

Category: PEDAGOGICAL PERSONNEL

Issued: 6/29/09

Number: **C-605**

Subject: SALARY, ATTENDANCE AND LEAVE OF PEDAGOGICAL MANAGERIAL
EMPLOYEES

Page: 1 of 1

SUMMARY OF CHANGES

This regulation supersedes and replaces Chancellor's Regulation C-605 dated September 5, 2000.

The regulation sets forth the policy and procedures regarding salary, attendance and leaves of pedagogical managerial employees in the Management Pay Plan and not covered by collective bargaining agreements.

Changes:

- Language has been added to make clear that the New York City Conflicts of Interest 2005 Law applies to employees during leaves of absence.
- Modifies annual leave and sick leave accrual rates for newly hired managers effective January 1, 2005.
- Allows the use of up to three (3) sick leave days annually for the purpose of caring for a sick family member.
- Eliminates the floating holiday (Election Day) for staff hired on or after January 1, 2005.

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Page: 1 of 1

TABLE OF CONTENTS

Section	Topic	Page(s)
I.	Compensation of Managerial Employees	1
II.	Special Conditions of Employment	1
III.	Hours of Work	1-2
IV.	Timekeeping	2
V.	Work Year	2
VI.	Meal Allowance	2
VII.	Annual Leave	2-7
VIII.	Sick Leave	7-10
IX.	Overtime	10
X.	Leave of Absence Without Pay and Other Absences	11
XI.	Sabbatical Leaves of Absence	11
XII.	Conflicts of Interest Law and Leaves of Absence	11
XIII.	Terminal Leave and/or Termination Pay	11
XIV.	Lump-Sum Payment Upon Cessation of Service	12-13
XV.	Interpretation of Regulation	13
XVI.	Submission of Final Entitlement Requests	13
XVII.	Financial Disclosure	13
XVIII.	Approval of the Auditor General	13
XIX.	Examples of Titles Covered by this Regulation	13-14
XX.	Inquiries	14

ATTACHMENTS

1. Manager's Monthly Timesheet
2. Community Superintendent's Monthly Timesheet
3. Unified Checklist Form

ABSTRACT

This regulation sets forth the policy and procedures as well as salary, attendance, leave, and other working conditions of pedagogical staff who are in the Management Pay Plan and not covered by any collective bargaining agreement. It supersedes and replaces Chancellor's Regulation C-605, which was issued on September 5, 2000.

I. COMPENSATION OF MANAGERIAL EMPLOYEES

Pedagogical managerial employees shall be placed on the appropriate salary level and compensated in accordance with the Management Pay Plan in effect at the time and subject to such changes and amendments as may be adopted by the Department of Education.

II. SPECIAL CONDITIONS OF EMPLOYMENT

A. Outside Earned Income

Unless the Chancellor shall have given prior written approval, no pedagogical managerial employee shall expend time or otherwise engage in any private employment, profession, business or other activities from which compensation, direct or indirect, is derived, nor shall such an employee serve as director or officer of any corporation or institution.

B. Political Party Positions

No pedagogical managerial employee shall serve as an officer of any political party or political organization, or serve as a member of any political party committee, or as a political party leader (by whatever title designated), or as a district leader. This prohibition is not intended to deter political activity but only to bar the exercise of official partisan responsibility.

III. HOURS OF WORK

A. Pedagogical managerial employees shall work whatever hours and days are required to carry out their responsibilities subject to approval of the appropriate person listed in Section III.B below. The regular work week shall be not less than thirty-five (35) hours.

B. However, in addition to no less than the regular 35-hour week, such employees shall work whatever hours and days are required for the proper performance of the duties and responsibilities of the position. In establishing hours for a particular day on which the employee is working, account may be taken of unusually long hours worked in a previous period (adjusted work day). This period may not extend further than two weeks into the past.

The work schedule of an employee who is covered by this regulation shall be subject to the approval indicated below:

- the Chancellor or designee of the Chancellor for offices of the Chancellor or for any staff member who reports directly to the Chancellor;
- a Deputy Chancellor or a designee for Chief Executives/Executive Directors/Directors or for any staff member who reports directly to the Deputy Chancellor;
- a Chief Executive or a designee for Superintendents/Executive Directors/Directors or for any staff member who reports directly to the Chief Executive;
- a Community Superintendent for employees of the Community School District;
- an Executive Director or a designee for staff in offices under the supervision of the Executive Director;

- the Director of a major office, bureau or unit, or the head of an equivalent organizational unit not under the jurisdiction of an Executive Director or designee, for staff of such office, bureau or unit.

IV. TIMEKEEPING

Employees covered by this regulation shall be required to keep monthly timesheets as issued and updated by the Division of Human Resources. Copies of the appropriate timesheets are attached to this regulation. These timesheets must indicate the days and specific hours of service performed and must be submitted with appropriate forms, e.g., OP 221, OP 198, no later than ten (10) business days after the close of the month to the authorized signatory as indicated in Section III.B above for written confirmation that the timesheet has been submitted as required. The written approval of the Chancellor or his/her designee should be affixed to timesheets submitted by Executive Directors or staff in the Chancellor's office. Signature stamps are not permitted. All time records are to be retained in the responsibility center indefinitely. However, if this is not feasible, these records must be kept a minimum of ten (10) years after payment of the final entitlement. In addition, employees should be instructed to maintain a copy of each signed/approved monthly timesheet. It is important to note that accurate and complete time records are required in order to process the lump-sum payment. A cumulative time summary record, i.e., Managerial Attendance Report, shall be retained in the responsibility center for a minimum of 10 years after the employee's separation from service.

V. WORK YEAR

The work year of pedagogical managerial employees shall commence as of each September 1 and end as of the close-of-business on the following August 31. However, for Community Superintendents and Deputy Community Superintendents, the work year shall extend from July 1 through the following June 30.

VI. MEAL ALLOWANCE

Meal allowances are not authorized for pedagogical managerial employees covered by this regulation. This restriction does not apply to reimbursements for the cost of meals incurred as part of authorized expenses for travel and/or convention attendance outside the city of New York. Employees in these titles may be reimbursed for allowable meal expenses when such reimbursements are properly documented.

