



John R. McKernan, Jr.
Governor

Nancy J. Kenniston
Director

DEPARTMENT OF ADMINISTRATION

Bureau of Human Resources

Telephone (207) 289-3761

M E M O R A N D U M

April 25, 1991

TO: Commissioners/Department Heads, Directors of
Administrative Services, Personnel Officers

FROM: Nancy J. Kenniston, Director
Bureau of Human Resources

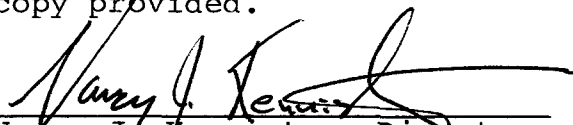
SUBJECT: Civil Service Bulletin 11.13, Regulations Governing
the Vacation Benefit for Confidential Employees,
issued April 16, 1991.

Corrections have been made to Example Two and Example Three of Civil Service Bulletin 11.13. A corrected copy of this Bulletin is enclosed.

Example Two is on page two of the corrected copy. In this example, one hundred sixty (160) days is corrected to one hundred sixty (160) hours.

Example Three is on page three of the corrected copy. In this example, the maximum accrual limit is corrected from 360 hours to 400 hours to correspond to the earning rate of fourteen hours per month on which this example is based. Other changes have been made to have the wording of the rest of the example agree with this change to the maximum accrual limit and to keep the message intended.

Please replace Civil Service bulletin 11.13 with the corrected copy provided.


Nancy J. Kenniston, Director
BUREAU OF HUMAN RESOURCES

NJK/FW/mg

Enclosure

DEPARTMENT OF ADMINISTRATION
Bureau of Human Resources

April 16, 1991

CIVIL SERVICE BULLETIN 11.13

TO: Commissioners/Department Heads, Directors of
Administrative Services, Personnel Officers

SUBJECT: Regulations Governing the Vacation Benefit for
Confidential Employees

The following procedures have been developed to implement the requirements of Chapter 9, Section E-3, Public Law 1991. This legislation is effective March 14, 1991.

PART I. EARNED VERSUS ADVANCED VACATION CREDITS FOR CONFIDENTIAL EMPLOYEES

Even though vacation credits for Confidential employees are advanced on January 1 of each year and are available for use, the referenced legislation clarifies that vacation credits that are advanced in this way must be treated as if "earned" on a monthly basis. For example, a Confidential employee who accrues vacation at the rate of eight (8) hours for each month of employment will have ninety-six (96) hours of vacation advanced for use on January 1. At the end of January, the employee will have "earned" eight of the ninety-six (96) hours that were advanced. At the end of February, the employee will have "earned" sixteen of the ninety-six hours that were advanced, and so on.

Effective March 14, 1991, the referenced legislation provides that Confidential employees who separate from State Service can be compensated for only vacation credits that have been earned.

To implement this legislative requirement, Confidential employees will "earn" vacation credits that are advanced on January 1 upon completion of each full month of employment in accordance with their respective accrual rates, and "earned" vacation credits for Confidential employees who separate will be prorated as follows for their last month of employment:

Confidential employees who separate between the first and fifteenth day of a month will "earn" 1/2 of their monthly accrual rate.

Confidential employees who separate between the sixteenth and last day of a month will "earn" all of their monthly accrual rate.

Note 1: Confidential employees who are on an authorized leave of absence will continue to accrue vacation credits while on this authorized leave.

Note 2: Newly employed Confidential employees will "earn" their full monthly accrual rate at the end of the month during which they are employed.

EXAMPLE ONE. A Confidential employee accrues vacation at the rate of ten hours per month. One hundred twenty (120) hours of vacation are advanced on January 1, 1991 and forty (40) hours of vacation are carried forward from 1990. On January 1, 1991, the employee had one hundred sixty (160) hours of vacation available for use. The employee did not use any of this available time. On April 12, 1991, the employee resigns. The employee can be compensated for only the number of vacation credits that are "earned" on April 12, 1991. The forty (40) hours carried forward were "earned" during 1990, and the employee "earned" thirty (30) of the one hundred twenty (120) advanced hours at the end of March, 1991. By prorating ten hours per month for the employee's last month of employment, the employee earns an additional five hours (1/2 of the ten hour monthly accrual) for this last month. Thus, the employee is compensated for seventy-five (75) hours of vacation upon separation from State Service.

