance.com>

**3. Deferred Compensation Plan**

**Helpline: 800-422-8463**

NYS Deferred Compensation Plan  
Administrative Service Agency, PW-03-01  
P. O. Box 182797  
Columbus, Ohio 43218-2797

<https://nysdcp.com>

**4. Dental Insurance**

**800-947-0101**

GHI Preferred Dental Plan -  
An Emblem Health Company

*Call for general information or to obtain the names of participating dentists.*

**Regional Offices**

Albany	(518) 446-8020
Buffalo	(716) 852-7711
Long Island	(518) 228-8488
New York City	(212) 501-4443
Rochester	(716) 424-2467
Syracuse	(315) 432-0826

**5. Dependent Care**

**800-358-7202**

Dependent Care Advantage Account (DCAA)

<https://oer.ny.gov/fsa>

**6. Employee Assistance Program (EAP)**

**(518) 486-9769 or 800-822-0244**

<https://oer.ny.gov/eap>

**Regional Offices**

Watertown	(315) 785-2545
Syracuse	(315) 428-4963
Rochester	(585) 529-3690
Buffalo	(716) 847-3911
Mid-Hudson	(845) 567-1126
New York City	(718) 923-4321
Long Island	(631) 952-7032

## 7. Examination and List Information

Department of Civil Service  
Empire State Plaza Agency Building 1  
Albany, New York 12239

Exam Information	(518) 457-6216
Examination Status	(518) 457-4295
Eligible Lists	(518) 457-4295
Preferred Lists/Reemployment/Transfer Options provided by the Career Mobility Office (CMO)	(518) 485-6199 800-553-1322

## 8. Health Care Spending Account

**800-358-7202**  
<https://oer.ny.gov/fsa>

## 9. Health Insurance (General Information)

Department of Civil Service  
Empire State Plaza Agency Building 1  
Albany, New York 12239

**(518) 457-5754 or  
800-833-4344**  
<https://cs.ny.gov/ebd>

## 10. Health Insurance (Empire Plan)

Call for information on benefits under Basic Medical and Participating provider Programs, pre-determination of benefits, claims and Participating Providers.

### **Empire Blue Cross and Blue Shield**

New York State Service Center  
P. O. Box 1407 Church Street Station  
New York, New York 10008-1407

**877-7-NYSHIP  
877-769-7447**

Call for hospital information and related services.

### **Organ and Tissue Transplant Program**

Call for information on or to arrange for transplant services.

**877-7-NYSHIP  
877-769-7447**

### **Benefits Management Program**

For maternity or scheduled hospital admission, within 48 hours after an emergency or urgent hospital admission, and before admission or transfer to a skilled nursing facility.

**877-7-NYSHIP  
877-769-7447**

Before elective (scheduled) Magnetic Resonance Imaging (MRI)

### **Optum Health Behavioral Solutions**

Treatment for Mental Health and Substance Abuse

**877-7-NYSHIP  
877-769-7447  
877-7-NYSHIP  
877-769-7447**

**United HealthCare Insurance Company of NY**  
P.O. Box 1600  
Kingston, New York 12402-1600

877-7-NYSHIP  
877-769-7447

**Home Care Advocacy Program (HCAP)**  
Call to arrange for paid-in-full home care services and/or durable medical equipment/supplies.

877-7-NYSHIP  
877-769-7447

**Managed Physical Medicine Program (MPN)**  
Call for information on benefits and to find MPN network providers for chiropractic treatment and physical therapy.

877-7-NYSHIP  
877-769-7447

**Infertility Benefits**  
Call for prior authorization for Qualified Procedures, regardless of Provider.  
Call for the location of Centers of Excellence.

