

§ 599.607. Use of Month or Calendar Month.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).
“Month” means a calendar month unless otherwise specified. In the application of Government Code sections 19856.1, 19858.1, 19859, 19861, 19863.1, 19991.7, 19996, 19997.3 and sections 599.737(a), 599.738(a), 599.739(a), 599.740, 599.746(a), 599.747, 599.787(a), ~~599.794~~ and 599.840 of these regulations relating to the earning of sick leave, paid educational leave, vacation allowances, and seniority, month or calendar month shall mean the monthly pay period as prescribed by the Department of Finance.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b).
“Month” means a calendar month unless otherwise specified.

Note: Authority cited: Sections 18502, ~~and~~ 19815.4(d), and 19824 Government Code.
Reference: Section 19815.4(d), Government Code.

§ 599.608. Qualifying Monthly Pay Period or Qualifying Service Month.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a). Except as provided in sections 599.609(a) and 599.776.1(b) of these regulations, in the application of Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, 19997.4 and sections 599.682, 599.683, 599.685, 599.687(a), 599.737(a), 599.738(a), 599.739(a), 599.740, 599.746(a), 599.747, 599.787(a), ~~599.791~~, 599.840 and 599.843 of these regulations, an employee who has 11 or more working days of service in a monthly pay period shall be considered to have a complete month, a month of service, or continuous service. In the application of Government Code section 19837, an employee shall be considered to have a month of state service if the employee either: (1) has had 11 or more working days of service in a monthly pay period; or (2) would have had 11 or more working days of service in a monthly pay period but was laid off or on a leave of absence for the purpose of lessening the impact of an impending layoff.

Except for absences that are counted under this section, absences from state service resulting from a temporary or permanent separation for more than 11 consecutive working days which fall into two consecutive qualifying pay periods shall disqualify one of the pay periods. Absences from the payroll that may be counted as state service under this section shall be counted only at the request of the employee and shall not exceed 12 months of state service regardless of the number or combinations of absences involved.

Employees accruing service under this subsection who move mid pay period to an appointment accruing service under subsection (b) shall accrue qualifying service under subsection (b).

Service or credits earned on or after January 1, 1969, shall be accumulated under the provisions of this section. Service or credits prior to that date shall be accumulated under the rules in effect on December 31, 1968, except that in the application of Government Code section 19997.4 and sections 599.837 and 599.843 of these regulations all seniority credit shall be accumulated under the provisions of this section. In either instance, service or credit may be accumulated during appropriate absences, as described in this section, and the amount accumulated will be based on the time the employee would have worked if not absent.

(b) This subsection shall apply to employees paid pursuant to section 599.612 Except as provided in sections 599.609(b) and 599.776.1(b) of these regulations, in the application of Government Code sections 19143, 19849.9, 19856.1, 19858.1, 19859, 19861, 19863.1, 19997.4 and sections 599.682, 599.683, 599.685, 599.687(b), 599.737(b), 599.738(b), 599.739(b), 599.740, 599.746(b), 599.747, 599.787(b), 599.840 and 599.843 of these regulations, an employee who has 11 or more working days of service in a calendar month shall be considered to have a qualifying service month, a month of service, or continuous service. In the application of Government Code section 19837, an employee shall be considered to have a qualifying service month if the employee either: (1) has had 11 or more working days of service in a calendar month;

or (2) would have had 11 or more working days of service in a calendar month but was laid off or on a leave of absence for the purpose of lessening the impact of an impending layoff.

Except for absences that are counted under this section, absences from state service resulting from a temporary or permanent separation for more than 11 consecutive working days which fall into two consecutive qualifying service months shall disqualify one of the service months. Absences from the payroll that may be counted as state service under this section shall be counted only at the request of the employee and shall not exceed 12 qualifying service months regardless of the number or combinations of absences involved.

Service or credits earned on or after January 1, 1969, shall be accumulated under the provisions of this section. Service or credits prior to that date shall be accumulated under the rules in effect on December 31, 1968, except that in the application of Government Code section 19997.4 and sections 599.837 and 599.843 of these regulations all seniority credit shall be accumulated under the provisions of this section. In either instance, service or credit may be accumulated during appropriate absences, as described in this section, and the amount accumulated will be based on the time the employee would have worked if not absent.

Note: Authority cited: Sections 18502, ~~and~~ 19815.4(d), ~~and~~ 19824 Government Code.
Reference: Sections 19815.4(d) and 19997.4, Government Code.

§ 599.609. Qualifying Monthly Pay Period or Service Month for Hourly and Daily Rate Employees.

(a) This subsection shall apply to employees paid pursuant to section 599.612(a).

In the application of section 599.608(a) of these regulations, hourly or daily rate employees working in a state agency in which the full-time workweek is 40 hours who earn the equivalent of 160 hours of service in a monthly pay period or accumulated pay periods shall be considered to have a complete month, a month of service, or continuous service. The amount of accumulated service required for a complete month of service shall be proportionately adjusted for work in agencies in which the full-time workweek is other than 40 hours. Hours or days worked in excess of 20 days in a month by pay period shall not be counted or accumulated. When an employee has a break in service or changes to full time, any combination of time worked which does not equal one qualifying month of full-time service shall not be accumulated or counted.

(b) This subsection shall apply to employees paid pursuant to section 599.612(b),

In the application of section 599.608(b) of these regulations, hourly or daily rate employees working in a state agency in which the full-time workweek is 40 hours who earn the equivalent of 160 hours of service in a calendar month or in accumulated calendar months shall be considered to have a qualifying service month, a month of service, or continuous service. The amount of accumulated service required for a qualifying service month shall be proportionately adjusted for work in agencies in which the full-time workweek is other than 40 hours. Hours or days worked in excess of 20 days in a calendar month shall not be counted or accumulated. When an employee has a break in service or changes to full time, any combination of time worked which does not equal one qualifying service month of full-time service shall not be accumulated or counted.

Note: Authority cited: Sections 18502, ~~and~~ 19815.4(d), 19824 Government Code.
Reference: Sections 19815.4(d), 19997 and 19997.4, Government Code.

§ 599.667. The 10-12 Pay Plan and 10-26 Pay Plan.

(a) This subsection shall apply to employees paid pursuant to Section 599.612 (a), Aa “10-month employee” as used in this section means a person who is employed: ~~full-time in a civil service position in the Special Education Program Support Unit of the Department of Education; or full-time in a position at the California Maritime Academy;~~ or full-time in a civil service position requiring teacher certification qualifications and performance of teaching duties for ten consecutive pay periods as designated by the appointing power on state workdays as defined in the California Victim Compensation and Government Claims Board's regulations or on days in lieu thereof, and who elects with approval of the appointing power to be employed and paid on an annual salary basis under the provisions of this section. “Annual salary” as used in this section means the sum of the monthly salary rates that the employee could have earned during the 10 designated pay periods had the employee not elected to be employed and paid under the provisions of this section.

(a1) Pay for the Entire 10 Months. A 10-month employee who completes all the service required for the designated 10-month period beginning on the first day of the first state pay period of the designated 10-month period, shall for such service be paid the annual salary in 12 installments payable on state pay days of each of the subsequent 12 pay periods, covering the period of one year. The first installment shall be paid on the first state pay day following the effective date of appointment, reinstatement or election for the year. Authorized time worked in excess of the employee's regularly scheduled workweek shall be compensated for in accordance with the provisions of sections 599.700, 599.701, 599.702, ~~599.703, 599.703.1,~~ 599.704, 599.705, 599.705.1, 599.706, 599.707, 599.708, 599.709, ~~599.710~~ and 599.711 of these regulations at the monthly rate which the employee could have earned had the employee not elected to be employed and paid under the provisions of this section. If such employee serves in excess of 10 designated monthly pay periods during any 12-month period, such excess service shall be under separate appointment and shall be compensated at the monthly rate appropriate for that appointment and position.

(b2) Interim Adjustment in Pay Due to Noncompensable absence. If, because a 10-month employees reports for duty after the first day of the pay period of the designated 10-month period or because the employee has had a noncompensable absence, it is necessary to reduce the salary payment for any state pay period, the interim reduction for that period shall be at the rate of 1/210 of the annual salary of the employee for each workday the employee was in a non-pay status, except that if such computation in any one pay period would result in zero or minus pay, the employee shall be paid at the rate of 1/210 of such annual salary for each day actually worked during such state pay period.