VII. ANNUAL LEAVE

A. General

A combined vacation, personal business, and religious holiday leave allowance shall be established which shall be referred to as "Annual Leave Allowance". It is intended that annual leave be taken during the year in which earned, rather than accumulated from year-to-year, to provide for extended periods of vacation or substantial lump-sum payment at some later date. Accordingly, the use of annual leave should be deferred beyond the current work year only in exceptional cases and to the extent required by the needs of the system.

B. Annual Leave Allowance

Annual leave allowance shall be credited to pedagogical managerial employees in active payroll status who work a regularly scheduled five-day week as indicated in Table C-605.1 and C-605.2 below. Annual leave shall be credited as earned and charged as days are used. The normal minimum charge to annual leave shall be one (1) hour.

TABLE C-605.1 – ANNUAL LEAVE ACCRUAL RATES

Continuous New York City Service Required	Annual Rate (Work Days)	Monthly Accrual Rate Days – Hrs - Mins	Standard Maximum Annual Carryover
During 1 st through 7 th year of service	20	1 - 4 - 40	40 days
During 8 th through 14 th year of service	25	2 - 0 - 35	50 days
During and beyond 15 th year of service	27	2 - 1 - 45	54 days
Prior headquarters entitlement (see Section VII.B.1 below)	31	2 - 4 - 05	62 days

1. Prior Headquarters Entitlement

Employees in titles covered by this regulation who were serving in such a title on March 31, 1979 and, at that time, were entitled to 31 days of annual leave shall retain entitlement to such 31 days of annual leave so long as they continue in any position covered by this regulation. Such "prior headquarters entitlement" shall lapse in the event that such an employee reverts to any position for which the vacation or annual leave allowance is other than 31 days and serves in such position for 31 calendar days or more.

Note: "Prior New York City Service" has no bearing on "prior headquarters entitlement".

2. Entitlement Based on Prior New York City Service

Except for those entitled to 31 days of annual leave based on a prior headquarters entitlement as set forth above, all employees in titles covered by this regulation shall be entitled to annual leave based on prior continuous New York City service as indicated above in Table C-605.1.

For the purpose of this section, "New York City Service" means paid, full-time service as an employee of the Department of Education, a Community School District, or a department or agency of the City of New York (but not of the State of New York or any other State or the United States government). "Continuous service" is defined as unbroken service, except where:

- (a) the employee is on approved leave of absence;
- (b) there is a break in service of 31 calendar days or less; or
- (c) a former employee returns within one year to permanent service in a competitive class position either by appointment under the reinstatement rules or by appointment from an open competitive list.

TABLE C-605.2 - ANNUAL LEAVE ACCRUAL RATES FOR EMPLOYEES NEWLY HIRED ON OR AFTER JANUARY 1, 2005 WITH NO PRIOR CITY SERVICE

Years of Service	Annual Leave Allowance	Monthly Accrual Days - Hrs - Mins	Standard Maximum Annual Carryover
From the beginning of the 1 st year to the completion of the 4 th year	18	1 - 3 - 30	36 days
Beginning with the 5 th year	19	1 - 4 - 05	38 days
Beginning with the 7 th year	20	1 - 4 - 40	40 days
Beginning with the 10 th year	21	1 - 5 - 15	42 days
Beginning with the 11 th year	22	1 - 5 - 50	44 days
Beginning with the 12 th year	23	1 - 6 - 25	46 days
Beginning with the 13 th year	24	2 - 0 - 00	48 days
Beginning with the 14 th year	25	2 - 0 - 35	50 days
Beginning with the 17 th year	27	2 - 1 - 45	54 days

Note: Employees newly hired on or after January 1, 2005 shall not be entitled to the floating holiday.

C. Vested Annual Leave

Any annual leave balances credited as of March 31, 1979 to an employee who was covered by the pedagogical managerial regulations that were in effect on that date shall be vested and remain to the employee's credit. For an employee who entered the managerial service on or after April 1, 1979, the accrued annual leave balances to the employee's credit on the day preceding the managerial assignment shall be vested and remain to the employee's credit. Such balances may be used in accordance with relevant regulations and are applicable toward lump-sum payment as set forth in Section XIV.

Note: There is no carryover or vesting of vacation days for a CSA pedagogue, other than an Education Administrator, who subsequently becomes a manager.

D. Carryover of Annual Leave

1. Normal Maximum Annual Carryover

Normally, the maximum number of days of accumulated, unused annual leave that can be carried over as a balance from one work year to the next is the amount of such annual leave that the employee is entitled to accrue in the two-year period prior to the end of each work year (see Table C-605.1 in Section VII.B above). However, an employee with vested annual leave may continue to carry such time in addition to the normal two-year accrual. With the exception specified by Section VII.D.2 below, any accumulated, unused annual leave which exceeds the maximum accumulated limits established by this subparagraph shall be transferred to the employee's sick leave balance at the end of the employee's vacation year.

2. Carryover of Foregone Annual Leave

Should the Chancellor or designee, the appropriate Chief Executive, Executive Director, Community Superintendent, or Head of Office approve in writing that an employee covered by this regulation forego the use of annual leave, the number of days of annual leave not taken shall be carried over even though this annual leave exceeds the balance otherwise permitted.

Written approval authorizing the carryover of annual leave in excess of the two-year maximum must be on a contemporaneous basis within each vacation year in which the annual leave will exceed the maximum. The total annual leave balance and the balance that is approved for carryover must be placed in the employee's personnel folder. Authorization is required each year that the employee's annual leave balance exceeds the two-year maximum. A copy of such letter approving the carryover must be retained by the employee.

In the absence of a letter(s) which authorizes the carryover of excess annual leave, the Chief Executive Officer (CEO) of the Division of Human Resources can review supporting documentation and if appropriate, can authorize the carryover of such excess annual leave. If the CEO does not find sufficient merit to approve the carryover of such excess annual leave, such time must be transferred to the employee's sick leave balance at the end of the employee's vacation year. This subdivision shall not be construed as authorizing the use of such excess balances for the purpose of lump-sum payment beyond the normal limits prescribed by Sections VII.H and XIV.D of this regulation or of any other regulations.

