

THE CITY UNIVERSITY OF NEW YORK

Personal Policy Bulletin No.: 1-97R Date: 11-19-97

Regulation Reference No: 9.7.3

Index Reference: Terminal Leave for Managerial Employees

Delete PPB 1-97 dated 11-19-97

Background:

In order to facilitate the recruitment and retention of highly skilled employees for managerial positions in the classified service, the University provides competitive compensation for service, protections to compensate for career risks that employees take in becoming managers, and severance pay comparable to that of other managerial pay plans in the University.

NOTE:

Only persons who are actively serving in the University managerial service on or following the effective date of the policy language under which they claim to be eligible, shall be eligible for any benefits under the policy. Employees who leave the managerial service are eligible only for those benefits in effect at the time of their separation from University payroll.

POLICY:

Employees in the CUNY Managerial Service, regardless of appointment status, who qualify for Terminal Leave as defined in Regulation 9.7.3. (or in any subsequent revision of that Regulation) of the CUNY Civil Service Rules and Regulations, shall be paid as follows:

A. If the separation is due to retirement from active status in a title in the CUNY managerial pay plan regardless of length of service in the pay plan, the greater of the following:

1. One half of all accumulated sick leave **plus** all banked annual leave, not to exceed the University cap, **plus** all unused annual and unscheduled holiday leave for the current leave year, as defined by the University, **plus** any banked compensatory time earned prior to the managerial position, **less** an amount equal to any undocumented sick leave used in the current leave year, **not to exceed a total of twelve months salary** calculated at the lowest rate earned in the previous twelve months and exclusive of any non-base pay such as lump sum merits, or other special pay; or
2. One week of terminal leave for each year of service **in the University**, **plus** all banked annual leave, not to exceed the University cap, **plus** all unused annual and unscheduled

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holiday leave for the current leave year, as defined by the University, plus any banked compensatory time earned prior to the managerial position, less an amount equal to any undocumented sick leave used in the current leave year, not to exceed a total of twelve months salary calculated at the lowest rate earned in the previous twelve months and exclusive of any non-base pay such as lump sum merits, or other special pay.

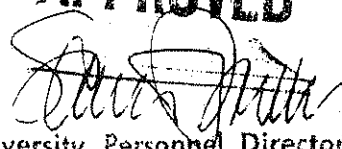
B. If the separation is due to resignation or termination not-for-cause from active status in the CUNY managerial pay plan and the employee has five or more years, but less than ten years, of qualifying time for terminal leave serving in a title in the managerial service, the employee shall be eligible for the greater of the following:

1. One month of terminal leave for each year of service in the managerial pay plan, plus all banked annual leave, not to exceed the University cap, plus all unused annual and unscheduled holiday leave for the current leave year, as defined by the University, plus any banked compensatory time earned prior to the managerial position, less an amount equal to any undocumented sick leave used in the current leave year, not to exceed a total of six months salary calculated at the lowest rate earned in the previous twelve months and exclusive of any non-base pay such as lump sum merits, or other special pay; or

2. One half of all accumulated sick leave plus all banked annual leave, not to exceed the University cap, plus all unused annual and unscheduled holiday leave for the current leave year, as defined by the University, plus any banked compensatory time earned prior to the managerial position, less an amount equal to any undocumented sick leave used in the current leave year, not to exceed a total of eight months salary calculated at the lowest rate earned in the previous twelve months and exclusive of any non-base pay such as lump sum merits, or other special pay.

C. If the separation is due to resignation or termination not-for-cause from active status in the CUNY managerial pay plan and the employee has ten or more years of qualifying time for terminal leave serving in a title in the managerial service, the employee shall be eligible for the following:

1. One month of terminal leave for each year of service in the managerial pay plan, plus all banked annual leave, not to exceed the University cap, plus all unused annual and unscheduled holiday leave for the current leave year, as defined by the University, plus any banked compensatory time earned prior to the managerial position, less an amount equal to any undocumented sick leave used in the current leave year, not to exceed a total of twelve months salary calculated at the lowest rate earned in the previous twelve months and exclusive of any non-base pay such as lump sum merits, or other special pay.