877-7-NYSHIP  
877-769-7447

**Complementary and Alternative Medicine (CAM) Program**  
For the names, addresses and phone numbers of Empire Plan CAM providers

877-7-NYSHIP  
877-769-7447

**Prescription Drug Program**  
Empire Blue Cross Blue Shield  
P.O. Box 11826  
Albany, New York 12211

877-7-NYSHIP  
877-769-7447

**The Nurse Line**  
Call for health information and advice, 24 hours a day, seven days a week.

800-439-3435

**11. Income Protection Plan (IPP) Regulations Division of Employee Benefits**  
Department of Civil Service  
Empire State Plaza Agency Building 1  
Albany, New York 12239

(518) 457-5754 or  
800-833-4344

*For Status of STD or LTD Claims:*  
MetLife Disability Management Services

800-300-4296 ext. 2573 for STD  
800-300-4296 ext. 2547 for LTD

## **12. Life Insurance**

Department of Civil Service  
Empire State Plaza Agency Building 1  
Albany, New York 12239  
Information and Filing Claims: (518) 473-3496

- 13. Paid Family Leave** (844) 337-6303  
<https://ny.gov/PaidFamilyLeave>
- 14. Retirement** (866) 805-0990 or  
 NYS and Local Retirement System (518) 474-7736  
 110 State Street  
 Albany, New York 12244-0001  
<https://osc.state.ny.us/retire>
- Teachers' Insurance Annuity Association (TIAA)** (212) 490-9000  
 730 Third Avenue  
 New York, New York 10017  
<https://tiaa.org>
- Teachers' Retirement System** (518) 447-2666  
 10 Corporate Woods Drive  
 Albany, New York 12211-2395  
<https://nystrs.org>
- 15. Survivors' Benefit Program** (518) 474-7736 or  
 NYS and Local Retirement System 866-805-0990  
 110 State Street  
 Albany, New York 12244-0001
- 16. Tuition Reimbursement Processing Unit** (518) 474-6772  
 Office of Employee Relations  
 M/C Tuition Processing Unit  
 2 Empire State Plaza  
 Albany, New York 12223  
<https://oer.ny.gov/managementconfidential-mc-training-programs>
- 17. Umbrella Liability Insurance** 800-433-8657  
 Pearl Insurance (518) 640-8100  
 11 Cornell Road  
 Latham, New York 12110
- 18. Vision Care Plan** 888-588-4823  
 Davis Vision, Inc.  
 711 Troy Schenectady Road  
 Latham, New York 12110  
<https://cs.ny.gov/ebd>
- 19. Workers' Compensation Board**  
 100 Broadway  
 Albany, New York 12241

**Workers' Compensation Board**  
Regional Offices

Albany	(866) 750-5157
Binghamton	(866) 802-3604
Buffalo	(866) 211-0645
Hauppauge	(866) 681-5354
Hempstead	(866) 805-3630
New York City	(800) 877-1373
Peekskill	(866) 746-0552
Rochester	(866) 211-0644
Syracuse	(866) 802-3730

## Appendix A: Moving from a Bargaining Unit into the M/C Group

If you have recently moved from a position in a bargaining unit to a new position in the M/C group, or if your current position has been newly designated M/C, your personnel office should have provided you with information about what that change means for you in terms of benefits, available programs, policies, and practices.

There are certain benefits that are available only to M/Cs and others that differ somewhat from those offered to bargaining unit employees. Participation in some programs requires you to make important decisions in a relatively short time in order to take full advantage of these benefits. For others, you need only be aware of certain program elements. The following sets forth the major benefits and programs that are unique to M/Cs, and lists the issues to consider upon moving into the M/C group. Of course, you should read the entire handbook carefully, and familiarize yourself with all benefits, programs, policies, and practices that now apply to you.

As an M/C employee, you are now eligible to participate in the following benefits and programs previously unavailable to you:

- M/C Income Protection Plan
- Paid Family Leave
- M/C Life Insurance Program
- M/C Training and Development Programs
- Voluntary Reduction in Work Schedule (PS&T unit employees are also eligible)
- M/C Personal Insurance Program (auto, homeowners, personal liability insurances)

Some Important Considerations:

- If you have creditable State service prior to January 1, 1986, you have 30 days from the date of your appointment to the M/C position to choose between comprehensive disability coverage under the M/C Income Protection Plan (IPP) with reduced annual sick leave accruals, or the State's alternative sick leave accrual program.
- M/C employees can purchase low-cost group life insurance through the M/C Life Insurance Program. If you enroll in the program within the first six biweekly pay periods since your appointment to the M/C position, coverage is guaranteed without undergoing a physical examination or completing a medical questionnaire.
- There is a 28-day waiting period before new M/C employees may use the M/C Vision Care or Hearing Care benefits. You must also complete an enrollment form in order to use the plan.
- You may want to consider taking advantage of the several mass-marketed group insurance programs that are available to M/C employees on a payroll deduction basis (M/C Personal Insurance Program).