E. Credit upon Change from School or Modified School Vacation

When a pedagogical employee who is entitled to a school vacation or modified school vacation changes to a managerial title covered by this regulation, the employee shall be given the option of selecting either of the following vacation arrangements:

1. Credit for annual leave in lieu of any pro rata school vacation pay may be granted as if the change in position from school based to managerial occurred at the beginning of the work year in the prior September. For example, under this option, if a 10-month Assistant Principal with 15 years of service becomes a Superintendent on January 25, the newly appointed Superintendent will receive accrued annual leave as if he or she were actually appointed on September 1 of the prior year. The newly appointed Superintendent will have accrued 11 days, 1 hour, 45 minutes (2 days, 1 hour, 45 minutes per month for 5 months). Days not worked during school vacations prior to the Superintendent's appointment shall not be charged against his/her annual leave as a Superintendent. The annual leave credit authorized will be based on the schedule set forth in Section VII.B above and, upon separation from service, paid at the managerial salary rate in effect at the time this option is selected; or
2. Annual leave will begin to accrue effective upon commencement of service in the managerial position in accordance with the vacation schedule specified in Section VII.B. Any pro rata vacation entitlement shall be vested and payment will be made at the time of final separation from service or return to a field-based position at the current salary of the former position. Under this option, the 10-month Assistant Principal begins service in the Superintendent position with no annual leave. For example, a 10-month Assistant Principal who served continuously since September and subsequently becomes a Superintendent on July 1 is entitled to vest full summer vacation pay for payment upon separation from service or for payment during the summer prior to return to a 10-month Assistant Principal position. Payment for vested summer vacation prior to return to a 10-month Assistant Principal position is authorized in order to maintain the Superintendent on pay status after the termination of his/her assignment. For this computation, credit for pro rata vacation entitlement shall be given only for each month or major fraction of a month during which the employee was in active payroll status as a 10-month Assistant Principal in the year prior to becoming a Superintendent.

Note: Chancellor's Regulation C-612 governs vacation entitlement when a pedagogical managerial employee reverts to school service.

F. Crediting Monthly Accrual of Annual Leave

In calculating annual leave credits, a full month's credit shall be given to an employee covered by this regulation who has been in active payroll status for at least 15 calendar days during the month provided that:

1. Where the employee has been absent without pay for an accumulated total of more than 30 calendar days in the work year, the employee shall lose the annual leave credits earnable in one month for each 30 days of such accumulated absence even though in active payroll status for at least 15 calendar days in each month during this period; and
2. If an employee loses annual leave credits under this rule for several months in the work year because the employee has been in active payroll status for fewer than 15 days in each month, but accumulated during such months a total of 30 or more calendar days in active payroll status, that employee shall be credited with annual leave credits earnable in one month for each 30 days of such active payroll status.

G. Advances of Annual Leave

Earned annual leave allowances shall be taken by the employee at times convenient to the department or office to which the employee is assigned. In exceptional and unusual circumstances, the CEO of DHR, for central staff, or the responsible Superintendents, for their staff, may authorize the use of a maximum of ten (10) days of annual leave before it has been earned. Written authorization of such advance must be maintained in the employee's personnel file. Subsequent accruals of annual leave shall be applied first to reduce the debt.

H. Lump-Sum Payment of Annual Leave upon Cessation of Service

Upon resignation, retirement, or other cessation of service, including death, an employee covered by this regulation shall be given a lump-sum payment for all current unused annual leave carried over pursuant to the provisions of Sections VII.D.1 and VII.D.2 above. Lump-sum payments based on continuous service in the school system and/or in City government, shall be limited as follows:

1. for managers with up to 5 years of continuous service - up to a maximum of 3 years of accrual;
2. for managers with between 5 years and 10 years of continuous service - up to a maximum of 4 years of accrual; and
3. for managers with more than 10 years of continuous service - up to a maximum of 5 years of accrual.

This is in addition to payment for vested or banked annual leave as permitted in Section VII.C above.

If a manager uses more annual leave than can be earned in one year during the twelve (12) months preceding final separation, the lump-sum payment may require adjustment to reflect any difference between the salary at which he or she was paid for the additional leave used and the salary at which such leave would have been paid for in a lump sum. However, if the manager has been permitted to carry over more than two years' accrual of annual leave, the amount of annual leave that can be used without reduction of the final lump-sum payment is one year's accrual of annual leave plus the amount of such approved excess carryover. Such time used shall not be contiguous with separation from City service. If such time is so used, i.e., contiguous with separation, the following actions will be taken:

- adjust the retirement date as if retirement occurred on the last date of in-person service;
- deduct the annual and sick leave accrued after the adjusted retirement date;
- add the leave used after the adjusted retirement date; and

- deduct the salary received after the adjusted retirement date.

Note: The unused annual leave of a manager covered by this regulation who was formerly a pedagogue and who reverts to a non-managerial position which does not provide for the carryover of annual leave and does not provide summer vacation pay, shall be vested and payment will be made at the time of final separation from service. Such payment shall be made in accordance with Sections VII.D, VII.G and XIV at the salary at which it was earned.

VIII. **SICK LEAVE**

A. Sick Leave Accrual of Managerial Employees

Full-time annual employees hired prior to January 1, 2005 shall receive a maximum sick leave accrual of twelve (12) days per annum at a rate of one day per month of service. Employees newly hired on or after January 1, 2005 shall receive a maximum sick leave accrual of ten (10) days per annum for the first five years of service. At the beginning of the sixth year of service, the maximum sick leave accrual shall be twelve (12) days per annum. Sick leave shall be used only for personal illness of the employee and effective January 1, 2005, employees may use a maximum of three (3) days per work year from their sick leave balance for care of ill family members. Sick leave accruals cannot be earned for the period an employee is on leave without pay. For the earning of sick leave accruals, the time recorded on the payroll at the full rate of pay shall be considered as time "served" by the employee. In general, one day of sick leave shall be credited for each month during which the employee is in active payroll status and the balance of unused sick leave shall accumulate without limit so long as the employee continues to serve in a title covered by this regulation, except for managers covered by the Teachers' Retirement System (TRS). For TRS covered managers, the total sick leave balance may not exceed 200 days at the end of each work year. In the calculation of sick leave credits, a full month's credit shall be given to an employee who has been in full-pay status for at least 15 calendar days during that month, provided:

1. When an employee has been absent without pay for an accumulated total of more than 30 calendar days in the work year, the employee shall lose the sick leave credits earnable in one month for each 30 days of such accumulated absence even though in full-pay status for at least 15 calendar days in each month during the period of absence without pay; and
2. If an employee loses sick leave credits under this rule for several months in the work year because the employee has been in full-pay status for fewer than 15 days in each month, but accumulated during such months a total of 30 or more calendar days in full-pay status, that employee shall be credited with sick leave credits earnable in one month for each 30 days of such full-pay status.

