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Reporting Obligation

You are Obligated to Report Corruption

Most public employees are honest, hardworking people. However, as in any other business, there are always a few people who think they're above the law. For instance, there have been City workers who have asked for a 'tip' just to provide a service that residents and taxpayers are entitled to free of charge; or they used a City-owned car or equipment for personal business or pleasure; or stole money or property from the City; or faked an injury in order to collect disability pay. That's where DOI comes in. As the Mayor's watchdog over City

government, DOI roots out fraud, waste and corruption wherever it may be.

The New York City Charter is the City's principal source of structure and governance. Chapter 34 of the Charter establishes DOI as a law enforcement agency within City government, and sets forth the agency's powers and jurisdiction. Read Chapter 34 of the Charter.

Pursuant to Mayoral Executive Order 16, City employees must report allegations of corruption to DOI. This ensures that the charges will be probed confidentially and professionally by DOI investigators independent of the employee's own agency and superiors.

If a City employee has knowledge of criminal activity and doesn't report it, that employee could face disciplinary action or termination, or other more serious penalties in a court of law. A City employee who interferes or obstructs a DOI investigation could be removed from office or employment, or face criminal or civil penalties.

For your convenience, we have included a copy of E.O. 16 on this page.

Executive Order No. 16

Note: The document that follows is an electronic reproduction of the actual one in Web Page format. As such, errors may have occurred when the information was converted to this format, and therefore should not be considered an authorized version of the original document.

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THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007
EXECUTIVE ORDER NO. 16
JULY 26, 1978

COMMISSIONER OF INVESTIGATION,
INSPECTORS GENERAL AND STANDARDS OF PUBLIC SERVICE

By the power vested in me as the Mayor of the City of New York, it is hereby ordered:

Section 1. Responsibilities of Commissioner

The Commissioner of Investigation (hereafter called the Commissioner) shall have general responsibility for the investigation and elimination of corrupt or other criminal activity, conflicts of interest, unethical conduct, misconduct and incompetence

- i. by City agencies,
- ii. by City officers and employees, and
- iii. by persons regulated by, doing business with or receiving funds directly or indirectly from the City (hereinafter called persons dealing with the City), with respect to their dealings with the City. For these purposes the Commissioner shall:
 - a. assist agency heads in establishing and maintaining standards of conduct together with fair and efficient disciplinary systems;
 - b. direct the activities of the Inspectors General of all agencies of the City;
 - c. conduct background investigations of employees to be appointed to or holding positions of responsibility;
 - d. receive complaints and information from the public with respect to City agencies, officers, and employees, as well as persons dealing with the City, and to take appropriate action with respect to such complaints;
 - e. undertake any investigation or study of the affairs, functions, accounts, methods, personnel or efficiency or any agency; and
 - f. act as liaison with federal, state and local law enforcement and regulatory agencies concerning all matters within the scope of this Order.

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Section 2. Responsibilities of Agency Heads

All agency heads shall be responsible for establishing, subject to review for completeness and inter-agency consistency by the Commissioner, written standards of conduct for the officials and employees of their respective agencies and fair and efficient disciplinary systems to maintain those standards of conduct.

Section 3. Responsibilities of Inspectors General

- a. All agencies shall have an Inspector General who shall report directly to the respective agency head and to the Commissioner and be responsible for maintaining standards of conduct as may be established in such agency under this Order. Inspectors General shall be responsible for the investigation and elimination of corrupt or other criminal activity, conflicts of interest, unethical conduct, misconduct and incompetence within their respective agencies.
- b. Except to the extent otherwise provided by law, the employment or continued employment of all existing and prospective Inspectors General and members of their staffs shall be subject to complete background investigations and approval by the Department of Investigation.

