



PAYROLL BULLETIN

Office of the State Comptroller Bureau of State Payroll Services

Date: December 7, 2006

Payroll Bulletin No. 682

Subject

Implementation of New Method of Calculating Salaries for Employees upon Movement from Management/Confidential Non-Statutory (N/S) Positions to Graded Positions

Purpose

To provide agencies with information and procedures regarding the calculation of affected employees' salaries and the processing of necessary salary corrections.

Affected Employees

Non-Statutory employees deemed Management/Confidential who moved to graded positions since April 1, 2003 or who move to graded positions in the future.

Note: Employees represented by CSEA will be addressed separately in a later bulletin after clarification and direction from the Governor's Office of Employee Relations regarding eligibility and method of salary calculation.

Background

Pursuant to Chapter 103 of the Laws of 2005 which amends Civil Service Law Section 131.5 and clarifies the computation of salaries for certain employees who move from unallocated or Non-Statutory (N/S) positions to statutorily graded positions. The legislation calls for a new option for calculating salaries for affected employees in addition to the methods of determining salaries that already exist.

Effective Date(s)

The new method of calculating salaries for affected Management Confidential employees is effective April 1, 2003.

Agencies may begin submitting transactions for eligible employees beginning in Pay Period 18L (Institution), paychecks dated 12/21/06 and Pay Period 19L (Administration), paychecks dated 1/10/07.

Eligibility

To be eligible for the new method of calculation, employees must be in an M/C non-statutory Annual or Hourly position immediately prior to moving to a graded position. Employees must continuously occupy the same unallocated (N/S) position:

- in the same title;
- within the same agency/appointing authority;
- within the same negotiation unit;
- at the same salary or equated salary grade level (excluding normal performance advances and general salary increases);
- in continuously Active paid status (Active, paid Sick Leave, Workers' Comp Leave, Military or Military Stipend Leave);
- for a minimum of one (1) calendar year (excluding seasonal employees - see information regarding Long Term Seasonal Employees below);
- on a full-time basis, and
- with no reduction/change in the percentage of time worked during the above-mentioned calendar year.

Employees on an approved Voluntary Reduction in Work Schedule are considered to be qualified as continuously occupying a position.

Termination or resignation from an unallocated Non-Statutory position with a subsequent reappointment to the same position on a later date constitutes a break in continuous pay status and the employee would not qualify for the new salary calculation method.

Discretionary salary adjustments approved by the Division of Budget (BDA adjustments) must not have been implemented within one (1) calendar year immediately prior to movement from an N/S to a graded position and disqualify an employee for consideration of the new salary calculation method. Such discretionary salary adjustments constitute a new salary and the one (1) year continuous salary requirement would not be met. Civil Service Law Section 131.5 b addresses Management/Confidential employees who are Long Term Seasonal employees (defined as having served at least 1,500 hours in pay status during each of the previous two years). The calculation method described below should be applied when determining the salary for these employees when the employee moves to a graded position.

*Method of
Calculation under
CS Law Section
131.5*

The following procedures should be used as an option when calculating the salary of employees moving from an unallocated N/S position to a graded position that meets all of the above eligibility criteria and where the hiring rate of the graded position that the employee is moving to is greater than the employee's current unallocated N/S salary.

Promotions from “Equated to Grade” Positions

- If the unallocated N/S position that the incumbent is moving from has been equated to a grade by the Division of Budget, then the grade equation shall be used as the starting grade of the promotion calculation. For example, an employee who is equated to a grade 15 and moves to a grade 18 position would be eligible to receive a 6.0% promotion percentage on their unallocated N/S equated to grade salary. If an employee is in a position that is equated to a grade but the unallocated N/S salary is outside the range of the equated grade's Hiring Rate or Job Rate, this method must not be used to calculate the employee's new salary. Instead, the “Movement from Not to Exceed Positions” method described below must be used.

Lateral Movement from “Equated Grade” Positions

- If the incumbent is moving from an N/S position with an equated grade to a graded position with the same grade, the N/S salary can be retained upon movement to the grade.

Demotions from “Equated Grade” Positions

- If the incumbent is moving from an N/S position with an equated grade to a lower graded position, the salary should be calculated using the higher grade service to build the salary in the lower grade or the incumbent's current N/S salary not to exceed the Job Rate of the lower grade.