- You may also want to enroll in the State's Deferred Compensation Plan, through which you can direct the investment of a portion of your salary annually and defer taxes on these amounts and any appreciation in their value until you take distributions, normally at retirement age.
- If you are currently pursuing educational activities or have plans to take credit or non-credit career-related courses, you should inquire about benefits available under the M/C Tuition Reimbursement Program.
- OER sends information about upcoming M/C education and training opportunities to M/C employees, agency heads, and agency training and quality units, as appropriate. M/C employees seeking more information regarding management development should contact their agency training designee or OER.

## **Appendix B: Leave for Pregnancy, Childbirth, Child Care and Adoption**

Department of Civil Service memorandum, "Leave for Pregnancy, Childbirth and Child Care," from Joseph A. F. Valenti to State Departments and Agencies, January 28, 1982.

We have reviewed the State's policy on leave for pregnancy, childbirth, and child care in the light of recent court determinations concerning such leaves. I find it necessary to revise this policy statement to reflect the views of the court concerning these subjects. This memorandum revokes and replaces the August 3, 1973, memorandum from the Civil Service Commission regarding maternity leave effective immediately.

Pregnant employees may be asked or encouraged to report the existence of pregnancy, but they may not be required to do so. Where, in the opinion of the appointing officer, the nature of the duties performed may be particularly hazardous or burdensome during pregnancy, this should be pointed out in the letter of appointment and such employees should be urged to advise their supervisors of any pregnancy. In any case where the appointing authority believes the employee is unable to perform the duties of the position because of pregnancy, the employee may be required to undergo a medical examination, at the expense of the department or agency, by a physician designated by the appointing authority. A pregnant employee who is determined to be medically disabled from the performance of job duties must be treated the same as any other employee similarly disabled insofar as disability leave benefits are concerned.

Sick leave and sick leave at half-pay may be used only during a period of medical disability. Under the State's policy, disabilities arising from pregnancy or childbirth are treated the same as other disabilities in terms of eligibility for or entitlement to sick leave with and/or without pay, extended sick leave and sick leave at half-pay. Generally, the period of such disability is deemed to commence approximately four weeks prior to delivery and to continue for six weeks following delivery. While doctor's certificates may be required for any period of disability, agencies should request detailed medical documentation whenever disability is claimed to commence prior to or to extend beyond the period of disability described above.

An appointing authority may approve an employee's request for leave without pay during pregnancy and prior to the onset of any medical disability as a matter of discretion. Absences during pregnancy and following childbirth may be charged to vacation, overtime or personal leave irrespective of whether the employee is disabled. While the use of annual leave, overtime and personal leave accruals prior to the onset of medical disability is discretionary with the appointing authority, employees must be permitted to use these accruals during a period of medical disability after sick leave with pay has been exhausted.

Employees, regardless of sex, are entitled to leave without pay for child care for up to seven months following the date of delivery. For purposes of computing the seven-month period of mandatory leave, periods during which the employee was absent for "disability" or use of leave credits are included; the mandatory seven-month period is not extended by the granting of disability leave or the use of accrued leave. During a period of leave for child care, employees shall be permitted, upon request, to use annual leave, personal leave and overtime credits before being granted leave without pay. As is the case with other mandatory leaves without pay (e.g., military leave), agencies shall not require that employees exhaust all appropriate leave credits prior to being granted leave without pay for child care. Sick leave or sick leave at half-pay may be used only during a period of medical disability (Attendance Rules Sections 21.3, 21.4, 21.5, 28.3, 28.4 and 28.5). Except in the case of continuing medical disability, any leave of absence beyond the seventh month following childbirth shall be at the discretion of the appointing authority as provided in Sections 22.1 and 29.1 of the Attendance Rules. An employee who requests leave for child care of less than seven months is entitled to have such leave extended, upon request, up to the seven-month maximum and may, at the discretion of the appointing authority, have such leave extended beyond the seventh month. In certain situations, an employee may not be permitted to return from such leave until the expiration of the period that such employee requested and was granted. Generally, such restrictions on early return are limited to situations where such return would be disruptive of a project or wherever the termination of a replacement would occur.