Section 4. Investigations

- a. Within the scope of the general responsibility of the Commissioner set forth in Section 1 of this order, the Commissioner shall have authority to examine, copy or remove any document prepared, maintained or held by any agency except those documents which may not be so disclosed according to law. Inspectors General shall have the same authority in their respective agencies.
- b. The Commissioner and, with the approval of the Commissioner, the Inspectors General and any person under the supervision of the Commissioner or the Inspectors General, may require any officer or employee of the City to answer questions concerning any matter related to the Performance of his or her official duties or any person dealing with the City, concerning such dealings with the city, after first being advised that neither their statements nor any information or evidence derived there from will be used against them in a subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of an officer or employee to answer questions on the condition described in this paragraph shall constitute cause for removal from office or employment or other appropriate penalty. Beginning September 1, 1978 all contracts, leases, licenses or other agreements entered into or issued by the City shall contain a provision approved as to form by the Corporation Counsel permitting the City to terminate such agreement or to take other appropriate action upon the refusal of a person dealing with the City to answer questions in relation to such agreements on the condition of testimonial or use immunity described in this paragraph.
- c. Every officer or employee of the City shall cooperate fully with the Commissioner and the Inspectors General. Interference with or obstruction of an investigation conducted by the Commissioner or an Inspector General shall constitute cause for removal from office or employment or other appropriate penalty.
- d. Every officer and employee of the City shall have the affirmative obligation to report, directly and without undue delay, to the Commissioner or an Inspector General any and all information concerning conduct which they know or should reasonably know to involve corrupt or other criminal activity or conflict of interest,
 - i. by another City officer or employee, which concerns his or her office or employment, or
 - ii. by persons dealing with the City, which concerns their dealings with the City. The knowing failure of any officer or employee to report as required above shall constitute cause for removal

from office or employment or other appropriate penalty.

e. Upon receipt of any information concerning corrupt or other criminal activity or conflict of interest related to his or her agency, the Inspector General of such agency shall report directly and without undue delay such information to the Department of Investigation, and shall proceed in accordance with the Commissioner's directions.

f. No officer or employee other than the Commissioner, an Inspector General, or an officer or employee under their supervision, shall conduct any investigation concerning corrupt or other criminal activity or conflicts of interest without the prior approval of the Commissioner or an Inspector General.

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Section 5. Formal Disciplinary Proceedings

a. Within six months of the effective date of this Order, the Inspector General of each agency shall be responsible for the preparation and prosecution of all formal administrative proceedings, including removal and other disciplinary proceedings for misconduct or in competency, initiated by such Inspector General or any other person authorized by the agency head to initiate such proceedings on behalf of the agency. The Inspector General or an attorney-designee (including attorneys of the Department of Investigation) shall prosecute such matters. Any agency head may for good cause apply to the Commissioner for the modification or waiver of any provision of this paragraph.

b. The Inspector General of an agency may, with the approval of the agency head, suspend any officer or employee of that agency, pending the timely service of formal charges.

c. Officers or employees of the City convicted of a crime relating to their office or employment, involving moral turpitude or which bears upon their fitness or ability to perform their duties or responsibilities, shall be removed from such office or employment, absent compelling mitigating circumstances set forth in writing by the head of the employing agency. Proof of said conviction, as a basis for removal or other disciplinary action, must be established in accordance with applicable law.

Section 6. Informal Disciplinary Proceedings

a. Each agency head shall, with the advice of the Commissioner, establish appropriate reporting requirements, disposition standards and other administrative procedures for informal disciplinary proceedings to permit the fair and expeditious resolution of minor violations of the standards of conduct established by such agency head under this order, without prejudice to any rights provided to officers or employees of the City by law or by contract.

b. Informal disciplinary proceedings may be undertaken on the following conditions: (i) the employee or official who is the subject of such proceedings shall consent to accept a predetermined penalty upon a finding of cause in lieu of the filing of a formal disciplinary charge; and (ii) the record and result of the informal disciplinary proceedings shall be expunged from all permanent personnel or employment files of the subject official or employee after one year in which such person has not been penalized as a result of any subsequent

formal or informal disciplinary, proceedings.

c. The Inspector General of each agency shall be notified of the disposition of all informal disciplinary proceedings.

