

**KALEIDA HEALTH
1199/SEIU UNITED HEALTHCARE WORKERS EAST
COMMUNICATIONS WORKERS OF AMERICA**

2022 CONTRACT NEGOTIATIONS

**Union Counterproposal
Date Presented: May 4, 2022**

**Article 27
Paid Time Off Scheduling**

CWA BGMC/RN

Section 1. The calendar year shall be divided into three (3) periods. Period 1 will be by November 1 of the preceding year for all time requests for January 2 through June 14.

- a.) Period 2 will be by March 1 for June 15 through September 15 and December 20 through January 1: a maximum of seventy-five (75) hours can be requested for all full-time employees and for part-time employees a maximum equivalent to their category of employment, (i.e., .6 PT = 45 hours in Period 2); and
- b.) Period 3 will be by July 1 for the remainder of the year.

When there is a conflict in PTO selection between two (2) or more employees, the highest seniority date will govern.

Requests submitted after these dates will be considered in the order in which they are received. Any open pre-scheduled time that remains after the above cut off dates will be filled on a first come, first serve basis. If two (2) or more requests are submitted in the same day it will be decided by seniority. Such PTO requests will not be held to the maximum limits in prime time.

Section 2. A minimum of one (1) week PTO (equivalent to an employee's FTE) will be scheduled in the period of time from the first full pay period in the PTO benefit year, through the end of the thirteenth (13th) full pay period of the PTO benefit year with the following conditions.

- a.) Any employee that takes carryover time during this time frame will have been deemed to have satisfied this requirement.
- b.) Employees will not be required to go into negative PTO for the purpose of meeting this requirement.
- c.) Days taken as individual PTO days will count towards meeting this requirement.

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Section 3. Annually, by August 1st the Employer will take a snapshot of each job title and utilize this population snapshot to post by October 1st the number of PTO hours available per week, based on the current staff's annual PTO accrual, inclusive of any vacancies (**PTO for vacancies will be calculated using the average accrual rate for that job title**). The standardized formula (listed below) will be utilized for PTO calculation:

- a.) total of all employees annual accrual, by job title, shift and department = X;
- b.) subtract from X, the annual average PTU usage for the department from August 1 of the prior year through July 31 of the current year = Y;
- c.) divide Y by 52 weeks = Z;
- d.) Z = minimum number of pre-approved hours per week.

Once all the hours are allocated, if there are remaining pre-approved hours greater than or equal to half a shift of the most senior individual with an outstanding request for pre-scheduled PTO, that individual will be granted one shift of approved PTO.

The parties agree that the number of pre-approved hours generated by the formula above shall be presented at the September Site Staffing Committee meetings.

In all cases, a minimum of 37.5 hours per week will be approved. Once PTO is approved, the approval list will include name of employee, the number of approved hours, all open available hours per week and names of all employees denied PTO and the original hours requested. If positions are added or deleted from a unit/department /cost center, that change the available PTO hours, the change will be reflected in the next pre-approval period.

Section 4. The employee shall submit their requests in duplicate on PTO request form #21 **or by utilizing the KRONOS APP** and include all days off. Employees shall be notified of approval or denial within thirty (30) calendar days from the date requests are due. Unless there are extenuating circumstances that adversely affect the Employer's ability to provide notification, failure to do so within thirty (30) days will result in the Employee's PTO request to be considered approved by default.

Section 5. Routine time requests for individual PTO days will not be held to the maximum limits in prime time. Requests for individual PTO days submitted after the above dates will be submitted with the time requests in the time block in which they are being requested. In case of conflict, approval of these time requests will be evenly distributed, and will not be arbitrarily denied.

Section 6. Employees may use PTO in increments of fifteen (15) minutes or more, on a day to day basis, with the approval of the manager/supervisor. Employees may not utilize this minimum PTO to mask an attendance or tardiness problem.

Section 7. PTO schedules for employees from other bargaining units, may not interfere with employees of this bargaining unit. Vacation schedules for management employees may not interfere with the scheduling of bargaining unit personnel. The exception will be Advance Practice Practitioners. Where NPs and PAs work in the same unit, PTO will be approved jointly.

