



Time and Attendance Rules

for Central Office Employees

July, 2016

The purpose of this communication is to remind employees and supervisors of the Time and Attendance Rules. As State employees, it is incumbent upon us to maintain the highest standards of honesty, accountability and integrity. Accordingly, the Office of Mental Health (OMH) expects all employees to be in strict compliance with the governing Time and Attendance Rules prescribed by the NYS Department of Civil Service. However, within the Rules, there is some flexibility that may offer additional options to meet both the needs of the Agency and the employee.

The following is a summary of those topics that generate the greatest number of questions, and will also serve as a refresher of the Time and Attendance Rules to be followed by all OMH Central Office employees. Where flexibility exists, we have included that information under the Time and Attendance Rules identified below.

Pay Week and Workday

Our payroll/time and attendance week begins on Thursday and ends on Wednesday. Full time employees generally work five days per week, 7 ½ hours per day, for a 37 ½ hour pay week (with the exception of the Cook Chill Production Center, Revitalization Teams and the Utica Print Shop, where employees work 8 hours per day, for a 40 hour pay week). The standard hours at OMH Central Office are 8:30 a.m. to 4:30 p.m. with a 30-minute lunch period. However, some employees are assigned earlier or later hours based on operating need.

Flexibilities:

- Individual work units may modify their schedules to address the operational needs of the Agency provided that employees continue to work 7 ½ hours per day and there is supervision furnished by the unit manager or designee. Regular work schedules that require an employee to start work before 7:30 a.m. (e.g., 7:00 a.m. to 3:00 p.m.) or to work later than 5:30 p.m. (e.g., 10:00 a.m. to 6:00 p.m.) require approval by the Supervisor, Division / Office / Center Director, and the Director of Personnel. A "Request to Work Outside of Normal Business Hours" form can be found on the shared drive under forms.
- Voluntary Reduction in Work Schedule (VRWS) – is a negotiated program that allows employees to exchange a percentage of income for an equivalent percentage of time off. Participating employees may reduce their schedule/income in five percent increments up to 30%. VRWS agreements may be from one to 26 pay periods in duration. All VRWS agreements expire at the end of each fiscal year. The availability of VRWS is based upon the operating needs of each unit and requires approval by the Supervisor, Division / Office / Center Director and the Director of Personnel.
- Part-time Employment – Certain employees have been appointed to items specifically designated as part-time and work less than 37 ½ hours per week. In some cases, two or more employees may work part-time and be paid out of the

same full-time item on a shared basis. Employees who change from a full-time schedule to a part-time schedule relinquish their right to return to full-time status. (This should not be confused with the VRWS program. Under the VRWS program, employees retain the right to return to a full-time schedule upon expiration of the VRWS agreement.) The availability of part-time employment is based upon the operating needs of each unit and requires approval by the Supervisor, Division / Office / Center Director and the Director of Personnel.

- Individualized Work Schedules – Under special circumstances, the Agency may approve a work schedule that deviates from the normal work schedule for a single employee, on a temporary basis, to accommodate employee needs. Each case will be reviewed on its own merits and must also meet Agency operating needs. The availability of Individualized Work Schedules is based upon the operating needs of each unit and requires approval by the Supervisor, Division / Office / Center Director and the Director of Personnel.

Lunch

Employees working more than six consecutive hours *must* take a lunch break. Lunch periods are typically 30 minutes.

Flexibility:

- Employees may choose to take a one-hour lunch break by adjusting their arrival and departure times accordingly. For example, an employee who chooses to take one hour for lunch would arrive at 8:30 a.m. and leave at 5:00 p.m., subject to supervisory approval. This would become the employee's new work schedule for all work days.

Breaks

Employees are permitted to take a 15 minute break in the morning and in the afternoon, if the workload of the office permits. Employees who are smokers must comply with the rules governing breaks and are not allowed to take extra breaks during the day to smoke. Breaks that are not taken are forfeited, and may not be used or accumulated to cover late arrivals, early departures, **or to extend the lunch period.**

Work Schedule Adjustments

Overtime Eligible Employees

Overtime must be directed and approved by an employee's Supervisor, Division / Office / Center Director, and by OMH's CFO, Emil Slane. Employees cannot decide to work overtime without being directed to do so, even if the overtime compensation is limited to compensatory time and does not result in overtime payment.

Overtime *eligible* employees (generally those allocated to G-22 and below) receive compensatory time off for time worked between 37 ½ and 40 hours per week. Overtime eligible employees are paid at time and one-half for all hours worked above 40 hours per week (M/C overtime eligible employees may elect to earn compensatory time off at the rate of time and

one-half, in lieu of pay, for hours worked in excess of 40 hours per week). Supervisors must ensure that if they direct an overtime eligible employee to work overtime, the employee is compensated for that time.