Movement from “Not To Exceed” Positions

- If the unallocated N/S position that an employee is moving from is outside the range of the equated grade or has not been equated to a grade by the Division of the Budget, and the employee has been paid with a "not to exceed" authorization level, the starting grade level for the promotion calculation is determined by assigning the unallocated N/S salary to the highest grade level where the salary reaches Hiring Rate on the salary schedule of the bargaining unit from which the incumbent is moving. The promotion percentage between this starting grade level and the grade level to which the employee is moving must be

*Method of
Calculation under
CS Law Section
131.5
(Continued)*

determined and then the appropriate promotion percentage must be applied to the unallocated N/S salary.

Movement from an Hourly Position

- When an employee moves from an Hourly N/S position to a graded position, the hourly rate must be converted to an annual rate by multiplying the hourly rate by 2088. The annual rate can then be used to calculate the employee's new salary using the appropriate scenario above.

Note: Employees who are moving from bargaining units other than M/C are not eligible for this new method of calculation and must be calculated using the existing methods as stated in Part 1 of the OSC Salary Manual. Employees who are moving from CSEA will be addressed in a future bulletin upon clarification and direction from GOER regarding eligibility and salary calculation methods.

OSC Actions

Following the release of this Bulletin, OSC will provide agencies with a listing of employees who meet the above eligibility criteria for agency review. Employees who appear on the listing have met the initial eligibility but need to be reviewed to determine whether the new calculation option is higher than the calculation previously paid.

Agency Actions

Beginning in Pay Periods 18L (Institution) and 19L (Administration), agencies may begin submitting salary corrections effective 4/1/03 or later for employees identified by OSC as meeting the required eligibility and whose salary calculation under the new option is higher than the calculation previously paid.

If agencies identify employees who may meet the requirements but do not appear on the list from OSC, the agency should send an email to SalaryDetermination@osc.state.ny.us prior to submitting the salary correction to ensure that the employee is eligible. Agencies must submit Pay Change Requests using the Action/Reason codes **PAY/CSL (Pay Rate Change/Correct Salary)** for all affected rows on the employee's Job Data history.

Agencies must include a summary of how the requested salary calculation was reached in the Remarks section of the Pay Change Request.

Beginning in Pay Periods 18L (Institution) and 19L (Administration), agencies may begin using the new method of calculation, if appropriate, for current and future position changes that meet the above eligibility criteria.

Questions

Questions about this Bulletin may be emailed to
SalaryDetermination@osc.state.ny.us.



PAYROLL BULLETIN

Office of the State Comptroller

Bureau of State Payroll Services

Date: December 18, 2008

Payroll Bulletin No. 835

Subject

Revised Method of Calculating Salaries for Employees Upon Movement From a Civil Service Employees Association (CSEA) Non-Statutory (N/S) Position to a Graded Position in Any Bargaining Unit

Purpose

To provide agencies with information and procedures regarding the revised calculation of affected employees' salaries and the processing of necessary salary corrections.

Affected Employees

Non-Statutory employees represented by CSEA who move to a graded position in any bargaining unit effective on or after April 1, 2003.

Background

Pursuant to Chapter 103 of the Laws of 2005 which amends Civil Service Law, Section 131.5 and the N/S to Grade side letter to the 2007-2011 CSEA agreement, OSC is issuing instructions for the revised method of calculating salaries for affected employees retroactive to April 1, 2003. This revised method is in addition to the Civil Service Law, Section 131.5 rules still in existence. The side letter to the 2007-2011 CSEA agreement expires on March 31, 2011.

Effective Date(s)

The revised method of calculating salaries for affected employees is effective April 1, 2003.

Agencies may begin to submit transactions for eligible employees on September 4, 2008 for Pay Period 12L, paychecks dated 9/25/08 (Institution) and 10/1/08 (Administration).

Eligibility Criteria

To be eligible for the revised method of calculation, an employee must have been in a CSEA N/S annual or hourly position immediately prior to moving to a graded position.