(c3) Settlements Payments. A 10-month employee who serves less than the designated 10-month period, or whose pay has been adjusted because of reporting for duty after the first day of the first pay period of the designated 10-month period or because of a noncompensable absence, or who has had a

change in rate of pay or in time base shall, on the state pay day on which the employee is to receive the final installment of the annual salary, or at the time of separation or transfer from the 10-month position, receive a final settlement computed in accordance with the following formula:

(First step)

Total salary earned =	total days worked x annual salary
	number of workdays in 10-month period

(Second step)

Amount of settlement payment = total salary earned -- salary received for current 10-month period.

(d4) Report to State Controller. The final settlement payment shall be computed by the appointing power and a copy of such computation furnished to the State Controller's Disbursing Office.

(b) This subsection shall apply to employees paid pursuant to section 599.612 (b), a "10-month employee" as used in this section means a person who is employed full-time in a civil service position requiring teacher certification qualifications and performance of teaching duties for ten consecutive calendar months as designated by the appointing power on state workdays as defined in the California Victim Compensation Board's regulations or on days in lieu thereof, and who elects with approval of the appointing power to be employed and paid on an annual salary basis under the provisions of this section. "Annual salary" as used in this section means the sum of the biweekly salary rates that the employee could have earned during the 10 designated calendar months had the employee not elected to be employed and paid under the provisions of this section.

(1) Pay for the Entire 10 Months. A 10-month employee who completes all the service required for the designated 10-month period beginning on the first day of the first state pay period of the designated 10-month period, shall for such service be paid the annual salary in 26 installments payable on state pay days of each of the subsequent 26 biweekly pay periods, covering the period of one year. The first installment shall be paid on the first state pay day following the effective date of appointment, reinstatement or election for the year. Authorized time worked in excess of the employee's regularly scheduled workweek shall be compensated for in accordance with the provisions of sections 599.700, 599.701, 599.702, 599.704, 599.705, 599.705.1, 599.706, 599.707, 599.708, 599.709, and 599.711 of these regulations at the biweekly rate which the employee could have earned had the employee not elected to be employed and paid under the provisions of this section. If such employee serves in excess of 10 designated calendar months during any 12-month period, such excess service shall be under separate appointment and shall be compensated at the monthly rate appropriate for that appointment and position.

(2) Interim Adjustment in Pay Due to Noncompensable Absence. If, because a 10-month employee reports for duty after the first day of the first biweekly pay period of the designated 10-month period or because the employee has had a noncompensable absence, it is necessary to reduce the salary payment for any state biweekly pay period, the interim reduction for that period shall be at the rate of 1/210 of the annual salary of the employee for each workday the employee was in a non-pay status, except that if such computation in any one biweekly pay period would result in zero or minus pay, the employee shall be paid at the rate of 1/210 of such annual salary for each day actually worked during such biweekly pay period.

(3) Settlements Payments. A 10-month employee who serves less than the designated 10-month period, or whose pay has been adjusted because of reporting for duty after the first day of the first biweekly pay period of the designated 10-month period or because of a noncompensable absence, or who has had a change in rate of pay or in time base shall, on the state pay day on which the employee is to receive the final installment of the annual salary, or at the time of separation or transfer from the 10-month position, receive a final settlement computed in accordance with the following formula:

(First step)

<u>Total salary earned =</u>	$\frac{\text{total days worked} \times \text{annual salary}}{\text{number of workdays in 10-month period}}$
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(Second step)

Amount of settlement payment = total salary earned -- salary received for current 10-month period.

(4) Report to State Controller. The final settlement payment shall be computed by the appointing power and a copy of such computation furnished to the State Controller's Disbursing Office.

Note: Authority cited: Sections 18502, 19815.4(d), 19824 and 19826, Government Code. Reference: Section 19829, Government Code.

§ 599.669. Full-Time and Less Than Full-Time Rates.

This subsection shall apply to employees paid pursuant 599.612(a). The salary range for each class represents the rate of pay for full-time monthly employment unless the pay plan specifically states otherwise. Monthly employment shall consist of a pay period prescribed by the Department of Finance and containing either 21 or 22 work days. Where there is part-time or irregular employment in a position for which a monthly salary range is established, the employee shall normally be paid the proportionate part of the monthly rate or on an hourly basis for the time actually employed:

(a) Where the part-time employment is regularly scheduled and is a fixed proportion of the established work week, the employee shall be paid that proportionate part of the monthly rate (e.g. one-half time, one-quarter time).

(b) Where employment is intermittent and irregular, the monthly rate shall be converted to an hourly rate in accordance with these regulations and an employee shall be paid at such rate.

(c) Where the employee works on a part-time, irregular, and indeterminate basis, and it is not practicable to ascertain the number of working hours to be devoted to the service of the state, the local compensation for such service shall be fixed by the Department after considering the recommendation of the appointing power. Such recommendation shall include an estimate of the average amount of time to be devoted by the employee to the performance of duties and an appraisal of the value of such services.

~~(d) When an employee in a professional class works for the state on a part-time or intermittent basis incidental to the employee's private practice, and such practice has overhead expenses that continue regardless of the employment with the state, the Department may permit compensation for time worked in accordance with a schedule of hourly compensation established by the Department that may exceed the hourly equivalent of the monthly salary.~~

This subsection shall apply to employees paid pursuant to 599.612(b), the salary range for each class represents the rate of pay for full-time biweekly employment unless the pay plan specifically states otherwise. Biweekly employment shall consist of a pay period prescribed by the Department and containing 10 work days. Where there is part-time or irregular employment in a position for which a biweekly salary range is established, the employee shall normally be paid the proportionate part of the biweekly rate or on an hourly basis for the time actually employed:

(a) Where the part-time employment is regularly scheduled and is a fixed proportion of the established work week, the employee shall be paid that proportionate part of the biweekly rate (e.g. one-half time, one-quarter time).

(b) Where employment is intermittent and irregular, the biweekly rate shall be converted to an hourly rate in accordance with these regulations and an employee shall be paid at such rate.

(c) Where the employee works on a part-time, irregular, and indeterminate basis, and it is not practicable to ascertain the number of working hours to be devoted to the service of the state, the local compensation for such service shall be fixed by the Department after considering the recommendation of the appointing power. Such recommendation shall include an estimate of the average amount of time to be devoted by the employee to the performance of duties and an appraisal of the value of such services.

Note: Authority cited: Sections 18502, 19815.4(d), 19824 and 19826, Government Code. Reference: Section 19829, Government Code.

§ 599.687. Effects of Breaks in State Service on Merit and Special In-Grade Salary Adjustments.

This subsection shall apply to employees paid pursuant to 599.612(a):

(a) Periods of absence from state service resulting from a permanent separation shall not be counted as qualifying service for merit salary adjustments and special in-grade salary adjustments.

(b) Any monthly pay period in which an employee has been absent as a result of a temporary separation of 11 working days or less, may be disqualified for merit salary adjustment or special in-grade salary adjustment if the supervisor certifies that the absence had affected the employee's ability to meet the standard of efficiency required for the position during the month.

(c) Periods of absence from state service for the following reasons shall be counted as qualifying service for merit and special in-grade salary adjustments:

(1) 1.7. Military leave and periods of rehabilitation provided by Government Code section 19780.

(2) Time during which the employee is receiving temporary disability for injury or disease as provided in Government Code section 19991.4.

(3) Time during which the employee is receiving paid educational leave as provided in Government Code section 19991.7.

(d) Monthly pay periods of qualifying service, which immediately precede and follow a return from a temporary separation from service, shall be added together for merit and special in-grade salary adjustments. At the discretion of the appointing authority monthly pay periods of qualifying service, which immediately precede and follow a return from a permanent separation from service, may be added together for merit salary adjustment only.

This subsection shall apply to employees paid pursuant to 599.612(b):

(a) Periods of absence from state service resulting from a permanent separation shall not be counted as qualifying service for merit salary adjustments and special in-grade salary adjustments.

(b) Any calendar month in which an employee has been absent as a result of a temporary separation of 11 working days or less, may be disqualified for merit salary adjustment or special in-grade salary adjustment if the supervisor certifies that the absence had affected the employee's ability to meet the standard of efficiency required for the position during the month.

(c) Periods of absence from state service for the following reasons shall be counted as a qualifying service month for merit and special in-grade salary adjustments:

(1) Military leave and periods of rehabilitation provided by Government Code section 19780.

(2) Time during which the employee is receiving temporary disability for injury or disease as provided in Government Code section 19991.4.

(3) Time during which the employee is receiving paid educational leave as provided in Government Code section 19991.7.

(d) Qualifying service months, which immediately precede and follow a return from a temporary separation from service, shall be added together for merit and special in-grade salary adjustments. At the discretion of the appointing authority qualifying service months, which immediately precede and follow a return from a permanent separation from service, may be added together for merit salary adjustment only.