Section 8. Should an employee desire to change approved PTO, the employee must submit the change by the date that time requests are to be submitted for the next schedule.

Section 9. If an employee is requested to work during a week in which he/she has an approved PTO, it will be the employee's option to rescind or keep the PTO time.

Section 10. Approved PTO may not be changed when personnel must transfer, without the consent of the employee, in instance of layoff, unit closure or transfers because of an administrative decision. In each of the above instances, approved PTO requests will be honored. When a transfer to another unit/cost center or change in status occurs, at the employee's request, approved PTO requests must be resubmitted. However, every attempt will be made to accommodate the employee's previously approved PTO schedule.

Section 11. Previously approved PTO will be redistributed as outlined below:

- a.) When PTO becomes available due to employee give back, it will be redistributed per letter c. below.
- b.) In the event PTO hours are to be redistributed due to New York State Disability*, Workers' Compensation*, Leave of Absence*, and/or vacated positions, redistribution will be per letter c. below. In these circumstances, the decision of management to redistribute those PTO hours will not be arbitrary.
- c.) Each unit will follow a process to ensure that employees previously denied PTO hours will have first choice to be granted those available PTO hours.

After the above process has been completed, if there are remaining PTO hours available, they will be granted on a first come first serve basis.

* For those employees out on New York State Disability, Workers' Compensation or Leave of Absence, the time will become available for redistribution as soon as it is reasonably known that the employee will not be returning prior to when the PTO is scheduled.

Section 12. When the department is closed for any of the six (6) major holidays, or minimally staffed, those employees given the holiday off will not have their PTO hours count towards any of the maximum PTO allotments for those periods.

CWA BGMC/PROF

Section 1. The calendar year shall be divided into three (3) periods.

- a.) Period 1 will be by November 1 of the preceding year for all time requests for January 2 through June 14;
- b.) Period 2 will be by March 1 for June 15 through September 15 and December 20 through January 1: a maximum of seventy-five (75) hours can be requested for all full-time employees and for part-time employees a maximum equivalent to their category of employment, (i.e., .6 PT = 45 hours in Period 2); and
- c.) Period 3 will be by July 1 for the remainder of the year.

When there is a conflict in PTO selection between two (2) or more employees, the highest seniority date will govern.

Requests submitted after these dates will be considered in the order in which they are received. Any open pre-scheduled time that remains after the above cut off dates will be filled on a first come, first serve basis. If two (2) or more requests are submitted in the same day it will be decided by seniority. Such PTO requests will not be held to the maximum limits in prime time.

Employees will be notified of approval or denial within thirty (30) calendar days from the date requests are due. Unless there are extenuating circumstances that adversely affect the Employer's ability to provide verification, failure to do so within thirty (30) days will result in the employee's PTO request to be considered approved by default.

Section 2. A minimum of one (1) week PTO (equivalent to an employee's FTE) will be scheduled in the period of time from the first full pay period in the PTO benefit year, through the end of the thirteenth (13th) full pay period of the PTO benefit year with the following conditions.

- a.) Any employee that takes carryover time during this time frame will have been deemed to have satisfied this requirement.
- b.) Employees will not be required to go into negative PTO for the purpose of meeting this requirement.
- c.) Days taken as individual PTO days will count towards meeting this requirement.

Section 3. When the department is closed for the six (6) major holidays, or minimally staffed, those employees given the holiday off will not have their PTO hours count towards any of the maximum PTO allotments for those periods.

Section 4. For PTO requested during the period of time between June 15 – September 15 and December 20 – January 1, every employee will first be offered one (1) week of prime time PTO in seniority order. Once every employee has been offered one (1) week of prime time PTO open

weeks will be offered to employees in seniority order. It is understood by the parties that days off may be scheduled at the beginning and/or end of a PTO period.

Section 5. Annually, on August 1st the Employer will take a snapshot of each job title and utilize this population snapshot to post by October 1st the number of PTO hours available per week, based on the current staff's annual PTO accrual, inclusive of any vacancies (**PTO for vacancies will be calculated using the average accrual rate for that job title**). The standardized formula (listed below) will be utilized for PTO calculation:

- a.) total of all employees annual accrual, by job title, shift and department = X;
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- c.) divide X by 52 weeks = Z;
- d.) Z = minimum number of pre-approved hours per week.

