

Category: **ADMINISTRATIVE PERSONNEL**

Issued: 6/29/09

Number: **C-607**

Subject: SALARY, ATTENDANCE, AND LEAVE OF MANAGEMENT EMPLOYEES

Page: 1 of 1

SUMMARY OF CHANGES

This regulation supersedes and replaces Chancellor's Regulation C-607 dated December 19, 2008.

This regulation sets forth the policy and procedures regarding salary, attendance and leaves of non-pedagogical employees in the Management Pay Plan who are not covered by collective bargaining agreements.

Changes:

- Language has been added to make clear that the New York City Conflicts of Interest Law applies to employees during leaves of absences.

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ATTACHMENTS

1. Unified Checklist Form (for TRS covered managers only)

ABSTRACT

This regulation sets forth the policy and procedures as well as salary, attendance, leave, and other working conditions of non-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-607, which took effect on December 19, 2008.

I. COMPENSATION OF MANAGERIAL EMPLOYEES

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

II. SPECIAL CONDITIONS OF EMPLOYMENT

A. Outside Earned Income

Unless the Chancellor has given prior written approval, no 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 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. Management employees shall work whatever hours and days are required to carry out their responsibilities, subject to approval of persons listed in Section III.B of this regulation. The regular work week shall be not less than thirty-five (35) hours.

B. However, such employees shall work additional hours and days as 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 within the current week to allow for an adjusted workday.

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.

Under exceptional circumstances, a manager who has consistently accumulated extraordinarily long hours may have a reduced work week (4 days instead of 5 days); however, under no circumstances may the work week be less than 35 hours. A request for an adjusted work week must have prior written approval. Such written approval must be maintained in the employee's personnel file.

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 Executive Directors/Directors or for any staff member who reports directly to the Chief Executive;

- An Executive Director or a designee for staff in offices under the supervision of the Executive Director; and
- 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, for staff of such office, bureau, or unit.

IV. TIMEKEEPING

Cybershift is the timekeeping system for all employees covered by this regulation. Cybershift shall maintain the work schedule/shift of all such staff. Covered employees are required to record their work hours in the Cybershift system at the beginning and end of each workday. Approval must be entered into Cybershift by the appropriate supervisor (as outlined in Section III.B above) at the close of each pay cycle.

Prior to the implementation of Cybershift, covered employees were required to keep monthly timesheets as issued and updated by the Division of Human Resources. These timesheets indicated the days and specific hours of service performed and were to be submitted with appropriate forms, e.g., OP 221, PD 19, 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 had been submitted as required. The written approval of the Chancellor or his/her designee should have been affixed to timesheets submitted by Executive Directors or staff in the Chancellor's office. Signature stamps were 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 have been 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 a lump-sum payment. A cumulative time summary record, i.e., Managerial Attendance Report, and all Cybershift records 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 managerial employees shall commence as of each September 1 and end as of the close of business on the following August 31.

VI. MEAL ALLOWANCE

Meal allowances are not granted to individuals in this category. This restriction does not apply to reimbursements for the cost of meals incurred as a portion of authorized travel expenses.

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 managerial employees in active payroll status who work a regularly scheduled five-day week as indicated in Tables C-607.1 and C-607.2 below. Annual leave shall be credited as earned and charged as days are used.

TABLE C-607.1 - ANNUAL LEAVE ACCRUAL RATES FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2005

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

Entitlement Based on Prior New York City Service

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-607.1.

TABLE C-607.2 - 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 (Election Day).

For the purpose of this section, "New York City Service" means paid, full-time service as an employee of the DOE 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:

1. the employee is on approved leave of absence;
2. there is a break in service of 31 calendar days or less; or
3. 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.

C. Vested Annual Leave

Any annual leave balances credited as of March 31, 1979 to an employee who was covered by the 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 XIII.

Note: There is no carryover or vesting of vacation days for a CSA covered 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. 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 bank.

2. Carryover of Foregone Annual Leave

Should the Chancellor or designee of the Chancellor, 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 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 section 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.G and XIII.E of this regulation or of any other regulations.

E. Crediting Monthly Accrual of Annual Leave

In calculating annual leave accruals, a full month's credit shall be given to an employee covered by this regulation who has been in full-pay 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 accruals 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 this period; and

2. If an employee loses annual leave accruals 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 annual leave accruals earnable in one month for each 30 days of such full-pay status.

F. 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, upon written request, the CEO of DHR for central staff, or responsible Executive 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.

