

MEMORANDUM

TO: PERSONNEL MANAGEMENT LIAISONS DATE: July 13, 2000
REFERENCE CODE: 2000-039

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers
Personnel Transactions Supervisors
Employee Relations Officers

FROM: Department of Personnel Administration
Labor Relations Division

SUBJECT: Annual Leave Side Letter Bargaining Unit 21

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The purpose of this memo is to provide information regarding the recently negotiated Annual Leave Side Letter signed May 8, 2000, for Bargaining Unit 21 employees.

Effective July 1, 2000, employees may elect to change from the Sick Leave/Vacation Program to the Annual Leave Program. The Annual Leave Program shall be implemented per the attached side letter and election form.

Questions regarding the above should be addressed to your department's Personnel Management Technician in the Policy and Operations Division at the Department of Personnel Administration.



Frances Low
Labor Relations Officer

Attachment(s)

Bargaining Unit 21 Side Letter

Annual Leave

- A. Effective July 1, 2000, employees may elect to enroll in the Annual Leave Program to receive annual leave credit in lieu of vacation and sick leave credits. Employees enrolled in the Annual Leave Program may elect to enroll in the Sick Leave/Vacation Program at any time except that once an employee elects to enroll in either the Annual Leave Program or Sick Leave/Vacation Program, the employee may not elect to enroll in the other program until 24 months have elapsed from date of enrollment.

Each full-time employee shall receive credit for annual leave in lieu of the vacation and sick leave credits of this agreement in accordance with the following schedule.

1 month to 3 years	11 hours per month
37 months to 10 years	14 hours per month
121 months to 15 years	16 hours per month
181 months to 20 years	17 hours per month
241 months and over	18 hours per month

1. Part-time and hourly employees shall accrue proportional annual leave credits, in accordance with the applicable Department of Personnel Administration (DPA) rules. Employees shall have the continued use of any sick leave accrued as of the effective date of this Agreement, in accordance with applicable laws, rules, or memorandum of understanding.
 2. All provisions necessary for the administration of this Section shall be provided by DPA rule or memorandum of understanding.
- B. A full-time employee who has 11 or more working days of service in a monthly pay period shall earn annual leave credits as set forth in DPA Rules 599.608 and 599.609.
- C. Absences from State service resulting from a temporary or permanent separation for more than 11 consecutive days which fall into two consecutive qualifying pay periods shall disqualify the second pay period.
- D. Employees who work in multiple positions may participate in annual leave, provided an election is made while employed in an eligible position subject to these provisions. Annual leave accrual for employees in multiple positions will be computed by combining all positions, as in vacation leave, provided the result does not exceed the amount earnable in full-time employment, and the rate of accrual shall be determined by the schedule which applies to the position or collective bargaining status under which the election was made.
- E. If an employee does not use all of the annual leave that the employee has accrued in a calendar year, the employee may carry over his/her accrued annual leave credits to the following calendar year to a maximum of 640 hours. A department head or designee may permit an employee to carry over more than 640 hours of accrued hours because the employee: (1) was required to work as a result of fire, flood, or other extensive



emergency; (2) was assigned work of a priority or critical nature over an extended period of time; (3) was absent on full salary for compensable injury; (4) was prevented by department regulations from taking annual leave until December 31 because of sick leave; or (5) was on jury duty.

- F. Upon termination from State employment, the employee shall be paid for all accrued annual leave credits.
- G. The time when annual leave shall be taken by the employee shall be determined by the department head or designee. If on January 1 of each year an employee's annual leave bank exceeds the cap in Subsection E. the department may order the employee to take annual leave.
- H. Annual leave requests must be submitted in accordance with departmental policies on this subject. However, when two or more employees on the same shift (if applicable) in a work unit (as defined by each department head or designee) request the same annual leave time and approval cannot be given to all employees requesting it, employees shall be granted their preferred annual leave period in order of State seniority.
- I. Each department head or designee will make every effort to act on annual leave requests in a timely manner.
- J. Annual leave that is used for purposes of sick leave is subject to the requirements set forth in Section 8.2 Sick Leave, of this Agreement.
- K. The Enhanced Non-Industrial Disability Insurance (ENDI) applies only to those employees in the Annual Leave Program described in this Section.
- L. Employees who are currently subject to vacation and sick leave provisions may elect to enroll in the Annual Leave Program at any time after 24 months has elapsed from date of last enrollment. The effective date of the election shall be the first day of the pay period in which the election is received by the appointing power. Once enrolled in annual leave, an employee shall become entitled to an ENDI benefit (50 percent of gross salary).
- M. Upon enrollment in the Annual Leave Program, existing vacation balances will become the employee's annual leave balance. For example, if an employee has accrued 300 vacation hours and enrolls in the Annual Leave Program, the 300 hours of vacation become 300 hours of annual leave. In this example, all earned hours of annual leave shall be added to the 300 hours and the employee may accrue annual leave hours up to a cap of 640 hours as outlined in E. above.
- N. Employees participating in the Annual Leave Program referenced in this Section will be eligible for the ENDI Program.
- O. ENDI is a program for State employees who become disabled due to nonwork-related disabilities as defined by Section 2626 of the Unemployment Insurance Code. For periods of disability commencing on or after January 1, 1989, eligible employees shall receive ENDI payments at 50 percent of their gross salary, payable monthly for a period not exceeding 26 weeks for any one-disability benefit period. An employee is not eligible for a second disability benefit due to the same or related cause or condition unless they



