

OFFICE OF THE MAYOR

EXECUTIVE ORDER NO. 30

MONETARY LUMP SUM PAYMENT IN LIEU OF ACCRUED ANNUAL LEAVE AND/OR COMPENSATORY TIME TO EMPLOYEES WHO RETIRE DUE TO REDUCTION OF STAFF FOR ECONOMIC REASONS.

Whereas, Certain employees and officers of The City of New York have unused accrued annual leave and/or compensatory time; and

Whereas, The economic situation of the City requires that there be a reduction in the workforce of the City; and

Whereas, New York State Civil Service Law specifies the order in which lay-offs must be made and certain employees have elected to retire in lieu of being laid off; and

Whereas, The laws governing retirements require that certain employees be retired upon reaching age 65 except where extensions are granted, and budgetary considerations do not allow the City to grant such extensions in many cases; and

Whereas, The operation of such laws and the City's fiscal situation require that employees and officers who retire be removed from the payroll on a specific date; and

Whereas, Some employees and officers will be unable to use their accrued annual leave and compensatory time by the date required;

Now, therefore, by the power vested in me as Mayor of The City of New York, it is hereby ordered that:

Section 1. Employees and officers with unused creditable annual leave and/or compensatory time allowances standing to their credit consistent with existing rules, regulations and/or orders governing them, who retire due to reduction of staff or due to reaching the mandatory retirement age and not being granted extension for economic reasons may be paid the monetary value of accumulated and unused annual leave and/or compensatory time allowances standing to their credit.

§ 2. Such monetary lump sum payment for annual leave and/or compensatory time shall be payable at the basic salary rate earned by the employee immediately prior to the date of retirement.

§ 3. The monetary value so payable shall not increase the salary base used to determine a retirement allowance; however, where there is an election (if permitted by a resolution of the board of trustees and the appropriate retirement system) to have the retirement allowance begin after the effective date of retirement and at the time any accrued leave and/or compensatory time and terminal leave would have ordinarily expired under normal circumstances, the salary base used to determine a retirement allowance shall not exceed the amount which such salary base would equal if the employee had taken any accrued annual leave and/or compensatory time and terminal leave under normal circumstances with the payment for annual leave and/or compensatory time limited to the rate of pay in effect immediately prior to the date of retirement.

§ 4. This Order shall not apply to employees and officers covered by the Managerial and/or Executive Pay Plans whose time and leave benefits are governed by Mayor's Personnel Order No. 16/74 of May 10, 1974.

§ 5. Such lump sum amounts shall be payable upon the request of the agency head subject to written approval of the Director of Management and Budget.

§ 6. The Director of Management and Budget of The City of New York is hereby designated and empowered to transfer such necessary funds that may be required in accordance with Section 124-a and/or b of the City Charter for the payment to such retired employees of the monetary value of accumulated and unused annual leave or compensatory time standing to the credit of such employees.

§ 7. The Comptroller of The City of New York is hereby requested to make such payments to the affected employees.

§ 8. The Comptroller of The City of New York, the Director of Management and Budget, the City Personnel Director and all other officers and agencies of the City having any jurisdiction over the matter provided in this Order are hereby requested, pursuant to the powers vested in them, to take the steps necessary to effectuate the provisions of this Order.

§ 9. This Order shall take effect immediately.

Dated: June 24, 1975.

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ABRAHAM D. BEAME, Mayor.