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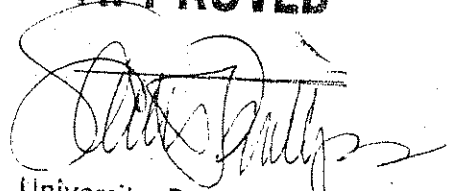
D. **If the separation is due to resignation or termination not-for-cause from active status in the CUNY managerial pay plan** and the employee has ten or more years of qualifying time for terminal leave based on service in the University, but has fewer than five years of service in a title in the managerial service shall be eligible for the following:

1. Two weeks of terminal leave for each year of service in the managerial pay plan, plus all banked annual leave, not to exceed the University cap, plus all unused annual and unscheduled holiday leave for the current leave year, as defined by the University, plus any banked compensatory time earned prior to the managerial position, less an amount equal to any undocumented sick leave used in the current leave year, not to exceed a total of four months salary calculated at the lowest rate earned in the previous twelve months and exclusive of any non base pay such as lump sum merits, or other special pay.

E. **Ineligible employees:** All other managerial employees who resign or are terminated, even not-for-cause, are ineligible for terminal leave benefits. Managerial employees who leave a managerial position for the purpose of accepting another position in the University or of returning to a previously held position in the University shall not be eligible for terminal leave benefits in the classified managerial service. Managerial employees who are displaced by the operation of a civil service list or as a result of layoff and who are subsequently appointed or who are returned to any former position in CUNY with continuous service, are not eligible for terminal leave benefits from the Managerial Pay Plan. For the purpose of terminal leave eligibility, continuous employment for permanent employees shall be construed to mean continuous service as defined in 2.3.1 of the Civil Service Rules and Regulations; continuous employment for provisional managerial employees shall be construed to mean any employment in the University within 31 days.

Managers who are on a preferred list in a managerial title, who are not appointed within 31 days to a different position and who are not eligible to bump or retreat to another position in the University shall be construed for the purposes of this policy to be eligible for terminal leave; such managers shall, as a condition of receiving benefits sign a statement acknowledging they agree that subsequent appointment to any position in the University for which service can be construed to be continuous, as discussed in the paragraph above, including appointment from the preferred list, shall as a condition of appointment provide to the college full restitution of the terminal leave benefits, if such benefits have been received by the employee. Prior to receipt, an employee may elect in writing to postpone payment of terminal leave benefits until expiration of the preferred list, or waive payment of terminal leave benefits.

The chart that follows is to guide the colleges in determining eligibility.

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**Guide to Determining Terminal Leave Eligibility/Pay for
Employees in the CUNY Classified Managerial Service:**

Length of Service in the University	Length of Service in the Managerial Pay Plan	Reason for Separation from Employment	Applicable PPB Category	Maximum salary Payout with All Adjustments
10 or more years	Currently Active, <u>no minimum time less than 5 yrs.</u>	Retirement	Greater of A.1. or A.2.	A.1: 12 months A.2: 12 months
10 or more years	10 or more years	Retirement Resignation/ Termination (not for cause)	C.1.	12 months
10 or more years	At least 5 years, but less than 10 years	Retirement Resignation/ Termination (not for cause)	Greater of B.1. or B.2.	B.1: 6 months B.2: 8 months
10 or more years	Less than 5 years	Resignation/ Termination (not for cause)	D.1.	4 months
Less than 10 years	At least 5 years, but less than 10 years	Resignation/ Termination (not for cause)	Greater of B.1. or B.2.	B.1: 6 months B.2: 8 months
Less than 10 years	Less than 5 years	Resignation/ Termination (not for cause)	Not Eligible for Terminal Leave	NA

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NOTE: For employees with certain preferred list rights, or who have appointments of any sort within the University following termination in the managerial service, refer to PPB 1-97, Paragraph E: Ineligible Employees to determine benefits.

