

By E-Mail

MEMORANDUM

TO: Vice Presidents of Administration
Labor Designees
Directors of Human Resources

FROM: Esdras Tulier, Esq. *ET*

DATE: January 26, 2015

SUBJECT: Time and Leave Practices during weather-related campus closings

The memo on Closures for Snow and Other Emergencies from Executive Vice Chancellor Dobrin, dated November 17, 2014, advises that campuses engage in updating their list of the essential personnel. This memo provides information regarding time and leave practices and related matters.

Time and Leave Practices and Compensation issues at a campus when closed due to weather-related situation:

Employees who are designated “essential” who nevertheless do not report to work shall not be paid for the day.

Full-time teaching faculty and adjunct teaching instructional staff will receive their regular pay and are expected to make up the lost instructional time.

Full time classified and instructional staff employees, other than those designated “essential employees” will be granted leave with pay and without charge to annual leave accruals, except for employees who are on scheduled annual or sick (temporary disability leave).

Part-time employees, e.g., College Assistants, Continuing Education Teachers, Non-Teaching Adjuncts, and Adjunct College Laboratory Technicians) who do not report to work shall not be paid for the day, but should be permitted to make up the hours of work lost in accordance with the needs and resources of the college. When it is not feasible for the college to assign make-up hours, the college may permit the employees to charge the absence to available annual leave, if the collective bargaining agreement covering the title provides annual leave (e.g., College Assistants).

Time and Leave Practices and Compensation issues at a campus when open during a weather-related situation:

Employees who are designated “essential” who nevertheless do not report to work shall not be paid for the day.

Full-time teaching faculty and adjunct teaching instructional staff who did not report to work due to weather conditions will receive their regular pay and are expected to make up the lost instructional time.

Full-time non-teaching instructional staff who did not report to work due to the effects of the weather must charge the absence to annual leave or receive no pay for the day, at the employee's option. Requests for sick leave must be evaluated on a case-by-case basis, and the college may require medical certification, if necessary.

Full time classified staff employees, who did not report to work due to the effects of the weather shall have the day charged to annual leave accruals, if available. Sick leave may be used to cover an absence only if acceptable documentation is provided.

Part-time employees, e.g., College Assistants, Continuing Education Teachers, Non-Teaching Adjuncts, and Adjunct College Laboratory Technicians) who do not report to work shall not be paid for the day, but should be permitted to make up the hours of work lost in accordance with the needs and resources of the college. When it is not feasible for the college to assign make-up hours, the college may permit the employees to charge the absence to available annual leave, if the collective bargaining agreement covering the title provides annual leave (e.g., College Assistants).

Essential Staff:

The college must define the number of consecutive hours an employee is assigned to work and the hours between shifts.

- The college must inform the employee that the hours between shifts are designated as a "rest period" and are not compensated.
- If an employee wishes to be assigned work because s/he is on campus and unable to leave due to limited or no public transportation, the college may assign work provided the gap between shifts is at least 4 hours.
- The college must inform such employee that the hours between the shifts are not compensable.
- The college may wish to provide rest areas and food service for these employees.

Please refer to the Personnel policy Bulletin (PPB) 9/89 dated December 15, 1989, which governs the classified staff payroll issues related to closings.

Thank you for your cooperation. If you have any questions, please call me at 646.664.3291.

c: Vice Chancellor Gloriana B. Waters
Vice Chancellor Pamela Silverblatt