

VOLUNTARY REDUCTION IN WORK SCHEDULE PROGRAM
(November 2000)

1. Eligibility:

CSEA represented employees in the Administrative Services Unit, Operational Services Unit, and those represented by PEF are eligible to participate if they meet the following criteria:

- a. Employees work on a full-time annual salaried basis for a minimum of one biweekly payroll period immediately prior to the start of the VRWS program. (Time on paid or unpaid leave satisfies this requirement.), **and**
- b. Employees must remain in a full-time annual salaried position during the term of the VRWS agreement, **and**
- c. Employees must have one continuous year of State service on a qualifying schedule (any schedule which entitles employees to earn leave credits, not necessarily a full-time schedule).

2. Reduction allowances

Employees may reduce their work schedules (and salaries) a minimum of 5 percent, in 5 percent increments, up to a maximum of 30 percent.

3. Time limits

The employee and management can establish an agreement on a fiscal year basis of any number of payroll periods in duration from one to twenty-six. The contract must expire no later than the last day of the last payroll period of the fiscal year. The agreement must begin on the first day of a payroll period and end on the last day of a payroll period.

Ending balances may be carried past the end of the individual VRWS agreement and past the end of the fiscal year, but must be liquidated by the September 30th following the end of the fiscal year in which the individual VRWS agreement expires.

4. Effect on benefits and status. See Appendix A (attached).

5. Effect on overtime

Scheduled absences charged to VR credits, unlike absences charged to leave credits, are not the equivalent of time worked for purposes of determining eligibility for overtime payments within a workweek. For example, an employee who, under an 80 percent VRWS schedule, works four days, charges the fifth day to VR credits, and is called in to work a sixth day, will not be considered to have worked the fifth day and thus will not be entitled to overtime pay on the sixth day.

6. Discontinuation/suspension of VRWS agreements

VRWS agreements can be discontinued by mutual agreement at the end of any payroll period. Agreements may be discontinued, at management discretion, when an employee is promoted, transferred or reassigned within a facility, although VR credits must be carried forward on the employee's time record.

VRWS agreements will be suspended if an employee is out for 28 consecutive days using sick leave at half pay, or donated leave, or who is absent because of a work-related injury. The agreement will be suspended on the first day of the pay period following the 28th day, and the employee will be returned to their normal full-time work schedule and pay base.

PEF represented employees who have accidents occurring after July 1, 1993 and who are covered under the Medical Evaluation Program will continue on VRWS until the first day they are placed on workers' compensation disability leave with percentage supplement. Those who decline participation in the Medical Evaluation Program will have their VRWS agreement suspended the first day of leave without pay.

CSEA represented employees who have accidents occurring after July 1, 1992 will continue on VRWS until the first day they are placed on workers' compensation disability leave, at which time they will have their VRWS agreement suspended.

Suspension of a VRWS agreement does not extend the agreement beyond its scheduled termination date. If the employee returns to work prior to the agreement expiration date, the employee's participation in the VRWS agreement resumes, unless both parties agree to terminate the agreement.

7. Payment of banked (unused) VR time in exceptional cases

Upon layoff, resignation from State service, termination, retirement or death, unused VR time will be paid at the then current straight time rate of pay.

Upon movement of an employee from one agency to another, or between facilities, unused VR time will be paid at the then current straight time rate of pay by the agency/facility in which the VR time was earned, unless the employee requests and the new agency/facility accepts the transfer of the VR time.

VRWS ending balances must be segregated for each fiscal year. Employees who are unable to use the VR time by the applicable September 30th liquidation date due to management requirements predicated on workload will be paid at the then current straight time rate of pay. (Requests for payment under this section are directed to the Governor's Office of Employee Relations.)

8. Approval process

- (a) The employee completes the Application for Voluntary Reduction in Work Schedule (Pages 1 and 2) and submits it to his/her supervisor.
- (b) The supervisor reviews the plan, makes a recommendation for approval or disapproval and forwards the plan to the Office of Human Resources.
- (c) The Office of Human Resources reviews the plan for eligibility and accuracy and forwards the plan to the appropriate vice president.
- (d) The vice president approves or denies the request and sends a copy to the employee.

9. Review of VRWS denials

If the request for participation in a VRWS program has been denied, an employee has the right to request a written statement of the reason for the denial. Such written statement must be provided within *five working days* of the request.

The employee may request a review of the denial. Requests must be submitted by the employee or the employee's representative within ten working days of receipt of the written statement or of the date when the written statement was due.

Requests must be submitted to the Director of Human Resources with a copy to the President. Such requests shall specify why the employee believes the written reasons for the denial are improper and must explain how the employee believes his/her work can be reorganized or reassigned so that his/her participation in the VRWS program will not unduly interfere with program operations.

The Director of Human Resources shall review the appeal and make a determination within ten working days of receipt. The determination shall be sent to the employee with a copy to the appropriate union president. The determination shall be based on the record, except that a meeting may be held for the purposes of gathering additional information or discussion. If the employee believes there are special circumstances that make a meeting appropriate, the employee may describe these circumstances in addition to those outlined above, and request that a review meeting be held. The Director of Human Resources shall consider such a request in determining whether or not to hold a review meeting.

The determination of the Director of Human Resources shall not be subject to further appeal.