

PERSONNEL SERVICES BULLETINS (PSBs)

410-3

Subject: Dedicated Sick Leave Program for Employees in Titles Eligible for Collective Bargaining in Mayoral Agencies

Source: 1995-2001 Citywide Agreement

Date: Updated November 22, 2019

I. PROGRAM DESCRIPTION

The Dedicated Sick Leave Program for Employees in Titles Eligible for Collective Bargaining in Mayoral agencies enables employees in titles eligible for collective bargaining, in Mayoral agencies, to voluntarily donate sick leave and/or annual leave for use as sick leave by a seriously ill or injured eligible employee who has been designated by the donor. Eligible recipients may receive up to 180 days of paid sick leave in any one-year period. Covered employees may also donate leave to, or receive leave from, managers and other employees in titles not eligible for collective bargaining, who are covered by the Salary Continuation Program. Note that employees in the uniformed forces are not eligible to participate in this program.

Criteria for Recipient Eligibility

1. Employee must be serving in a title eligible for collective bargaining, in a Mayoral agency, and have at least two years of continuous full-time City service in any City agency, including service in a title not eligible for collective bargaining in any City agency.
2. Employee's illness or injury must not be job-related and must require an absence of at least 30 continuous working days. Absence due to illness or injury must be supported by acceptable medical documentation. The Agency Head or his/her designee will determine whether requests by eligible employees to receive dedicated sick leave will be approved, based solely upon the nature and severity of the illness or injury. Employees whose requests have been denied may appeal in writing to the DCAS Bureau of Strategic Planning. The Deputy Commissioner of the Department of Citywide Administrative Services (DCAS), the First Deputy Commissioner of the Office of Labor Relations (OLR), and a union representative will review any such requests by eligible employees. Their decision shall be final. Agencies may contact the DCAS Bureau of Strategic Planning to request the assistance of the DCAS Deputy Commissioner and the OLR First Deputy Commissioner in making determinations.

3. An employee covered by the "Leave Regulations for Employees who are Under the Career and Salary Plan," who is eligible for the advancement of sick leave under Section 3.4 of the leave regulations, must apply for such advanced leave before receiving dedicated leave.
4. A permanent employee with at least ten years of continuous City service must apply for a sick leave grant under Section 3.5 of the "Leave Regulations for Employees who are Under the Career and Salary Plan" before receiving dedicated leave.
5. All annual leave and sick leave, compensatory time balances, leave advancements, and sick leave grants must have been exhausted.
6. Dedicated leave may not be used as a supplement to income benefits under any City or union short term or long term disability program. If the employee has already received income benefits under any City or union short term or long term disability program, those benefits must be reimbursed.

Criteria for Donating Dedicated Leave

An employee who wishes to donate annual leave and/or sick leave to a specific individual must meet the following criteria. Every reasonable effort will be made to keep the donors' identities confidential.

1. Employee must be serving in a title eligible for collective bargaining in a Mayoral agency.
2. There is a minimum donation of one day of annual leave or sick leave. The number of hours that comprise a day is determined by the title of the employee.
3. An employee with fewer than ten years of City service may donate only annual leave. There is no minimum length of service required to donate annual leave.
4. An employee with at least ten years of City service may donate sick leave and/or annual leave. In order to donate sick leave, an employee must have a sick leave balance of at least 24 days.

Program Requirements

1. There is no enrollment period. Donations are made on an "as-needed" basis.
2. All dedicated leave is irrevocable.
3. If the number of days dedicated is more than the number of days actually used by the recipient, the unused days will be forfeited after one year elapses from the date of the recipient's return to work. In the event of a medically documented recurrence of the original illness or injury during this one-year period, the recipient will be permitted, upon approval of the Agency Head or his/her designee, to utilize the unused balance provided that all other leave balances have been exhausted.

4. Each day of leave donated will be debited from the donor's leave balance as one full day; however, each day of sick leave donated will be credited to the recipient as one -half day. Each day of annual leave donated will be credited to the recipient as one full day.

5. Dedicated sick leave will be granted to the recipient retroactive to the first day of absence without pay. A recipient utilizing dedicated sick leave is deemed to be in active pay status as though the employee were using his/her own sick leave. Annual leave and sick leave will therefore be accrued while using dedicated sick leave, but will not be credited until the employee returns to work.

6. A prospective recipient's consent should be obtained before efforts are made to secure donations of leave. Every reasonable effort will be made to maintain confidentiality of employee medical information.

II. PROCEDURE FOR DONATING DEDICATED LEAVE

1. An employee who wishes to donate annual leave and/or sick leave to a designated employee must complete [Form DP-2517](#), "Application to Donate Leave" (in PDF format), and return it to his/her Agency Personnel Officer as soon as possible. Please note that the donor's identity is confidential and may not be released to the recipient or the recipient's union.

2. The following steps are to be taken when the employee dedicating leave and the employee receiving leave are employed in the same agency.

