

***Determination of Benefits***  
***Part II***

**MOVEMENT FROM NON-CIVIL TO CIVIL SERVICE POSITIONS**

**APPLICABILITY**

The provisions of this section apply to all persons who move with no break in service to a Civil Service position from:

- A City or City related organization;

**AND,**

- A class recognized by the Expenditure Control Committee (ECC) but not controlled by Civil Service.

Employees who meet the above criteria are hereinafter referred to as City recognized employees.

**LEAVE CREDIT**

A City-recognized employee will be given credit in accordance with this policy for the following types of leave when moving to a Civil Service position with a permanent appointment code provided that there is no break in service and the employee's former organization has an officially promulgated written leave policy:

- Vacation.
- Personal.
- Sick.

Compensatory leave will be handled according to the requirements of the Fair Labor Standards Act.

If a City-recognized employee moves to a Civil Service position with a permanent appointment code in which vacation, personal, and/or sick leave are earned at a lower rate than the employee's previous position, the following guidelines will be used by the Central Payroll Division to recalculate the leave credit:

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- By using the leave earning rate of the new position the amount of leave credit which the employee would have earned in the previous position at that rate will be recalculated.
- From the above computed leave figure, subtract the actual leave used by the employee while serving in the previous position.
- The resulting leave figure will be credited to the employee provided that such leave does not exceed any maximum accumulated leave limits which apply to the new position.

If a City-recognized employee moves to a Civil Service position with a permanent appointment code in which vacation, personal, and/or sick leave are earned at the same or higher rate than the employee's previous position, the employee will be credited with all such leave, provided that such leave does not exceed any maximum accumulated leave limits which apply to the new position.

If, after all required calculations have been made, the employee's former accumulated vacation and personal leave balances exceed those credited to the employee in the new position, the excess leave will not be created by the employee's new agency. The disposition of such excess leave will be resolved with his former organization according to its internal policies.

If a City-recognized employee is appointed to a Civil Service position on a provisional basis, the employee will be credited with all leave in the new position in the same manner as if the appointment were permanent. Additional leave may also be earned in the same manner as if the appointment were permanent.

The employee's previous organization must attach to the employee's CHANGE NOTICE (28-1618-5143) [AM-205-4-5] a MEMO (28-1418-5007) containing complete information concerning the employee's leave balances and, if applicable, a detailed description and explanation of all calculations made in regard to such leave balances.

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**DATE OF ENTRY**

The employee's date of entry into City service will be considered to be the earliest date of permanent appointment into a Civil Service or City related position, provided that there is no break in service. This date of entry will be used to compute leave and longevity benefits.

**HEALTH CARE BENEFITS**

If a City recognized employee moves to a Civil Service position with no break in service, and if at the time of movement the employee is enrolled in a City health care plan, the employee will continue to be covered by that plan; however, benefits may differ depending upon the union affiliation of the new position.

If a City-recognized employee is appointed to a Civil Service position, the employee will be eligible to apply for City health care benefits, provided that the employee:

- Had not been eligible to apply for such coverage in the previous position;

AND

- Submits the application within 60 days of the appointment.

**RETIREMENT BENEFITS**

If a City-recognized employee moves to a Civil Service position, and at the time of movement is a member of another retirement system, the disposition of retirement benefits will be resolved on a case-by case basis. Effected employees should contact a Benefits Analyst within the City Employees' Retirement System prior to movement.

Membership in the City Employees' Retirement System is mandatory for employees on the City's payroll after 1 year of continuous service.