N/S service in any of the following will not be considered as creditable service when reconstructing the employee's salary:

Eligibility Criteria (Continued)

- Office of Court Administration
- City University of New York (CUNY)
- Thruway Authority
- Teachers' Retirement System
- Dormitory Authority
- State University of New York Grade 980s
- Legislative Payrolls
- Judicial Payrolls
- Pay Basis Codes of FEE and BIW

General Information

The methodology contained in Section 131.5(c) of the Civil Service Law still may be used to calculate the salary for employees who move from an N/S to a graded position if it results in a higher salary than the methodology contained in the N/S to Grade side letter to the 2007-2011 CSEA agreement.

In addition, this Section has been amended to remove provisions that restrict the resultant salary of an employee having moved from an N/S to a graded position from exceeding the salary which previously had been received in the N/S position. However, the resultant salary cannot exceed the job rate of the graded position.

The methodology contained in the Long Term Seasonal side letter and the rules effective September 2004 still may be used to calculate the salary for Parks and Environmental Conservation N/S employees represented by CSEA who moved to a graded CSEA position between April 1, 2003 and March 31, 2007 if it results in a higher salary than the methodology contained in the N/S to Grade side letter to the 2007-2011 CSEA agreement.

Revised Method of Calculation

Determine Type of Appointment (Promotion, Demotion, Lateral)

Agencies must use the CSEA N/S position in effect **immediately prior** to the move to the graded position to determine the type of appointment. If the position is:

- Annual N/S Equated to Grade – Compare the equated grade of the N/S position to the grade of the graded position to determine if the appointment is a promotion, demotion or lateral.
- Annual N/S Not Equated to Grade – Use the N/S salary to assign the highest grade level (using the hiring rate) to which such salary can be assigned on the CSEA salary schedule in effect on the appointment date to the graded position and compare it to the grade of the graded position to determine if the appointment is a promotion, demotion or lateral.

*Revised Method of
Calculation
(Continued)*

- Hourly N/S – Convert the hiring rate of the graded position from the CSEA salary schedule in effect on the appointment date (regardless of the graded position's bargaining unit) to an hourly rate by dividing by 2088. Compare the resultant hourly rate to the employee's hourly rate immediately prior to the move to the graded position to determine if the appointment is a promotion, demotion or lateral.

Revised Method of Calculation Based on Type of Appointment

Promotion

From any CSEA N/S position

- Annual N/S Equated to Grade – Using the employee's equated grade apply the appropriate promotion percentage provided in Article 7.10 to the employee's N/S salary. The employee may be eligible for a promotion recalculation.
- Annual N/S Not Equated to Grade – After assigning a grade as explained above, apply the appropriate promotion percentage provided in Article 7.10 to the employee's N/S salary.
- Hourly N/S – Convert the employee's hourly rate immediately prior to the move to the graded position to an annual salary by multiplying by 2088. Use this salary to assign the highest grade level (using the hiring rate) to which such salary can be assigned on the CSEA salary schedule. Apply the appropriate promotion percentage provided in Article 7.10 to the employee's 'hourly converted to annual' salary.

A new anniversary date and increment code will be determined based on the effective date of the promotion.

Lateral and Demotion

From a CSEA Annual N/S Position

- Equated to Grade - Reconstruct the salary beginning with the hiring rate of the graded position, giving credit for all service where the salary (including hourly and annual regardless of bargaining unit) is at least equal to the hiring rate of the graded position.
- Not Equated to Grade – Reconstruct the salary beginning with the hiring rate of the graded position, giving credit for all service where the salary (including hourly and annual regardless of bargaining unit) is at least equal to the hiring rate of the graded position.

*Revised Method of
Calculation
(Continued)*

Upon reconstruction, the salary should be limited to the job rate of the graded position but may exceed the employee's last N/S salary.

If the employee is eligible, longevity payments should be included in the reconstruction.

The anniversary date will be determined using the appointment date to the graded position adjusted by the amount of creditable service.

The anniversary date will determine which performance advance cycle and increment code should be used.