G. 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 XIII at the salary at which it was earned.

VIII. SICK LEAVE

- A. 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 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. There is no limit on the accrual of sick leave days. All of the time earned may be used for personal illness but the amount that may be included for the computation of lump-sum payment is subject to the restrictions of Section VIII.I below.
- B. In the calculation of sick leave accruals, 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 that:
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 accruals 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 the period of absence without pay; and
 2. If an employee loses sick leave accruals 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 the sick leave accruals earnable in one month for each 30 days of such full-pay status.
- C. Use of accrued sick leave may be approved at the discretion of the responsible officer cited in Section III.B of this regulation. Medical certification must be provided for all illnesses of more than three (3) consecutive workdays, consistent with City policy, but there is no limit otherwise, on the number of occasions of self-treated absence during a specified period of time. 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.
- D. Upon written approval of the CEO of DHR and upon recommendation of the appropriate Superintendent or Executive Director, employees (except provisional and temporary employees) who have exhausted all earned sick leave and annual leave balances due to personal illness may be permitted to use unearned sick leave allowance up to a maximum of twelve (12) days, chargeable against future sick leave.
- E. Upon approval of the CEO of DHR, permanent employees may also be granted sick leave with pay for three (3) months after 10 years of City service after all accruals have been used. In special instances, sick leave with pay may be further extended with the approval of the CEO of DHR. The CEO of DHR shall be guided in this matter by the nature and extent of illness and the length and character of service. Such extension, if granted, may not exceed six (6) months.

In exceptional circumstances, permanent employees with less than ten (10) years of New York City public agency service may make a special request to the CEO of DHR to be granted sick leave with pay as set forth above.

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

- F. Where an employee is hospitalized while on annual leave, the period of such verified hospitalization shall be charged to sick leave and not to annual leave. Where an employee is seriously disabled but not hospitalized while on annual leave and the employee submits proof of such disability satisfactory to the CEO of DHR, such leave time may be charged to sick leave and not to annual leave, at the employee's option.

- G. Accrued sick leave accruals may be used for maternity leave purposes in accordance with the provisions of Chancellor's Regulations and Section 6.15 of the Rules and Regulations for Administrative Employees.
- H. For purposes of lump-sum payment, employees in the management service prior to April 1, 1979 will vest sick leave earned prior to that date and submanagerial employees entering the management service after April 1, 1979 will vest sick leave as of the day preceding entry into the management service. Vested sick leave may be used either for lump-sum payments or for personal illness when the accrual of sick leave earned after the vesting date is not sufficient to cover an employee's illness.
- I. The number of sick leave days allowable for lump-sum payment is determined as follows:
1. Vested Days - All employees with at least ten years of continuous service may be credited with one work day for each two days of sick leave earned. The amount of vested time on which this benefit is based may not exceed 200 days. Accordingly, the maximum payment possible is 100 days.
 2. Days Earned Subsequent to Vesting - Only employees with more than 10 years of continuous service and a final balance of at least 60 days after vesting may be credited with one work day for each three days earned.
 3. The total payment for vested sick leave accruals and sick leave earned subsequent to vesting may not exceed 120 days.
 4. Transfer contributors to the New York City Teachers' Retirement System shall be credited one day for every two days of earned but unused sick days up to a maximum of 200 days. Therefore, the maximum payment shall not exceed 100 days. The dollar amount shall be calculated at the rate of 1/200th of their final salary.

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.

IX. OVERTIME

- A. As of April 1, 1979, there shall be no credit for time worked beyond the regular work week by persons covered in these regulations.
- B. Prior to April 1, 1979, management employees were permitted to be credited for overtime work on an hour-to-hour basis. Half of the overtime was placed in an Active Overtime Bank and the other half into a Reserve Overtime Bank. In accordance with City Personnel Order 24/77, all overtime accruals in a managerial employee's Active Overtime Bank and/or Reserve Overtime Bank should have been transferred to one Overtime Bank.
- C. The managerial overtime credit earned prior to April 1, 1979 shall continue to be applicable for compensatory time off and lump-sum payments, subject to the written prior approval of the head of the Division, Bureau, or District in accordance with the following guidelines:
1. The maximum number of days from the Overtime Bank that may be used by the employee as compensatory time in any vacation year is equal to the amount of annual leave accrued by the employee in that vacation year.
 2. The Overtime Bank may be used without limit in the event of catastrophic illness, but only if all sick leave and annual leave have been exhausted.
 3. Lump-sum payment for unused overtime in the Overtime Bank will be made in conformance with the following formula: 10 days of overtime for each year of continuous City service up to a maximum of 100 days.

4. Any overtime up to and including the maximum amount specified in Section IX.C.1 above not used in the vacation year of the employee's separation from service will be paid as an addition to the lump-sum payment described in Section IX.C.3 above, e.g., an employee who earns 27 annual leave days a year and has not used any overtime in the vacation year of final separation could receive a maximum lump-sum payment for overtime of 127 days in addition to lump-sum payment for unused annual and/or sick leave.
 5. Lump-sum payment for overtime, annual leave, and sick leave shall not exceed the compensation earnable in the 12-month period immediately preceding separation from service.
- D. On assignment, reassignment, appointment, or promotion from a non-managerial position to a managerial position subject to these regulations, the employee's overtime accruals shall be transferred to the employee's Overtime Bank and shall be usable pursuant to the terms in this section.