Upon receipt of an application to dedicate leave, the Agency Personnel Officer must review the application, determine the accuracy of all statements in accordance with agency records and the records of the Office of Payroll Administration, and complete the appropriate section. The application of an employee who is ineligible to donate dedicated sick leave must be returned to the applicant with the disposition within five working days of receipt. If the employee is deemed eligible to donate dedicated leave, and the recipient has been deemed eligible and has been approved to receive donated leave, as in paragraph (2) of the Procedure For Receiving Dedicated Sick Leave, then the Agency Personnel Officer is to send both the donor's application and the recipient's application, with medical documentation attached, to the DCAS Bureau of Strategic Planning within five working days from receipt of either the donor's or the recipient's application, whichever is received later. The DCAS Bureau of Strategic Planning will notify the Office of Payroll Administration of the determination. If both employees are eligible to participate, the Agency Personnel Officer will be requested by the DCAS Bureau of Strategic Planning to make the appropriate adjustments in the Payroll Management System and notify both the donor and the recipient, respectively, of the number of days to be debited or credited and when such debit or credit will occur. Such notification to employees must be sent simultaneously with a copy to the DCAS Bureau of Strategic Planning and a copy of the recipient's notification to the employee's

union. If it is determined that the recipient is ineligible or is not approved to receive donated leave, the Agency Personnel Officer must notify both employees and the DCAS Bureau of Strategic Planning accordingly.

3. The following steps are to be taken when the employee dedicating leave and the employee receiving leave are employed in different City agencies. The same time frames apply as above.

Upon receipt of an application to donate dedicated leave, the Agency Personnel Officer must determine the eligibility of the donor, as above, and send the application of the eligible donor to the DCAS Bureau of Strategic Planning. If the DCAS Bureau of Strategic Planning is in receipt of an approved "Application to Receive Sick Leave," ([Form DP-2529](#)), for the designated recipient, the DCAS Bureau of Strategic Planning will request the donor's Agency Personnel Officer to make the appropriate adjustment in the Payroll Management System to debit the donor's leave balance(s) and notify him/her of the number of days to be debited and when such debit will occur. Such notification to the donor must be sent simultaneously with a copy to the DCAS Bureau of Strategic Planning in order that the recipient may receive the dedicated leave as expeditiously as possible. Once the DCAS Bureau of Strategic Planning receives the above notice from the donor's Personnel Officer, it will notify the Agency Personnel Officer of the agency employing the recipient to make the appropriate adjustment in the Payroll Management System to credit the recipient's leave balances. The Agency Personnel Officer must then notify the recipient of the number of day(s) to be credited and when such credit will occur, sending simultaneous notice to the DCAS Bureau of Strategic Planning and to the employee's union.

Note: Applications of additional donors should be forwarded to the Bureau of Strategic Planning within five working days from their receipt, and the same procedures as above should be followed.

III. PROCEDURE FOR RECEIVING DEDICATED SICK LEAVE

1. The employee must complete [Form DP-2529](#), "Application to Receive Sick Leave," (in PDF format), include medical documentation, and forward the application to his/her Agency Personnel Officer. Where practicable, applications should be submitted when the employee has been absent for 20 continuous working days but anticipates being absent in excess of 30 continuous working days and will not have sufficient leave to cover the projected period of absence beyond the 30 days.

2. The Agency Personnel Officer must review the application, determine the accuracy of all statements in accordance with agency records and the records of the Office of Payroll Administration, and complete the appropriate section. All discrepancies must be resolved with the employee before a determination is made. The application of an employee ineligible to receive leave must be returned to the applicant with the disposition within five working days of receipt by the Agency Personnel Officer. The application of an employee eligible to receive

leave must be forwarded to the Agency Head or his/her designee within five days of receipt by the Agency Personnel Officer. The Agency Head or his/her designee must determine whether to approve requests by eligible employees within five days of receipt, based solely upon the nature and severity of the illness or injury, as indicated by the medical documentation. The applications of employees who have been granted or denied approval to receive leave from the Dedicated Sick Leave Program for Employees in Titles Eligible for Collective Bargaining must be forwarded to the Agency Personnel Officer, for immediate return to the employee, within five days of receipt by the agency head or his/her designee. The Agency Personnel Officer must inform an employee whose request has been denied that denial of the request may be appealed in writing to the DCAS Bureau of Strategic Planning. The Agency Personnel Officer must also send a record of the agency's disposition, including the applications and medical documentation of all employees, whether their requests to receive leave have been approved or denied, to the DCAS Bureau of Strategic Planning within five working days of receipt from either the applicant or the agency head or his/her designee.

3. Upon receipt of an eligible employee's approved application to receive sick leave from the Dedicated Sick Leave Program for Employees in Titles Eligible for Collective Bargaining, the DCAS Bureau of Strategic Planning will match the application to any approved request(s) to dedicate leave to the employee that have been received. The Agency Personnel Officer will be notified of the amount of leave dedicated. If the employee is to receive dedicated leave, the Agency Personnel Officer must make the appropriate adjustment in the Payroll Management System immediately upon notification, informing the recipient and the donor(s) in writing when such leave will be credited or debited. Notice of this determination must also be sent simultaneously to the DCAS Bureau of Strategic Planning. A copy of the recipient's notice must also be sent to the employee's union. Denial of approval will be subject to reevaluation by the DCAS Deputy Commissioner, the OLR First Deputy Commissioner, and a union representative, upon written request of the employee to the DCAS Bureau of Strategic Planning. Such request must be received within 15 working days from the date of agency notice to the employee.

When the recipient and the donor are employed in different City agencies, the applicable steps described in paragraph (3) of the Procedure For Donating Dedicated Leave must be followed to credit the recipient's sick leave balance and to provide appropriate notification to the donor and the recipient.

The Office of Payroll Administration will issue a User Bulletin to establish procedures in the Payroll Management System and designate corresponding event codes to be used for the Dedicated Sick Leave Program for Employees in Titles Eligible for Collective Bargaining.

Lisette Camilo

Commissioner

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