



INFORMATION ANNOUNCEMENT

Andrew M. Cuomo
Governor

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Commissioner

Expansion of the Leave Donation Program Due to Hurricane Sandy November 5, 2012 through February 5, 2013

Due to the devastating effects of Hurricane Sandy, a number of state employees suffered damage to their homes, but lack the leave accruals that would help ease their efforts to recover and repair. To address this need, the Governor's Office of Employee Relations (GOER) has announced an expansion of the current leave donation program. This expansion of the leave donation program will assist employees who need or needed to be absent from work because Hurricane Sandy caused the loss of, or significant damage to, their primary residence. It provides for the donation of vacation credits to impacted employees for qualifying absences of up to two weeks total duration.

The rules of the current leave donation programs for all bargaining units apply except as modified below.

ELIGIBILITY

The program is available to eligible employees in all bargaining units with leave donation programs. Donations may be made to employees in the same bargaining unit or in other bargaining units. Donations may be made to employees in the same department or agency as well as to both family members and non-family members employed in different agencies.

Eligibility Criteria - Donors

In order to donate vacation credits an employee must have a minimum vacation balance of at least 10 days **after** making the donation, based on the donor's work schedule. Vacation credits that would otherwise be forfeited may not be donated.

Eligibility Criteria - Recipients

In order to receive donated leave credits, an employee must:

- Be subject to the Attendance Rules or otherwise eligible to earn leave credits; **and**
- Have exhausted all personal and vacation leave accruals.

USE OF DONATED CREDITS

Qualifying Absences

Qualifying absences are those necessary to make essential arrangements to make a primary residence habitable, and can include the following:

- Securing and/or moving to a new primary residence;
- Arranging and/or scheduling critical repairs to the affected primary residence (this is limited to major structural repairs necessary to reoccupy the residence); or
- Being available at the affected primary residence to facilitate scheduled restoration of utility services.

Donated credits may be used, at the employee's option, in full-day units or half-day units after exhaustion of all personal and vacation leave accruals.

Donations made across agency lines shall be used prior to donations made within the agency.

Employees must furnish proof of qualifying absences acceptable to the Business Services Center, Benefits Unit (BSC).

RESTRICTIONS ON DONATIONS

Only vacation credits that would not otherwise be forfeited may be donated. Credits must be donated in full-day units. There is no limit on the number of times an eligible donor may make donations. Donated credits not used by recipients are returned to the donor, provided the donor is employed in the same agency as the recipient.

No employee may accept or use donated credits in excess of two weeks total time (that is 75 or 80 hours for full-time employees). Donated credits cannot be used to extend employment beyond the point it would otherwise end by operation of law, rule or regulation. There is no maximum number of donors from whom an eligible employee may accept donations.

REQUESTING AND PROCESSING DONATIONS

Donations may be solicited by the recipient employee, on his/her behalf by co-workers, or by local union representatives. The appointing authority may not solicit donations on the employee's behalf. The identity of donors is confidential and may not be disclosed by agency management.

VERIFICATION OF EMPLOYEE ABSENCES

The BSC is responsible for verifying the appropriate use of donated time under this program. Examples of verification include documents such as a contractor invoices, lease agreements, or records of real estate transactions. Where documentation cannot be provided, an employee may provide a written and signed attestation for review by the BSC. All requests will be reviewed by the BSC for compliance with eligibility requirements and confirm employee acceptance of donations and transfer of credits. Approval and processing of the donations will be handled by the BSC.

This program is not subject to contractual grievance procedures.

STATUS OF RECIPIENT EMPLOYEES

Recipient employees are deemed to be in leave without pay status while charging donated leave credits. They do not earn accruals or observe holidays, nor do they receive personal leave or vacation bonus days if their anniversary dates fall while using donated leave credits. Time charged to donated leave credits does not count as service toward eligibility for sick leave at half-pay

Employees using donated leave receive retirement service credit for days in pay status. Health insurance premiums, retirement contributions and other payroll deductions continue to be withheld from the employee's paycheck as long as the check is of an amount sufficient to cover these deductions.

PROGRAM DURATION

This expanded leave donation program became effective on November 5, 2012, and will expire close of business on February 5, 2013.

Any questions concerning this expansion of the leave donation program may be directed to the OGS BSC Benefits Unit at (518) 457-4272 or BSC@ogs.ny.gov.

For more information visit the BSC website or contact the BSC today!

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