



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF THE BUDGET
STATE CAPITOL
ALBANY, NEW YORK 12224

Andrew M. Cuomo
Governor

Robert L. Megna
Director of the Budget

BUDGET BULLETIN	D-1127	April 22, 2013
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TO: ALL DEPARTMENT AND AGENCY HEADS

FROM: Robert L. Megna *Robert L. Megna*

SUBJECT: 2012-13 Performance Advances and Longevity Payments for Management and Confidential Employees

This Bulletin applies only to Management and Confidential (M/C) and other unrepresented employees in Executive Branch agencies.

State Fiscal Year 2012-13 Performance Advances and Longevity Payments shall be paid to all eligible M/C employees, so long as the eligible employee is:

- on the payroll as of **May 8, 2013** (for employees on the Administration Payroll) and **May 15, 2013** (for employees on the Institution Payroll); or
- on a leave of absence without pay as of **May 8, 2013** (for employees on the Administration Payroll) and **May 15, 2013** (for employees on the Institution Payroll) and subsequently returns to the payroll.

All Performance Advance and Longevity Payments shall be made retroactive to April 1, 2012.

Recommendations to withhold Performance Advances or Longevity Payments based on statutorily established criteria may be advanced for Budget Director approval no later than **April 26**, as discussed in the [Agency Withholding Recommendations Section](#) of this Bulletin. All Withholding Recommendations must be e-mailed to the responsible Budget Examiner in Excel format using [Attachment A](#). Signed cover letters, with appropriate justification, must be attached to the e-mail in PDF format.

Highlights

- Performance Advances will automatically be paid, without additional DOB review, to [all eligible M/C employees](#) in positions with statutorily established Salary Ranges or in Non-Statutory (NS) positions whose Salary Ranges were Equated-to-Grade on April 1, 2012. DOB approval is not required to make these payments.

- Eligible employees who are on the payroll as of **May 8, 2013** (Administration Payroll) and **May 15, 2013** (Institutional Payroll) will automatically receive payment on **May 22** (for employees on the Administration Payroll) and **May 30** (for employees on the Institution Payroll).
- Eligible employees who are on a leave of absence without pay on **May 8, 2013** (Administration Payroll) and **May 15, 2013** (Institution Payroll), will receive payment at the time of their return to the payroll.
- Agencies must submit, for DOB approval, a [2012-13 M/C Non-Statutory & M-8 Performance Advance Plan](#), for all other types of NS and M-8 positions (i.e., positions with DOB-approved Discretionary Salary Ranges or No Salary Ranges). Agencies must e-mail [Attachment B](#) in Excel format to their Budget Examiner by **May 15** -- hard copy submissions of the Performance Advance Plans are not required.
- DOB approval is not required for **Longevity Payments** to eligible M/C employees. M/C employees at or below Grade 17 are eligible for longevity payments. Such payments shall be made in the amount of \$1,250 to eligible employees with at least five, but less than ten, years of continuous service at or above the job rate and in the amount of \$2,500 to eligible employees with ten or more years of continuous service at the job rate. Such payments will be in addition to and will not be considered part of basic annual salary and shall be made by separate check. These payments will be made automatically to eligible employees on **May 22** (for employees on the Administration Payroll) and **May 30** (for employees on the Institution Payroll).
- [Attachment C](#) summarizes the aforementioned key dates.
- [Budget Policy and Reporting Manual \(BPRM\) Item D-280](#) provides information on M/C Performance Advances and Longevity eligibility and payments.

Performance Advance Eligibility Requirements for All M/C Employees

For the 2012-13 Performance Advance Program:

- The employee must be on the payroll as of **May 8, 2013** (for employees paid on the Administration Payroll) and **May 15, 2013** (for employees paid on the Institution Payroll) or on a leave absence without pay as of **May 8, 2013** (for employees paid on the Administration Payroll) and **May 15, 2013** (for employees paid on the Institution Payroll).
- The employee must have been in the advance eligible position for 13 complete pay periods prior to April 1, 2012.

- The employee must be paid a salary within the boundaries of a statutorily established Salary Range or in a position with a Salary Range approved by DOB through the Budget Director's Approval process (i.e., the salary may not be below the Hiring Rate or above the Job Rate for the position).
 - Salary Ranges for "Graded" positions are established in statute via Salary Schedules.
 - Salary Ranges for NS positions are subject to DOB approval through the Budget Director's approval process. NS Salary Ranges are either Equated to a Statutory Salary Grade (e.g., Equated to Grade 18 -- \$47,952 to \$59,504), or Not Equated (e.g., Discretionary Salary Range of \$90,000 to \$100,000).
 - NS employees in Flat-salaried positions (no salary range exists), or in positions with "Not-to-Exceed Amounts" (salary ceilings with no salary ranges) are not eligible to receive a Performance Advance.