From a CSEA Hourly N/S Position

- Use only those hours paid where the employee's hourly rate is at least equal to the hiring rate of the graded position. In order to determine if the employee's hourly rate is equal to or above the hiring rate, divide the hiring rate of the graded position from the CSEA salary schedule for the applicable year by 2088 and compare to the employee's hourly rate for the same year.
- Do not include hours paid as overtime when reporting creditable hours.
- Hourly employees for whom hours have not been reported during the last year will be considered to have a break in service of one (1) or more years. Credit for service prior to the break will not be counted.
- The number of creditable hours reported by the agency for an 8-hour-day hourly employee will be divided by 8 to determine the number of full work days to be used as creditable service. The number of creditable hours reported by the agency for a 7 ½-hour-day hourly employee will be divided by 7.5 to determine the number of full work days to be used as creditable service.
- N/S service in hourly and annual positions can be combined to determine the amount of creditable service.
- It is the appointing agency's responsibility to report in General Comments all qualifying hours and the employee's required hours per day (7 ½ or 8) to be used in determining creditable service including hours worked in another agency.
- The anniversary date will be determined using the appointment date to the graded position adjusted by the amount of creditable service.
- The anniversary date will determine which performance advance cycle and increment code should be used.

Revised Method of Calculation (Continued)

- Reconstruct the salary beginning with the hiring rate of the graded position giving credit for all service (including hourly and annual regardless of bargaining unit) where the salary is at least equal to the hiring rate of the graded position.
- Upon reconstruction, the salary should be limited to the job rate of the graded position but may exceed the employee's last N/S salary.
- If the employee is eligible, longevity payments should be included in the reconstruction.

Examples of [hourly service calculations](#) can be reviewed by agencies for assistance.

OSC Actions

OSC will provide agencies with Control-D report NHRPTP13 identifying employees who have moved from a CSEA N/S position to a graded position in any bargaining unit effective on or after April 1, 2003.

The listing is available as of August 26, 2008.

Agency Actions

It is the agency's responsibility to submit transactions for employees affected by the revised methodology.

Salary corrections must be submitted by agencies retroactive to the date of the graded appointment (provided the appointment was effective on or after 4/1/03) if the methodology provided in the N/S to Grade side letter to 2007-2011 CSEA agreement results in a salary different from (greater than or less than) the methodology in the previous side letter (detailed in [Payroll Bulletin No. 726](#)) or in Section 131.5(c) of the Civil Service Law.

Agencies must submit Pay Change Requests using the Action/Reason code of **PAY/NSG (Pay Rate Change/NS to Grade)** for all rows requiring a salary correction on the employee's Job Data history. If a salary correction is not applicable but the employee's anniversary date, increment code and/or FIS must be changed, the Action/Reason code of **DTA/NSG (Data Change/NS to Grade)** must be submitted.

Qualifying hours used to determine creditable service must be reported in General Comments.

Note: If any employee is now overpaid due to the revised calculation rules, the negative retroactive adjustment will **not** be recovered.

Control-D Report

NHRPTP13 Report

This report identifies employees who moved from a CSEA N/S position to a graded position in any bargaining unit on or after April 1, 2003 and may be eligible to have their salary recalculated using the new methodology. The report identifies EmplID, Name, Rcd #, Pay Basis Code, Bargaining Unit, Employee Status, Pay Cycle and Move Date (Effective date and Sequence of initial movement from N/S to graded position).

Questions

Questions about this Bulletin may be emailed to the Salary Determination mailbox.



PAYROLL BULLETIN

Office of the State Comptroller Bureau of State Payroll Services

Date: March 2, 2009

Payroll Bulletin No. 882

Subject

New Method of Calculating Salaries for Employees Upon Movement From a Public Employees Federation (PEF) Non-Statutory (N/S) Position to a Graded Position in Any Bargaining Unit

Purpose

To provide agencies with information and procedures regarding the calculation of affected employees' salaries and the processing of necessary salary corrections.

Affected Employees

Non-Statutory employees represented by PEF who move to a graded position in any bargaining unit effective on or after April 11, 2008.

Background

Pursuant to Chapter 114 of the Laws of 2008 which amends Civil Service Law, Section 131.5 and the N/S to Grade side letter to the 2007-2011 PEF agreement, OSC is issuing instructions for the new method of calculating salaries for affected employees retroactive to April 11, 2008. This method is in addition to the Civil Service Law, Section 131.5 rules still in existence. The side letter to the 2007-2011 PEF agreement expires on March 31, 2011.

Effective Date(s)

The new method of calculating salaries for affected employees is effective April 11, 2008.

Agencies may begin to submit transactions immediately.

Eligibility Criteria

To be eligible for the new method of calculation, an employee must have been in a PEF N/S annual or hourly position immediately prior to moving to a graded position. This method does not apply to appointments from a Summer Session position to a graded position.

