

*State of New York*  
*Court of Appeals*



*Court of Appeals Hall*  
*Albany, New York 12207*

*Rowan D. Wilson*  
*Chief Judge*

**ADMINISTRATIVE ORDER OF THE  
CHIEF JUDGE OF THE STATE OF NEW YORK**

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective immediately, sections 24.4(a)(2)(3), 24.6(h)(2), 24.6(m), 24.7(c) and 24.10(a) and add section 24.6(n) of Part 24 of the Rules of the Chief Judge, by adding the underlined material and deleting the bracketed material, as follows:

Section 24.4 Sick leave.

(a)

(2) For non-Family Medical Leave Act (FMLA) approved absences, an employee shall be allowed to charge a maximum of [15] 25 days of sick leave in any one calendar year for absences from work to care for a close family member during a time of illness. For purposes of this section, a close family member shall be the employee's spouse; domestic partner; natural, foster or step child; natural, foster or step parent; or any relative residing with the employee or an individual for whom the employee is the primary caregiver.

(3) [Notwithstanding the 15 day limit set forth in section 24.4(a)(2), a] An employee who is approved for a caregiver leave pursuant to the FMLA shall be allowed to charge [approved FMLA caregiver] absences during the FMLA period to accumulated sick leave. Sick leave charged during the FMLA period shall not be counted towards the 25 days set forth in subsection

24.4(a)(2) of this section, i.e., these 25 “family sick leave” days remain available for the employee’s use before and/or after the FMLA period.

Section 24.6 Other leaves with pay.

(h) Extraordinary Circumstances.

(2) Employees who are required to physically report to work when the court or facility where they report to work is closed and/or operating virtually due to extraordinary circumstances shall be credited with compensatory time for the time they worked. Employees who are directed to work remotely when the court or facility they report to is closed and/or operating virtually shall be credited with compensatory time in the amount of ½ hour for each hour worked.

(m) [The Chief Administrator of the Courts or his or his designee may grant leaves with pay for reasons not itemized in this Part.] Paid Parental Leave (PPL). Effective April 1, 2024, PPL provides qualified employees with up to 12 work weeks of fully paid leave to bond with a newborn, adopted or foster child. If both parents are employed by the Court System, each is entitled to PPL of up to 12 work weeks.

(1) Eligibility. Any gestational, non-gestational, adoptive or foster parent that has at least six (6) months of cumulative Court System service and works at least a 50% schedule as of the date PPL commences.

(2) Leave Entitlement and Timing.

i. PPL is available for use once in a 12-month period, on a rolling basis, regardless of the number of qualifying events that may occur within such 12-month period.

ii. PPL cannot be used incrementally or intermittently and must be taken in a continuous block of time.

iii. Employees can elect to begin PPL on the date of the qualifying event, or another date thereafter, but in no event will PPL extend beyond seven (7) months from the date of the qualifying event.

iv. PPL must be requested no less than 30 calendar days in advance where the need for leave is foreseeable. Requests for PPL must be made on the form designated by the Court System. Approval of PPL is subject to receipt of proof of the qualifying event as soon as is practicable under the circumstances.

### (3) Other Leave Benefits.

i. Child Care Leave. PPL merely serves to allow employees to be out on full pay, without charge to their accruals, for up to 12 work weeks during an otherwise unpaid Child Care Leave. Accordingly, employees may elect to use PPL at any time during the one (1) year non-discretionary Childcare Leave in subsection 24.7(c) of this Part, subject to the provisions of subsection 24.6(m)(2) of this Part.

ii. Family and Medical Leave Act (FMLA). In the event employees have FMLA leave available upon commencement of PPL, such leave will run concurrent with PPL. Employees that exhaust their FMLA entitlement for childbirth/bonding while using PPL may thereafter take leave under FMLA for other FMLA-qualifying events (excluding birth of a child for which PPL was used) during the same FMLA period, provided they are FMLA-eligible and have not already exhausted their FMLA entitlement for such event(s).

iii. Sick Leave Bank. Employees that are on PPL are not eligible to apply for Sick Leave Bank time during that same period.

iv. Other Leaves of Absence. Employees that experience a qualifying event while they are already out of work on another leave must be cleared to return to work from such leave of

absence in order to be eligible for PPL. The timeframes for commencing PPL and for filing an application, as set forth in subsection 24.6(m)(2) of this Part, still apply.

(4) Continuing benefits while on paid leave. While using PPL, employees continue to be covered by their existing insurance benefits and all employer contributions continue. Employees continue to have health insurance premiums, retirement contributions and other payroll deductions withheld from their paycheck, as may be applicable. In addition, while on PPL, employees will continue to earn bi-weekly accruals, be paid for holidays and receive retirement service credit.

(5) Alleged violations of PPL. Any employee who believes that they have been improperly denied PPL or that an improper designation of PPL has been made may write to the Director of Human Resources, Division of Human Resources, 25 Beaver Street, 7th Floor, New York, NY 10004. The Director or designee will investigate the concern and respond to the employee in writing.

(6) No extension of employment. PPL shall not be used to extend employment beyond the point it would otherwise end pursuant to the Rules and/or by operation of law.

(7) Qualifying events that occurred between January 1, 2024 and March 31, 2024. If a qualifying event occurred between January 1, 2024 and March 31, 2024, an eligible employee may be entitled to PPL pursuant to an application process to be established by the Chief Administrator of the Courts.

(n) The Chief Administrator of the Courts or his or his designee may grant leaves with pay for reasons not itemized in this Part.

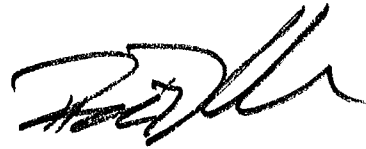
Section 24.7 Leaves without pay.

(c) Leave for child care. A combined confinement and child-care leave of absence without pay shall be granted to an employee [(male or female)] who becomes the parent of a child up to four

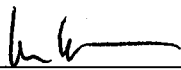
years of age, either by birth, or by adoption, for a period [or]of up to 12 months, provided that effective April 1, 2024, such leave shall also be available for foster placements and adoptions of children of any age. In one instance per employee only, a period beyond 12 months, but not more than another successive 12-month period, may be granted at the discretion of the administrative authority, subject to the staffing needs of the court or agency.

Section 24.10 Overtime meal allowance.

(a) A meal allowance of \$[6]9 will be paid to any employee required to work at least three hours beyond his or her regularly scheduled workday unless he or she is receiving cash compensation for such overtime work.



\_\_\_\_\_  
Chief Judge of the State of New York

Attest: \_\_\_\_\_  
Clerk of the Court of Appeals

Dated: April, 18, 2024

AO/03/24