Flexibility:

- Occasionally, supervisors may be able to offer overtime eligible employees the option of a work schedule adjustment, in lieu of payment. Overtime eligible employees must complete work schedule adjustments within the pay week (Thursday through Wednesday), as they must be compensated for any hours worked beyond 40 in a pay week. While work schedule adjustments are an alternative when operating needs permit and the employee is in agreement, employees cannot be mandated to accept such an adjustment to avoid the payment of overtime. If the employee and supervisor are not able to schedule a work schedule adjustment within the pay week in which the extra hours were worked, the employee must accrue compensatory time for hours worked between 37 ½ and 40, and must receive payment for hours worked beyond 40. Work schedule adjustments must be reflected on the employee's time sheet. Please Note: the Leave and Accrual Tracking System (LATS) may require individual configuration changes to appropriately document Work Schedule Adjustments. Therefore, such adjustments should be discussed with Central Office Personnel Services prior to approval.

Overtime Ineligible Employees

Overtime *ineligible* employees (generally those allocated to G-23 and above) are required to work the basic pay week and any additional hours required to perform their job duties. Overtime ineligible employees are not entitled to overtime pay, or compensatory time.

Flexibility:

- If the operational requirements of the work unit permit, supervisors may approve a work schedule adjustment for a portion of the extra hours worked. If a work schedule adjustment is approved, it must be completed *within the same two week payroll period in which the extra hours were worked*. Please keep in mind that while work schedule adjustments are an alternative when operating needs permit, they are not an entitlement, should be occasional, should not be granted hour for hour, and must be reflected on the employee's time sheet. Work schedule adjustments should not occur so frequently that the employee is essentially working flex time, as OMH does not have flex hours. If the employee and supervisor are not able to schedule a work schedule adjustment within the pay period in which the extra hours were worked, the employee cannot receive another form of compensation for the extra hours worked or carry the hours forward for use in the next payroll period. Please Note: Work Schedule Adjustments should be discussed with Central Office Personnel Services prior to approval to allow for appropriate entry into LATS.

Telecommuting

Employees are not permitted to telecommute or to work from home. Requests for permission to work from home made by or on behalf of employees experiencing an immediate personal problem (e.g., lack of child care, lack of transportation, bad weather conditions, etc.) that

precludes them from getting to work will not be allowed. In those situations, employees must make arrangements to come to work or charge their leave accruals accordingly.

Flexibility:

- There may be occasions when an employee, who performs a critical function, is permitted to work from home for a very limited period of time **in conjunction with a Reasonable Accommodation request**. Such requests are reviewed on a case by case basis and must be tied to a specific, critical Agency operating need. Supervisors who have a time limited specific operating need for an employee to work from home should work closely with their Division / Office / Center Director, the Office of Diversity Management, and the Bureau of Central Office Personnel Services.

Flextime

OMH does not have flex hours. Employees are expected to have a set work schedule and to report to work on time each day they are scheduled to work. If an employee is late for work, the employee must charge leave accruals. This means that if an employee's normal work schedule is 9:00 a.m. until 5:00 p.m., and the employee reports to work at 9:15 a.m., the employee must charge .25 hours to leave accruals.

Flexibility:

- If there are extenuating circumstances beyond an employee's control, the supervisor may choose to make an adjustment to the employee's schedule (i.e., allow the employee to stay late to make up the time rather than charge time); however, this type of adjustment should be a rare occurrence and must be reflected on the employee's timesheet. Such adjustments should not occur so frequently that the employee is essentially working flex time.

Use of Accruals

The use of vacation leave, personal leave, holiday leave, compensatory time, and other miscellaneous accruals is based on the Agency's operating needs and requires prior supervisory approval. Employees and supervisors should work together in a cooperative process that facilitates employees' ability to take off the days they would like, while understanding that operational needs take precedence. Employees should be conscious of forfeiture dates for accruals (e.g., annual vacation leave caps, and expiration of floating holidays) and work with their supervisor to schedule time off throughout the year to avoid forfeiture. If operating needs do not permit, supervisors do not have to approve the use of accruals simply because the employee wants to avoid forfeiture.

Sick leave is a benefit available to employees to protect them from loss of income in the event of personal illness, visits to the physician, dentist, or other health care practitioner, and illness or death in the family. The use of sick leave is restricted to these purposes. It is not, and may not, be used as additional vacation or personal leave.

While the use of sick leave accruals does not always require prior supervisor approval (e.g., an unexpected personal or family illness), if the employee does not produce sufficient documentation when required, or if it is reasonably determined that the use of sick leave accruals is unjustified for a particular absence, the use of sick leave accruals can be denied.

Medical documentation is required for absences of five or more consecutive working days due to personal or family illness, even if the employee has accruals to cover the absence. Satisfactory medical documentation must include, in addition to a brief statement of the nature of the illness, a statement confirming that the employee is unable to perform the duties of the position due to illness, dates of disability, prognosis, and anticipated date of return to work. This information must be provided on a physician's stationary or letterhead or on a form provided by Personnel. While an employee is on extended sick leave, he or she must generally present medical documentation every four weeks¹.