During the seven-month period following childbirth, the granting of leave for child care is mandatory upon request from either parent. If both parents are State employees, leave for child care is mandatory for one parent at a time and the parents may elect to split the mandatory seven months leave into two separate blocks of leave with each parent entitled to one continuous period of leave but not to exceed a combined total of seven months of leave and not to extend beyond seven months from the date of delivery.

Agencies may, in their discretion, approve other arrangements for shared leave including concurrent leave and may, as a matter of discretion, extend leave for child care beyond the mandatory seven months. Furthermore, while one parent is absent on leave for child care, agencies continue to have the discretion to approve requests from the other parent for periods of vacation or personal leave, and for family sick leave in accordance with Sections 21.3(f) and 28.3(f) of the Attendance Rules.

Temporary, provisional and probationary employees without any permanent status are entitled to leave with full pay and/or without pay as described above. However, these employees are not eligible for sick leave at half-pay nor are they entitled to leave beyond that date when their employment would otherwise terminate (e.g., temporary item abolished, permanent incumbent restored to item, certification of eligible lists, etc.). In general, the State's policy on leave for pregnancy, childbirth and child care shall not be construed to require extension of any employment (permanent, permanent contingent, temporary, or provisional) beyond the time it would otherwise terminate.

Questions concerning the State's policy on leave for pregnancy, childbirth and child care should be referred to the Division of Program Evaluation and Development of this Department (Telephone 518 457-2295).

*Department of Civil Service memorandum, "Child Care Leave for Adoptive Parents," from Joseph A.F. Valenti to State Departments and Agencies, March 11, 1982*

On January 28, 1982, I issued a memorandum to State agencies concerning leave for pregnancy, childbirth and child care. Consistent with that memorandum, I am extending entitlement to leave without pay for child care to adoptive parents in the same manner and to the same extent that such leave is available to natural parents. This memorandum applies to all eligible State employees, except that where an Agreement between the State and an employee organization entered into pursuant to Article 14 of the Civil Service Law (the Taylor Law) provides for a different leave benefit, the provisions of the Agreement shall control. However, nothing in the Agreements precludes appointing authorities from extending the benefits provided by this policy on a discretionary basis.

State employees, regardless of gender, are entitled to a maximum of seven months of leave without pay for child care in connection with the adoption of a child in accordance with the provisions of Article 7 of the Domestic Relations Law. Entitlement to such leave without pay shall be for a period of up to seven months. The employee may take leave for this purpose starting at any time from the date the adoptive child is placed with the family to the effective date of the adoption.

In general, the guidelines for leave of absence for child care for adoptive parents are the same as those governing leave for child care for natural parents.

During a period of leave for child care, employees shall be permitted, upon request, to use annual leave, personal leave and overtime credits before being granted leave without pay. However, agencies shall not require that employees exhaust all appropriate leave credits before being granted leave without pay for child care. The seven-month period of such leave is not extended by the use of accrued leave credits.

An adoptive parent who requests a leave of absence for child care purposes of less than seven months is entitled to have such leave extended, upon request, up to the seven-month maximum.

If both adoptive parents are State employees, one parent may elect to take the entire leave, or the parents may choose to divide the leave time with each entitled to one continuous period of leave as long as it does not exceed a combined total of seven months of leave.

Agencies may, in their discretion, approve other arrangements for shared leave and may as a matter of discretion extend leave for child care for adoptive parents beyond the seven months to which this new policy entitles them. Furthermore, while one parent is absent on leave for child care, agencies continue to have the discretion to approve

requests from the other parent for periods of vacation or personal leave, or for family sick leave in accordance with Section 21.3(f) and 28.3(f) of the Attendance Rules.