N/S service in any of the following will not be considered as creditable service when reconstructing the employee's salary:

Office of Court Administration
City University of New York (CUNY)
Thruway Authority

Eligibility Criteria (Continued)

Teachers' Retirement System
Dormitory Authority
State University of New York Grade 980s
Legislative Payrolls
Judicial Payrolls
Pay Basis Codes of FEE and BIW
Summer Session Position

General Information

The methodology contained in Section 131.5(c) of the Civil Service Law still may be used to calculate the salary for employees who move from an N/S to a graded position if it results in a higher salary than the methodology contained in the N/S to Grade side letter to the 2007-2011 PEF agreement.

In addition, this Section has been amended to remove provisions that restrict the resultant salary of an employee having moved from an N/S to a graded position from exceeding the salary which previously had been received in the N/S position. However, the resultant salary cannot exceed the job rate of the graded position.

New Method of Calculation

Determine Type of Appointment (Promotion, Demotion, Lateral)

Agencies must use the PEF N/S position in effect **immediately prior** to the move to the graded position to determine the type of appointment. If the position is:

- Annual N/S Equated to Grade – Compare the equated grade of the N/S position to the grade of the graded position to determine if the appointment is a promotion, demotion or lateral.
- Annual N/S Not Equated to Grade – Use the N/S salary to assign the highest grade level (using the hiring rate) to which such salary can be assigned on the PEF salary schedule in effect on the appointment date to the graded position and compare it to the grade of the graded position to determine if the appointment is a promotion, demotion or lateral.
- Hourly N/S – Convert the hiring rate of the graded position from the PEF salary schedule in effect on the appointment date (regardless of the graded position's bargaining unit) to an hourly rate by dividing by 2088 if the N/S position is a non-teaching title or by 1736 if the N/S position is a teaching title. Compare the resultant hourly rate to the employee's hourly rate immediately prior to the move to the graded position to determine if the appointment is a promotion, demotion or lateral.

*New Method of
Calculation
(Continued)*

Revised Method of Calculation Based on Type of Appointment

Promotion

From any PEF N/S position

- Annual N/S Equated to Grade – Using the employee's equated grade, apply the appropriate promotion percentage provided in Article 7.10 to the employee's N/S salary. The employee may be eligible for a promotion recalculation.
- Annual N/S Not Equated to Grade – After assigning a grade as explained above, apply the appropriate promotion percentage provided in Article 7.10 to the employee's N/S salary.
- Hourly N/S – Convert the employee's hourly rate immediately prior to the move to the graded position to an annual salary by multiplying by 2088 if the N/S position is a non-teaching title or by 1736 if the N/S position is a teaching title. Use this salary to assign the highest grade level (using the hiring rate) to which such salary can be assigned on the PEF salary schedule. Apply the appropriate promotion percentage provided in Article 7.10 to the employee's 'hourly converted to annual' salary.

The Longevity Lump Sum (**LLS**) portability will be factored in the promotion calculation provided the employee received an **LLS** payment within the twelve (12) months prior to the promotion.

A new anniversary date and increment code will be determined based on the effective date of the promotion.

Lateral and Demotion

From a PEF Annual N/S Position

- Equated to Grade - Reconstruct the salary beginning with the hiring rate of the graded position, giving credit for all service where the salary (including hourly and annual regardless of bargaining unit) is at least equal to the hiring rate of the graded position. Service in a teaching title will be counted only if it totals at least 150 work days during each individual academic year.
- Not Equated to Grade – Reconstruct the salary beginning with the hiring rate of the graded position, giving credit for all service where the salary (including hourly and annual regardless of bargaining unit) is at least equal to the hiring rate of the graded position. Service in a teaching title will be counted only if it totals at least 150 work days during each individual academic year.

*New Method of
Calculation
(Continued)*

Upon reconstruction, the salary should be limited to the job rate of the graded position but may exceed the employee's last N/S salary.

If the employee has the required years of job rate credit, the Longevity Lump Sum (**LLS**) will be payable after six (6) pay periods retroactive to the effective date of the appointment to the graded position.

If the employee attained the Merit Advance Rate in an equal or higher grade, that rate of pay will serve as the employee's N/S salary for the purpose of computing the new graded salary.

