

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
**ATTENDANCE AND LEAVE MANUAL**  
POLICY BULLETIN 2024-04

Section 21.12

June 2024

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TO: Manual Recipients  
FROM: Jessica Rowe, Director of Staffing Services  
SUBJECT: Paid Parental Leave for PBANYS – Agency Police Services Unit (APSU) Employees

The purpose of this Policy Bulletin is to set forth guidelines for administration of the Paid Parental Leave (PPL) benefit for APSU employees.

Paid Parental Leave for APSU-represented employees is **available retroactively to May 17, 2024**. Agencies **must** allow retroactive use of this benefit and reconstruct an employee's time and payroll records, as appropriate. Employees who do not wish to go back retroactively are entitled to go out on any remaining PPL that is available to them.

PPL is available to any gestational, non-gestational, adoptive, or foster parent who meets certain eligibility criteria for APSU-represented executive branch employees. All other child care leave benefits, including sick leave accruals, family sick leave benefits, use of other accruals (e.g., VRWS, vacation, personal and holiday leave) and/or leave without pay during the mandatory seven-month child care leave period and Family Medical Leave Act (FMLA) benefits remain unchanged and available for use when applicable. Agencies may still allow leave without pay beyond seven months on a discretionary basis. Discretionary leaves which extend beyond two years must still be approved by the Civil Service Commission.

### **Eligibility**

All APSU employees who work full-time or who work at least 50% part-time are eligible for this benefit. Such employees are eligible upon completion of six cumulative months of State service, in which there was no break of more than a year (except Commission Reinstatements). The work percentage for hourly employees will determine the compensation under the benefit and will be determined by a six-month look back before the date the leave commences. Agencies should use the six-month period prior to any sick leave at half-pay or leave without pay benefits related to the qualifying event to calculate the paid leave entitlement available. Employees who have separated from State service are not entitled to Paid Parental Leave, retroactively or otherwise. Paid Parental Leave may not be used to extend employment beyond the point it would otherwise end by operation of law, rule, or regulation.

### **Use of Paid Parental Leave**

Employees may take leave **with pay** for up to 12 weeks for each qualifying event, defined as the birth of a child or placement of a child for adoption or foster care. Paid Parental Leave is available for use once every 12-month period. A qualifying event begins the 12-month period. Paid Parental Leave may begin on the date of birth, the day of adoption or foster care placement or anytime thereafter within seven months. An employee's ability to use Paid Parental Leave ends seven-months from the date of the qualifying event. The PPL benefit is retroactive to leaves taken on or after May 17, 2024 and must be completed within seven months of the qualifying event.

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Paid Parental Leave may be used in combination with all other paid and unpaid childcare leave benefits (see attached chart for examples of application and order of Paid Parental Leave benefits). Usage of accruals cannot run concurrently with Paid Parental Leave and may be taken at an appropriate time (either before or after) in addition to Paid Parental Leave.

If both parents are employed by a New York State Agency, both parents may use Paid Parental Leave, even if they work for the same appointing authority.

Paid Parental Leave cannot be used intermittently and must be taken in a block of time. Employees do not have to take the full 12 weeks, but once they return from Paid Parental Leave, they can no longer use this leave. It should be noted that FMLA, if the employee is eligible and has FMLA entitlement remaining, runs concurrently with Paid Parental Leave, as well as the other types of leave available. FMLA is generally designated at the time of birth or placement of the child.

**Status of Employees on Paid Parental Leave**

For attendance and leave purposes, employees are deemed to be in **leave without pay** status while using Paid Parental Leave. They do not earn biweekly leave accruals or observe holidays, nor do they receive personal leave or vacation bonus days if their anniversary dates fall while they are using Paid Parental Leave. In such cases, the personal leave anniversary date changes to the date of return to work or placement on sick leave at half-pay, and the employee receives personal leave on the adjusted anniversary date. The vacation anniversary date is adjusted if the period of continuous absence on Paid Parental Leave and any other kind of childcare leave, except where the employee charges accruals on such leave, exceeds six continuous months. If such period is less than six-months, the employee retains the same vacation anniversary date and is credited with vacation bonus days upon return to work.

Voluntary Reduction in Work Schedule (VRWS) agreements must be suspended on the first day of the payroll period in which an employee begins their Paid Parental Leave.

Time on Paid Parental Leave does not count as service for earning additional eligibility for sick leave at half-pay.

While using Paid Parental Leave, employees continue to be covered by their existing insurance benefits. Employees continue to have health insurance premiums, retirement contributions, and other payroll deductions withheld from their paycheck.

Time spent while on Paid Parental Leave does not count towards the satisfactory completion of any required probationary period, beyond the total number of absences that can be considered as time served per Rule 4.5(g). Please refer to [State Personnel Management Manual Section 2000](#) for further information regarding the administration of probation.

Employees using Paid Parental Leave continue to receive retirement service credit for days while on leave as it is considered full pay status for this purpose.

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Any questions about these provisions should be referred to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.