The State's policy on leave for child care for adoptive parents shall not be construed to require extension of any employment beyond the time it would otherwise terminate.

Questions concerning the State's policy on leave for child care for adoptive parents should be referred to the Division of Program Evaluation and Development of this Department (Telephone 518 457-2295).

## Appendix C: Code of Ethics

### Public Officers Law, Section 74

#### §74. Code of ethics

##### 1. Definition

As used in this section: The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department or any public benefit corporation or public authority at least one of whose members is appointed by the governor.

2. The term "legislative employee" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

3. Rule with respect to conflicts of interest. No officer or employee of a state agency, member of the legislature or legislative employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

##### 4. Standards

- a. No officer or employee of a state agency, member of the legislature or legislative employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.
- b. No officer or employee of a state agency, member of the legislature or legislative employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
- c. No officer or employee of a state agency, member of the legislature or legislative employee should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.
- d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
- e. No officer or employee of a state agency, member of the legislature or legislative employee should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

- f. An officer or employee of a state agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.
- g. An officer or employee of a state agency should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
- h. An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- i. No officer or employee of a state agency employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation, a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the state agency in which such officer serves or is employed.
- j. If any officer or employee of a state agency shall have a financial interest, direct or indirect, having a value of ten thousand dollars or more in any activity which is subject to the jurisdiction of a regulatory agency, he should file with the secretary of state a written statement that he has such a financial interest in such activity which statement shall be open to public inspection.

## 5. Violations

In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law.

## Appendix D: Restrictions on Business or Professional Activities

### Public Officers Law, Section 73

§73. Business or professional activities by state officers and employees and party officers

1. As used in this section:
  - a. The term "compensation" shall mean any money, thing of value or financial benefit conferred in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, compensation shall mean net revenues, as defined in accordance with generally accepted accounting principles as defined by the state ethics commission or legislative ethics committee in relation to persons subject to their respective jurisdictions.
  - b. The term "licensing" shall mean any state agency activity, other than before the division of corporations and state records in the department of state, respecting the grant, denial, renewal, revocation, enforcement, suspension, annulment, withdrawal, recall, cancellation or amendment of a license, permit or other form of permission conferring the right or privilege to engage in (i) a profession, trade, or occupation or (ii) any business or activity regulated by a regulatory agency as defined herein, which in the absence of such license, permit or other form of permission would be prohibited.
  - c. The term "legislative employee" shall mean any officer or employee of the legislature but it shall not include members of the legislature.
  - d. The term "ministerial matter" shall mean an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.
  - e. The term "regulatory agency" shall mean the banking department, insurance department, state liquor authority, department of agriculture and markets, department of education, department of environmental conservation, department of health, division of housing and community renewal, department of state, other than the division of corporations and state records, department of public service, the industrial board of appeals in the department of labor and the department of law, other than when the attorney general or his agents or employees are performing duties specified in section sixty-three of the executive law.



- f. The term "representative capacity" shall mean the presentation of the interests of a client or other person pursuant to an agreement, express or implied, for compensation for services.
- g. The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the governor, or the state university of New York or the city university of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the state.
- h. The term "statewide elected official" shall mean the governor, lieutenant governor, comptroller or attorney general.
- i. The term "state officer or employee" shall mean:
  - 1. heads of state departments and their deputies and assistants other than members of the board of regents of the university of the state of New York who receive no compensation or are compensated on a per diem basis;
  - 2. officers and employees of statewide elected officials;
  - 3. officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies other than officers of such boards, commissions or councils who receive no compensation or are compensated on a per diem basis; and
  - 4. members or directors of public authorities, other than multi-state authorities, public benefit corporations and commissions at least one of whose members is appointed by the governor, who receive compensation other than on a per diem basis, and employees of such authorities, corporations and commissions.
- j. The term "city agency" shall mean a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation or other agency of government, the expenses of which are paid in whole or in part from the city treasury and shall include the board of education, the board of higher education, school boards, city and community colleges, community boards, the New York city transit authority, the New York city housing authority and the Triborough bridge and tunnel authority, but shall not include any court or corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.



































































## Appendix H: Paid Family Leave

### Benefits -- Time

Paid Family Leave benefits phase in over four years. Eligible employees can take Paid Family Leave for up to eight weeks in 2018, with coverage increasing to 10 weeks in 2019 and 2020, and 12 weeks in 2021. Leave can be taken either all at once or in full-day increments. You may take the maximum time-off benefit in any given 52-week period. You cannot take Paid Family Leave in partial day increments. You cannot charge accruals on a day when you take Paid Family Leave.