If the employee has not attained the Merit Advance Rate in an equal or higher grade, the Merit Advance Rate for the graded position will be payable after six (6) pay periods, retroactive to the effective date of the appointment to the graded position, provided the employee has sufficient years at or above the job rate of the graded position and all other eligibility criteria are met.

It is the agency's responsibility to submit transactions for employees due the Longevity Lump Sum or Merit Step payment and to indicate in General Comments if an employee has met all merit step eligibility requirements.

The anniversary date will be determined using the appointment date to the graded position adjusted by the amount of creditable service.

The anniversary date will determine which performance advance cycle and increment code should be used.

From a PEF Hourly N/S Position

- Use only those hours paid where the employee's hourly rate is at least equal to the hiring rate of the graded position. In order to determine if the employee's hourly rate is equal to or above the hiring rate, divide the hiring rate of the graded position from the PEF salary schedule for the applicable year by 2088 if the N/S position is a non-teaching title or by 1736 if the N/S position is a teaching title and compare to the employee's hourly rate for the same year.
- Do not include hours paid as overtime when reporting creditable hours.
- Hourly employees for whom hours have not been reported during the last year will be considered to have a break in service of one (1) or more years. Credit for service prior to the break will not be counted.

New Method of Calculation

(Continued)

- The number of creditable hours reported by the agency for an 8-hour-day hourly employee will be divided by 8 to determine the number of full work days to be used as creditable service. The number of creditable hours reported by the agency for a 7 ½-hour-day hourly employee will be divided by 7.5 to determine the number of full work days to be used as creditable service.
- N/S service in hourly and annual positions can be combined to determine the amount of creditable service.
- Service in a teaching title will be counted only if it totals at least 150 work days during each individual academic year.
- It is the appointing agency's responsibility to report in General Comments all qualifying hours, the range of dates to which the hours apply and the employee's required hours per day (7 ½ or 8) to be used in determining creditable service including hours worked in another agency.
- The anniversary date will be determined using the appointment date to the graded position adjusted by the amount of creditable service.
- The anniversary date will determine which performance advance cycle and increment code should be used.
- Reconstruct the salary beginning with the hiring rate of the graded position, giving credit for all service (including hourly and annual regardless of bargaining unit) where the salary is at least equal to the hiring rate of the graded position.
- Upon reconstruction, the salary should be limited to the job rate of the graded position but may exceed the employee's last N/S salary.
- If the employee has the required years of job rate credit, the Longevity Lump Sum (**LLS**) will be payable after six (6) pay periods. It is the agency's responsibility to submit transactions for employees due an **LLS** payment.

[Service calculation examples](#) are included with this bulletin.

OSC Actions

Control-D report NHRPTMP13 (appears as NHRPTP13 in the Control-D Report List) identifies employees who have moved from a PEF N/S position to a graded position in any bargaining unit effective on or after April 11, 2008.

Agency Actions

It is the agency's responsibility to submit transactions for employees affected by the new methodology.

Salary corrections must be submitted by agencies retroactive to the date of the graded appointment (provided the appointment was effective on or after 4/11/08) if the methodology provided in the N/S to Grade side letter to the 2007-2011 PEF agreement results in a higher salary than the methodology in Section 131.5(c) of the Civil Service Law.

Agencies must submit Pay Change Requests using the Action/Reason code of **PAY/NSG (Pay Rate Change/NS to Grade)** for all rows requiring a salary correction on the employee's Job Data history. If a salary correction is not applicable but the employee's anniversary date, increment code and/or FIS must be changed, the Action/Reason code of **DTA/NSG (Data Change/NS to Grade)** must be submitted.

Qualifying hours used to determine creditable service, the range of dates to which the hours apply and Merit Step eligibility must be reported in General Comments.

Control-D Report

NHRPTMP13 Report

This report identifies employees who moved from a PEF N/S position to a graded position in any bargaining unit on or after April 11, 2008 and may be eligible to have their salary recalculated using the new methodology. The report identifies EmplID, Name, Rcd #, Pay Basis Code, Bargaining Unit, Employee Status, Pay Cycle and Move Date (Effective date and Sequence of initial movement from N/S to graded position).

Questions

Questions about this Bulletin may be emailed to the Salary Determination mailbox.