X. LEAVES OF ABSENCE WITHOUT PAY AND OTHER ABSENCES

Regulations governing the grant of leaves of absence without pay and the excuse of other types of absence without charge to leave balances governing administrative (non-pedagogical) employees as set forth in Section 6 of the Rules and Regulations for Administrative Employees shall be applicable to this category of personnel.

XI. 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 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.

XII. CHANGES IN STATUS

A. Submanagerial to Managerial

Annual and sick leave balances of submanagerial employees who are promoted, appointed, assigned, or reassigned to positions covered by these regulations shall be treated in the following manner:

1. Accrued annual leave shall remain to the employee's credit and shall be governed by the provisions of these regulations.
2. Sick leave accrued prior to placement in a management position (i.e., submanagerial) may be used in either of the following ways:
 - for illness where necessary, in accordance with Section VIII of this regulation.
 - toward lump-sum payments upon separation from service. Computation for lump-sum payments shall be made in accordance with Section XIII.C of this regulation.

B. 10-Month Pedagogue to Managerial Position

A 10-month pedagogical employee transitioning into a Management Pay Plan position during July or August will be entitled to retain pro-rata summer pay earned during the preceding work year.

XIII. VESTED BENEFITS

All annual leave, sick leave, and compensatory time balances to the credit of an employee covered by these regulations as of March 31, 1979 shall remain to the employee's credit. For an employee who entered the managerial service after April 1, 1979, the time balances to the employee's credit on the day preceding the assignment shall remain to the employee's credit. Such balances may be used in accordance with these regulations and are applicable toward lump-sum termination payment as set forth in Section XIII.C.

XIV. LUMP-SUM PAYMENT UPON CESSATION OF SERVICE

- A. Upon retirement, termination, or any other separation from employment, including death, there shall be a lump-sum payment which may include annual leave as described in Section VII, sick leave as described in Section VIII, and overtime as described in Section IX. This payment shall not be creditable for purposes of computing compensation on retirement.
- B. Payments under this regulation for unused annual leave balances shall be made in the following manner:
1. For vested annual leave:
 - a. An employee in a management position as of April 1, 1979 shall be compensated at the rate of pay he or she was earning in the twelve-month period preceding March 31, 1979 or the current minimum rate of pay for the managerial level held at that time, whichever is greater.
 - b. Annual leave accruals earned as a submanagerial employee who subsequently enters the management service shall be compensated at the current minimum rate of pay for the position in which the employee was serving immediately preceding entry in the management position or the rate at which the employee was paid, or the current rate of pay the employee would have been earning in the permanent title held prior to entering the managerial service, whichever is greatest.
 2. Effective January 3, 2000, compensation for annual leave accruals earned as a managerial employee shall be as follows:
 - a. All current unused leave earned during the six-year period immediately preceding separation shall be paid at the salary rate at which it was earned. In using annual leave, that which was earned first shall be used first either as time or as pay. Vested or banked annual leave may be used only after current annual leave has been exhausted.
 - b. All current unused annual leave earned more than six years prior to the date of final separation shall be paid at the average weighted salary rate received or receivable during the year ending six years prior to the date of final separation.
 - c. During the twelve months immediately preceding final separation, managerial employees are not permitted to use more annual leave than can be earned in one year without a reduction in final lump-sum payment. However, the amount of annual leave that can be used in the final year of service can be increased by the amount of excess leave that the manager was approved to forego by the Superintendent/Chief Executive/Executive Director. No annual leave may be taken contiguous with termination, resignation, or retirement.
- C. Payments made under this regulation for unused sick leave shall be made in the following manner:
1. For vested sick leave:
 - a. An employee in a management position as of April 1, 1979 shall be compensated at the rate of pay he or she was earning in the twelve-month period preceding March 31, 1979 or the current minimum rate of pay for the managerial level held at that time, whichever is greater.
 - b. A submanagerial employee entering a management position after April 1, 1979 shall be compensated at the current minimum rate of pay for the position in which the employee was serving immediately preceding entry in the management position, or the rate at which the employee was paid, or the current rate of pay the employee would have been earning in the permanent title held prior to entering the managerial service, whichever is greatest.