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Section 7. Background Investigations

a. The Department of Investigation shall conduct background investigations of all persons to be appointed to or employed in positions with salary rates equal to or greater than the minimum rate of the management Pay Plan or any successor plan, whether or not the person is to become a member of such plan.

b. Background investigations need not be made under this Order with respect to the appointment or employment of persons for positions with salary rates equal to or greater than the minimum rate of the Management Pay Plan or any successor plan where such person is to be appointed to a permanent civil service position in the competitive class.

c. The Mayor or an agency head may in the public interest direct that the appointment, employment or assignment of any person be subject to a background investigation by the Department of Investigation.

d. The appointment or employment of any person requiring background investigations under this Order shall be made subject to the completion of such investigation and a determination by the appointing authority that the appointee has the appropriate qualifications, is free from actual or potential conflicts of interest and is one in whom the public trust may be placed.

e. All Prospective appointees and employees subject to background investigation under this order shall comply with all procedures established by the Commissioner for such purpose, including the completion of a background questionnaire and full disclosure of financial holdings and relationships.

f. Background investigations conducted under this Order shall include the collection of all available criminal history information relating to the prospective appointee, which shall be considered in accordance with applicable law.

g. The making by a person of an intentional false or misleading statement in connection with a background investigation required under this Order, or otherwise failing to comply with the background investigation procedures established by the Commissioner, may constitute cause for removal from office or employment or other appropriate penalty.

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Section 8. Dissemination of Information

a. All agency heads shall distribute to each officer and employee of their respective agencies within 90 days of the effective date of this Order and to each officer and employee appointed thereafter, a statement prepared by the Commissioner explaining the responsibilities of the Commissioner, Inspectors General, agency heads and all City officers and employees under this Order.

b. Knowledge of the responsibilities of the Commissioner of Investigation and the Inspectors

General and of relevant provisions of Articles 195 and 200 of the Penal Law, the City Charter, the Code of Ethics and this Order shall constitute an employment responsibility which every officer and employee is expected to know and to implement as part of their job duties and is to be tested in promotional examinations beginning January 1, 1979.

Section 9. Regulations and Procedures

The Commissioner may establish such regulations, procedures and reporting requirements with respect to Inspectors General or as may be otherwise necessary or proper to, fulfill the Commissioner's responsibilities under this Order and other applicable law. The Inspectors General may, with the approval of the Commissioner and the respective agency heads, establish such regulations and procedures as may be necessary or proper to fulfill their responsibilities under this Order and other applicable law.

Section 10. Waiver of Provisions

Any agency head may for good cause apply to the Commissioner for the modification or waiver of any provision within the jurisdiction of the Commissioner under this order.

Section 11. Construction with Other Law

Nothing in this Order shall be deemed to limit the powers and duties of the Commissioner, the Department of Investigation, the Department of Personnel, the Office of Municipal Labor Relations or any other agency under the City Charter or as may otherwise provided by law.

Section 12. Preservation of Rights

Nothing in this Order shall be deemed to limit the rights of any person under law or contract.

Section 13. Revocation of Executive orders

Executive Order No. 21, dated August 19, 1970, Executive Order No. 21, dated October 17, 1974, and Personnel Policy and Procedure No. 715-77, dated February 15, 1977 are hereby revoked.

Section 14. Effective Date

This order shall take effect immediately.

EDWARD I. KOCH
M A Y O R

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THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007
EXECUTIVE ORDER NO. 72

April 23, 1984

Amendment of Executive Order No. 16

July 26, 1978

COMMISSIONER OF INVESTIGATION.
INSPECTORS GENERAL AND
STANDARDS OF PUBLIC SERVICE

By the power vested in me as Mayor of the City of New York, it is ordered:

Section 1. Prior order amended

Paragraph (a) of Section 7 of prior
Executive Order No. 16, dated July 26, 1978 is hereby amended to reads as
follows:

Section 7. Background Investigations

a. The Department of Investigation shall conduct background investigation of all persons to be appointed to or employed in positions with salary rates equal to or greater than the minimum rate of the Management pay Plan or any successor plan, whether or not the person is to become a member of Such plan. The Commissioner shall have the discretion to waive this requirement when the determines that the investigation is not necessary

Section 2. Effective Date

This Executive Order shall take effect immediately.