M/C Non-Statutory & M-8 Performance Advance Plans

To facilitate the payment of Performance Advances to M/C employees designated Salary Grade M-8 and M/C employees in certain NS positions (i.e., positions with Discretionary Salary Ranges), agencies must submit M/C NS & M-8 Performance Advance Plans to their respective Budget Examiner using [Attachment B](#) (in Excel). Such plans must be submitted to DOB by **May 15**.

The plans must be completed accurately and in their entirety. Copies of DOB-approved plans are required by the Office of the State Comptroller (OSC) to provide the necessary authorization for payment. OSC will issue a Payroll Bulletin detailing further procedures for processing such payments. It is expected that, when notified that the plan has been approved by DOB, agencies will process all necessary transactions associated with DOB-approved plans.

Agencies should not submit plans directly to OSC. Your Budget Examiner will contact you when the plan has been approved and transmitted to OSC.

Plan Requirements:

- Include all NS and M-8 positions (those with Discretionary Salary Ranges, Flat Salaries or Not-to Exceed Amounts) in all jurisdictional classes (Non-Competitive, Exempt, Pending Exempt).
- Include all NS and M-8 positions whether they are filled or vacant.
- For NS and M-8 positions with Discretionary Salary Ranges, provide the range that was in effect on April 1, 2012. These plans may not be used to make substantive changes to Salary Ranges (i.e., Budget Director's Approval type

actions).

- Provide Annual Salary data as of April 1, 2012.
- Note, in the proper column, whether the employee is advance eligible (i.e., whether the employee worked in the position for 13 Payroll Periods prior to April 1, 2012.
- Do not include NS positions with Equated Grades that are recognized in PayServ.

Agency Withholding Recommendations

Section 13 of Part B of Chapter 491 of the Laws of 2011 authorizes the Director of the Budget to withhold performance advances and longevity payments in certain circumstances, including:

- To reflect the job performance of an employee;
- To maintain appropriate salary relationships;
- To reduce State expenditures to acceptable levels; or
- When, in the opinion of the Director of the Budget, such increase is not warranted or is not appropriate.

Accordingly, Agency Heads may recommend, for Budget Director's approval, individual withholdings of such payments to any employee based upon the above criteria. All Withholding Recommendations must be e-mailed to the responsible Budget Examiner in Excel format using [Attachment A](#) by **April 26**. Signed cover letters, with appropriate justification, must be attached to the e-mail in PDF format.

Questions

Please direct all questions to your Budget Examiner.

**Recommended Withholding of the
2012-13 Performance Advances and/or Longevity Payments¹
Due to DOB April 26, 2013**

AGENCY NAME: _____
 AGENCY CODE: _____
 DATE SUBMITTED: _____

Employee Name	Item Number	Position Title	POSITION TYPE	Salary Prior to Any Increase	SALARY RANGE		Withhold 4/1/2012 Performance Advance (Y/N)	Amount to be Withheld	Withhold 4/1/2012 Longevity Payment (Y/N)	Amount to be Withheld	TOTAL AMOUNT WITHHELD	Comments
					HIRING RATE	JOB RATE						
Example	00001	Secretary 1	Grade 11	\$43,200	\$34,296	\$43,200	Not Eligible	\$0	Yes	\$1,250	\$1,250	Unsatisfactory Performance Rating
Example	00002	Assistant Commissioner	M-8	\$115,000	\$104,082	\$120,000	Yes	\$2,653	Not Eligible	\$0	\$2,653	Unsatisfactory Performance Rating
Example	00003	Project Director	NS, Non-Equated Salary Range	\$50,000	\$40,000	\$60,000	Yes	\$2,000	Not Eligible	\$0	\$2,000	Partial Withhold ² ; Unsatisfactory Performance Rating

NOTES

1. This form should include all M/C employees (graded, equated to grade, non-equated, flat salaried) for whom withholds are recommended.
2. Partial withholds are permitted (e.g., withhold only fraction of performance advance).

**Robert L. Megna
Director**

BY _____
 DATE _____

M-8 and M/C NS 2012-13 PERFORMANCE ADVANCE PLAN
DUE TO DOB MAY 15, 2013

AGENCY NAME: _____
 AGENCY CODE: _____
 DATE SUBMITTED: _____

ITEM NUMBER	EMPLOYEE NAME (LAST, FIRST)	POSITION TITLE	SALARY RANGE IN EFFECT 4/1/2012			SERVED AT LEAST 13 PAY PERIODS IN SFY 2011-12 (Y/N)	ADVANCE ELIGIBLE (Y/N)	PROPOSED ADVANCE (1/6th of SALARY RANGE)	PROPOSED NEW SALARY WITH ADVANCE	COMMENTS
			HIRING RATE	JOB RATE	SALARY RANGE					
00001	Employee A, eligible for advance	Special Assistant to Commissioner	\$103,800	\$134,080	\$30,280	Y	Y	\$5,047	\$108,847	Employee's current salary is within the salary range established for the position, and the increases resulting from the advances would not result in the employee having a salary greater than the job rate established for the position.
00002	Employee B, employee not eligible for advance b/c salary is outside of the approved salary range.	Project Assistant	\$53,929	\$67,365	\$13,436	Y	N	0	\$51,500	Employee's current salary is outside (below) the salary range established for the position. Accordingly, the employee is considered to have a flat salary without a range, and is therefore not eligible to receive a performance advance.
00003	Employee C, employee not eligible b/c employee has a Flat Salary	Project Associate	\$51,500	\$51,500	\$0	Y	N	0	\$51,500	The employee has a flat salary (no salary range). Positions without salary ranges are not eligible to receive performance advances.
00004	Employee D, employee is eligible, but incorrect advance is calculated	Project Associate	\$53,929	\$67,365	\$13,436	Y	Y, but not at the requested amount	\$10,000 (ERROR)	\$66,650 (ERROR)	The requested advance of \$10,000 would exceed the standard advance amount of 1/6th of the employee's salary range. Discretionary salary increases may not be effectuated via this plan ; such salary increases may only be approved via BDA.
00005	Employee E, Budget Director has approved a withhold of the 2012-13 performance advance.	Project Director	\$100,800	\$128,000	\$27,200	Y	N; Performance Advance has been Withheld ⁽²⁾	0	\$108,150	A withhold of the advance has been approved by the Budget Director because the employee received an unsatisfactory performance rating. Therefore, no advance is proposed.
00006	Employee F, employee not eligible b/c employee is in a "Not to Exceed" position	Special Assistant	\$74,000	NTE	\$75,000	Y	N, a Not to Exceed does not constitute a salary range	0	\$74,000	The employee has a 'Not to Exceed' salary (no salary range). Positions without salary ranges are not eligible to receive performance advances.

These entries must be corrected prior to approval of the plan.

NOTES:

- 1) This plan must include filled and vacant (as of 4/1/12) M-8 and M/C NS Non-Equated Salary Range positions with flat salaries, salary ranges or NTE - in all jurisdictional classes, regardless of performance advance eligibility.
- 2) DOB approved withholdings of performance advances should be demonstrated in the mathematical presentation and explained in the Comments column.
- 3) Salaries and Ranges should not include the previously withheld general salary increases (3% & 4%) from 2009-10 and 2010-11.

Director

BY _____
 Chief Budget Examiner
 DATE _____

Attachment C

Key Dates for SFY 2012-13 Performance Advances and Longevity Payments

Action	Date
Agencies Submit Withholding Recommendations to DOB by:	4/26/2013
Agencies Submit NS & M-8 Performance Advance Plans to DOB by:	5/15/2013
<p>To Qualify for a Performance Advance or Longevity Payment an M/C employee must be on the Payroll as of:</p> <p>Note: An employee may also qualify if he / she is on an authorized leave of absence on these dates, but subsequently returns to the payroll.</p>	<p>5/8/2013 (for employees paid on the Administration Payroll)</p> <p>5/15/2013 (for employees paid on the Institution Payroll)</p>
<p>Payment of Performance Advances and Longevities for Statutory Positions and Non-Statutory Positions with PayServ Recognizable Grade Equations by:</p>	<p>5/22/2013 (for employees on the Administration Payroll), Retroactive to 3/29/2012</p> <p>5/30/2013 (for employees on the Institution Payroll), Retroactive to 4/5/2012</p>
<p>Payment Dates for Non-Statutory and M-8 Positions with Discretionary Salary Ranges:</p>	<p>This is dependent upon Agency submission (due by May 15, 2013), DOB approval and OSC processing of such plans.</p>