Note: Authority cited: Sections 18502, ~~and~~ 19815.4(d), and 19824 Government Code.
Reference: Sections 18538.1, 19832, 19834 and 19996, Government Code.

§ 599.737. Accumulation -- Represented Employees.

(a) This subsection shall apply to employees paid pursuant to section 599.612 (a), if an employee is not permitted to take all of the vacation to which he or she is entitled in a calendar year, the employee may accumulate the unused portion up to the prescribed maximum as provided in the applicable Memorandum of Understanding, provided that on January 1st of a calendar year, the employee shall not have more than 30 vacation days for 10 or less years of service or 40 vacation days for more than 10 years of service.

The appointing power may permit an employee to carry over more vacation credits than the prescribed maximum when the employee is prevented from taking vacation because the employee is (1) required to work as a result of fire, flood or other emergency, (2) assigned work of priority or critical nature over an extended period of time, (3) absent on full salary for compensable injury, or (4) prevented by agency regulations from taking vacation until December and is then unable to take vacation because of sick leave usage. The carry-over of vacation credits in successive years may only be approved by the appointing power in extenuating circumstances.

When verification of prior state service requires revisions in vacation credit, the employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over limitation shall be used within one year following the qualifying monthly pay period in which credited.

An employee separated from service without fault shall be paid for all accumulated vacation credit. Accumulation of vacation credit shall continue through the last working day for which the employee is entitled to pay or through the date to which lump-sum payment is projected as required by Government Code section 19839. If the employee has sufficient paid working days to qualify the monthly pay period, vacation with pay shall be given for that monthly pay period.

An employee separated from service through fault shall accumulate vacation credit only through the date of separation. If the employee has sufficient paid working days to qualify the monthly pay period, vacation with pay shall be given for that monthly pay period.

(b) This subsection shall apply to employees paid pursuant to section 599.612 (b), if an employee is not permitted to take all of the vacation to which he or she is entitled in a calendar year, the employee may accumulate the unused portion up to the prescribed maximum as provided in the applicable Memorandum of Understanding.

The appointing power may permit an employee to carry over more vacation credits than the prescribed maximum when the employee is prevented from taking vacation because the employee is (1) required to work as a result of fire, flood or other emergency, (2)

assigned work of priority or critical nature over an extended period of time, (3) absent on full salary for compensable injury, or (4) prevented by agency regulations from taking vacation until December and is then unable to take vacation because of sick leave usage. The carry-over of vacation credits in successive years may only be approved by the appointing power in extenuating circumstances.

When verification of prior state service requires revisions in vacation credit, the employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over limitation shall be used within one year following the qualifying service month in which credited.

An employee separated from service without fault shall be paid for all accumulated vacation credit. Accumulation of vacation credit shall continue through the last working day for which the employee is entitled to pay or through the date to which lump-sum payment is projected as required by Government Code section 19839. If the employee has sufficient paid working days to accrue a service month, vacation with pay shall be given for that service month.

An employee separated from service through fault shall accumulate vacation credit only through the date of separation. If the employee has sufficient paid working days to accrue a service month, vacation with pay shall be given for that service month.

Note: Authority cited: Sections 18502, 19815.4(d), 19824, 19856 and 19857, Government Code. Reference: Sections 19839 and 19857, Government Code.

§ 599.738. Accumulation -- Excluded Employees.

An excluded employee is defined in section 599.615(b) of these regulations.

These subsections shall apply to employees paid pursuant 599.612(a):

- (a) The excluded employee may accumulate the unused portion of vacation credit, provided that on January 1st of a calendar year, the excluded employee shall not have more than 640 hours~~80 vacation days~~.
- (b) The appointing power may permit an excluded employee to carry over more vacation credits than the prescribed maximum when the excluded employee is prevented from taking vacation because the excluded employee is: (1) required to work as a result of fire, flood or other emergency, (2) assigned work of priority or critical nature over an extended period, (3) absent on full salary for compensable injury, or (4) prevented by the agency's regulations from taking vacation until December and is then unable to take vacation because of sick leave usage. The carry-over of vacation credits in successive years may only be approved by the appointing power in extenuating circumstances.
- (c) When verification of prior state service requires revisions in vacation credits the excluded employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over shall be used within one year following the qualifying monthly pay period in which credited.
- (d) An excluded employee separated from service without fault, shall be paid for all accumulated vacation credit. Accumulation of vacation credit shall continue through the last working day for which the excluded employee is entitled to pay or through the date to which lump-sum payment is projected as required by Government Code section 19839. If the excluded employee has sufficient paid working days to qualify the monthly pay period, vacation with pay shall be given for that monthly pay period.
- (e) An excluded employee separated from service through fault shall accumulate vacation credit only through the date of separation. If the excluded employee has sufficient paid working days to qualify the monthly pay period, vacation pay shall be given for that monthly pay period.

These subsections shall apply to employees paid pursuant to 599.612(b):

- (a) The excluded employee may accumulate the unused portion of vacation credit, provided that on January 1st of a calendar year, the excluded employee shall not have more than 640 hours.
- (b) The appointing power may permit an excluded employee to carry over more vacation credits than the prescribed maximum when the excluded employee is prevented from taking vacation because the excluded employee is: (1) required to

work as a result of fire, flood or other emergency, (2) assigned work of priority or critical nature over an extended period, (3) absent on full salary for compensable injury, or (4) prevented by the agency's regulations from taking vacation until December and is then unable to take vacation because of sick leave usage. The carry-over of vacation credits in successive years may only be approved by the appointing power in extenuating circumstances.

(c) When verification of prior state service requires revisions in vacation credits the excluded employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over shall be used within one year following the qualifying service month in which credited.

(d) An excluded employee separated from service without fault, shall be paid for all accumulated vacation credit. Accumulation of vacation credit shall continue through the last working day for which the excluded employee is entitled to pay or through the date to which lump-sum payment is projected as required by Government Code section 19839. If the excluded employee has sufficient paid working days to qualify the service month, vacation with pay shall be given for that service month.

(e) An excluded employee separated from service through fault shall accumulate vacation credit only through the date of separation. If the excluded employee has sufficient paid working days to qualify the service month, vacation pay shall be given for that service month.

Notes: Authority cited: Sections 3539.5, 18502, 19815.4(d), 19824, 19856 and 19857 Government Code. Reference: Section 19839, Government Code.

§ 599.739. Credit for Full-Time Employment.

(a) For employees paid pursuant to section 599.612 (a), On the first day of the monthly pay period following completion of six monthly pay periods of continuous service as defined in section 599.608(a) of these regulations, each full-time employee in the state civil service shall be allowed five days of credit for vacation with pay. Thereafter, for each additional qualifying monthly pay period as defined in section 599.608(a) of these regulations the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period as follows:

<i>Length of Service</i>	<i>Vacation Allowance</i>
7 months through 36 months (3 years)	$\frac{5}{6}$ day per month
37 months through 120 months (10 years)	1 $\frac{1}{4}$ days per month
121 months through 180 months (15 years)	1 $\frac{5}{12}$ days per month
181 months through 288 months (24 years)	1 $\frac{7}{12}$ days per month
289 months and over	1 $\frac{2}{3}$ days per month

When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated.

An employee who returns to state service after an absence caused by a temporary or permanent separation of less than six months, or an absence of six months or longer caused by a temporary separation other than temporary military leave shall commence to receive vacation credit on the first day of the monthly pay period following completion of one qualifying monthly pay period of service after return. Credit shall be allowed in accordance with the schedule of vacation allowance as determined by total service before and after the absence. The period of military leave shall be counted as state service toward additional vacation allowance for those employees who exercise reinstatement under Government Code section 19780, 19782 or 19783.

An employee who returns to state service after an absence of six months or longer caused by a permanent separation shall be allowed vacation credit on the first day of the monthly pay period following completion of six monthly pay periods of continuous service as defined in section 599.608(a) of these regulations after return. The credit received for these six monthly pay periods and for each additional qualifying monthly pay period of service thereafter shall be in accordance with the schedule of vacation allowance as determined by the total service before and after the absence.