Edward I. Koch
M A Y O R

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THE CITY OF NEW YORK

OFFICE OF THE MAYOR
NEW YORK, NY 10007

Executive Order No. 78

October 5, 1984

Amendment of Executive Order No. 16

(July 26, 1978)

COMMISSIONER OF INVESTIGATION,
INSPECTORS GENERAL AND STANDARDS OF PUBLIC SERVICE

By the power vested in me as Mayor of the City of New York, it is ordered:

Section 1. Prior Order Amended

Section 4 of prior Executive Order No. 16, dated July 26, 1978 is hereby amended to read as follows

Section 4. Investigations

e. Upon receipt of any information concerning corrupt or other Criminal activity, [or] conflict of interest, gross mismanagement, or abuse of Authority related to his or her agency, the Inspector General of such agency shall report directly and without undue delay such information to the Department of Investigation, and shall proceed in accordance with the Commissioner's directions.

f. No officer or employee other than the Commissioner, an Inspector General, or an officer or employee under their supervision, shall conduct any investigation concerning corrupt or other criminal activity, (or) conflicts of Interest, gross mismanagement or abuse of Authority without the prior approval of the Commissioner or Inspector General.

g. No officer or employee of the shall take an adverse personnel action as defined in Local Law No. 10 of 1984 with respect to another officer or employee in retaliation for his or her making a report of Information concerning corrupt or other criminal activity, conflict of interest, gross mismanagement, or abuse of authority to the Commissioner or an Inspector General.

Section 2.

Section 6 of prior Executive Order No. 16, dated July 26, 1978 is hereby amended to read as follows:

Section 6. Informal Disciplinary Proceedings

a. Each agency head [shall] may with the advice of the Commissioner establish appropriate reporting requirements, disposition standards and other administrative procedures for informal disciplinary proceedings in addition to those already provided by law or collective bargaining agreements to permit the fair and expeditious resolution of minor violations of the standards of conduct established by such agency head under this Order without prejudice to any rights provided to officers or employees of the City by law or by (contract) collective bargaining agreement.

b. Informal disciplinary proceedings may be undertaken on the following conditions: (i) the

employee or official who is the subject of such proceedings shall consent to accept a predetermined penalty upon a finding of cause in lieu of the filing of a formal disciplinary charge; and (ii) the record and result of the informal disciplinary proceedings described in (a) above shall be expunged from all permanent personnel or employment files of the subject official or employee after one year in which such person has not been penalized as a result of any subsequent formal or informal disciplinary proceedings.

c. The expungement of records and results of informal disciplinary proceedings described in (b) above applies only to those informal disciplinary proceedings promulgated pursuant to this Executive Order and is not applicable to any of the records, results or procedures provided by law or by collective bargaining agreement.

d. The Inspector General of each agency shall be notified of the disposition of all disciplinary proceedings.

Section 3. Effective date

This Executive Order shall take effect immediately.

Edward I. Koch

M A Y O R

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THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007
EXECUTIVE ORDER NO. 105

December 26, 1986

Amendment of Executive Order No. 16 (July 26, 1986)
and No. 78 (October 5, 1986)

COMMISSIONER OF INVESTIGATION,
INSPECTORS GENERAL AND
STANDARDS OF PUBLIC SERVICE

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1

Prior order amended. Section 1(b) of prior Executive Order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984, is hereby repealed and Sections 1(c), (d), (e) and (f) are re-lettered (b), (c), (d) and (e) respectively.

Section 2

Section 3 of prior Executive Order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984, is hereby amended to read as follows:

Section 3. Inspectors General

a.

i. The Inspector General system shall be a single aggregate of personnel and resources within the Department of Investigation under the direction of the Commissioner. There shall be an Inspector General for each agency who shall report directly to the commissioner and shall be responsible for the investigation and elimination of corrupt or other criminal activity and conflicts of interest within the agency to which he or she is designated. The Commissioner shall allocate the personnel and resources of the Inspector General system to the Inspector General offices as needed to develop strategies and programs for the investigation and elimination of corruption and other criminal activity affecting the City of New York. Such investigations and programs shall proceed in accordance with the Commissioner's direction.

ii. The Commissioner shall be responsible for developing policy and strategy for the Inspector General system, or the preparation and allocation of a system wide budget, and for the assignment, direction, and evaluation of all Inspector General personnel in the various agencies and departments. This responsibility shall be carried out, however, in a strict, regular, ongoing, meaningful and comprehensive consultation and collaboration with each agency head.

