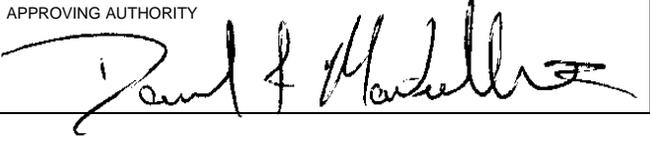


 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Allowable Absences With Pay</b>		NO. 2209
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SUPERSEDES DIR #2209 Dtd. 9/29/2014	DISTRIBUTION A	PAGES PAGE 1 OF 7	DATE LAST REVISED
REFERENCES (Include but are not limited to) NYS Executive Law, Labor Law, Public Health Law; DOCCS Employees' Manual; OSC Travel Manual; DOCCS Travel Guidelines; Dir. #2005, #2212	APPROVING AUTHORITY 		

- I. DESCRIPTION:** This directive describes when an employee may be absent without loss in pay and without charge to leave credits.
- II. ALLOWABLE ABSENCES**
- A. Jury Duty or Subpoenaed Appearance**
1. An employee who is required to appear in court under circumstances not covered by the provisions of this directive and for which absence with pay or compensatory time may be appropriate should consult with his or her Personnel Office.
  2. An employee who is required to appear as a witness or juror, in response to a Subpoena, a Court Order, or an Order of a quasi-judicial body, during the employee's regularly scheduled work hours shall be granted a leave of absence with pay with no charge to leave credits provided he or she is not a party to the action (e.g., defendant or plaintiff).
  3. An overtime eligible employee who is a party to the action (e.g., defendant or plaintiff), and who is required to appear as a witness in response to a Subpoena, a Court Order, or an Order of a quasi-judicial body during the employee's regularly scheduled work hours, must charge the absence to appropriate leave credits.
  4. An overtime ineligible employee who is required to appear as a witness in response to a Subpoena, a Court Order, or an Order of a quasi-judicial body for any period of less than a workweek is entitled to paid leave regardless of whether the employee is a party to the action (e.g., defendant or plaintiff).
  5. The employee must present proof of the call for jury duty or appearance as a witness pursuant to a Subpoena, a Court Order, or an Order of a quasi-judicial body to his or her supervisor attached to a time off request.
  6. At the completion of jury duty, an employee must submit a court clerk's statement, indicating the number of days and the hours each day that were served. Absences beyond the hours actually served must be charged to leave credits, with reasonable allowance being made for travel time.
  7. An employee who is required to appear as a party in a private legal action which is not job-related must charge the absence to appropriate accruals.
  8. An employee on jury duty who works a shift other than the day shift will be reassigned to the day shift on any day in which he or she is directed to physically report to an assigned court.

An employee who is only “on call” for jury duty will continue to work his or her normal assigned shift, but will be responsible for contacting the court immediately upon daily posting of jury call-ins to determine if he or she must report to court on the next day. Employees who are on duty when that posting occurs will be given access to an outside telephone line to determine their reporting schedules for the next day. Costs for phone calls will be paid by the employees.

An employee who is called to physically report to court for jury duty on the next day must immediately inform the Watch Commander. The Watch Commander will reassign uniformed employees to the day shift and notify the supervisors of non-uniformed employees.

The other provisions of this directive (i.e., Sections II-A-2 and II-A-4 above) are applicable to employees reassigned to the day shift.

9. The regular days off for employees who are required to appear at legal proceedings or serve as jurors should not be rescheduled unless the following conditions are met:
    - a. The employee has served continuously on jury duty for a minimum of two weeks; and
    - b. The jury duty service is expected to continue for an indefinite period.
  10. If called for jury duty, an employee who is assigned to a work location away from his or her normal work location may request a six-month postponement of service from his or her County Commissioner of Jurors. The employee may also request an additional temporary exemption over and above the six months should he or she wish to do so. An employee must report for duty on those workdays when he or she is not required for jury duty, regardless of the work location.
  11. Any witness fees tendered to an employee in a job-related court appearance must be submitted to the financial officer (e.g., Institutional Steward or Head Account Clerk). An employee is not entitled to receive payment of the per diem allowance unless the court appearance or jury service is on the employee’s pass day.
- B. Job Placement Interview or Civil Service Examination
1. An employee who is interviewed for a job placement as a result of being canvassed from a Civil Service list shall be granted leave without charge to accruals if the employee provides his or her supervisor with reasonable notice. Such time off should include the actual time of the interview and travel time to and from the interview site.
  2. An employee, who on his or her own initiative arranges an interview to seek another position in the same salary grade within the Department of Corrections and Community Supervision (DOCCS) or in another State agency, must charge the time spent on the interview to accruals other than sick leave. If the interview is the result of a response to a posting, but would result in a promotion, leave shall be granted without charge to accruals.

3. If an employee notifies his or her supervisor of an impending Civil Service examination, such as an oral, written, physical, or performance test, the employee will be permitted to be absent without charging accruals for the actual time of the examination and travel time to and from the nearest examination center.
4. Time spent by an employee in reviewing and/or appealing a Civil Service examination must be charged to leave accruals other than sick leave.
5. In accordance with the Office of the State Comptroller Travel Manual and DOCCS Travel Guidelines, all travel expenses associated with interviews for employment or promotion are the responsibility of the employee.
6. See Section III of this directive for documentation requirements.