B. Vested Sick Leave or Cumulative Absence Reserve (CAR) For Non-Teachers' Retirement System Managers

For non-Teachers' Retirement System managers, effective on the date of appointment or assignment to a title covered by this regulation or Chancellor's Regulation C-607, any sick leave balance or CAR accrued as a result of service in a non-managerial title shall be credited as "vested sick leave". In addition, any sick leave balance or CAR which was accrued by virtue of service in a title covered by this regulation or Chancellor's Regulation C-607 by one serving in such a title on March 31, 1979, shall also be credited as vested sick leave. Vested sick leave may be:

- charged as days of sick leave on account of personal illness when the employee has exhausted current sick leave, that is, sick leave which is not vested; or
- credited to current sick leave, that is, sick leave which is not vested, upon reversion to a submanagerial position in the administrative service of the New York City public school system; or

- credited to the CAR (but not in excess of the maximum CAR balance permitted) upon reversion to a pedagogical position not covered by this regulation; or
- paid in a lump sum up to the limits prescribed for such use upon cessation of service.

Note: Sick leave balances transferred from other New York City agencies are subject to adjustment in cases where the rate of accrual in the other agency was greater than that allowed for service in the New York City public school system. For example, since sick leave accrues by virtue of City University of New York (CUNY) service at the rate of 20 days per year, any such balance transferred to the sick leave of an employee in a title for which the annual accrual rate of 12 days is prescribed, would require an adjustment and 30 days of CUNY sick leave would be credited as 18 days of sick leave (12/20 or 3/5 of 30). Any fractional amounts resulting from such computations shall not be credited.

C. Use of Sick Leave by Managerial Employees

1. Self-Treated Illness

Pedagogical managerial employees in titles covered by this regulation may, upon proper application and at the discretion of the responsible officer specified in Section III.B of this regulation, be granted the use of up to three (3) consecutive self-treated sick days. Such application and approval shall be entered on the standard Application for Sick Leave (Form OP 198) notwithstanding any limitations to the contrary which may appear on the form and which are intended for pedagogical personnel serving in titles not covered by this regulation. For pedagogical managerial employees, there is no annual limit on the number of occurrences of self-treated sick days but, in no case may any such occurrence of absence exceed three consecutive work days.

2. Medically Certified Illness

Applications for use of sick leave in excess of three consecutive work days shall be granted upon proper application accompanied by certification of the employee's physician which notes all inclusive dates of absence and/or a date for return to work. Approval of the responsible officer specified in Section III.B of this regulation is also required. The responsible officer may request an evaluation by the Medical Bureau for absences of any duration if the circumstances warrant. The responsible officer should request a medical examination in problematic situations or cases of prolonged illness.

3. Charges to Sick Leave

Any and all sick leave which has been approved in accordance with these regulations shall be deducted from the balance of accrued, unused sick leave. Should the available balance of current sick leave be exhausted, appropriate deductions shall be made from vested sick leave.

Note: While deductions from the CAR of pedagogues not covered by this regulation may be made in whole days only, deductions from sick leave for pedagogical managers shall be recorded on the Managerial Attendance Report in terms of days, hours and minutes, as appropriate. If the employee reverts to non-managerial status, the entire sick leave balance is to be transferred or reconverted to the CAR, for a combined sick leave balance of no more than 200 days.

4. Charges to Annual Leave in Lieu of Sick Leave

Upon exhaustion of all current and vested sick leave balances, absence excused for personal illness shall be charged against annual leave.

5. Borrowed Sick Leave

Generally, pedagogical personnel covered by collective bargaining agreements may borrow up to 20 days upon exhaustion of the CAR. However, pedagogical managerial employees in titles covered by this regulation may not do so. Instead, such an employee who has exhausted all sick leave and annual leave balances on account of absence excused for personal illness may be permitted to use unearned sick leave allowance, that is, to borrow, up to a maximum of twelve (12) days. Applications for permission to borrow sick leave shall be made in writing to the CEO of DHR and must include the recommendation of the responsible officer specified in Section III.B of this regulation. The liquidation of such negative sick leave balances shall constitute a first charge against any future earnings of sick leave.

Note: An employee contemplating application for leave of absence with pay as provided by Section VIII.C.6 below should not borrow sick leave.

6. Leave of Absence with Pay for Personal Illness

A pedagogical managerial employee covered by this regulation with a minimum of ten (10) years of City service who has exhausted all earned sick and annual leave including any such vested leave on account of prolonged personnel illness, may apply for up to three (3) months of leave of absence with pay and without charge to sick leave. Written application for such paid leave on account of personal illness shall be granted at the discretion of the CEO of DHR upon recommendation of the responsible officer specified in Section III.B of this regulation. In special instances, such paid leave of absence may be further extended by the CEO of DHR. The CEO of DHR shall be guided in this matter by the nature and extent of the illness of the employee and by the character of the service rendered by the employee. Any such extension, if granted, shall not exceed nine (9) months.

Note: There is no accrual of annual or sick leave during leave of absence with or without pay.

7. Illness during Annual Leave

When an employee covered by this regulation is hospitalized while taking annual leave, the period of such verified hospitalization shall be charged to sick leave and not to annual leave. When such an employee is seriously disabled, but not hospitalized while on annual leave, the employee may opt to continue to have the time charged to annual leave. However, the employee may be permitted to have such time charged to sick leave upon timely application provided such application is accompanied by medical certification of such disability satisfactory to the CEO of DHR.

8. Maternity Leave

For purposes of use of accrued sick leave, maternity leave shall be defined as the period of pregnancy during which the employee applies for sick leave benefits subject to the same medical certification which may be required for any other medical disability or illness. An employee who has been pregnant may use accrued sick leave on that account for up to six weeks following delivery or termination of the pregnancy. This six-week limit shall not be construed to preclude the use of additional sick leave when actual illness related or unrelated to the pregnancy develops and is appropriately certified.