b. Agency heads shall remain principally responsible for maintaining corruption-free agencies through this formal collaborative arrangement by developing procedures and systems to protect against corrupt and other criminal activity affecting their agency, by hiring employees of integrity and competence, by careful managerial oversight and high-quality supervision of agency employees, and by adequate review and monitoring of fiscal commitments and processes within their respective agency. In order to accomplish these objectives in coordination with the Department of Investigation, each agency head, the Commissioner and the Inspector General designated for each agency shall, in consultation, in January of each year beginning in 1988 formulate a comprehensive anti-corruption program for each agency to identify, evaluate, and eliminate, corruption hazards and to identify significant, areas warranting investigation. Thereafter, on December 31 of each year the Commissioner, after consultation with each agency head, shall provide the Mayor with an assessment of the progress made in the annual anti-corruption program for each agency. Should other issues, conditions, or problems arise during the year which, in the judgment of an agency head, require investigative action or attention, the agency head may direct the Inspector General to modify the annual objectives to the extent necessary to address the new problems and the Inspector General shall take such action unless the Commissioner, for good cause, objects to such action. For 1987, an interim anti-corruption program shall be developed by July 1, 1987 and the Commissioner after consultation with each agency head, shall report to the Mayor by December 31, 1987 as to the progress made toward achieving the objectives of that program.

c. Agency heads shall, on a regular basis, be informed by the Inspector General of the progress of the anti-corruption program and on all pending corruption studies and investigations except those investigations which the Commissioner determines should not be

disclosed. Such a determination of non-disclosure may only be made by the Commissioner when there is a factual basis indicating that investigative interests might be contravened by sharing knowledge of a particular investigation with an agency head. The Commissioner shall give notice to the Mayor of any determination to apply this exceptional procedure, shall document the reasons for the determination and shall, upon the closing of the investigation, file a determination of the extent to which the investigative findings support or contravene the initial determination of non-disclosure. These provisions relating to non-disclosure do not apply when the Commissioner is constrained by Grand Jury secrecy requirements from disclosing information.

d. The Inspector General for each agency shall be notified of all complaints received within an agency involving corrupt or other criminal activity, conflicts of interest, unethical conduct, misconduct and incompetence by (i) City agencies, (ii) by City officers and employees, and (iii) by persons dealing with the City and has jurisdiction to investigate any such complaint.

e. In furtherance of these objectives, the Inspectors General shall be informed of and have unrestricted access to all regular meetings of agency executives and managerial staff, and to all records and documents maintained by each agency. Each agency shall provide and maintain at its

central office sufficient office space for the Inspector General and his or her staff in a condition equivalent to the average condition of professional offices throughout the agency.

f. Except to the extent otherwise provided by law, the employment and continued employment of all Inspectors General shall be by the commissioner after consultation with the respective agency head. An equitable, system-wide salary structure will be established. The Department shall develop cross-agency career paths by which the most capable members of the Inspector General system shall be retained and rewarded and their knowledge and experience shared throughout the Inspector General system. Inspectors General and Deputy Inspectors General shall henceforth be prohibited from promotion into managerial and executive positions within the agency to which they are assigned. This prohibition shall remain in effect for three years from the date of termination of their employment as Inspector General or Deputy Inspector General. However, prior to July 1, 1987 any Inspector General or Deputy Inspector General may be transferred to a unit of an agency which will after July 1 be responsible for handling disciplinary matters. Effective July 1, 1987, the Inspectors General and their staffs shall be employees of the Department of Investigation. The tasks and standards used to evaluate the performance of the Inspectors General and Deputy Inspectors General shall be determined jointly by the Commissioner and the respective agency heads. Agency heads shall submit their own annual performance evaluation of the resident Inspector General and Deputy Inspector General, based on the agreed upon tasks and standards, to the Commissioner, which evaluations shall be considered in determining the Commissioner's final evaluation of such persons.

g. Prior to submitting executive budget requests for the Offices of the Inspectors General for fiscal year 1987 and thereafter, the Commissioner shall consult with the respective agency head.