2. Effective January 3, 2000, sick leave accrued subsequent to vesting is creditable toward lump-sum payment as follows:
 - a. All current unused sick leave earned during the six-year period immediately preceding the date of final separation shall be paid at the salary rate at which it was earned. In using sick leave, that which was earned first shall be used first either as time or as pay. Vested or banked sick leave may be used only after current sick leave has been exhausted.
 - b. All current unused sick leave earned more than six years prior to the date of final separation shall be paid at the average weighted salary rate received or receivable during the year ending six years prior to the date of final separation.
- D. Payments under this regulation for unused overtime accruals, to the extent allowable under the provisions of Section IX, shall be made in the following manner:
 1. Overtime accruals earned as a submanagerial employee will be paid at the current minimum rate for the position in which the employee was serving immediately prior to entry in the management service, or the rate at which the employee was paid, or the current rate of pay the employee would have been earning in the permanent title held prior to entering the managerial service, whichever is greatest.
 2. Overtime accruals earned as a managerial employee will be paid at the rate earned in the twelve-month period preceding March 31, 1979 or the current minimum rate of pay for the managerial level held at that time.
- E. The maximum total lump-sum payment for all entitlements shall not exceed the compensation earnable in the 12-month period immediately preceding separation from service.
- F. When catastrophic illness has exhausted all or most of the employee's accrued sick leave, accrued annual leave and overtime, the Chancellor, for central units, or the community superintendent, for district employees, may grant approval for the crediting of 2.2 work days for each year of service as the basis for computing the lump-sum payment.
- G. 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 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.
- H. In the case of retirement, lump-sum payments 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, the second installment in the next following calendar year;
 5. in three installments, with the first payment made in the calendar year of retirement, the second installment in the next 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 of retirement.

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 selected option #1.

XV. INTERPRETATIONS

DHR is authorized to make interpretations of this regulation. Inquiries from heads of offices or timekeepers should be addressed to HR Connect, 65 Court Street, (6th Floor), Brooklyn, New York 11201. Individual employees should be advised to refer questions to their timekeepers and not to contact DHR 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, regardless of whether the manager is filing for lump-sum payment. The timekeeper must maintain a copy of this form.

In the event that the vacation time used during the last year of service is in excess of one year's accrual, the 9946 form along with a completed 9909 form (Time Balances for Management Employee Pay Plan) must be forwarded to the Division of Human Resources.

A copy of the employee's Managerial Attendance Record, Cybershift records and, if applicable, a record of the Cumulative Absence Reserve must be attached to Form 9909.

Note: For managerial employees not covered by TRS, the Unified Checklist Form is **not** required. The timekeeper must forward all documents to the Division of Financial Operations, Administrative Lump-Sum Unit, 65 Court Street (Room 1400), Brooklyn, New York 11201. For managerial employees in TRS, the Unified Checklist Form along with all the documents listed thereon must be forwarded to the Office of Support Services, 65 Court Street (Room 505), Brooklyn, New York 11201.

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. TITLES COVERED BY THIS REGULATION

This regulation covers all managerial titles included in the Management Pay Plan except for Pedagogic Managers such as Superintendents, Administrative Assistant Superintendents, etc., which are covered by Chancellor's Regulation C-605.

XIX. INQUIRIES

Inquiries concerning this regulation should be directed to:

Telephone: 718-935-4000	<i>HR Connect</i> Division of Human Resources N.Y.C. Department of Education 65 Court Street – 6 th floor Brooklyn, NY 11201	Fax: 718-935-4680
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**UNIFIED TRANSMITTAL FORM: LUMP-SUM PAYMENT FOR 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 Cumulative Absence Reserve (CAR cards): OP 104				
4. Form 9909 (Pedagogic Payroll)				
5. Form OP66: Application for Forfeited Sabbatical Allowance				
6. Form OP 44: Application for Termination Pay				
7. Form 8614: Final Entitlement Form				
8. Form 8635: Management Lump-Sum Payment (leave usage in last year of service)				
9. Copies of Vacation Carry Over Letters				
10. Statement of compliance with Financial Disclosure (DOI receipt)				
11. This transmittal signed by CSD/FMC approving officer				
12. Copies of Personnel History Cards or printout				
13. Form OP 152, if available (otherwise enter "N/A")				
14. Verified 9909/8635 leave usage to these time records				
15. Copy of Retirement Letter or equivalent & TRS printout				
16. Copy of this transmittal only sent to Auditor General				
17. Proof/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 calculation 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 Supervisory Support 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 (1-10) have been completed before being submitted along with this transmittal form.
- H= Division of Human Resources (DHR) places a check mark in this column and attests to the receipt of the document(s) (line 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 DHR 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, attesting to receipt of the documentation listed.

_____	_____	_____
Timekeeper (print name)	Timekeeper's Signature	Date
_____	_____	_____
FMC Approving Officer (print name)	Approving Officer's Signature	Date
_____	_____	_____
Div. of Human Resources (print name)	Div. of Human Resources Signature	Date
_____	_____	_____
Office of Payroll (print name)	Office of Payroll Signature	Date