(b) For employees paid pursuant to section 599.612 (b), on the first day of the calendar month following completion of six service months of continuous service as defined in

section 599.608(b) of these regulations, each full-time employee in the state civil service shall be allowed five days of credit for vacation with pay. Thereafter, for each additional qualifying service month as defined in section 599.608(b) of these regulations the employee shall be allowed credit for vacation with pay on the first day of the following calendar month as follows:

<u><i>Length of Service</i></u>	<u><i>Vacation Allowance</i></u>
<u>7 months through 36 months (3 years)</u>	<u>$\frac{5}{6}$ day per month</u>
<u>37 months through 120 months (10 years)</u>	<u>1 $\frac{1}{4}$ days per month</u>
<u>121 months through 180 months (15 years)</u>	<u>1 $\frac{5}{12}$ days per month</u>
<u>181 months through 288 months (24 years)</u>	<u>1 $\frac{7}{12}$ days per month</u>
<u>289 months and over</u>	<u>1 $\frac{2}{3}$ days per month</u>

When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying service months before and after breaks in service shall be counted. Portions of non-qualifying calendar months shall not be counted nor accumulated.

An employee who returns to state service after an absence caused by a temporary or permanent separation of less than six months, or an absence of six months or longer caused by a temporary separation other than temporary military leave shall commence to receive vacation credit on the first day of the calendar month following completion of one qualifying service month after return. Credit shall be allowed in accordance with the schedule of vacation allowance as determined by total service before and after the absence. The period of military leave shall be counted as state service toward additional vacation allowance for those employees who exercise reinstatement under Government Code section 19780, 19782 or 19783.

An employee who returns to state service after an absence of six months or longer caused by a permanent separation shall be allowed vacation credit on the first day of the calendar month following completion of six continuous months of service as defined in section 599.608(b) of these regulations after return. The credit received for these six service months and for each additional qualifying service month thereafter shall be in accordance with the schedule of vacation allowance as determined by the total service before and after the absence.

Note: Authority cited: Sections 18502, 19143, 19815.4(d), 19824, 19856, 19857 and 19858.2, Government Code. Reference: Sections 19856.1, 19858.1, 19780, 19782, 19783 and 19996, Government Code.

§ 599.739.1. Credit for Full-Time Employment -- Excluded Employees.

(a) The provisions of this subsection shall apply to excluded employees paid pursuant to 599.612(a). An excluded employee is defined in section 599.615(b) of these regulations.

(1) ~~(a)~~ On the first day of the monthly pay period following completion of six monthly pay periods of continuous service as defined in section 599.608(a) of these regulations, each full-time excluded employee in the state civil service shall be allowed 42 hours of credit for vacation with pay. Thereafter, for each additional qualifying monthly pay period as defined in section 599.608(a) of these regulations, the employee shall be allowed credit for vacation with pay on the first day of the following monthly pay period as follows:

<i>Length of Service</i>	<i>Vacation Allowance</i>
7 months through 36 months (3 years)	$\frac{7}{8}$ days per month (7 hours)
37 months through 120 months (10 years)	1 $\frac{3}{8}$ days per month (11 hours)
121 months through 180 months (15 years)	1 $\frac{5}{8}$ days per month (13 hours)
181 months through 240 months (20 years)	1 $\frac{3}{4}$ days per month (14 hours)
241 months through 300 months (25 years)	1 $\frac{7}{8}$ days per month (15 hours)
301 months and over	2 days per month (16 hours)

(2) ~~(b)~~ When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. Portions of non-qualifying monthly pay periods of service shall not be counted nor accumulated.

(3) ~~(c)~~ An excluded employee who returns to state service after an absence caused by a temporary or permanent separation of less than six months, or an absence of six months or longer caused by a temporary separation other than temporary military leave shall commence to receive vacation credit on the first day of the monthly pay period following completion of one qualifying monthly pay period of service after return. Credit shall be allowed in accordance with the schedule of vacation allowance as determined by total service before and after the absence. The period of military leave shall be counted as state service toward additional vacation allowance for those employees who exercise reinstatement under Government Code section 19780, 19782 or 19783.

(4) ~~(d)~~ An excluded employee who returns to state service after an absence of six months or longer caused by a permanent separation shall be allowed vacation credit on the first day of the monthly pay period following completion of six monthly pay periods of continuous service as defined in section 599.608(a) of these regulations after return. The credit received for these six monthly pay periods and for each additional qualifying monthly pay period of service thereafter shall be in accordance

with the schedule of vacation allowance as determined by the total service before and after the absence.

(b) The provisions of this subsection shall apply to excluded employees paid pursuant to 599.612(b). An excluded employee is defined in section 599.615(b) of these regulations.

(1) On the first day of the calendar month following completion of six continuous qualifying service months as defined in section 599.608(b) of these regulations, each full-time excluded employee in the state civil service shall be allowed 42 hours of credit for vacation with pay. Thereafter, for each additional qualifying service month as defined in section 599.608(b) of these regulations, the employee shall be allowed credit for vacation with pay on the first day of the following calendar month as follows:

<u><i>Length of Service</i></u>	<u><i>Vacation Allowance</i></u>
<u>7 months through 36 months (3 years)</u>	<u>$\frac{7}{8}$ days per month (7 hours)</u>
<u>37 months through 120 months (10 years)</u>	<u>1 $\frac{3}{8}$ days per month (11 hours)</u>
<u>121 months through 180 months (15 years)</u>	<u>1 $\frac{5}{8}$ days per month (13 hours)</u>
<u>181 months through 240 months (20 years)</u>	<u>1 $\frac{3}{4}$ days per month (14 hours)</u>
<u>241 months through 300 months (25 years)</u>	<u>1 $\frac{7}{8}$ days per month (15 hours)</u>
<u>301 months and over</u>	<u>2 days per month (16 hours)</u>

(2) When computing months of total state service to determine a change in the monthly credit for vacation with pay, only qualifying service months before and after breaks in service shall be counted. Portions of non-qualifying service months shall not be counted nor accumulated.

(3) An excluded employee who returns to state service after an absence caused by a temporary or permanent separation of less than six months, or an absence of six months or longer caused by a temporary separation other than temporary military leave shall commence to receive vacation credit on the first day of the calendar month following completion of one qualifying service month after return. Credit shall be allowed in accordance with the schedule of vacation allowance as determined by total service before and after the absence. The period of military leave shall be counted as state service toward additional vacation allowance for those employees who exercise reinstatement under Government Code section 19780, 19782 or 19783.

(4) An excluded employee who returns to state service after an absence of six months or longer caused by a permanent separation shall be allowed vacation credit on the first day of the calendar month following completion of six qualifying service months as defined in section 599.608(b) of these regulations after return. The credit received for these six service months and for each additional qualifying service month thereafter shall be in accordance with the schedule of vacation allowance as determined by the total service before and after the absence.

Note: Authority cited: Sections 18502, 19815.4(d), 19824, 19856, 19857 and 19858.2, Government Code. Reference: Sections 19856.1, 19858.1, 19780, 19782, 19783 and 19996, Government Code.

§ 599.740. Credit for Less Than Full-Time Employment.

(a) Intermittent Employees.

(1) This subsection shall apply to employees paid pursuant to 599.612(a). On the first day of the monthly pay period following completion of 960 hours or 120 days of paid employment, each intermittent employee in the state civil service shall be allowed six qualifying monthly pay periods credit for vacation with pay in accordance with the schedule in section 599.739(a) of these regulations. Thereafter, on the first day of the monthly pay period following additional service of 160 hours or 20 days, the employee shall be allowed days of vacation credit in accordance with the schedule in section 599.739(a) of these regulations. The hours or days worked in excess of 160 hours or 20 days in a monthly period shall not be counted or accumulated.

(2) This subsection shall apply to employees paid pursuant to 599.612(b). On the first day of the calendar month following completion of 960 hours or 120 days of paid employment, each intermittent employee in the state civil service shall be allowed six qualifying service months credit for vacation with pay in accordance with the schedule in section 599.739(b) of these regulations. Thereafter, on the first day of the calendar month following additional service of 160 hours or 20 days, the employee shall be allowed days of vacation credit in accordance with the schedule in section 599.739(b) of these regulations. The hours or days worked in excess of 160 hours or 20 days in a service month shall not be counted or accumulated.

(b) Part-Time Employees.

(1) This subsection shall apply to employees paid pursuant to 599.612(a). On the first day of the monthly pay period following completion of six monthly pay periods of continuous service as defined in section 599.608(a) of these regulations each part-time employee in the state civil service shall be allowed on a pro rata basis the fractional part of six qualifying monthly pay periods credit for vacation with pay in accordance with the schedule in section 599.739(a) of these regulations except that fractions of hours which do not equal one-third hour shall be adjusted to the next higher one-third hour. Thereafter, on the first day of the monthly pay period following accumulated service equal to one qualifying monthly pay period of full-time service, the employees shall be allowed vacation credit on a pro rata basis which corresponds to the employee's time base in accordance with the schedule in section 599.739(a) of these regulations.