Section 3

Section 5 (a) of prior Executive Order No. 16, dated July 26, 1978, as amended by

Executive Order No. 78, dated October 5, 1984, is hereby amended to read as follows:

Section 5. Formal Disciplinary Proceedings

a. Effective July 1, 1987, each agency shall be responsible for the preparation and prosecution of all formal administrative proceedings, including removal and other disciplinary proceedings for misconduct or incompetency. Each agency head shall establish a system for such formal disciplinary proceedings in consultation with the Commissioner. An Inspector General may request an agency to hold disciplinary or other administrative action in abeyance pending the completion of a criminal investigation. The Inspector General shall be notified before the initiation of formal disciplinary proceedings of the disposition of all formal disciplinary proceedings.

Section 4

Section 5(b) of prior Executive Order No. 16, dated July 26, 1978, as amended d by Executive Order No. 78, dated October 5, 1984 is hereby repealed.

Section 5

Section 5(c) of prior Executive Order

No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984 is hereby renumbered Section 5(b).

Section 6

A new Section 5 (c) is added to prior Executive Order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984, as follows:

c. The Commissioner, after consultation with an agency head, shall have the right to assume the responsibility for a particular disciplinary investigation, except that the disposition of the charges and the penalty to be imposed in connection with such proceeding shall remain the responsibility of the agency head.

Section 7

Section 9 of prior Executive order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984, is hereby amended to read as follows:

Section 9. Regulations and Procedures. The Commissioner may establish such regulations, procedures and reporting requirements with respect to Inspectors General or as may be otherwise necessary or proper to fulfill the Commissioner's responsibilities under this Order and other applicable law.

Section 8 Effective date.

This Executive Order shall take effect immediately.

Edward I. Koch
MAYOR

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STOP SEXUAL HARASSMENT ACT FACTSHEET

All employers are required to provide written notice of employees' rights under the Human Rights Law both in the form of a displayed poster **and** as an information sheet distributed to individual employees at the time of hire. This document satisfies the information sheet requirement.

The NYC Human Rights Law

The NYC Human Rights Law, one of the strongest anti-discrimination laws in the nation, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Violators can be held accountable with civil penalties of up to \$250,000 in the case of a willful violation. The Commission can also assess emotional distress damages and other remedies to the victim, can require the violator to undergo training, and can mandate other remedies such as community service.

Sexual Harassment Under the Law

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching of employees or customers
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors
- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak

out against sexual harassment in the workplace. The NYC Human Rights Law prohibits employers from retaliating or discriminating "in any manner against any person" because that person opposed an unlawful discriminatory practice. Retaliation can manifest through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The NYC Human Rights Law protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the NYC Commission on Human Rights. Call 718-722-3131 or visit NYC.gov/HumanRights to learn how to file a complaint or report discrimination. You can file a complaint anonymously.

State and Federal Government Resources

Sexual harassment is also unlawful under state and federal law where statutes of limitations vary.

To file a complaint with the New York State Division of Human Rights, please visit the Division's website at www.dhr.ny.gov.

To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC's website at www.eeoc.gov.



NYC.gov/HumanRights



BILL DE BLASIO
Mayor

**Commission on
Human Rights**

CARMELYN P. MALALIS
Commissioner/Chair

EMPLOYEE TIME AND LEAVE

To: All Staff

From: Rachel Levine *R. Levine*
Executive Deputy Commissioner
Office of Staff Resources

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I. INTRODUCTION

This procedure focuses on the obligation of employees to the Human Resources Administration (HRA) regarding attendance and punctuality, and assists employees in fulfilling their obligations to the agency. The information contained in this procedure is based on New York State civil service laws, collective bargaining agreements, and HRA and New York City rules and regulations. This procedure is not intended to supersede or contradict Leave Regulations for Career and Salary Plan Employees, applicable collective bargaining agreements, or Civil Service Law.

II. WORK SCHEDULES

An HRA work schedule is a pre-defined, modifiable profile of the working hours for each employee's regular workweek (for example, number of hours to be worked each day, work start and end times, scheduled days off, etc.). The standard workweek for full-time employees is generally either 35, 37½, or 40 hours, depending upon their civil service title and/or assignment. Work hours must be entered into CityTime **after** the time has been worked – meaning, an employee should not enter work hours for the full work day at the start of the day (*i.e.* – an employee should not enter 9:00 A.M. to 5:00 P.M. as hours worked, upon arrival at 9:00 A.M., prior to actually working those hours). Start (IN) time should be entered upon arrival – end (OUT) time should be entered just prior to departure.