C. Civil Defense Training

1. An employee may be granted leave with pay, without charge to accruals, for Civil Defense emergency training if he or she obtains prior approval from the appointing authority. Leave for Civil Defense drills is not mandatory.
2. To be eligible for Civil Defense leave an employee must be:
  - a. Enrolled as a Civil Defense volunteer; and
  - b. Required to perform Civil Defense duties pursuant to the State Defense Emergency Act.
3. Verification of these two conditions should be obtained from Civil Defense offices before approving Civil Defense leave.
4. Two weeks prior to the scheduled training, the employee must submit a written request that includes the type of training involved, an outline of the training course, as well as the duration of the training.
5. An employee may not be absent more than five days annually for this type of training.
6. Civil Defense leave with pay will not be granted to an employee who participates as a volunteer fireman in a Civil Defense drill.

D. Blood Donations

1. DOCCS will permit an employee to donate blood on six separate occasions during a calendar year without charge to leave accruals.
2. Each absence for this purpose must be recorded on the employee's time card/timesheet so that the total may be monitored by the employee's supervisor.
3. Scheduling of such absence should be done so as to minimize the time lost from work. It would be expected that no more than one hour, plus travel time, would be necessary for a blood donation.
4. See Section III of this directive for documentation requirements.

E. Military Service: An employee may receive leave with pay without charge to accruals while serving on active duty with the National Guard or a reserve component of the Armed Forces. See Directive #2212, "Military Leave."

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F. Professional Meetings, PS&T Employees

1. The employees in the Professional, Scientific, and Technical Services Unit may, subject to the prior approval of the appointing authority, attend conferences, seminars, or meetings of recognized professional organizations that are directly related to their profession or professional duties, and/or programs which are necessary for the employee to maintain or obtain licensure or accreditation in the employee's position with the State without charge to leave credits.
2. The employees in this bargaining unit may be permitted to attend professional meetings without charge to leave credits to a maximum of three days each fiscal year.
3. The granting of leave to attend professional meetings is contingent on the effect of such absences on normal DOCCS operations.
4. The number of absences permitted under this agreement may be restricted to five percent of the staff in any one operating unit (facility, area office, or Central Office division) at a particular time (reference PEF Contract, "Leave for Professional Meetings").
5. Leave to attend professional meetings is not cumulative. Unused leave is canceled at the close of each year.
6. Unused leave for professional meetings shall not be liquidated in cash at the time of an employee's separation, retirement, or death.
7. See Section III of this directive for documentation requirements.

G. Conference Attendance: Leave credits shall not be charged for attendance at a conference or meeting which an employee has been required to attend as a "work assignment."

The applicability of leave credits to other conferences or meetings which an employee has been authorized to attend shall be determined on a case-by-case basis. See Directive #2005, "Request to Attend/Conduct Training/Conference."

If an RTF is submitted, no further documentation is required. If an RTF is not submitted, see Section III of this directive for documentation requirements.

H. Training: Leave credits shall not be charged for attendance at a training course which an employee has been required to attend as a "work assignment." Training may be conducted by DOCCS, another governmental agency, or a recognized professional organization or academic institution.

If an RTF is submitted, no further documentation is required. If an RTF is not submitted, see Section III of this directive for documentation requirements.

I. Employee Organization Leave: Leave credits shall not be charged as outlined in the provisions of the various negotiated agreements. Documentation will be supplied by the Bureau of Labor Relations and/or the Governor's Office of Employee Relations. No further documentation for these absences is required.

NOTE: Release time for routine union business, such as representing an employee during an investigation by the Office of Special Investigations, will be approved at the facility level.

- J. Special Activities: A special activity is any event scheduled with the permission of a Superintendent/Division Head primarily for the purpose of a luncheon or party for specific events such as Employee Recognition Award ceremonies, retirements, Secretary's Day, etc. One hour of excused time, in addition to the normal lunch period, may be granted for these approved activities. All other time of absence on these occasions must be charged to appropriate leave credits (PL, AL, HOL, or Comp). In cases of excused time for such activities, it is the supervisor's responsibility to ensure adequate coverage to continue necessary business operations.

Outside events other than luncheons, particularly those that begin before 4:00 p.m. should be carefully considered. Prior approval from the appropriate Deputy Commissioner is required for any outside event, other than a luncheon, that will begin before 4:00 p.m. and include one hour of excused time. Each request should include a reasonable justification. Special events related to any off grounds facility-wide or Agency-wide activities like a holiday party, while permissible, need to be evaluated in light of the State's fiscal constraints and public perception toward State employees and/or this Agency.

Staff should be mindful of Employees' Manual Rule 2.11 that prohibits employees from consuming or possessing alcoholic beverages while on duty status, or to report to duty under the influence of intoxicants.

The DOCCS Olympics is not considered an approved special activity; participants must request leave and have appropriate leave accruals charged and approved by their supervisor. There will be no excused time for the DOCCS Olympics.