Note: Managerial employees are entitled to child care leave without pay up to the September following the fourth birthday of the child.

D. Days Allowable for Lump-Sum Payment for Managers who are Members of the Teachers' Retirement System

In calculating lump-sum payment, all employees covered by this regulation who are members of the New York City Teachers' Retirement System, regardless of the number of

years of service, shall be credited with one work day for each two days of sick leave earned but not used, up to a maximum of 200 sick days, to be paid at the rate of 1/200th of the annual salary at the time of separation. Therefore, the maximum payment for any unused sick days shall not exceed 100 days.

E. Days Allowable for Lump-Sum Payment for Managers who are Not Members of the Teachers' Retirement System

All employees covered by this regulation who are not members of the New York City Teachers' Retirement System and who have at least ten years of continuous service shall be entitled to a lump-sum payment as follows:

1. Vested Sick Leave

One day will be credited for each two days of vested sick leave which was earned in a pedagogical position but not used, up to a maximum of 200 sick days. Therefore, the maximum payment shall not exceed 100 days. Upon separation from service, payment shall be calculated at the rate of 1/200 of the current salary of the position at the time of vesting.

2. Days Earned Subsequent to Vesting

All employees not covered by Section VIII.D with at least 10 years of continuous City service and a final balance of at least 60 post-vested days shall be credited with one work day for each three days earned. Thus, an employee with 60 such sick days would be entitled to payment for 20 days. The rate of payment shall be the same as set forth in Chancellor's Regulation C-607 for sick days earned subsequent to vesting.

3. Limitation on Total Payment

The total payment for vested sick leave and sick leave earned subsequent to vesting shall not exceed 120 days.

IX. OVERTIME

A. Pedagogical employees generally, including those covered by this regulation, do not earn overtime or compensatory time (comp time).

B. If overtime was accumulated by virtue of non-pedagogical service prior to becoming a manager, such overtime shall be accounted for as prescribed in Chancellor's Regulation C-607. Use of such overtime for the purpose of lump-sum payment upon cessation of service, as prescribed in Chancellor's Regulation C-607, shall apply only when a pedagogical managerial employee resigns, retires, or otherwise ceases service with the New York City public school system while in a title covered by this regulation and has not, prior to such cessation of service, reverted to some other pedagogical title.

X. LEAVE OF ABSENCE WITHOUT PAY AND OTHER ABSENCES

Pedagogical managerial employees covered by this regulation may only be granted "absence without pay" as prescribed by paragraphs "A" and "B" below and, during such unpaid leave, the employee is considered to be in inactive payroll status.

A. General

Upon proper application and the recommendation of the responsible officer specified in Section III.B of this regulation, employees serving in titles covered by this regulation shall be granted leaves of absence without pay at the discretion of the Community Superintendent or Executive Director or as the Chancellor shall direct. Such leaves shall be granted for purposes and subject to the conditions generally applicable to pedagogical employees, including leave for child care, which is available to a parent of either sex following birth or adoption. In addition, any leave of absence without pay for restoration of health shall be subject to the recommendation of the Medical Bureau of the Department of Education.

B. Non-Attendance

With the exception of non-attendance for religious observance, applications for non-attendance shall be granted subject to the discretion of the responsible officer specified in Section III.B of this regulation for purposes and subject to the conditions generally applicable to pedagogical employees. Days that would otherwise qualify as non-attendance for religious observance shall be charged to annual leave (see Section VII.A).

XI. SABBATICAL LEAVES OF ABSENCE**A. Sabbaticals Not Authorized**

Sabbatical leaves of absence shall not be granted to any pedagogical managerial employee covered by this regulation nor shall service in such a title be creditable toward sabbatical entitlement in the event that such an employee shall revert to a title for which sabbatical leaves are authorized. Prior service creditable for sabbatical leave can only be utilized in the event that the employee reverts to a non-managerial position which is eligible for sabbaticals and is serving in such title at the time of application.

B. Vested Entitlement to Sabbatical and/or Forfeited Sabbatical Leave Allowance for Council of Supervisors and Administrators (CSA) Supervisors who were in Service On or Before October 1, 1976

Upon retirement, an employee serving in a title covered by this regulation at the time of such retirement who is otherwise qualified for a forfeited sabbatical leave allowance accrued as a result of CSA pedagogical service is eligible for a "vested sabbatical entitlement". Eligibility shall be as set forth in the Agreement between the Department of Education and the CSA. The method of calculation shall be at the rate of 1/2 the number of months multiplied by 1/12 of the salary of the qualifying position at the time of retirement. Forfeited sabbaticals shall be paid in three annual installments. Payment for this allowance shall be independent of the limitation to a maximum of one year's salary for lump-sum payment of annual leave and sick leave.

C. Reduction in Payment for Forfeited Sabbatical Allowance

The period of such allowance shall be reduced by one day for each sick day in excess of thirty days taken during the three-year period immediately preceding the commencement of retirement. Sick days taken for a serious illness or injury that requires medical care in a hospital or confinement in the employee's home or in a similar place or facility for a period in excess of fourteen consecutive calendar days shall not be counted in such reduction upon approval, in writing, by the Medical Bureau based on submission of appropriate documentation. The amount of the reduction in forfeited sabbatical allowance shall be calculated at 1/2 the excess over 30 days at 1/180 of the salary of the qualifying position at the time of retirement.

XII. CONFLICTS OF INTEREST LAW AND LEAVES OF ABSENCE

The Conflicts of Interest Law applies to employees on all leaves of absence. Therefore, employees must contact the Department of Education's Ethics Officer for advice regarding outside activities, including but not limited to outside employment, and owning or operating a business, to determine whether a waiver from the New York City Conflicts of Interest Board is needed.

XIII. TERMINAL LEAVE AND/OR TERMINATION PAY

Neither terminal leave nor termination pay shall be granted to anyone covered by this regulation. This section shall not be construed as precluding any lump-sum benefits or applicable termination pay on account of annual leave and/or sick leave prescribed elsewhere in this regulation. Sick leave accrued as pedagogical managerial employees may be applied towards terminal leave entitlement in a former pedagogical position not covered by this regulation. Upon return to a prior pedagogical position, terminal leave will be based on the current salary of the pedagogical position occupied at the time of vesting.