(2) This subsection shall apply to employees paid pursuant to 599.612(b). On the first day of the calendar month following completion of six continuous qualifying service months as defined in section 599.608(b) of these regulations each part-time employee in the state civil service shall be allowed on a pro rata basis the fractional part of six qualifying service months credit for vacation with pay in accordance with the schedule in section 599.739(b) of these regulations except that fractions of hours which do not equal one-third hour shall be adjusted to the next higher one-third hour. Thereafter, on the first day of the calendar month following accumulated service equal to one qualifying service month of full-time service, the employees shall be allowed vacation credit on a pro rata basis which corresponds to the employee's time base in accordance with the schedule in section 599.739(b) of these regulations.

(c) Computing Service.

(1) This subsection shall apply to employees paid pursuant to 599.612(a). When computing months of total state service to determine a change in the days of credit for vacation with pay, part-time service shall be accumulated until it is equal to one month of full-time service (e.g., for ½ time, two months equal one month; for ⅛ time, eight months equal one month) and intermittent service shall be converted with 160 hours or 20 days equal to one qualifying monthly pay period but any hours or days worked in excess of 160 hours or 20 days in a monthly pay period shall not be accumulated. When any employee changes time base to other than full-time, service under each time base shall be accumulated until it equals one month of full-time service. When an employee has a break in service or changes to full-time, any time worked which does not equal one month of full-time service shall not be accumulated or counted.

To determine when an employee qualifies for vacation credits after a break in service as provided in section 599.739(a) of these regulations the one qualifying monthly pay period and six qualifying monthly pay periods shall be computed using the same method and approach set forth in subsections (a) and (b) of this regulation.

(2) This subsection shall apply to employees paid pursuant to 599.612(b). When computing months of total state service to determine a change in the days of credit for vacation with pay, part-time service shall be accumulated until it is equal to one month of full-time service (e.g., for ½ time, two months equal one month; for ⅛ time, eight months equal one month) and intermittent service shall be converted with 160 hours or 20 days equal to one qualifying service month but any hours or days

worked in excess of 160 hours or 20 days in a service month shall not be accumulated. When any employee changes time base to other than full-time, service under each time base shall be accumulated until it equals one month of full-time service. When an employee has a break in service or changes to full-time, any time worked which does not equal one month of full-time service shall not be accumulated or counted.

To determine when an employee qualifies for vacation credits after a break in service as provided in section 599.739(b) of these regulations the one qualifying service month and six qualifying service months shall be computed using the same method and approach set forth in subsections (a) and (b) of this regulation.

(d) Multiple Positions. Under this regulation:

- (1) An employee holding a position in addition to other full-time employment with the state shall not receive credit for vacation with pay for service in the additional position.
- (2) Where an employee holds two or more less than full-time positions, the time worked in each position shall be combined for purposes of computing credits for vacation with pay but such credits shall not exceed full-time employment credit.

Note:: Authority cited: Sections 18502, 19815.4(d), 19824, 19856, 19857 and 19858.2, Government Code. Reference: Section 19856.1, Government Code.

599.746. Credit for Full-Time Employment.

(a) This subsection shall apply to employees paid pursuant to 599.612(a). On the first day of the monthly pay period following completion of each monthly pay period of continuous service as defined in section 599.608(a) of these regulations, each full-time employee in the state civil service shall be allowed one day of credit for sick leave with pay.

(b) This subsection shall apply to employees paid pursuant to 599.612(b), on the first day of the calendar month following completion of each continuous service month as defined in section 599.608(b) of these regulations, each full-time employee in the state civil service shall be allowed one day of credit for sick leave with pay.

Note: Authority cited: Sections 18502, ~~and~~ 19815.4(d), and 19824 Government Code.
Reference: Section 19859, Government Code.

599.747. Credit for Less Than Full-Time Employment.

(a) Intermittent Employees.

(1) This subsection shall apply to employees paid pursuant to 599.612(a), on the first day of the monthly pay period following completion of each period of 160 hours or 20 days of paid employment, each intermittent employee in the state civil service shall be allowed one day of credit for sick leave with pay. The hours or days worked in excess of 160 hours or 20 days in a monthly pay period shall not be counted or accumulated.

(2) This subsection shall apply to employees paid pursuant to 599.612(b), on the first day of the calendar month following completion of each period of 160 hours or 20 days of paid employment, each intermittent employee in the state civil service shall be allowed one day of credit for sick leave with pay. The hours or days worked in excess of 160 hours or 20 days in a service month shall not be counted or accumulated.

(b) Part-time Employees.

(1) This subsection shall apply to employees paid pursuant to 599.612(a), on the first day of the monthly pay period following completion of each monthly pay period of continuous service as defined in section 599.608(a) of these regulations each part-time employee in the state civil service shall be allowed on a pro rata basis the fractional part of one day of credit for sick leave with pay.

(2) This subsection shall apply to employees paid pursuant to 599.612(b), on the first day of the calendar month following completion of each continuous qualifying service month as defined in section 599.608(b) of these regulations each part-time employee in the state civil service shall be allowed on a pro rata basis the fractional part of one day of credit for sick leave with pay.

(c) Multiple Positions. Under this regulation:

(1) An employee holding a position in addition to other full-time employment with the state shall not receive credit for sick leave with pay for service in the additional position.

(2) Where an employee holds two or more less than full-time positions, the time worked in each position shall be combined for purposes of computing credits for sick leave with pay but such credits shall not exceed full-time employment credit.

Note: Authority cited: Sections 18502, 19815.4(d), 19824, 19859, 19860 and 19861, Government Code. Reference: Section 19862, Government Code.

§ 599.752. Annual Leave Program.

This subsection shall apply to employees paid pursuant to section 599.612(a):

(a) Pursuant to Government Code section 19858.3, eligible employees may elect to enroll in the Annual Leave Program to receive annual leave credit in lieu of sick leave and vacation benefits. Employees may elect to enroll in the Sick/Vacation Leave Program or the Annual Leave Program at any time except that once an employee voluntarily elects to enroll in either the Annual Leave Program or Sick/Vacation Leave Program, the employee may not elect to enroll in the other program until 24 months has elapsed from date of enrollment.

Current employees who enroll in annual leave shall have accumulated vacation hours converted to annual leave credits on an hour for hour basis and begin accruing annual leave in accordance with the leave accrual schedule specified in subsection (d). Sick leave credits accumulated in accordance with section 599.746(a) of these regulations shall continue to be available for approved sick leave purposes.

(b) Employees newly appointed to a class with a designation that is excluded from the definition of state employee under Government Code section 3513(c) shall be eligible to enroll in the Annual Leave Program or the Sick/Vacation program irrespective of the date the employee last elected to change from either program.

(c) On the first day following a qualifying monthly pay period, as defined in section 599.608(a) of these regulations, employees identified in Government Code section 19858.3(a), 19858.3(b), or 19858.3(c) or subsection (a) above, as it applies to employees excluded from the definition of state employee under Government Code section 3513(c), and appointees of the Governor as designated by the Department and not subject to section 599.752.1(a) of these regulations shall be allowed credit for annual leave with pay as follows:

<i>Length of Service</i>	<i>Annual Leave Allowance</i>
1 month through 120 months (10 yrs.)	15 hours per month
121 months through 180 months (15 yrs.)	17 hours per month
181 months through 240 months (20 yrs.)	18 hours per month
241 months through 300 months (25 yrs.)	19 hours per month
301 months and over	20 hours per month

Other participating employees will accrue leave based on the schedule provided in Government Code section 19858.4.

(d) The employee may accumulate the unused portion of annual leave credit, provided that on January 1st of a calendar year, the employee shall not have more than 80 annual leave days.

Except as provided for in section 599.742.1 of these regulations, exceptions to carry over more than the prescribed maximum will be allowed only when the employee is prevented from taking annual leave because the employee is (1) required to work as a result of fire, flood or other emergency, or (2) absent on full salary for compensable injury. Such exceptions must be approved in advance by the Department.

When verification of prior state service requires revisions in annual leave credits, the employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over shall be used within one year following the qualifying monthly pay period in which credited.

(e) Annual leave credits may be used for any approved absence. When annual leave is used for sick leave purposes as defined under 599.745 and 599.745.1, the appointing power may require the employee to submit substantiating evidence including, but not limited to, a physician's certificate. If the appointing power does not consider the evidence adequate, the request for the use of annual leave for sick leave may be disapproved. Denials of use of annual leave for sick leave may be appealed to the appointing power. Use of annual leave shall be in 30-minute increments for approved absences.