Once all the hours are allocated, if there are remaining pre-approved hours greater than or equal to half a shift of the most senior individual with an outstanding request for pre-scheduled PTO, that individual will be granted one shift of approved PTO.

The parties agree that the number of pre-approved hours generated by the formula above shall be presented at the September Site Staffing Committee meetings.

In all cases, a minimum of 37.5 hours per week will be approved. Once PTO is approved, the approval list will include name of employee, the number of approved hours, all open available hours per week and names of all employees denied PTO and the original hours requested. If positions are added or deleted from a unit/department /cost center, that change the available PTO hours, the change will be reflected in the next pre-approval period.

Section 6. Routine time requests for individual PTO days will not be held to the maximum limits in prime time. Routine time requests submitted after the above dates will be submitted with the time requests in the time block in which they are being requested. In case of conflict, approval of these time requests will be evenly distributed, and will not be arbitrarily denied.

Section 7. PTO schedules for employees from other bargaining units, may not interfere with employees of this bargaining unit. PTO schedules for management employees may not interfere with the scheduling of bargaining unit personnel. The exception will be Advance Practice Practitioners. Where NPs and PAs work in the same unit, PTO will be approved jointly.

Section 8. Should an employee desire to change approved PTO, the employee must submit the change at least thirty (30) days prior to the first day of the month in which the PTO is requested.

Section 9. Approved PTO will not be changed when personnel must transfer, without the consent of the employee, in instance of layoff, unit closure or transfers because of an administrative decision. In each of the above instances, approved PTO requests will be honored. When a transfer to another cost center or change in status occurs, at the employee's request, approved PTO requests must be resubmitted. However, every attempt will be made to accommodate the employee's previously approved PTO schedule.

Section 10. Employees may use PTO in increments of fifteen minutes or more, on a day to day basis, with the approval of the manager/supervisor. Employees may not utilize this minimum PTO to mask an attendance or tardiness problem.

Section 11. Previously approved PTO will be redistributed as outlined below:

- a.) When PTO becomes available due to employee give back, it will be redistributed per letter c. below.
- b.) In the event PTO hours are to be redistributed due to New York State Disability*, Workers' Compensation*, Leave of Absence*, and/or vacated positions, redistribution will be per letter c. below. In these circumstances, the decision of management to redistribute those PTO hours will not be arbitrary.
- c.) Each unit will follow a process to ensure that employees previously denied PTO hours will have first choice to be granted those available PTO hours.

After the above process has been completed, if there are remaining PTO hours available, they will be granted on a first come first serve basis.

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CWA BGMC/TCC

Section 1. The calendar year shall be divided into three (3) periods.

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Section 2. A minimum of one (1) week PTO (equivalent to an employee's FTE) will be scheduled in the period of time from the first full pay period in the PTO benefit year, through the end of the thirteenth (13th) full pay period of the PTO benefit year with the following conditions:

- a.) Any employee that takes carryover time during this time frame will have been deemed to have satisfied this requirement.
- b.) Employees will not be required to go into negative PTO for the purpose of meeting this requirement.
- c.) Days taken as individual PTO days will count towards meeting this requirement.

Section 3. Annually, on August 1st the Employer will take a snapshot of each job title and utilize this population snapshot to post by October 1st the Employer will post the number of PTO hours available per week, based on the current staff's annual PTO accrual, inclusive of any vacancies (**PTO for vacancies will be calculated using the average accrual rate for that job title**). The standardized formula (listed below) will be utilized for PTO calculation:

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Once all the hours are allocated, if there are remaining pre-approved hours greater than or equal to half a shift of the most senior individual with an outstanding request for pre-scheduled PTO, that individual will be granted one shift of approved PTO.

The parties agree that the number of pre-approved hours generated by the formula above shall be presented at the September Site Staffing committee meetings.