XIV. LUMP-SUM PAYMENT UPON CESSATION OF SERVICE**A. General**

This subdivision applies to a person who retires, resigns or otherwise ceases service with the New York City public school system by any means, including death, while serving in a title covered by this regulation. The estate of a pedagogical manager who dies while in active service receives these benefits unless the pedagogical manager was presumed to have retired on the day preceding death (Presumptive Death Benefit) in which case the estate is only entitled to post-vested annual leave.

Upon retirement, resignation, or other cessation of service, a pedagogical managerial employee shall be entitled to a lump-sum payment based on the following:

- accrued, unused annual leave and/or vacation days as provided by Section VII above;
- accrued, unused sick leave and/or cumulative absence reserve as provided by Section VIII above;
- overtime as provided by Section IX above.

This subdivision does not apply to a person who reverts to a pedagogical title not covered by this regulation and continues in the service of the school system.

B. Computation of Lump-Sum Entitlement

Lump-sum benefits excluding those included in Sections VII.E.2, VIII.D, and VIII.E.1 of this regulation shall be calculated as prescribed in Section XIV of Chancellor's Regulation C-607. However, only benefits paid in accordance with Section XI of this regulation pertaining to forfeited sabbatical leave allowance shall be exempt from the maximum prescribed under Section XIV.D of this regulation.

Note: Although Education Administrators (CSA) are not covered by this regulation, it is the basis for their lump-sum payment calculation except for calendar day conversion.

C. Optional Methods of Payment

An employee may elect to receive lump-sum payment upon termination of services other than by retirement under one of the following optional methods:

1. in one lump-sum payment in the calendar year of termination of services;
2. in one lump-sum payment in the calendar year immediately following the calendar year of termination of services;
3. in two installments, with the first payment made in the calendar year of termination of services and the second installment in the next calendar year.

Where the employee makes no election before the effective date of termination of services, the employee shall be deemed to have elected option (1).

In the case of retirement, lump-sum payments, excluding benefits described in Section XI concerning forfeited sabbatical leave allowance, shall be made under one of the following optional methods, as elected by the employee:

1. in one lump-sum payment in the calendar year of retirement if retirement takes place prior to July 1 of such year, and in two installments with the first payment made in the calendar year of retirement and the second installment in the next following calendar year if retirement takes place on or after July 1 of the calendar year of retirement;
2. in one lump-sum payment in the calendar year of retirement;
3. in one lump-sum payment in the calendar year immediately following the calendar year of retirement;
4. in two installments, with the first payment made in the calendar year of retirement, and the second installment in the following calendar year;

5. in three installments with the first payment made in the calendar year of retirement, the second installment in the following calendar year, and the third installment in the second calendar year following the calendar year of retirement;
6. in two installments, with the first payment made in the calendar year immediately following the calendar year of retirement and the second installment in the next following calendar year;
7. in three installments, with the first payment made in the calendar year immediately following the calendar year of retirement, the second installment in the next following calendar year, and the third installment in the third calendar year following the calendar year.

In all cases, selection of the foregoing options must be made at least ten days prior to the time application for retirement is filed. If no such selection is made, the employee shall be deemed to have elected option (1).

D. Maximum Lump-Sum Payment

Upon separation from service, a pedagogical manager will be eligible for a maximum lump-sum payment of one year's salary, exclusive of forfeited sabbatical allowance.

XV. INTERPRETATION OF REGULATION

The CEO of DHR is hereby authorized to interpret this regulation. Inquiries from heads of offices or timekeepers should be addressed to the Office of Supervisory Support Services, 65 Court Street, (4th Floor) Brooklyn, New York 11201. Individual employees should be advised to refer questions to their timekeepers and not to contact the Division of Human Resources directly.

XVI. SUBMISSION OF FINAL ENTITLEMENT REQUESTS

All timekeepers should be instructed to calculate vacation used in the last year of service by preparing a Form 9946 (Management Lump-Sum Payment) for every manager separating from service. The 9946 form, along with a completed 9909 form (Time Balances for Management Employee Pay Plan), must be forwarded to the Office of Supervisory Support Services, Division of Human Resources, regardless of whether a final entitlement is due. The timekeeper must retain a copy of these forms.

In order to begin paperwork for a final entitlement, the timekeeper must receive a letter of termination, resignation, or retirement. In addition, pedagogical employees who are retiring must also submit the RECEIPT-SERVICE RETIREMENT APPLICATION from the Teachers' Retirement System of the City of New York.

Note: The managerial employee's timekeeper must forward the Unified Checklist Form along with all the documents listed thereon to the Office of Supervisory Support Services.

XVII. FINANCIAL DISCLOSURE

No employee covered by this regulation who is terminating or being separated from City service shall receive any lump-sum payment to which he/she may be entitled until such employee has obtained a statement from his/her agency's Financial Disclosure Liaison that he/she has filed a financial disclosure report.

XVIII. APPROVAL OF THE AUDITOR GENERAL

No lump-sum payment may be issued to any employee covered by this regulation without the written approval of the Office of the Auditor General in accordance with a Board Resolution dated June 27, 1990.

XIX. EXAMPLES OF TITLES COVERED BY THIS REGULATION

Listed below are examples of titles covered by this regulation. All managerial titles which are non-pedagogical are covered by Chancellor's Regulation C-607 and, therefore, excluded. Any position for which the Commissioner of Education requires a New York State certificate must be considered pedagogical. The Management Pay Plan indicates which positions have been established as pedagogical. Certain former pedagogical positions, e.g., Education Administrator-

Operations Specialist, which have been deemed managerial and/or confidential are covered by this regulation or C-607.