(f) In the event the appointing power does not approve annual leave for an employee sufficient to reduce accumulated annual leave to the amount permitted by this section as of January 1, the employee may take, as a matter of right, immediately preceding January 1, the number of days of accumulated annual leave required to reduce such accumulation to the amount permitted by this regulation.

(g) Except as herein provided, vacation sections 599.738 through 599.741 of these regulations governing separation from state service without fault; credit for part-time and intermittent employment; credit for employees returning to state service after absence by temporary or permanent separation; computing state service for full-time, part-time, intermittent and employees holding multiple positions; and transfers of accumulated credit shall apply to annual leave.

This subsection shall apply to employees paid pursuant to section 699.612(b):

(a) Pursuant to Government Code section 19858.3, eligible employees may elect to enroll in the Annual Leave Program to receive annual leave credit in lieu of sick leave and vacation benefits. Employees may elect to enroll in the Sick/Vacation Leave Program or the Annual Leave Program at any time except that once an employee voluntarily elects to enroll in either the Annual Leave Program or Sick/Vacation Leave Program, the employee may not elect to enroll in the other program until 24 months has elapsed from date of enrollment.

Current employees who enroll in annual leave shall have accumulated vacation hours converted to annual leave credits on an hour for hour basis and begin accruing annual leave in accordance with the leave accrual schedule specified in subsection (d). Sick

leave credits accumulated in accordance with section 599.746(b) of these regulations shall continue to be available for approved sick leave purposes.

(b) Employees newly appointed to a class with a designation that is excluded from the definition of state employee under Government Code section 3513(c) shall be eligible to enroll in the Annual Leave Program or the Sick/Vacation program irrespective of the date the employee last elected to change from either program.

(c) On the first day following a qualifying ~~monthly pay period~~service month, as defined in section 599.608(b) of these regulations, employees identified in Government Code section 19858.3(a), 19858.3(b), or 19858.3(c) or subsection (a) above, as it applies to employees excluded from the definition of state employee under Government Code section 3513(c), and appointees of the Governor as designated by the Department and not subject to section 599.752.1(b) of these regulations shall be allowed credit for annual leave with pay as follows:

<i>Length of Service</i>	<i>Annual Leave Allowance</i>
1 month through 120 months (10 yrs.)	15 hours per month
121 months through 180 months (15 yrs.)	17 hours per month
181 months through 240 months (20 yrs.)	18 hours per month
241 months through 300 months (25 yrs.)	19 hours per month
301 months and over	20 hours per month

Other participating employees will accrue leave based on the schedule provided in Government Code section 19858.4.

(d) The employee may accumulate the unused portion of annual leave credit, provided that on January 1st of a calendar year, the employee shall not have more than 80 annual leave days.

Except as provided for in section 599.742.1 of these regulations, exceptions to carry over more than the prescribed maximum will be allowed only when the employee is prevented from taking annual leave because the employee is (1) required to work as a result of fire, flood or other emergency, or (2) absent on full salary for compensable injury. Such exceptions must be approved in advance by the Department.

When verification of prior state service requires revisions in annual leave credits, the employee's current accumulation shall be adjusted. Additional credit exceeding the maximum carry-over shall be used within one year following the qualifying ~~monthly pay period~~service month in which credited.

(e) Annual leave credits may be used for any approved absence. When annual leave is used for sick leave purposes as defined under 599.745 and 599.745.1, the appointing power may require the employee to submit substantiating evidence including, but not

limited to, a physician's certificate. If the appointing power does not consider the evidence adequate, the request for the use of annual leave for sick leave may be disapproved. Denials of use of annual leave for sick leave may be appealed to the appointing power. Use of annual leave shall be in 30-minute increments for approved absences.

(f) In the event the appointing power does not approve annual leave for an employee sufficient to reduce accumulated annual leave to the amount permitted by this section as of January 1, the employee may take, as a matter of right, immediately preceding January 1, the number of days of accumulated annual leave required to reduce such accumulation to the amount permitted by this regulation.

(g) Except as herein provided, vacation sections 599.738 through 599.741 of these regulations governing separation from state service without fault; credit for part-time and intermittent employment; credit for employees returning to state service after absence by temporary or permanent separation; computing state service for full-time, part-time, intermittent and employees holding multiple positions; and transfers of accumulated credit shall apply to annual leave.

Note: Authority cited: Sections 3517.8, 18502, 19143, ~~and 19815.4(d)~~, and 19824 Government Code. Reference: Sections 19780, 19782, 19783, 19839, 19858.3, 19858.4 and 19996, Government Code.

§ 599.752.1. Annual Paid Leave -- Board, Commission and Panel Members.

These subsections shall apply to employees paid pursuant to 599.612(a):

(a) Pursuant to Government Code section 19849.16 and effective July 2, 1991, nonelected members of state boards, commissions, and panels whose annual salaries are fixed by law as designated in subsection (g) shall choose and accrue annual leave or vacation and sick credits in accordance with the leave accrual schedules specified in subsection (b). Employees accruing paid leave under vacation or annual leave programs established by Government Code sections 19856 or 19858.3 are not eligible under this section.

(b) On the first day following a qualifying monthly pay period, as defined in section 599.608 (a) of these regulations, the employee shall be allowed credit for leave with pay as follows:

<i>Length of Service</i>		<i>Annual Leave Allowance</i>	
1	month through 120 months (10 yrs.)	15	hours per month
121	months through 180 months (15 yrs.)	17	hours per month
181	months through 240 months (20 yrs.)	18	hours per month
241	months through 300 months (25 yrs.)	19	hours per month
301	months and over	20	hours per month

Employees choosing annual leave receive a nonindustrial disability benefit as provided in section 599.776 of these regulations.

<i>Length of Service</i>		<i>Vacation Allowance</i>	
1	month to 3 years	7	hours per month
37	months to 10 years	11	hours per month
121	months to 15 years	13	hours per month
181	months to 20 years	14	hours per month
241	months to 25 years	15	hours per month
301	months and over	16	hours per month

Employees choosing vacation credit in lieu of annual leave shall receive sick leave credit as provided in Government Code section 19859, and a nonindustrial disability benefit as provided in sections 599.777 and 599.778 of these regulations.

(c) Effective July 2, 1991, or upon appointment, whichever is later, eligible employees may be credited in advance with one year's accrual at the appropriate rate. No further credit will be earned during the first twelve months of service. Annual leave or vacation credit advanced may not be used for lump-sum payment or buy back under section 599.752.3 of these regulations. Sick leave credit advanced may not be converted to service credit for retirement purposes.

(d) When computing months of total service to determine the monthly credit for leave with pay, only qualifying monthly pay periods of service before and after breaks in service shall be counted. Portions of non-qualifying monthly pay periods of service shall not be counted or accumulated.

(e) Vacation, annual leave, and sick leave credits previously earned in accordance with applicable Department regulations shall continue to be available for leave purposes.

(f) Employees subject to this section receive a nonindustrial disability benefit as provided in section 599.776 of these regulations. The selection of either of the paid leave programs by the employee is irrevocable during their term(s) of office under this section.

(g) Eligible members of the following boards, commissions, and panels are subject to the provisions of this section: Agricultural Labor Relations Board, Board of Parole Hearings~~Prison Terms~~, Cannabis Control Appeals Panel, Energy Commission, Fair Political Practices Commission (Chairperson only), Occupational Safety and Health Act Appeals Board, Public Employment Relations Board, Public Utilities Commission, Unemployment Insurance Appeals Board, Water Resources Control Board, and the Workers' Compensation Appeals Board,~~and the Youthful Offender Parole Board.~~

These subsections shall apply to employees paid pursuant to 599.612(b):

(a) Pursuant to Government Code section 19849.16 and effective July 2, 1991, nonelected members of state boards, commissions, and panels whose annual salaries are fixed by law as designated in subsection (g) shall choose and accrue annual leave or vacation and sick credits in accordance with the leave accrual schedules specified in subsection (b). Employees accruing paid leave under vacation or annual leave programs established by Government Code sections 19856 or 19858.3 are not eligible under this section.