In all cases, a minimum of 37.5 hours per week will be approved. Once PTO is approved, the approval list will include name of employee, the number of approved hours, all open available

hours per week and names of all employees denied PTO and the original hours requested. If positions are added or deleted from a unit/department /cost center, that change the available PTO hours, the change will be reflected in the next pre-approval period.

Section 4. The employee shall submit their requests in duplicate on PTO request form #21 and include all days off. Employees shall be notified of approval or denial within thirty (30) calendar days from the date requests are due. Unless there are extenuating circumstances that adversely affect the Employer's ability to provide notification, failure to do so within thirty (30) days will result in the Employee's PTO request to be considered approved by default.

Section 5. Routine time requests for individual PTO days will not be held to the maximum limits in prime time. Requests for individual PTO days submitted after the above dates will be submitted with the time requests in the time block in which they are being requested. In case of conflict, approval of these time requests will be evenly distributed, and will not be arbitrarily denied.

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Section 7. PTO scheduled for employees from other bargaining units, may not interfere with employees of this bargaining unit. Vacation schedules for management employees may not interfere with the scheduling of bargaining unit personnel.

Section 8. Should an employee desire to change approved PTO, the employee must submit the change by the date that time request are to be submitted for the next schedule.

Section 9. If an employee is requested to work during a week in which he/she has an approved PTO, it will be the employee's option to rescind or keep the PTO time.

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Section 11. Previously approved PTO will be distributed as outlined below:

- a.) When PTO becomes available due to employee give back, it will be redistributed per letter c. below.
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redistribution will be per letter c. below. In these circumstances, the decision of management to redistribute those PTO hours will not be arbitrary.

- c.) Each unit will follow a process to ensure that employees previously denied PTO hours will have first choice to be granted those available PTO hours.

After the above process has been completed, if there are remaining PTO hours available, they will be granted on a first come first serve basis.

* For those employees out on New York State Disability, Workers' Compensation or leave of absence, the time will become available for redistribution as soon as it is reasonably known that the employee will not be returning prior to when the PTO is scheduled.

Section 12. When the department is closed for any of the six (6) major holidays, or minimally staffed, those employees given the holiday off will not have their PTO hours count towards any of the maximum PTO allotments for those periods.

CWA DMP/RN

Section 1. Requests for PTO of one (1) or more consecutive weeks shall be requested on the appropriate form as follows:

- a.) by November 1 of the preceding year for all requests from January 1 to March 31;
- b.) by January 1 for all requests from April 1 to June 30;
- c.) by March 1 for all requests from July 1 to September 30; and
- d.) by July 1 for all requests from October 1 to December 31.

Requests submitted after these dates will be approved on a first come, first serve basis, based on availability of weeks left to schedule after all requests that were received on time have been approved and scheduled. If two (2) or more requests are submitted on the same day it will be decided by seniority.

Section 2. A minimum of one (1) week PTO (equivalent to an employee's FTE) will be scheduled in the period of time from the first full pay period in the PTO benefit year, through the end of the thirteenth (13th) full pay period of the PTO benefit year with the following conditions.

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Section 3. Annually, on August 1st the Employer will take a snapshot of each job title and utilize this population snapshot to post by October 1st the Employer will post the number of PTO hours available per week, based on the current staff's annual PTO accrual, inclusive of any vacancies (**PTO for vacancies will be calculated using the average accrual rate for that job title**). The standardized formula (listed below) will be utilized for PTO calculation:

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- c.) divide X by 52 weeks = Z;
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Once all the hours are allocated, if there are remaining pre-approved hours greater than or equal to half a shift of the most senior individual with an outstanding request for pre-scheduled PTO, that individual will be granted one shift of approved PTO.

The parties agree that the number of pre-approved hours generated by the formula above shall be presented at the September Site Staffing Committee meetings.

In all cases, a minimum of 37.5 hours per week will be approved. Once PTO is approved, the approval list will include name of employee, the number of approved hours, all open available hours per week and names of all employees denied PTO and the original hours requested. If positions are added or deleted from a unit/department /cost center, that change the available PTO hours, the change will be reflected in the next pre-approval period.

Section 4. All time requests shall be scheduled subject to the staffing requirements of each department/unit.