An employee who uses advanced vacation credits before these credits are "earned" and who subsequently separates from State Service will need to reimburse the State for the number of hours taken as vacation that were not "earned".

EXAMPLE TWO. A Confidential employee accrues vacation at the rate of twelve hours per month. One hundred forty-four (144) hours of vacation are advanced on January 1, 1991 and forty-eight (48) hours of vacation are carried forward from 1990. On January 1, 1991, the employee had one hundred ninety-two (192) hours of vacation available for use. The employee takes one hundred sixty ~~(160)~~ hours of vacation between January 1, 1991 and March 23, 1991, and resigns from State Service on April 26, 1991. The forty-eight (48) hours of vacation carried forward were "earned" in 1990, and at time of separation the employee had "earned" forty-eight (48) of the one hundred forty-four (144) hours that were advanced on January 1, 1991. Thus, ninety-six (96) of the vacation hours taken between January 1 and March 23, 1991 were earned and sixty-four (64) of these vacation hours were not earned at time of separation. The employee will need to reimburse the state for the sixty-four (64) hours of vacation that were taken but not "earned".

In addition to this requirement in the law to limit separation compensation to vacation days "earned", the Benefits Package for Confidential employees does not allow Confidential employees who separate from State Service to be compensated for vacation credits that exceed the allowed maximum of 320 hours or 400 hours.

EXAMPLE THREE. A Confidential employee accrues vacation at the rate of fourteen hours per month and has a maximum accrual limit of ~~320~~ 400 hours. One hundred sixty-eight (168) hours are advanced on January 1, 1991 and ~~three-hundred-(300)-~~ four hundred (400) hours are carried forward from 1990. On January 1, 1991, the employee had ~~four-hundred-sixty-eight-(468)-~~ five hundred sixty-eight (568) hours of vacation available for use. The employee does not use any of this available time and resigns from State Service on May 24, 1991. The employee can be compensated for only "earned" vacation time that does not exceed the allowed maximum of ~~320~~ 400 hours. The ~~three-hundred-(300)-~~ four hundred (400) hours carried forward were earned ~~during-~~ in 1990 and prior years, and on May 24, 1991 the employee had "earned" seventy (70) of the one hundred sixty-eight (168) hours that were advanced on January 1, 1991. Thus, although the employee had "earned" a total of ~~three-hundred-~~ seventy-(370)- four hundred seventy (470) vacation hours at time of separation, the employee can not be compensated for more than the ~~320~~ 400 hour maximum.

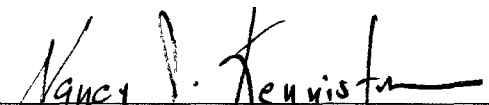
PART II. MAXIMUM VACATION ACCRUALS THAT CAN BE CARRIED FORWARD BY CONFIDENTIAL EMPLOYEES FROM ONE YEAR TO THE NEXT

Starting December 31, 1991, the balance of earned vacation credits that can be carried forward by Confidential employees from one year to the next can not exceed the 320 hour or 400 hour maximum. All earned vacation hours in excess of the allowed maximum on December 31, 1991 and the last day of December of each subsequent year will be lost.

On January 1, 1992 the number of vacation hours that are advanced for 1992 will be added to the allowed balance carried forward from 1991. If this total exceeds the 320 hour or 400 hour maximum, the employee will have until December 31, 1992 to take these excess hours as vacation. All hours in excess of the 320 hour or 400 hour maximum on December 31, 1992 will be lost. Again, not more that the maximum of 320 hours or 400 hours may be carried forward to January 1, 1993, and any vacation hours in excess of the maximum after the advanced vacation hours for 1993 are added to the allowed balance from 1992 that are not taken by the end of 1993 will be lost, and so on.

PART III. TRANSFER FROM CONFIDENTIAL TO NON-CONFIDENTIAL STATUS

When a Confidential employee transfers to a non-confidential position, only that portion of the employee's vacation balance at time of transfer that has been "earned" in accordance with the provisions of Part I of this Bulletin and that does not exceed the 320 hour or 400 hour maximum shall be transferred to the new position.


Nancy J. Kenniston, Director
BUREAU OF HUMAN RESOURCES