(b) On the first day following a qualifying service month, as defined in section 599.608 (b) of these regulations, the employee shall be allowed credit for leave with pay as follows:

<u>Length of Service</u>		<u>Annual Leave Allowance</u>	
<u>1</u>	<u>month through 120 months (10 yrs.)</u>	<u>15</u>	<u>hours per month</u>
<u>121</u>	<u>months through 180 months (15 yrs.)</u>	<u>17</u>	<u>hours per month</u>
<u>181</u>	<u>months through 240 months (20 yrs.)</u>	<u>18</u>	<u>hours per month</u>
<u>241</u>	<u>months through 300 months (25 yrs.)</u>	<u>19</u>	<u>hours per month</u>
<u>301</u>	<u>months and over</u>	<u>20</u>	<u>hours per month</u>

Employees choosing annual leave receive a nonindustrial disability benefit as provided in section 599.776 of these regulations.

<u>Length of Service</u>	<u>Vacation Allowance</u>
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<u>1</u>	<u>month to 3 years</u>	<u>7</u>	<u>hours per month</u>
<u>37</u>	<u>months to 10 years</u>	<u>11</u>	<u>hours per month</u>
<u>121</u>	<u>months to 15 years</u>	<u>13</u>	<u>hours per month</u>
<u>181</u>	<u>months to 20 years</u>	<u>14</u>	<u>hours per month</u>
<u>241</u>	<u>months to 25 years</u>	<u>15</u>	<u>hours per month</u>
<u>301</u>	<u>months and over</u>	<u>16</u>	<u>hours per month</u>

Employees choosing vacation credit in lieu of annual leave shall receive sick leave credit as provided in Government Code section 19859, and a nonindustrial disability benefit as provided in sections 599.777 and 599.778 of these regulations.

(c) Effective July 2, 1991, or upon appointment, whichever is later, eligible employees may be credited in advance with one year's accrual at the appropriate rate. No further credit will be earned during the first twelve months of service. Annual leave or vacation credit advanced may not be used for lump-sum payment or buy back under section 599.752.3 of these regulations. Sick leave credit advanced may not be converted to service credit for retirement purposes.

(d) When computing total service months to determine the monthly credit for leave with pay, only qualifying service months before and after breaks in service shall be counted. Portions of non-qualifying service months shall not be counted or accumulated.

(e) Vacation, annual leave, and sick leave credits previously earned in accordance with applicable Department regulations shall continue to be available for leave purposes.

(f) Employees subject to this section receive a nonindustrial disability benefit as provided in section 599.776 of these regulations. The selection of either of the paid leave programs by the employee is irrevocable during their term(s) of office under this section.

(g) Eligible members of the following boards, commissions, and panels are subject to the provisions of this section: Agricultural Labor Relations Board, Board of Parole Hearings, Cannabis Control Appeals Panel, Energy Commission, Fair Political Practices Commission (Chairperson only), Occupational Safety and Health Act Appeals Board, Public Employment Relations Board, Public Utilities Commission, Unemployment Insurance Appeals Board, Water Resources Control Board, and the Workers' Compensation Appeals Board.

Note: Authority cited: Sections 11553.5, 18502, 19815.4(d), 19824, 19849.13 and 19849.16, Government Code. Reference: Sections 19849.13 and 19849.16, Government Code.

§ 599.752.3. Lump-Sum and Partial Salary Payments -- Board and Commission Members.

(a) This subsection shall apply to employees paid pursuant to section 599.612 (a).

~~(a)(1)~~ Upon separation from service an employee accruing paid leave under section 599.752.1(a) of these regulations is entitled to a lump-sum payment for any unused annual leave or vacation accumulated. The computation of the sum shall be based on actual accumulated time on the date of separation.

~~(b)(2)~~ The employee may annually elect to be paid at their regular rate of pay for unused annual leave or vacation credits subject to the provisions of section 599.744 of these regulations.

~~(c)(3)~~ Effective January 1, 1994 an employee separating from service shall receive lump-sum payment of their accumulated annual leave, vacation, and personal leave credits based on monthly employment as defined in section 599.669(a) of these regulations.

~~(d)(4)~~ Partial month salary payments shall be calculated based on monthly employment as defined in section 599.669(a) of these regulations.

~~(e)(5)~~ Lump-sum payment for unused annual leave, vacation, or personal leave credits earned by the employee in civil service and/or exempt positions prior to appointment as a board or commission member shall be at the regular rate of pay for the position and classification in which paid leave was last earned prior to appointment to the board or commission.

(b) This subsection shall apply to employees paid pursuant to section 599.612 (b).

(1) Upon separation from service an employee accruing paid leave under section 599.752.1(b) of these regulations is entitled to a lump-sum payment for any unused annual leave or vacation accumulated. The computation of the sum shall be based on actual accumulated time on the date of separation.

(2) The employee may annually elect to be paid at their regular rate of pay for unused annual leave or vacation credits subject to the provisions of section 599.744 of these regulations.

(3) Effective January 1, 1994 an employee separating from service shall receive lump-sum payment of their accumulated annual leave, vacation, and personal leave credits based on biweekly employment as defined in section 599.669(b) of these regulations.

(4) Partial month salary payments shall be calculated based on biweekly employment as defined in section 599.669(b) of these regulations.

(5) Lump-sum payment for unused annual leave, vacation, or personal leave credits earned by the employee in civil service and/or exempt positions prior to appointment as a board or commission member shall be at the regular rate of pay for the position and classification in which paid leave was last earned prior to appointment to the board or commission.

Note: Authority cited: Sections 3517.8, 18502, 19815.4(d), 19824, 19849.13 and 19849.16, Government Code. Reference: Sections 19849.13 and 19849.16, Government Code.

§ 599.770. Eligibility.

State employees, as designated in Government Code section 19878, who become disabled due to injury, illness, or pregnancy, within the meaning of Government Code section 19878, while in compensated employment, shall be eligible to receive Nonindustrial Disability Insurance benefits. In order to receive Nonindustrial Disability Insurance benefits, an employee shall meet the following eligibility requirements:

(a) Be a current active Public Employees' Retirement System member or State Teachers' Retirement System member; or a full-time state officer or employee of the Legislature.

(b) Be a full-time permanent or probationary state employee; or a part-time or intermittent permanent or probationary state officer or employee with:

(1) This subsection shall apply to employees paid pursuant to 599.612(a), at least the equivalent of six monthly compensated pay periods of service in the 18 pay periods immediately preceding the pay period in which the disability begins.

(2) This subsection shall apply to employees paid pursuant to 599.612(b), at least the equivalent of six compensated calendar months in the 18 calendar months immediately preceding the calendar month in which the disability begins.

(c) Serve a seven consecutive calendar day waiting period for each spell of disability. The waiting period may be waived commencing with the first full day of confinement in a hospital or nursing home.

(d) Exhaust all accrued sick leave.

(e) Submit to an independent medical examination as the Employment Development Department may require.

(f) File the appropriate certificate as described in Unemployment Insurance Code sections 2708 and 2709.

(g) Meet all other eligibility requirements as provided in part 2 of the Unemployment Insurance Code.

An employee may elect to use vacation leave credits prior to receiving Nonindustrial Disability Insurance benefits; however, Nonindustrial Disability Insurance benefits shall not commence thereafter until the employee totally exhausts the accrued vacation leave balance. An employee may at any time switch from Nonindustrial Disability Insurance benefits to vacation leave.

| Note: Authority cited: Sections 18502, 19815.4(d), 19824 and 19885, Government Code. Reference: Sections 19878, 19880 and 19880.1, Government Code.

§ 599.785. Informal Leave of Absence (Dock).

(a) This subsection shall apply to employees paid pursuant to 599.612(a). The appointing power may grant an informal leave of absence without pay for a period not to exceed 11 working days in a 22-day pay period or 10 working days in a 21-day pay period or 11 consecutive working days between pay periods. A holiday is counted as a working day. The appointing power shall not grant paid absences to break the continuity of a leave of absence without pay.

(b) This subsection shall apply to employees paid pursuant to 599.612(b). The appointing power may only grant an informal leave of absence without pay for periods that do not result in the loss of a qualifying service month as defined in 599.608(b). A holiday is counted as a working day. The appointing power shall not grant paid absences to break the continuity of a leave of absence without pay.

Note: Authority cited: Sections 18502, ~~and~~ 19815.4(d), and 19824 Government Code.
Reference: Section 19991.1, Government Code.

§ 599.786. 10-12 Leave and 10-26 Leave.

