

State of California

MEMORANDUM

To: PERSONNEL MANAGEMENT LIAISONS

Date: August 23, 1991

Reference Code: 91-59

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers and
Personnel Transactions Supervisors

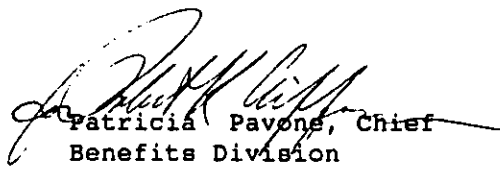
From: Department of Personnel Administration

Subject: Paid Leave Buy Back for Managerial and Related Employees and Excluded and Related Employees

In light of the current fiscal situation, the Department of Personnel Administration (DPA) has determined that it is not feasible to authorize a paid leave buy back this year. Further, DPA regulations 599.744 and 599.744.1 (attached) have been amended to have the DPA make this determination annually.

Because there is no leave buy back this year and employees may approach or exceed their vacation balance maximum, departments should review DPA regulations 599.742 and 599.742.1. Every effort should be made to have excluded employee vacation balances at reasonable levels by January 1, 1992. Should this not be feasible, the appointing authority should work with the employee to have this situation rectified by January 1, 1993.

Copies of regulations 599.742 and 599.742.1 are also attached for your convenience.


Patricia Pavone, Chief
Benefits Division

599.744 Paid Leave Buy Back - Managerial and Related Employees.

(a) Upon the annual determination by the Department of Personnel Administration whether or not a buy back will be offered, A an employee designated managerial by the Department of Personnel Administration in accordance with the provisions of Government Code Sections 3513 (e) and 18801.1; or a nonelected officer of the executive branch of government exempt from civil service designated by the Department as eligible to receive managerial benefits may annually elect to be paid at their regular rate of pay for up to 60 hours of unused leave credit. Unused leave credit for which an employee may be paid shall be in 8 hour increments unless the employee chooses to be paid for the maximum 60 hours. For the purposes of buy-back, eligible leave may be vacation leave, annual leave, or personal holiday.

(b) Any personal holidays, vacation, or annual leave cashed out under section 599.744.1 during the 12 months preceding paid leave buy-back, shall be included in the maximum allowed under this section.

(c) The Department shall annually determine the date of eligibility for buy-back and the period during which application for buy-back shall be accepted.

NOTE: Authority cited: Sections 3517-8 3539.5, 19815.4(d), 19849.13, 19856 and 19857, Government Code. Reference: Sections 19856 and 19857, Government Code.

HISTORY

1. New section filed by the Department of Personnel Administration with Secretary of State on 12-7-84; effective upon filing. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 85, No. 18).
2. Repealer and new section filed by the Department of Personnel Administration with the Secretary of State on 9-20-85; effective upon filing. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 85, No. 41).

599.744.1 Paid Leave Buy-Back--Supervisory, Confidential, Excluded, and Related Employees.

(a) Upon the annual determination by the Department of Personnel Administration whether or not a buy back will be offered, A a nonmanagerial employee designated supervisory, confidential, or excluded by the Department of Personnel Administration in accordance with the provisions of Government Code sections 3522-1, 3513(c), and 3513(f), and 3513(g); or a nonelected employee of the executive branch of government exempt from civil service may annually elect to be paid at their regular rate of pay for 2 days 16 hours of unused leave credit. Unused leave credit for which an employee may be paid shall be in 8 hours increments. For the purpose of buy back, eligible leave may be vacation, annual leave, or personal holiday. The Department shall annually determine the date of eligibility for buy-back and the period during which application for buy-back shall be accepted.

(b) The Department shall determine the date of eligibility for buy back and the period during which application for buy back shall be accepted.

NOTE: Authority cited: Sections 3517-8 3539.5, 19815.4(d), 19849.13, 19856 and 19857, Government Code. Reference: Sections 19856 and 19857, Government Code.

HISTORY

1. New section filed by the Department of Personnel Administration with the Secretary of State on 10-25-89; operative 11-1-89. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 89, No. 49).
2. Amendment filed by the Department of Personnel Administration with the Secretary of State on 6-15-90; operative 7-1-90. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 90, No. 35).

§ 599.742. Right to Vacation.

In the event the appointment power does not provide vacation for an employee sufficient to reduce accumulated vacation to the amount permitted by Sections 599.737 and 599.738 as of January 1, the employee may take, as a matter of right, immediately preceding January 1 the number of days of accumulated vacation required to reduce such accumulation to the amount permitted by that rule. The balance of accumulated vacation shall remain to the employee's credit.

NOTE: Authority cited: Sections 19815.4(d), 19816, 19856, 19857 and 19858.2, Government Code. Reference: Section 19858.1, Government Code.

§ 599.742.1. Right to Vacation—Nonrepresented Employees.

It is the intent of the State to allow employees to utilize credited vacation or annual leave each year for relaxation and recreation. It is the employee's responsibility to plan vacations well in advance to minimize conflicts with the operational needs of the department. It is the appointing power's responsibility to provide reasonable opportunity for all employees to take an annual vacation commensurate with their annual accrual rate of vacation or annual leave.

If it appears an employee designated confidential, excluded, supervisory, or managerial under the Ralph C. Dills Act will have a vacation or annual leave balance that will be above the maximum amount permitted by Sections 599.737 and 599.738 as of January 1 of each year the appointing power shall require the supervisor to notify and meet with each employee so affected, by the preceding July 1, to allow the employee to plan time off, consistent with operational needs, sufficient to reduce their balance to the amount permitted by the applicable rule prior to January 1.

The employee shall also be notified by July 1 that if the employee fails to take off the required number of hours by January 1 for reasons other than those listed in Sections 599.737 and 599.738 the appointing power shall require the employee to take off the excess hours over the maximum permitted by the applicable rule at the convenience of the department during the following calendar year.

NOTE: Authority cited: Sections 19815.4(d), 19816, 19856, 19857, 19858.2, 19858.3 and 3517.8, Government Code. Reference: Section 19858.1 and 19858.4, Government Code.

HISTORY

1. New section filed by Department of Personnel Administration with the Secretary of State on 8-31-88; operative 8-31-88. Submitted to OAL for printing only pursuant to Government Code Section 11343.8 (Register 88, No. 39).