- Administrative Assistant Superintendent
- Assistant Superintendent
- Chief Administrator
- Community Superintendent
- Deputy Assistant Superintendent
- Deputy Chancellor for Instruction
- Deputy Executive Director
- Deputy Superintendent
- Executive Director
- High School Superintendent
- School Medical Director
- Special Assistant to the Community Superintendent
- Superintendent, Alternative, Adult and Continuing Education Schools and Programs
- Superintendent of Citywide Programs
- Superintendent of Operations
- Supervising Superintendent

XX. INQUIRIES

Inquiries concerning this regulation should be directed to:

Telephone:
718-935-4000

HR Connect
N.Y.C. Department of Education
65 Court Street - 6th Floor
Brooklyn, NY 11201

Fax:
718-935-4680

MANAGER'S MONTHLY TIMESHEET*

NAME OF EMPLOYEE: _____ MONTH: _____ YEAR: _____

Date	Day	Time Arrived	Time Departed	Out-of-Town/Office on Official Business (omit meetings at central or schools) Explain (include hours)	Out-of-Office on Personal Business (other than lunch) (include hours)	Total Hours Served	Annual Leave	Sick Leave
	Sat							
	Sun							
	Mon							
	Tues							
	Wed							
	Thurs							
	Fri							
	Sat							
	Sun							
	Mon							
	Tues							
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	Sat							
	Sun							
	Mon							
	Tues							
	Wed							
	Thurs							
	Fri							
	Sat							
	Sun							

I hereby certify that the above time record is a true and correct statement of my attendance, and that I have been actually present in the performance of my official duties for the period covered, except as indicated above.

Employee Signature: _____ Title: _____ Date: _____

Approved as submitted. The signature below confirms that the timesheet has been submitted as required.

Signature of Supervisor: _____ Title: _____ Date: _____

* Excludes Community Superintendent

According to Chancellor's Regulations C-605 and D-605, management employees are expected to work whatever hours and days are required to carry out their responsibilities. However, the regular work week shall not be less than thirty-five (35) hours, exclusive of lunch.

INSTRUCTIONS FOR TIMESHEET

Enter your name, the month (e.g., January) and Year (e.g., 2000) at the top. Entries in the boxes on the form should be made as follows:

DATE: Enter each date in the month (e.g., 1) in consecutive order so that it corresponds to the day of the week listed in the column entitled "Day."

TIME ARRIVED IN OFFICE: Enter the exact actual time you arrived at your assigned work location (e.g., 8:21). Do not approximate. Enter "PM" if arrival was after 12:00 noon (e.g., 12:01 PM).

TIME DEPARTED FROM OFFICE: Enter the exact actual time you departed from your assigned location (e.g., 5:02). Do not approximate. Enter "AM" if departure was after 12:00 midnight, the following day (e.g., 12:02 AM).

OUT -OF-TOWN/OFFICE ON OFFICIAL BUSINESS: Enter the location, purpose, and actual time at which you arrived and departed from meetings, etc. other than those at your assigned Board of Education location, central headquarters' offices or schools.

OUT-OF-OFFICE ON PERSONAL BUSINESS: Enter the exact actual time you departed and returned, if you returned on that day.

TOTAL HOURS SERVED: Enter the number of hours served. This does not include the time spent at lunch or on personal business. A business day from 9:00 to 5:00 is recorded as a total of 7 hours served excluding lunch, regardless of whether lunch is taken. The computation of the number of hours served is subject to confirmation by the timekeeper.

ANNUAL LEAVE: Enter the number of hours taken as either vacation or personal business to be charged against your annual leave balance. If an entire day is to be charged as annual leave, enter 7. Approved annual leave may be used in units of 1 hour.

SICK LEAVE: Enter the number of hours taken as sick leave to be charged against your sick leave balance. If an entire day is to be charged as sick leave, enter 7. Sick leave may be used in units of 1 hour.

SIGNATURES: Sign, date, and enter your title at the bottom of the form and submit it for signature/date to your supervisor within 10 business days after the close of the month. The signed original should be forwarded by the supervisor to the timekeeper and filed in the employee's personnel file. The supervisor should give a signed copy to the employee.

ADJUSTED WORK DAY: In establishing hours for a particular day on which an employee is working, Section IV of Chancellor's Regulations C-605 and D-605 allows for consideration of unusually long hours worked in a previous period. This period should not extend further than two weeks into the past.

ADJUSTED WORK WEEK: Under exceptional circumstances, an employee who has consistently accumulated extraordinarily long hours may, with prior written approval of the responsible officer indicated in C-605 or D-605, have a reduced work week (4 days instead of 5 days). However, under no circumstances may the work week be less than 35 hours (excluding lunch).

NOTE: Refer to Chancellor's Regulations C-605 for pedagogical managers and D-605 for administrative managers for detailed information concerning specific requirements.

MONTHLY TIMESHEET
COMMUNITY SUPERINTENDENTS

NAME OF EMPLOYEE: _____ MONTH: _____ YEAR: _____

Date	Day	Time Arrived	Time Departed	Out-of-Town/Office on Official Business Explain (include hours)	Out-of-Office on Personal Business (other than lunch) (include hours)	Total Hours Served	Annual Leave	Sick Leave
	Sat							
	Sun							
	Mon							
	Tues							
	Wed							
	Thurs							
	Fri							
	Sat							
	Sun							
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	Sat							
	Sun							
	Mon							
	Tues							
	Wed							
	Thurs							
	Fri							
	Sat							
	Sun							

I hereby certify that the above time record is a true and correct statement of my attendance, and that I have been actually present in the performance of my official duties for the period covered, except as indicated above.

 Community Superintendent's Signature

 Date

The signature below confirms that the timesheet has been submitted, as required.

 Signature of the President of the Community School Board or Designee*

 Date

* (DESIGNEE RESTRICTED TO CSB MEMBER OR CSB EXECUTIVE ASSISTANT)

According to Chancellor's Regulations C-605 and D-605, management employees are expected to work whatever hours and days are required to carry out their responsibilities. However, the regular work week shall not be less than thirty-five (35) hours, exclusive of lunch.

INSTRUCTIONS FOR TIMESHEET

Enter your name, the month (e.g., January) and year (e.g., 2000) at the top. Entries in the boxes on the form should be made as follows:

DATE: Enter each date in the month (e.g., 1) in consecutive order so that it corresponds to the day of the week listed in the column entitled "Day."

TIME ARRIVED IN OFFICE: Enter the exact actual time you arrived at your assigned work location (e.g., 8:21). Do not approximate. Enter "PM" if arrival was after 12:00 noon (e.g., 12:01 PM).