have returned to their regular time base, and work for at least ten (10) consecutive workdays. Paid leave shall not be used to cover the ten (10) workdays. Disability payments may be supplemented with annual leave, sick leave, or partial payment to provide for up to 100 percent income replacement. At the time of an ENDI claim, an employee may elect either the 50 percent ENDI benefit rate or a supplementation level of 75 percent or 100 percent at gross pay. Once a claim for ENDI has been filed and the employee has determined the rate of supplementation, the supplemental rate shall be maintained throughout the disability period.

- P. The employee shall serve a seven (7) consecutive calendar day waiting period before ENDI payments commence for each disability. Accrued paid leave or compensating time off (CTO) leave balances may be used to cover this waiting period. The waiting period may be waived commencing with the first full day of confinement in a hospital, nursing home, or emergency clinic for at least one full day. A full day is defined as a 24-hour period starting at midnight.
- Q. If the employee elects to use annual leave or sick leave credits prior to receiving ENDI payment, he/she is not required to exhaust the accrued leave balance.
- R. Following the start of ENDI payments an employee may at any time switch from ENDI to sick leave or annual leave, but may not return to ENDI until that leave is exhausted.
- S. In accordance with the State's "return to work" policy, an employee who is eligible to receive ENDI benefits and who is medically certified as unable to return to full-time work during the period of his/her disability, may upon the discretion of his/her appointing power, work those hours (in hour increments) which when combined with the ENDI benefit will not exceed 100 percent of his/her regular "full pay." This does not qualify the employee for a new disability period under C. of this Article. The appointing power may require an employee to submit to a medical examination by a physician or physicians designated by the Director of the Employment Development Department for the purpose of evaluating the capacity of the employee to perform the work of his/her position.
- T. If an employee refuses to return to work in a position offered by the employer under the State's Injured State Worker Assistance Program, ENDI benefits will be terminated effective the date of the offer.
- U. Where employment is intermittent or irregular, the payments shall be determined on the basis of the proportionate part of a monthly rate established by the total hours actually employed in the 18 monthly pay periods immediately preceding the pay period in which the disability begins as compared to the regular rate for a full-time employee in the same group or class. An employee will be eligible for ENDI payments on the first day of the monthly pay period following completion of 960 hours of compensated work.
- V. All other applicable DPA law and regulations not superseded by these provisions will remain in effect.
- W. Upon approval of ENDI benefits, the State may issue an employee a salary advance if the employee so requests.
- X. All appeals of an employee's denial of ENDI benefits shall follow only the procedures in the Unemployment Insurance Code and Title 22. All disputes relating to an employee's



denial of benefits are not grievable or arbitrable. This does not change either party's contractual rights which are not related to an individual's denial of benefits.

- Y. Employees who become covered in the Annual Leave Program while on an NDI claim shall continue to receive NDI pay at the old rate for the duration of the claim.
- Z. Employees who do not elect the Annual Leave Program will receive NDI benefits in accordance with Section 8.11.



ANNUAL LEAVE - SICK LEAVE/VACATION ELECTION FORM

Employee Name _____ Unit # _____

Social Security Number _____

Department/Location _____

Phone Number _____ (Check One) CBID
Excluded

I elect to participate in the following leave program effective the first of the month following the date this election is received by my personnel officer.

- Annual Leave
 Sick Leave/Vacation

In Annual Leave, I understand that the accrual rate and usage provisions differ in the Annual Leave and Sick Leave/Vacation Programs. Further, if I am a current employee, I understand that when I change from one program to another, all provisions of the program I enter apply upon the effective date. However, the annual leave, sick leave, or vacation balances that I have on the date I choose a new program will continue to be available to me to use. If I have a sick leave balance upon retirement, I may convert it to service credit. I understand that I may change from Annual Leave to Sick Leave/Vacation or visa versa no more often than every 24 months.

I make this election freely and voluntarily.

Signature _____

Date _____

NOTE: New Employees: If this election form is not returned to the Personnel Office, it will be deemed an election for the sick leave/vacation program.

FOR PERSONNEL OFFICE USE ONLY After processing election, place in employee's personnel file.	
Date Election Received	Received By:

