



Regulation of the Chancellor

Category: PEDAGOGICAL PERSONNEL

Number: **C-612**

Subject: VACATION ENTITLEMENT UPON CHANGE FROM HEADQUARTERS TO SCHOOL VACATION STATUS

Issued: 04/28/86

Summary of Changes

This regulation sets forth vacation entitlements for pedagogical employees who change from headquarters to school vacation status.

There are no changes in this regulation.



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SUMMARY AND CONTENTS

This regulation provides for the payment of unused annual leave on a pro-rata basis to pedagogical employees who change from service as Education Administrators or in a title not covered by collective bargaining agreements in a headquarters or district office to service in a school. It does not establish vacation entitlements but deals only with the effects of a change of status of the type noted.

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1. Applicability

This regulation applies only to pedagogical employees who continue in the pedagogical service of the school system following a change of status from Education Administrator or a title not covered by collective bargaining (with a headquarters or district office annual leave schedule) to an appropriate school title such as Principal (with a school vacation which approximates the two summer months of July and August).

2. Basis of Entitlement

a. Compensation for Summer Following Change of Status

When service in one of the affected headquarters or district office positions terminates upon assignment to school service, compensation for the summer vacation period which follows the change in status shall be determined by a combination of pro-rata summer vacation pay for service in the school position (see subdivision 3 below) and, in addition, allowable annual leave paid at the rate of salary to which entitled at the time of change (see subdivision 4 below) provided the combination of the two does not result in payment for more than 62 days or the equivalent thereof. For this purpose, pro-rata summer vacation pay for school service shall be equivalent to “days” of vacation as follows:

- 1/10 of summer pay is equivalent to 6 days of vacation
- 2/10 of summer pay is equivalent to 12 days of vacation
- 3/10 of summer pay is equivalent to 19 days of vacation
- 4/10 of summer pay is equivalent to 25 days of vacation
- 5/10 of summer pay is equivalent to 31 days of vacation
- 6/10 of summer pay is equivalent to 37 days of vacation
- 7/10 of summer pay is equivalent to 43 days of vacation
- 8/10 of summer pay is equivalent to 50 days of vacation
- 9/10 of summer pay is equivalent to 56 days of vacation
- 10/10 of summer pay is equivalent to 62 days of vacation

Thus, an employee who receives 6/10 of summer vacation pay prorated for school service commencing in January is considered to have “used” the equivalent of 37 days and may, therefore, receive pay in addition for no more than 25 days of accrued, unused annual leave.



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b. Deferred Liquidation of Unused Annual Leave Balance

Because of the overall 62-day limitation on vacation payment set forth in subdivision 2.a. above, it may happen that there will remain a balance of accrued, unused annual leave for which no payment was possible during the summer following change of status from headquarters to school service. Such balances may be liquidated in either of two ways.

- (1) Should the employee resume service in a headquarters or district office position, the unused annual leave balance may be taken as days of vacation.
- (2) When the employee resigns or retires, the unused annual leave balance may be liquidated through lump sum payment in accordance with administrative regulations governing such liquidation at the time payment is made.

3. Pro Rata Summer Vacation Pay Entitlement for School Service

In accordance with contractual requirements, pro-rata summer vacation pay is computed by the Bureau of Pedagogic Compensation at the rate of 1/10 of school salary for each month or major fraction of a month of school service. For the purpose of calculating summer pay upon commencement of school service, the month during which such service commences is credited regardless of whether or not it constituted a major fraction and salary is that of the school title regardless of salary level prior to the change in status.

4. Allowable Annual Leave Entitlement for Headquarters and Office Service

- a. Timekeepers are responsible for determining the number of days of annual leave which the Bureau of Pedagogic Compensation may apply toward computation of summer pay for the vacation following the change to school status.
- b. Depending upon status and years of service, annual leave may accrue at the rate of 31, 27, 25, 20, 15, 13, or 10 days per year. For purposes of payment upon change of status, no employee may be credited with more than twice the annual leave that may be accrued in a year.
- c. As noted in subdivision 2a above, payment on account of accrued, unused days of annual leave is reduced to the extent the employee is entitled to pro-rata summer vacation pay based on the month during which service in the school position begins. The following table indicates the maximum number of days for which payment can be authorized taking into account the date of change in status and the headquarters vacation schedule of the former position. For this purpose, the school status starting date means the date on which the employee reverts to a school position. Any date



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within a given month has the same effect in terms of adjusting for pro-rata summer vacation pay.

<u>School Status</u> <u>Starts</u>	<u>Maximum Days of Allowable Annual Leave According to Schedule</u>						
	<u>31/yr</u>	<u>27/yr</u>	<u>25/yr</u>	<u>20/yr</u>	<u>15/yr</u>	<u>13/yr</u>	<u>10/yr</u>
September	0	0	0	0	0	0	0
October	6	6	6	6	6	6	6
November	12	12	12	12	12	12	12
December	19	19	19	19	19	19	19
January	25	25	25	25	25	25	25
February	31	31	31	31	30	26	20
March	37	37	37	37	30	26	20
April	43	43	43	40	30	26	20
May	50	50	50	40	30	26	20
June	56	54	50	40	30	26	20

Note: Regardless of maximum shown on table, employee may not be credited for more days than appear in the annual leave balance on the last day of headquarters status.

- d. The Bureau of Pedagogic Compensation shall compute pay for allowable annual leave payable during the summer following a change from headquarters to school service according to the following formula:

$$\frac{7}{5} \times \frac{\text{Days of Allowable Leave}}{365} \times \text{Final Headquarters Annual Salary Rate}$$

5. Reporting Allowable Annual Leave Entitlement

With the service report covering the last day of service of an employee in a headquarters position, the payroll secretary must forward to the Bureau of Pedagogic Compensation a Statement of Summer Entitlement. A copy of this statement must be forwarded to the affected employee and an additional copy must be forwarded to the Bureau of Teachers' Records for retention in the permanent individual personnel file of the employee concerned.

- a. The statement in letter form must give the name, file number, old position, new position and effective date of change to the new position.



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- b. The statement must also indicate that the employee is to be credited with allowable annual leave to which entitled by this regulation and show the number of days of such entitlement.
- c. If summer entitlement exhausts all unused annual leave, the Statement of Summer Entitlement will indicate that fact: "Payment of summer entitlement will leave a zero annual leave balance."
- d. If summer entitlement does not exhaust all unused annual leave, the Statement of Summer Entitlement will indicate that fact: "Payment of summer entitlement will leave a vested balance of (indicate) days. A copy of the final summary of annual leave reflecting the vested balance has been filed with the Bureau of Teachers' Records."

Note: Until an equivalent form is authorized, the summary of annual leave referred to above will be entered on Form BE/DOP 9909 (Time Balances for Management Employee Pay Plan). Since Form BE/DOP 9909 was not originally designed for pedagogical employees, it is necessary to enter the file number (above the social security number) and the school position to which the employee has been assigned (under "current title").

6. Payment of Summer Vacation Entitlement

Upon receipt of the required Statement of Summer Entitlement, the Bureau of Pedagogic Compensation will calculate the total amount due for the summer period and divide this amount equally for payment on the July and August payrolls.

7. Inquiries

Inquiries concerning this regulation should be directed to:

Office of Support Services
New York City Board of Education
65 Court Street - Room 504
Brooklyn, New York 11201
Telephone: **(718) 935-5878**