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THE CITY UNIVERSITY OF NEW YORK

LUMP SUM PAYMENT UPON SEPARATION FROM THE MANAGERIAL SERVICE RETIREMENT

Name _____ Social Security Number _____ College _____

CUNY Start Date _____ CUNY Managerial Service Start Date _____ PPB Category _____ Today's Date _____

(1)	Lowest Annual Salary Rate Paid in 12 months ending _____ date _____ \$ _____	(2)	Accumulated Annual Leave as of 8/31/_____ _____ days (MAX: 50 days)	(3)	Terminal leave Either 1/2 accumulated sick leave _____ days accumulated _____ days leave OR One week (5 work days) for each year of service in CUNY: _____ yrs of service _____ days leave	(4)	Additional Unused annual leave for current year _____ (MAX: 27 days)	(5)	Total Combined Leave Days Upon Separation _____ days	(6)	Costing of Total Days first multiply base rate in column (1) by .038356 to get bi-weekly rate, second divide the bi-weekly rate by 10 to get the daily rate; finally, multiply the # days in column (5) by daily rate \$ _____ daily rate	(7)	Vested Compensatory Time Pre-Managerial _____ days _____ base salary rate**
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PAYOUT FORMULA FOR RETIREMENT

\$ _____ Salary	_____ days (max: 50)	_____ days	_____ days MAX: 27 days	_____ days	\$ _____ costing	\$ _____
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Costing of Managerial Package Plus Sub-Managerial Accumulation: \$ _____ Submitted by: _____ College Personnel Director
 {Add column (6) with Column (7)}

Actual Payout (may not equal more than final year's salary): \$ _____ Approved by: _____ On _____ Date
 PPB Category 4 Lump sum payment University Personnel Director

* Vested Pre-Managerial Compensatory Time: the base salary rate for compensatory calculation shall be the rate the employee was earning just prior to entry into CUNY managerial service, or the current minimum salary for that sub-managerial title, whichever is greater

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LUMP SUM PAYMENT UPON SEPARATION FROM THE MANAGERIAL SERVICE

RESIGN

BY REASON OF DEATH

TERMINATION (not for cause)

Name _____ Social Security Number _____ College _____

CUNY Start Date _____ CUNY Managerial Service Start Date _____ PPB Category * _____ Today's Date _____
 (benefits vary) (6) (7)

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Lowest Annual Salary Rate Paid in 12 months ending _____ date _____ \$ _____	Accumulated Annual Leave as of 8/31/_____ _____ days (MAX: 50 days)	Terminal leave * ½ accumulated sick leave days (not applicable for all PPB categories) OR <i>two weeks</i> One month (22 work days) for each year of service in CUNY Managerial Service _____ days	Additional Unused annual leave for current year _____ (MAX: 27 days)	Total Combined Leave Days Upon Separation _____	Costing of Total Days first multiply base rate in column (1) by .038356 to get bi-weekly rate, second divide the bi-weekly rate by 10 to get the daily rate; finally, multiply the # days in column (5) by daily rate \$ _____ daily rate	Vested Compensatory Time Pre-Managerial _____ days _____ base salary rate**

PAYOUT FORMULA

_____	_____ days (max: 50)	_____ days * <i>13 1/2</i>	_____ days (MAX: 27 days)	_____ days	\$ _____ costing	\$ _____
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Costing of Managerial Package Plus Sub-Managerial Accumulation : \$ _____ Submitted by: _____
 {Add column (6) with Column (7)} College Personnel Director

Actual Payout: * may not exceed months(days)/salary cap for appropriate payout category: **B, C or D**
 Approved by: _____ Date _____
 \$ _____ Lump sum payment University Personnel Director

**Vested Pre-Managerial Compensatory Time: the base salary rate for compensatory calculation shall be the rate the employee was earning just prior to entry into CUNY managerial service, or the current minimum salary for that sub-managerial title, whichever is greater.