Section 5. Employees will be notified of approved PTO requests for one (1) or more consecutive weeks, no later than two (2) weeks after the cut off dates outlined above, and a copy of the time request form will be returned to the employee. Unless there are extenuating circumstances that adversely affect the Employer's ability to provide notification, failure to do so within two (2) weeks will result in the Employee's PTO request being considered approved by default.

Section 6. For PTO requests during the period of time from May 15 to September 15 at least one (1) week will be granted. All requests for a second week of PTO during this time period shall be considered and granted, if possible, before any individual's request for three (3) weeks or more is considered.

Section 7. Where there is a conflict in approving PTO selection, the highest seniority date shall govern. Requests for PTO of one (1) or more weeks that include a major holiday shall be granted by seniority on a rotating basis. It is also understood that individual PTO days shall not be unreasonably denied.

Section 8. Should the employee desire to change an approved PTO, the employee may submit the change at least thirty (30) days prior to the first (1st) day of the month in which the PTO is requested.

Section 9. Approved PTO may not be changed when personnel must transfer without the consent of the employee, in instance of layoffs, unit closings or transfers because of administrative decision. In each of the above instances, approved PTO requests will be honored. When a transfer to another cost center or change in status occurs, at the employee's request, approved PTO request must be resubmitted. However, every attempt will be made to accommodate the employee's previously approved PTO request.

Section 10. Previously approved PTO will be redistributed as outlined below:

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After the above process has been completed, if there are remaining PTO hours available, they will be granted on a first come first serve basis.

* For those employees out on New York State Disability, Workers' Compensation or Leave of Absence, the time will become available for redistribution as soon as it is reasonably known that the employee will not be returning prior to when the PTO is scheduled.

Section 11. Employees may use PTO in increments of fifteen (15) minutes or more, on a day to day basis, with the approval of the manager/supervisor. Employees may not utilize this minimum PTO to make an attendance or tardiness problem.

Section 12. Time requests for individual PTO days scheduled off must be reduced to writing on the prescribed form **or by utilizing the KRONOS APP** and submitted to the responsible supervisor/department manager **with the time requests in the time block in which they are being requested.** ~~at least twenty-one (21) calendar days in advance of the requested day.~~

~~Employees will make every effort to submit requests for such time, at least one (1) week prior to the posting of the schedule. Management will reply indicating approval or disapproval within one (1) week of the request. Approval is contingent upon the Employer's ability to staff for the requested day. Section 13. Routine Time requests for individual PTO days will not be held to the maximum minimum limits in prime time and will be considered and granted contingent upon the Employer's ability to staff for the requested day. Routine time requests submitted after the above dates will be submitted with the time requests in the time block in which they are being requested. In case of conflict, approval of these time requests will be evenly distributed, and will not be arbitrarily denied.~~

Section 13. PTO schedules for employees from other bargaining units may not interfere with employees of this bargaining unit. PTO schedules for management employees may not interfere with the scheduling of bargaining unit personnel. The exception will be Advance Practice Practitioners. Where NPs and PAs work in the same unit, PTO will be approved jointly.

Section 14. When the department is closed for any of the six (6) major holidays, or minimally staffed, those employees given the holiday off will not have their PTO hours count towards any of the maximum PTO allotments for those periods.

CWA DMP/PROF

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Requests submitted after these dates will be approved on a first come, first serve basis, based on availability of weeks left to schedule after all requests that were received on time have been approved and scheduled. If two (2) or more requests are submitted on the same day, it will be decided by seniority.

Section 2. A minimum of one (1) week PTO (equivalent to an employee's FTE) will be scheduled in the period of time from the first full pay period in the PTO benefit year, through the end of the thirteenth (13th) full pay period of the PTO benefit year with the following conditions.

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Once all the hours are allocated, if there are remaining pre-approved hours greater than or equal to half a shift of the most senior individual with an outstanding request for pre-scheduled PTO, that individual will be granted one shift of approved PTO.

The parties agree that the number of pre-approved hours generated by the formula above shall be presented at the September Site Staffing Committee meetings.