### Benefits -- Pay

Paid Family Leave pay benefits also phase in over four years. Benefits are a percentage of your average weekly wage, capped at that same percentage of the New York State Average Weekly Wage, as calculated annually by New York State's Department of Labor. These benefits are 50% of your average weekly wage for 2018, 55% in 2019, 60% in 2020, and 67% in 2021.

### Funding

Paid Family Leave is funded through a small weekly payroll deduction, which is a percentage of your weekly wage up to a cap set annually.

The 2018 payroll contribution is 0.126% of your weekly wage and is capped at an annual maximum of \$85.56. If you earn less than the New York State Average Weekly Wage (\$1,305.92 per week), you will have an annual contribution amount less than the cap of \$85.56, consistent with your actual weekly wages.

For example, in 2018, if you earn \$27,000 a year (\$519 a week), you will pay 65 cents per week.

### Your Rights and Protections

- You have **job protection**, ensuring you can return to the same job (or a comparable one) when you return from Paid Family Leave.
- You can keep your **health insurance** while on leave. If you contribute to the cost of your health insurance, you must continue to pay your portion of the cost while on leave.
- Your employer is **prohibited from discriminating or retaliating** against you for requesting or taking Paid Family Leave.
- **You do not have to take all of your sick and/or vacation time** before using Paid Family Leave.

For information on applying for and taking Paid Family Leave, please go to <https://cs.ny.gov/pfl> and refer to the *Apply for Paid Family Benefits* section. Request forms, the request submission process, and additional information on the Paid Family Leave benefits such as the Department of Civil Service policy bulletin on Paid Family Leave can be found on that website as well.



## Discrimination Complaints

Employees are protected from discrimination and retaliation for requesting or taking Paid Family Leave.

If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave, send your agency's personnel office a formal request for job reinstatement using the **Formal Request For Reinstatement Regarding Paid Family Leave (Form PFL-DC-119)**, which can be found in the forms section of <https://ny.gov/PaidFamilyLeave>. Also, send a copy to:

Paid Family Leave  
P O Box 9030  
Endicott, New York 13761-9030

If your employer fails to comply with the request for reinstatement within 30 days, you have the right to a hearing with the **Workers' Compensation Board using the Paid Family Leave Discrimination/Retaliation Complaint (Form PFL-DC-120)**, which is also available on the Paid Family Leave website. Once your complaint is received, the Board will assemble your case and reach out to you to schedule a hearing within 45 calendar days. NOTE: To file a complaint, you must have first requested reinstatement as described above.

An administrative law judge may order an employer to reinstate you, pay any lost wages, pay attorney's fees, and pay up to \$500 in penalties.

In addition to protections under Workers' Compensation Law, in certain situations an employee may have claims under the New York Human Rights Law. The New York Human Rights law makes it illegal for employers to discriminate against employees based on certain protected grounds, including but not limited to, sexual orientation, sex, age, marital status, pregnancy-related conditions, or familial status. For more information, please visit the Division of Human Rights website at: <https://dhr.ny.gov/complaint#howto>.

For more information on Paid Family Leave, please visit <https://ny.gov/PaidFamilyLeave> or contact your agency's personnel office.

### **Appendix I: Sexual Harassment**

See, Equal Employment Opportunity Rights and Responsibilities – A Handbook for Employees of New York State Agencies.

### **Appendix J: Sexual Orientation**

See, Equal Employment Opportunity Rights and Responsibilities – A Handbook for Employees of New York State Agencies.

### **Appendix K: Age Discrimination**

See, Equal Employment Opportunity Rights and Responsibilities – A Handbook for Employees of New York State Agencies.