

State of California

M E M O R A N D U M

TO: PERSONNEL MANAGEMENT LIAISONS **DATE:** July 29, 2003
REFERENCE CODE: 2003-024

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Employee Relations Officers
Personnel Management Liaison
Personnel Officers

FROM: Department of Personnel Administration
Labor Relations Division

SUBJECT: Personal Leave Day - Excluded Employees

CONTACT: Frank Marr, Labor Relations Officer, Supervisory and Excluded
Programs
(916) 324-0504
FAX: (916) 322-0765

Email: FrankMarr@dpa.ca.gov

Effective July 1, 2003, the Department of Personnel Administration implemented a personal leave day (PLD) program for State employees excluded from collective bargaining. This program applies to the following collective bargaining identifier (CBID) codes: C01-C21, S01-S21, M01-M21, E48, E58, E59, E67, E68, E77, E78, E79, E97, E98, and E99. Statutory exempt employees (class type L), California Conservation Corps Members (class type E), Judicial Council employees (class type J), and Uniformed members of the Military Department (class type M) within these CBIDs are, however, not eligible to receive the PLD.

Excluded employees will be credited with PLD credit on the first day of the following monthly pay period as follows:

Full-time employees

Full-time employees shall be credited with one day (8 hours) of PLD credit.

Intermittent employees

Intermittent employees PLD credit shall be prorated based upon the number of hours worked in the monthly period as stated in the chart below.

Hours Worked	PLD Hours Earned
0 - 10.9	0
11 - 30.9	1
31 - 50.9	2
51 - 70.9	3
71 - 90.9	4
91 - 110.9	5
111 - 130.9	6
131 - 150.9	7
151 or over	8

Part-time Employees

Part-time employees PLD credit shall be received on a prorated basis regardless of the number of hours in the pay period consistent with the chart below.

Time Base	PLD Credit Earned
1/10	1
1/8	1
1/5	2
1/4	2
3/10	3
3/8	3
2/5	3
1/2	4
3/5	5
5/8	5
7/10	6
3/4	6
4/5	7
7/8	7
9/10	8

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PLD credits shall be requested and used by the employee in the same manner as vacation, annual leave or sick leave in accordance with departmental policies. When PLD credits are used for sick leave purposes, the appointing power may require the employee to submit substantiating evidence including, but not limited to, a physician's certificate. If the appointing power does not consider the evidence adequate, the request for the use of PLD credits may be disapproved. No maximum has been established for the accumulation of PLD credits.

There will be no cash out of PLD except upon separation from State service. Lump sum payment upon separation from State service for PLD credits shall not be considered as "compensation" for purposes of retirement.

Attached is a list of questions and answers pertaining to this program. Please review them and if you have any remaining questions you may email or call Frank Marr at the address or telephone number shown above.

Sincerely,

Michael T. Navarro
Chief of Labor Relations

Attachment

**QUESTIONS AND ANSWERS REGARDING PERSONAL LEAVE DAY
FOR EXCLUDED EMPLOYEES**

1. Will all excluded employees receive the personal leave day credit?

Excluded employees and exempt employees whose salaries are set by DPA will receive PLD credit except those in temporary employment classifications exempted by the department and those serving under emergency appointments with no right to return to a former position.

2. Will excluded employees receive a salary increase in July 2003?

No.

3. When will excluded employees receive a salary increase?

It is not known at this time; however, this issue will be revisited after the budget and negotiations are completed.

4. What is the termination date for this credit?

A termination date has not been established.

5. Will excluded employees receive a salary increase when the personal leave day program is terminated?

At this time we hope to continue PLD until a raise is in place.

6. Is PLD the same as the PLP program that was implemented in the early 1990s?

No. With the PLD credit there is no change in your base salary. The PLP program reduced your salary and the reduction was reflected on your paycheck.

7. Can the PLD be rolled over to a deferred compensation or 401 compensation fund upon retirement like annual leave or vacation?

Yes, within the limits of the 457 and/or 401K plans.

8. How many days must an employee work in a pay period to be eligible for PLD?

Full-time and part-time employees must work a qualifying pay period. Intermittent employees shall receive the credit based on the number of hours worked in the pay period (see chart on page 2 of PML). A qualifying pay period for full-time employees is 11 or more working days in a monthly pay period. A qualifying pay period for part-time employees is the proportionate part of 11 working days based on their time base.

9. Are employees on a leave with or without pay [e.g. Leave of Absence, Non- Industrial Leave (NDI)] eligible for PLD?

No, unless the employee is on active pay status. For example: Employees who are on NDI without supplementation will not receive PLD; however, if the employee is supplementing the NDI benefit with leave credits to receive 100 percent income replacement, the employee is eligible to receive full PLD credit. Employees who supplement their NDI benefit at 75% of their income shall receive one-half of the PLD credit.

10. Are employees on work-related disabilities such as Industrial Disability Leave (IDL) eligible for PLD?

Yes. Employees will earn PLD for each month of approved work-related disability and may use PLD for supplementation of the benefit.

11. Are semi-monthly employees entitled to 4 hours of PLD for each half of the month worked?

No, they will be credited with the PLD the first day of the following monthly pay period.

12. Are PLD hours available for transfer to other employees (e.g. catastrophic leave, family leave)?

Yes.

13. Are PLD hours transferable between departments (e.g., employee moves from Department A to Department B)?

Yes.

14. Can a department require an employee to use his/her PLD credit?

No.

15. Can an employee who holds a full-time position and an intermittent position receive PLD credit in both positions?

No. An employee can only accrue a maximum of 8 hours of PLD per month.

16. Can an employee who holds two part-time positions receive PLD in both positions?

Yes, up to a maximum of 8 hours total per month.