

BUDGET POLICY AND REPORTING MANUAL

<i>date</i> 9/1/71	<i>subject</i> Holiday Compensation	<i>item</i> G-130
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1. Purpose, Scope and Regulations:

The regulations for Holiday Compensation are promulgated by the Director of the Budget pursuant to section 134 of the Civil Service Law and are published as Part 144 of Title 9 of the "Official Compilation of Codes, Rules and Regulations of the State of New York". Interpretive material may be found in the "Employee Relations Manual" published by the Office of Employee Relations. Special problems should be brought to the attention of the budget examiner. The full text of the regulations follows:

Part 144

Holiday Compensation

(Statutory authority: Civil Service Law, §134, as last amd. by L.1970, ch. 158)

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Section 144.0 Statement of policy. Chapter 158 of the Laws of 1970 provides that employees in any title or individual position or positions who are entitled to time off with pay for days observed as a holiday by New York State as an employer and who are required to work on such holidays may be granted additional compensation for such work pursuant to regulations promulgated by the Director of the Budget. The attendance rules for employees in New York State departments and institutions and the rules and regulations for overtime compensation, when applicable, should be considered in conjunction with these regulations. It is the policy of the State that such work will be held to a minimum consistent with the need to maintain essential services to the public. In no event will an employee be entitled to holiday compensation pursuant to this Part unless such work has been properly authorized.

144.1 Definitions. Whenever used in this Part:

(a) A *holiday* shall mean any day observed as a holiday by the State as an employer on which an employee is entitled to time off with pay or for which an employee is entitled to compensatory time off.

(b) An *eligible officer or employee* shall mean any officer or employee of the State, other than an employee subject to the provisions of section 136 of the Civil Service Law or sections 4307 or 4354 of the Education Law, who is entitled to time off with pay on a holiday and who is:

(1) in the Administrative Services Unit, the Institutional Services Unit, the Operational Services Unit, the Professional, Scientific and Technical Services Unit, or the Security Services Unit, as established pursuant to article 14 of the Civil Service Law; or

(2) in salary grade 22 or below, or is paid at the salary level of salary grade 22 or below, and is designated as a management/confidential employee; or

(3) holding a position by appointment or employment in the organized

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militia of the State and is in salary grade 22 or below, or is paid at the salary level of salary grade 22 or below.

144.2 Authorization for holiday work. Holiday work must be authorized in advanced by the appointing officer or his designated representative in order to be compensated pursuant to this Part. The designated representative must be a management or confidential employee not eligible for such holiday compensation. Each instance of the performance of a service entailing holiday work must be approved individually. When holiday work is authorized by a designated representative, the appointing officer must be notified within 24 hours. The appointing officer shall provide guidelines for future action by either agreeing with or questioning the authorization. Notification of holiday work shall be forwarded to the Division of the Budget at the close of the bi-weekly payroll period in which it is authorized.

144.3 Determination and computation of holiday compensation.

(a) Holiday compensation shall be provided eligible employees for the hours of work performed on a holiday as follows:

(1) in the case of employees eligible to earn overtime, for all hours worked on a holiday falling within or corresponding to the hours of work normally scheduled for such employees; or

(2) in the case of employees ineligible to earn overtime, for the first 7-1/2 hours worked on a holiday in the case of an employee whose basis work schedule is 37-1/2 hours per week and the first eight hours worked on a holiday in the case of an employee whose basic work schedule is 40 hours per week.

(b) The smallest unit of time to be credited as holiday work in any one day shall be one-half hour and subsequent holiday work shall be computed in 15-minute increments.

(c) Holiday compensation shall be paid only if an eligible employee is required to be on duty or at a prescribed work place pursuant to section 144.2 of this Part, and shall not be paid for any absence from duty or time off for meals.

(d) Holiday compensation shall be paid in cash with the authorization and approval of the appointing authority or his designated representative.

(e) Such holiday compensation shall be at the rate of one-tenth of the employee's bi-weekly rate of compensation for each full day of holiday work and shall include such geographic, locational, inconvenience and shift pay as may be appropriate to the place of hours worked. Holiday compensation for less than a full day of such work will be prorated.

144.4 Waiver of cash compensation. (a) An eligible employee may elect to waive cash holiday compensation payable pursuant to this Part and receive compensatory time off; such waiver may subsequently be revoked. The waiver or revocation must be executed and filed with the appropriate payroll agency on a form specified by that agency during the following time periods:

(1) in the case of an eligible officer or employee as defined by section 144.1(b)(1) of this Part, during the time periods specified by the appropriate agreement then in effect between the State and an employee organization, or as specified by the Director of Employee Relations; or

(2) in the case of an eligible officer or employee as defined by section

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144.1(b)(2) and (3) of this Part, during a period each year as specified by the Director of the Budget; provided, however, an employee hired subsequent to such a period shall have the opportunity to file such a waiver at the time of appointment. Waivers in effect on April 1, 1972 shall remain in effect until revoked.

(b) The original copy of such waiver or revocation shall be maintained in the employee's personnel folder and a copy shall be supplied to the employee.

144.5 Exceptions. The restrictions and limitations contained in this Part may be waived pursuant to the provisions of law by the Director of the Budget whenever he determines that strict adherence to the rules would be detrimental to the sound and orderly administration of the State government.