In all cases, a minimum of 37.5 hours per week will be approved. Once PTO is approved, the approval list will include name of employee, the number of approved hours, all open available hours per week and names of all employees denied PTO and the original hours requested. If positions are added or deleted from a unit/department /cost center, that change the available PTO hours, the change will be reflected in the next pre-approval period.

Section 4. All time requests shall be scheduled subject to the staffing requirements of each department/unit.

Section 5. Employees will be notified of approved PTO requests for one (1) or more consecutive weeks no later than two (2) weeks after the cut off dates outlined above, and a copy of the time request form will be returned to the employee.

Section 6. For PTO requests during the period of time from May 15 to September 15, at least one (1) week will be granted. All requests for a second week of PTO during this time period shall be considered and granted, if possible, before any individual's request for three (3) weeks or more is considered.

Section 7. Where there is a conflict in approving PTO selection, the highest seniority date shall govern. Requests for PTO of one (1) or more weeks that include a major holiday shall be

granted by seniority on a rotating basis. It is also understood that individual PTO days shall not be unreasonably denied.

Section 8. Should the employee desire to change an approved PTO, the employee may submit the change at least thirty (30) days prior to the first (1st) day of the month in which the PTO is requested.

Section 9. Approved PTO may not be changed when personnel must transfer without the consent of the employee, in instance of layoffs, unit closings or transfers because of administrative decision. In each of the above instances, approved PTO requests will be honored. When a transfer to another cost center or change in status occurs at the employee's request, approved PTO request must be resubmitted. However, every attempt will be made to accommodate the employee's previously approved PTO request.

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After the above process has been completed, if there are remaining PTO hours available, they will be granted on a first come first serve basis.

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Section 11. Employees may use PTO in increments of fifteen (15) minutes or more, on a day to day basis, with the approval of the manager/supervisor. Employees may not utilize this minimum PTO to mask and attendance or tardiness problem.

Section 12. Time requests for individual PTO days scheduled off must be reduced to writing on the prescribed form and submitted to the responsible supervisor/department manager at least one week prior to the posting of the schedule. Management will reply, indicating approval or disapproval, within one (1) week of the request. Approval is contingent upon the Employer's ability to staff for the requested day.

Section 13. Routine time requests for individual PTO days will not be held to the maximum limits in prime time and will be considered and granted contingent upon the Employer's ability to staff for the requested day. Routine time requests submitted after the above dates will be submitted with the time requests in the time block in which they are being requested. In case of conflict, approval of these time requests will be evenly distributed.

Section 14. Switching of shifts or partial shifts between employees may occur, with the department manager's approval. A single request form must be submitted to the immediate supervisor/department manager, signed by both employees affected. In such cases where an employee's schedule prohibits the submission of a written request, such employee may contact his/her supervisor/department manager to request approval for a switch of shift followed by the written request. The initially scheduled holiday shall be considered the holiday commitment.

Section 15. PTO schedules for employees from other bargaining units, may not interfere with employees of this bargaining unit. PTO schedules for management employees may not interfere with the scheduling of bargaining unit personnel. The exception will be Advance Practice Practitioners. Where NPs and PAs work in the same unit, PTO will be approved jointly.

Section 16. When the department is closed for any of the six (6) major holidays, or minimally staffed, those employees given the holiday off will not have their PTO hours count towards any of the maximum PTO allotments for those periods.

CWA DMP/TCCS

Section 1. Requests for PTO of one (1) or more consecutive weeks shall be requested on the appropriate form as follows:

- a.) by November 1 of the preceding year for all requests from January 1 to March 31;
- b.) by January 1 for all requests from April 1 to June 30;
- c.) by March 1 for all requests from July 1 to September 30; and
- d.) by July 1 for all requests from October 1 to December 31.

Requests submitted after these dates will be approved based on availability of weeks left to schedule after all request that were received on time have been approved and scheduled. If two (2) or more requests are submitted on the same day it will be decided by seniority

Section 2. A minimum of one (1) week PTO (equivalent to an employee's FTE) will be scheduled in the period of time from the first full pay period in the PTO benefit year, through the end of the thirteenth (13th) full pay period of the PTO benefit year with the following conditions.

- a.) Any employee that takes carryover time during this time frame will have been deemed to have satisfied this requirement.