(a) For employees paid pursuant to 599.612(a), ~~The~~ appointing power may grant a leave of absence as follows:

~~(a) not to exceed 75 calendar days during the summer vacation period for permanent or probationary civil service employees in the Special Education Program Support Unit of the Department of Education in positions which have a work period coinciding with the school year; or~~

~~(b) not to exceed 75 calendar days for permanent or probationary civil service employees or exempt employees of the California Maritime Academy in positions which have a work period coinciding with the academic year; or~~

~~(c) not to exceed two consecutive monthly pay periods during the period designated by the appointing power for release from performance of teaching duties for full-time permanent or probationary employees in positions requiring teacher certification qualifications. Such leaves do not require approval of the Department. Such leaves shall be without pay for persons employed and paid under the provisions of section 599.666 of these regulations and with deferred pay for persons employed and paid under the provisions of section 599.667 of these regulations.~~

Leaves of absence granted under the provisions of this section shall be counted as qualifying service for merit and special in-grade salary adjustments, for seniority, and for computation of months of total state service to determine a change in the monthly credit for vacation with pay. For all other purposes, leaves of absence granted under the provisions of this section shall not be counted as qualifying service.

(b) For employees paid pursuant to 599.612(b), the appointing power may grant a leave of absence not to exceed two consecutive calendar months during the period designated by the appointing power for release from performance of teaching duties for full-time permanent or probationary employees in positions requiring teacher certification qualifications. Such leaves do not require approval of the Department. Such leaves shall be without pay for persons employed and paid under the provisions of section 599.666 of these regulations and with deferred pay for persons employed and paid under the provisions of section 599.667 of these regulations.

Leaves of absence granted under the provisions of this section shall be counted as qualifying service for merit and special in-grade salary adjustments, for seniority, and for computation of months of total state service to determine a change in the monthly credit for vacation with pay. For all other purposes, leaves of absence granted under the provisions of this section shall not be counted as qualifying service.

| Note: Authority cited: Sections 18502, 19815.4(d), 19824 and 19991.1, Government Code. Reference: Sections 19829, 19832, 19858.1, 19991.7 and 19997.3, Government Code.

§ 599.787. Paid Educational Leave -- Accumulation and Retention.

(a) This subsection shall apply to employees paid pursuant to section 599.612 (a), following completion of 12 months of continuous service from November 8, 1967, each full-time employee in the state civil service employed in a position requiring teaching certification qualifications shall be allowed 15 days of credit for educational leave with pay. Thereafter, for each additional pay period of service, one and one-quarter day credit shall be allowed for educational leave with pay on the first of the following month. Portions of pay periods of service shall not be counted or accumulated.

An employee may earn or use educational leave only while in a position requiring teacher certification qualifications. An employee who leaves a position requiring teacher certification qualifications and enters a position not requiring teacher certification qualifications within 36 months without break in service returns to a position requiring teacher certification qualifications will be credited with the prior unused educational leave.

Following temporary separation or permanent separation of less than six months an employee who returns to state service in a position requiring teaching certification qualifications shall retain any unused portion of previously accrued educational leave and shall commence to receive educational leave credit on the first of the month following completion of one month of service.

Following permanent separation of six months or longer an employee who returns to state service in a position requiring teaching certification qualifications loses any unused portion of previously accrued educational leave. The employee is granted education leave credit following completion of 12 months of continuous service, in accordance with the above schedule.

(b) This subsection shall apply to employees paid pursuant to section 599.612 (b), following completion of 12 months of continuous service from November 8, 1967, each full-time employee in the state civil service employed in a position requiring teaching certification qualifications shall be allowed 15 days of credit for educational leave with pay. Thereafter, for each additional service month, one and one-quarter day credit shall be allowed for educational leave with pay on the first of the following calendar month. Portions of service months shall not be counted or accumulated.

An employee may earn or use educational leave only while in a position requiring teacher certification qualifications. An employee who leaves a position requiring teacher certification qualifications and enters a position not requiring teacher certification qualifications within 36 months without break in service returns to a position requiring teacher certification qualifications will be credited with the prior unused educational leave.

Following temporary separation or permanent separation of less than six months an employee who returns to state service in a position requiring teaching certification qualifications shall retain any unused portion of previously accrued educational leave and shall commence to receive educational leave credit on the first of the calendar month following completion of one month of service.

Following permanent separation of six months or longer an employee who returns to state service in a position requiring teaching certification qualifications loses any unused portion of previously accrued educational leave. The employee is granted education leave credit following completion of 12 months of continuous service, in accordance with the above schedule.

Note: Authority cited: Sections 18502, ~~and~~ 19815.4(d), and 19284 Government Code.
Reference: Section 19991.7, Government Code.

599.831. Supplemental Time Off.

(a) This subsection shall apply to employees paid pursuant to section 599.612 (a).

- (1) A full-time civil service employee may request supplemental time off, during a term not to exceed 12 consecutive monthly pay periods in exchange for a commensurate reduction in pay. If the appointing power determines the request is feasible pursuant to section 599.833 of these regulations, the employee and appointing power shall enter into an agreement, stating the specific time or times that the supplemental time off may be used. The 12 monthly pay period term shall take effect at the beginning of a pay period.
- (2) During the term of agreement, the participating employee's pay shall be reduced by a means of a fractional time base. Pay for hours worked, which are in excess of those required for the fractional time base elected but not in excess of those specified in the work week group for the position or classification, shall purchase supplemental time off credit. The Department shall approve which fractional time base options shall be made available for employee request.
- (3) Supplemental time off credit may accumulate from month to month during the term of the agreement.
- (4) Supplemental time off may be utilized in the pay period in which it is accrued.
- (5) All supplemental time off shall be used as agreed. If supplemental time off cannot be used during the term of the agreement, then payment shall be made at straight time during the pay period immediately following the termination of the agreement, or the employee shall be credited with an equivalent amount of compensating time off, according to the discretion of the appointing power. When payment is by cash it shall constitute payment in full for services rendered and no retroactive adjustment of pro rata benefits or service credit shall be made. An employee who separates from state service without fault is entitled to a lump sum payment as of the time of separation for any accumulated supplemental time off. Such sum shall be computed by projecting the accumulated time on a calendar basis as provided in Government Code section 19839(a). An employee who separates from state service with fault is entitled to a lump sum payment as of the time of separation at straight time for any accumulated supplemental time off. The computation of such sum shall be based on actual accumulated time without projection as provided in Government Code section 19839(b).

(b) This subsection shall apply to employees paid pursuant to section 599.612 (b).

- (1) A full-time civil service employee may request supplemental time off, during a term not to exceed 26 consecutive pay periods in exchange for a commensurate reduction in pay. If the appointing power determines the request is feasible pursuant to section 599.833 of these regulations, the employee and appointing power shall enter into an agreement, stating the specific time or times that the supplemental time off may be used. The 26 pay period term shall take effect at the beginning of a pay period.
- (2) During the term of agreement, the participating employee's pay shall be reduced by a means of a fractional time base. Pay for hours worked, which are in excess of those required for the fractional time base elected but not in excess of those specified in the work week group for the position or classification, shall purchase supplemental time off credit. The Department shall approve which fractional time base options shall be made available for employee request.
- (3) Supplemental time off credit may accumulate each pay period during the term of the agreement.
- (4) Supplemental time off may be utilized in the pay period in which it is accrued.
- (5) All supplemental time off shall be used as agreed. If supplemental time off cannot be used during the term of the agreement, then payment shall be made at straight time during the pay period immediately following the termination of the agreement, or the employee shall be credited with an equivalent amount of compensating time off, according to the discretion of the appointing power. When payment is by cash it shall constitute payment in full for services rendered and no retroactive adjustment of pro rata benefits or service credit shall be made. An employee who separates from state service without fault is entitled to a lump sum payment as of the time of separation for any accumulated supplemental time off. Such sum shall be computed by projecting the accumulated time on a calendar basis as provided in Government Code section 19839(a). An employee who separates from state service with fault is entitled to a lump sum payment as of the time of separation at straight time for any accumulated supplemental time off. The computation of such sum shall be based on actual accumulated time without projection as provided in Government Code section 19839(b).

Note: Authority cited: Sections 18502, 19815.4(d), 19824 and 19996.27, Government Code.

§ 599.997. Seniority Credits.

This subsection shall apply to employees paid pursuant to section 599.612(a). Service in a career executive assignment shall be credited for seniority credits as if the service had been under a general civil service appointment. Credit for service in the career executive assignment category shall be earned as if the entire category were one class; the rate shall be one point per qualifying pay period.

This subsection shall apply to employees paid pursuant to section 599.612(b). Service in a career executive assignment shall be credited for seniority credits as if the service had been under a general civil service appointment. Credit for service in the career executive assignment category shall be earned as if the entire category were one class; the rate shall be one point per qualifying service month.

Note: Authority cited: Sections 18502, ~~and 19815.4(d)~~, and 19824 Government Code.
Reference: Sections 19889 and 19997, Government Code.