It is essential that Personnel continue to receive notification when an employee is going to be out on an extended leave. Personnel will work with the Business Service Center to ensure the time sheet is submitted on behalf of the employee to the supervisor for approval.

When an employee who has been out on extended medical leave receives their doctor's approval to return to work, the employee and supervisor must provide at least two days' notice to Personnel. In some cases, medical documentation and/or a medical exam may be required before the employee is permitted to return to work.

Time Sheets

In May, 2016, the web-based Leave and Accrual Tracking System (LATS) application replaced manual or Microsoft Excel-based spreadsheets for recording official records of time and attendance.

An accurate record of attendance must be maintained by all employees. Records for all employees, except overtime ineligible M/C² employees, must show the time an employee actually starts work³, times of departure for and return from lunch, and departure at the end of the workday. Any other departure or return (e.g., an afternoon doctor appointment) must be recorded as well. To ensure that employees record accurate information on their time sheet, it is suggested that arrival and departures be noted at the time they occur. When employees submit their time and attendance record in LATS, they must certify the accuracy of the information. This includes ensuring that any miscellaneous leave codes that are used to account for time are appropriate.

¹ If the employee chooses to provide the medical documentation to their supervisor, the supervisor should immediately forward the documentation to Personnel in a confidential sealed envelope. If the employee chooses, they may submit the medical documentation directly to Personnel. Personnel staff will confirm with the supervisor that satisfactory medical documentation has been received, but will not disclose the nature of the illness. Employees may have documentation faxed directly to Personnel at (518) 486-3897 or mailed to us at Bureau of Central Office Personnel Services, 7th Floor, 44 Holland Avenue, Albany, NY 12229.

² M/C overtime ineligible employees (normally G-23 and above) record "Present" or "Absent" in their LATS time records.

³ Employees should not enter a time earlier than their regularly scheduled start time unless they have been directed by their supervisor to begin working early. For example, an overtime eligible employee who works an 8:00 a.m. until 4:00 p.m. schedule, but who arrives at work at 7:45 because that is when their ride drops them off, should not begin working until 8:00 a.m.

Supervisor Responsibilities

Supervisors are responsible for ensuring their subordinates' timesheets are accurate and complete. By approving the timesheets in LATS supervisors are attesting to the content of the record. Consistent with mandated training on cyber security, supervisors and employees may not share their user id and password with anyone else. Supervisors must ensure that absences are charged to the appropriate accruals and that the correct miscellaneous leave codes are used. If the supervisor is unsure if a leave code is accurate they should contact the LATS Administrator in the Bureau of Central Office Personnel Services (518-474-2413) prior to approving any record of time and attendance. LATS allows for alternate supervisors to approve time records in the event that a primary supervisor is unavailable (e.g., vacation, extended leave, etc.). The alternate supervisor has the same responsibility as the primary supervisor when approving timesheets. Therefore, your office may consider establishing protocols for the review and approval process, using such tools as a shared calendar to record absences.

Submission and Approval Deadlines

Employees should complete their time sheets no later than the Friday following the close of the bi-weekly pay period. Time and accrual records must be approved by the supervisor in LATS no later than the Tuesday following the close of the bi-weekly pay period. If the supervisor is expected to be out, the alternate supervisor has the responsibility of reviewing and approving the timesheets. If employees have not submitted a timesheet by the Friday following the close of the bi-weekly pay period the supervisor must follow up with the employee. If there is a reason the employee is out, the supervisor must ensure Central Office Personnel has been notified so that steps can be taken for the timesheet completion. Employees and supervisors are reminded that they can access LATS at: <https://time03.lats.ny.gov/login.aspx> from any device that has internet access. This is important to remember for individuals who travel or who will be out of the office. Employees who are scheduled to be out of the office on leave (e.g., vacation) may complete their time and accrual record in advance when charging accruals.

Summary of Responsibilities

When employees submit their time sheets, they are verifying that their record of attendance and use of accruals is complete and accurate. Falsifying the time and accrual record is considered misconduct and is sufficient cause for disciplinary action. In approving the time sheet, supervisors attest that the employee has worked the required hours and has charged leave credits appropriately (including the time the employee may have reported late for work and/or taken more than the allotted time for lunch). Supervisors should be aware that they will be held accountable for the accuracy of the time sheets they approve.

Questions concerning the information in this memorandum can be directed to your personnel liaison in the Bureau of Central Office Personnel Services at 518-474-2413.

Questions relating to the accounting of time and attendance in LATS should be directed to the LATS Administrator in the Bureau of Central Office Personnel Services at 518-474-2413.

Technical difficulties with LATS, such as password resets or error messages in submitting the timesheet, should be directed to the Business Services Center at 518-457-4272.