TIME DEPARTED FROM OFFICE: Enter the exact actual time you departed from your assigned location (e.g., 5:02). Do not approximate. Enter "AM" if departure was after 12:00 midnight, the following day (e.g., 12:02 AM).

OUT-OF-TOWN/OFFICE ON OFFICIAL BUSINESS: Enter the location, purpose, and actual time at which you arrived and departed from meetings, etc., other than those at your assigned Board of Education location, central headquarters' offices, or schools under your jurisdiction.

OUT-OF-OFFICE ON PERSONAL BUSINESS: Enter the exact actual time you departed and returned, if you returned on that day.

TOTAL HOURS SERVED: Enter the number of hours served. This does not include the time spent at lunch or on personal business. A business day from 9:00 to 5:00 is recorded as a total of 7 hours served excluding lunch, regardless of whether lunch is taken. The computation of the number of hours served is subject to confirmation by the timekeeper.

ANNUAL LEAVE: Enter the number of hours taken as either vacation or personal business to be charged against your annual leave balance. If an entire day is to be charged as annual leave, enter 7. Approved annual leave may be used in units of 1 hour.

SICK LEAVE: Enter the number of hours taken as sick leave to be charged against your sick leave balance. If an entire day is to be charged as sick leave, enter 7. Sick leave may be used in units of 1 hour.

SIGNATURES: Sign and date the bottom of the form and submit it for signature/date to the President of the CSB or designee within 10 business days after the close of the month. The signed original should be forwarded by the CSB to the timekeeper and filed in the Superintendent's personnel file. The CSB should give a signed copy to the Superintendent.

ADJUSTED WORK DAY: In establishing hours for a particular day on which an employee is working, Section IV of Chancellor's Regulations C-605 and D-605 allows for consideration of unusually long hours worked in a previous period. This period should not extend further than two weeks into the past.

ADJUSTED WORK WEEK: Under exceptional circumstances, an employee who has consistently accumulated extraordinarily long hours may, with prior written approval of the CSB, have a reduced work week (4 days instead of 5 days). However, under no circumstances may the work week be less than 35 hours (excluding lunch).

NOTE: Refer to Chancellor's Regulation C-605 for pedagogical managers for detailed information concerning specific requirements.

**UNIFIED TRANSMITTAL FORM: LUMP-SUM PAYMENT FOR A PEDAGOGICAL MANAGER
OR NON-PEDAGOGICAL MANAGER WHO IS COVERED BY TRS**

Name _____ SS#: _____ File#: _____

DESCRIPTION OF DOCUMENT(S) TO BE FORWARDED/ACTION	T	H	P	A
1. Copies of last 12 months' signed & approved timesheets				
2. Copies of managerial attendance records: all time				
3. Copies of Teacher's Attendance Record (CAR cards): OP104				
4. Form 9909 (Pedagogic Payroll) / 8744 (admin. now)				
5. Form OP66 (for forfeited sabbatical allowance)				
6. Form OP44 (for vested sick leave balance)				
7. Form 8614 Final Entitlement Form				
8. Form 8635 (leave usage in last year of service)				
9. Copies of any vacation carryover letters				
10. Statement of compliance with Financial Disclosure				
11. This transmittal signed/dated by CSD/FMC approving officer				
12. Copies of Personnel History Cards or printout				
13. Forms OP152, if available (otherwise enter "N/A")				
14. Verified 9909/8744/8635 leave usage to the time records				
15. Copy of retirement letter or equivalent & TRS printout				
16. Copy of this transmittal <u>only</u> , sent to Auditor General				
17. Proof - Enter current value of vested position: _____ \$ _____				
18. Proof of NYC start date:(i.e., DP2001) / /				
19. Copies of Payroll History (each salary increment/date)				
20. Payroll calculations with director's approval				
21. Copy of 9909 form sent to employee				
22. Copy of entire package sent to Auditor General / NYC Comptroller				

Please number and forward the applicable documents in numeric order.

T = Timekeeper places a check mark here when forwarding the document(s) listed on this line along with all others in this column to the Division of Human Resources, Office of Staffing Services. Timekeeper signs below and obtains the signature of the District or FMC approving officer, attesting to the fact that all forms and documents listed in this column (1-9 and 11) have been completed before being submitted along with this transmittal form. Financial compliance letter is no longer required to be sent by timekeeper. It will be provided by the Ethics Officer.

H = Division of Human Resources places a check mark in this column and attests to the receipt of the document(s) (lines 1-10) from the timekeeper and the forwarding of the document(s) listed on this line to the appropriate payroll office along with all other documents in this column (lines 1-15), or the performance of the function listed on this line, by signing below.

P = Payroll Office places a check mark in this column and attests to the receipt of the document(s) (1-15) from Staffing Services and the forwarding of documents (1-18) to the Office of the Auditor General, or the performance of the function listed, by signing below.

A = Office of the Auditor General places a check mark and the auditor signs below, attesting to receipt of the documentation listed.

_____	_____	_____
Timekeeper Name (Print)	Timekeeper's Signature	Date
_____	_____	_____
CSD/FMC Approving Officer (Print)	Approving Officer's Signature	Date
_____	_____	_____
Division of Human Resources (Print)	Div. Human Resources Signature	Date
_____	_____	_____
Payroll Office Director (Print)	Payroll Director's Signature	Date

INSTRUCTIONS

In processing lump-sum payments, each of the following offices is responsible for making an entry in each available row of the column designated for that office:

<u>COLUMN</u>	<u>OFFICE</u>
T	Timekeeper
H	Division of Human Resources
P	Division of Financial Operations - Payroll Administration
A	Office of the Auditor General

The entire document package should be forwarded to the next office listed above, only after each of the following is performed:

- documents listed in that column are attached to this transmittal form;
- any functions listed are performed;
- a check mark (or "N/A" for not applicable) is entered on each line in that column indicating that the document was attached or the function was successfully completed; and,
- the appropriate signatures are added at the bottom of the form.

Unless copies are specified in the "DESCRIPTION OF DOCUMENTS", original documents should be forwarded. However, no originals should be forwarded to the Office of the Auditor General. All original documents will remain with the Division of Financial Operations - Payroll Administration.