- K. Retirement Seminars: Attendance at DOCCS-sponsored retirement seminars shall be allowed without charge to leave credits under the following circumstances:

1. The employee is within five years of retirement eligibility; and
2. The employee has never attended a DOCCS-sponsored retirement seminar.

Individuals who do not meet these criteria will be allowed to attend seminars on a space-available basis but they must charge accruals other than sick leave.

If an employee provides sufficient notice that he or she desires to attend a seminar during a time when scheduled to work a full shift other than a regular day shift, reasonable effort shall be made to change that employee's work schedule to a day shift. Schedule changes must take into account DOCCS' need to provide services. No documentation is required as verification of attendance is provided to the facilities with affected staff.

- L. Allowable Absences for Travel Time Upon Transfer/Reassignment: It is the policy of DOCCS in all cases of *involuntary* transfer (i.e., those that are directed by DOCCS) to allow all necessary and reasonable travel time in accordance with DOCCS travel standards from the employee's former work location to the new work location on the business days prior to the date he or she is required to report to his or her new work location.

It is the policy of DOCCS in all cases of *voluntary* transfer (i.e., those that are requested by the employee and are for the employee's benefit) to allow all necessary and reasonable travel time in accordance with the DOCCS Employee Travel Manual from the employee's former work location to the new work location when the report date to the new work location does not occur immediately after the employee's normally scheduled pass days or RDOs. When the report date occurs immediately after the employee's pass days, no time off for travel will be allowed.

NOTE: Reassignments occurring as a result of a negotiated reassignment policy will always be considered *voluntary* in nature.

M. Emergency Service Leave

1. An employee shall be granted leave with pay, without charge to accrued credits, to participate in specialized Red Cross disaster relief operations.
  - a. To be eligible for Red Cross Emergency Service Leave, an employee must be certified by the American Red Cross as a disaster volunteer.
  - b. The written request for such services must be made by the American Red Cross and be approved by the Director of Personnel.
  - c. Such leave shall be provided without loss of seniority, compensation, sick leave, vacation leave, or other overtime compensation to which the volunteer is otherwise entitled and shall not exceed 20 work days in any calendar year.
2. During a State emergency pursuant to Section 28 of the Executive Law, an employee may request an authorized absence from his or her duties while engaged in the actual performance of his or her duties: (a) as a volunteer firefighter, or (b) while an enrolled member of a volunteer ambulance service pursuant to article 30 of Public Health Law.
  - a. To be eligible for Emergency Service Leave, an employee must be a volunteer firefighter or a member of a volunteer ambulance squad, who has been called to duty during a state of emergency as described above.
  - b. The written request for such services must be made by the employee and be approved by the Director of Personnel.
3. All Emergency Service Leave must be properly documented.

N. Chapter 465 of the Laws of 2001 amends sections of the Labor Law to allow leave for bone marrow donations and organ donations.

1. Employees will be allowed up to seven workdays of paid leave, without charge to accruals, to donate bone marrow in any one calendar year.
2. Employees will be allowed up to 30 workdays of paid leave, without charge to accruals, to serve as an organ donor in any one calendar year.
3. The Director of Personnel may require verification by a Physician regarding the purpose and length of each leave requested by the employee.

O. Quarantine: If an employee who is not ill him or herself is required to remain absent because of quarantine, and presents a written statement of the attending Physician or local health office providing the necessity of such absence, the absence shall be allowed without charge against accumulated sick leave, vacation, or overtime credits.

Prior to return to duty, the employee may be required to submit a written statement from the local health officer having jurisdiction affirming that this return to duty will not jeopardize the health of other employees.

- P. Breast Cancer Screening/Prostate Cancer Screening: Employees are entitled to take up to four hours of paid leave annually for screening for breast cancer and prostate cancer without charge to leave accruals. The breast cancer screening benefit is available to both male and female employees. The prostate cancer screening is available to male employees. This benefit is not cumulative and expires at the close of business on the last day of each calendar year.

Breast cancer screening includes both physical examinations and mammograms for the detection of breast cancer.

Travel time is included in the four hours. Absences beyond four hours must be charged to leave accruals.

Employees who undergo screenings outside of their regular work schedules do so on their own time.

Satisfactory medical documentation indicating that the absence was for the purpose of screening for breast cancer or prostate cancer, including the time of the appointment, is required.

### III. DOCUMENTATION OF ABSENCE

- A. To be granted leave without charge to credits an employee must submit documentation to verify attendance and participation within two days of return to duty. The optional [Form #2209A](#), "Verification of Attendance," may be used as documentation. If an alternate form of documentation is submitted, it at a minimum must indicate:
1. Name of employee;
  2. Date(s) and time(s) of attendance;
  3. Reason for absence;
  4. Sponsoring organization; and
  5. Signature and title of individual verifying attendance/participation.
- B. Verification of jury duty or subpoenaed appearances (Section II-A) shall be submitted in accordance with the provisions of Sections II-A-5 and II-A-6 of this directive.
- C. Verification of military leave shall be submitted in accordance with the provisions of Directive #2212, "Military Leave."