



THE NEW YORK CITY DEPARTMENT OF EDUCATION

JOEL I. KLEIN, *Chancellor*

Vincent A. Giordano, *Executive Director*

Division of Financial Operations

Documentation Required to Ensure Timely Processing of Lump Sum Payment Requests:

The process to calculate lump sum entitlement must begin with a letter of retirement (or resignation, termination, etc.) from the employee to the timekeeper. It is also the responsibility of employees anticipating separation of service for any reason to ensure that appropriate documentation is on file with his/her timekeeper or is made available upon request in order to expedite the processing of any lump sum payment for accrued sick and annual leave. Such documentation includes:

1. Copies of last 12 months signed & approved time sheets
2. Copies of managerial time record: all time
3. Copies of Teacher's Attendance Record (CAR cards): OP104
4. Form 9909 (Time Balance for Management Employee Pay Plan)
5. Form OP66 (for forfeited sabbatical allowance)
6. Form OP44 (for sick leave balance)
7. Form 8614 Final Entitlement Form (print out of EIS screen 11.2.4)
8. Form 8635 (leave usage in last year of service)
9. Copies of any vacation carry over letters
10. Statement of Compliance with Financial Disclosure (for last calendar year employed by the DOE)
11. Retirement Letter from Teachers Retirement System

Limitations Concerning Lump Sum Payments:

1. Annual Leave Payment Limitation: The payment of current annual leave (i.e. not vested time) is limited to a maximum, payment equivalent to:
 - a. 3 years of accrued time if there has been less than 5 years of continuous service;
 - b. 4 years of accrued time if there have been 5 to 10 years of continuous service; and
 - c. 5 years of accrued time if there have been 10 or more years of continuous service.
2. The number of sick days allowed to be paid as part of an employees lump sum entitlement is half of the outstanding balance at the time of separation. The employee is credited for one work day for each two days of sick leave, up to a maximum of 200, to be paid at a rate of 1/200th of the annual salary at the time of separation. Therefore, the maximum payment of any unused sick days shall not exceed 100 days.
3. Limitation of Vacation Time Allowed During Last year of Service: During the twelve (12) months immediately preceding final separation from service, managerial employees are not permitted to use more annual leave than can be earned in one year. However, if the manager separating from service has vacation carryover letters on file indicating that such requests to use excess vacation days were denied, the amount of vacation time that may be taken during the 12 months of service may be extended by the number of excess days previously denied. Exceeding the number of allowable vacation days to be taken during the last 12 months of service can result in a reduction of the final lump sum entitlement.

Caveats:

1. The last day of service immediately preceding the date of separation from service must be an active working day (i.e., the last day cannot be taken as a personal business, vacation or sick day). The result of such an action could be a reduction in the final lump sum entitlement.
2. Generally, pedagogical personnel covered by collective bargaining agreement may borrow up to 20 days upon exhaustion of the CAR. However, pedagogical managerial employees covered by C- 605 may not do so. Instead, such an employee who has exhausted all sick leave and annual leave balances on account of absence excused for personal illness may be permitted to use unearned sick leave allowance; that is to borrow up to a maximum of twelve (12) days. Application for permission to borrow sick leave shall be made in writing to the Executive Director of the Division of Human Resources and must include the recommendation of the employee's immediate manager. The liquidation of such negative sick leave balances shall constitute a first charge against any future earning of sick leave.
3. Transferring managers from another City agency should confirm that the Division of Human Resources has retained a copy of Form 9909 and, if necessary, a Form DP 2001 received from the transferring agency. Employees should retain copies of these documents for their own records. Missing 9909s/ DP 2001s can significantly delay the processing of Lump Sum payments following separation from service.
4. If an agreement was made at the time of employment with the Department of Education of benefits that are exceptions to those delineated in Chancellor's Regulation 605 (e.g. earned vacation time, used and credit of accrued vacation, sick and compensatory time) the agreement should have been made in writing and signed by the person responsible for hiring the employee. Copies of such agreements should have been filed with the Division of Human Resources with copies in the employee's personnel folder.