The traditional work schedule for a 35-hour non-managerial employee is 9:00 A.M. to 5:00 P.M., Monday through Friday, with one (1) additional hour daily for lunch. This is generally referred to as a **Straight Time** schedule.

Staff, with the approval of their supervisor or location head, can request a Work Schedule Change. Requests for Work Schedule Changes can be entered via the HRA Intranet Homepage, under the "My Forms" section, using the OSR Online Requests link found here: <http://webnetmtcd.hra.nycnet/HRAForms/Authorize.aspx>.

A. Flex Time Schedules

Employees who are authorized to be on a Flex Time Schedule do not have an exact fixed time to report each workday, but must report for work within their specified "float" period.

For example, an employee with a Flex Time Schedule with an approved (1) hour float period of 8:30 A.M. – 9:30 A.M. who works eight (8) hours per day might report for work any time during between 8:30 A.M. and 9:30 A.M., and leave work eight (8) hours later (seven [7] hours of work plus the one [1] hour meal period).

Flex Time Schedules are approved for the employee's current assignment and work location only, and are not transferable if the employee changes assignment or work location.

B. Managerial Work Hours

Managers do not operate on a set schedule, however, their weekly total amount of hours worked must equal 35 hours, not including the lunch hours. Managers must report to work Monday through Friday, and work at least four (4) hours per workday, excluding the lunch hour. Managers do not receive overtime credit or compensatory time.

In addition, managers can make use of "Managerial Flex Hours" which allows them to work less than seven hours on a particular day; if long hours have been worked on other work days during that week. For example, if a manager worked from 8:00 A.M – 7:00 P.M. on Monday (a ten hour work day, not including the lunch hour) s/he can work from 8:00 A.M – 1:00 P.M. on Tuesday of that same week (a four hour work day, not including the lunch hour). If managers work less than five days during the week and/or work less than four hours on a given day, they must enter a leave request to account for missing time.

C. Grace Periods

Employees are expected to report to work every day at their scheduled time. Staff covered by the Citywide Collective Bargaining Agreement working on a Straight Time schedule (except for emergency personnel and others specifically exempted) have a grace period of five (5) minutes at the beginning of the workday. For example, employees on a Straight Time schedule reporting within five (5) minutes after their official start time of 9:00 A.M. are not considered late. If the employee's lateness extends beyond the five (5) minute grace period, the full period of time between the scheduled reporting time and the actual reporting time is charged against the employee (e.g., an employee whose starting time is 9:00 A.M. who reports to work at 9:05 A.M. would not be "late" but an employee with such a starting time who reports to work at 9:06 A.M. would be considered six (6) minutes late, as lateness is charged on a minute-to-minute basis.

Non-managerial employees who work flex-time schedules are not entitled to the five-minute grace period.¹

D. Meal Periods

Employees are generally entitled to a lunch break or meal period, one (1) hour in length, between the hours of 12:00 P.M. and 2:00 P.M. (for staff working day shifts). However, there are staff who work day shifts in titles that only entitle them to a ½ hour lunch break. Meal periods can also vary for staff working alternate shifts. Supervisors may assign meal periods to suit the work requirements of the unit and to ensure adequate staff coverage. The lunch break or meal period may not be assigned at the beginning or end of the workday. Regularly taken meal periods are automatically deducted from the employee's timesheet, and do not need to be entered by the employee.

When an employee works on a day that is outside of the regular work week (*i.e.* an employee who works Monday – Friday comes in on a Saturday) s/he is entitled to a lunch period, between ½ hour and 1 hour in length, if required to work at least 6 consecutive hours. The employee must enter the meal period on their timesheet to ensure accurate payment for time worked.

E. Policy for Lateness

For employees working Straight Time Schedules, an instance of lateness is six (6) minutes or more. For employees working a Flex Time Schedule, an instance of lateness is arrival one (1) minute or more after the end of the flex band.

Every employee is obligated to report for work as scheduled at the beginning of their work shift and upon return from the meal period. The agency reserves the right to discipline and/or

¹ Per Article V, Section 16(c)[iii] of the 1995-2001 Citywide Agreement.

discharge an employee for excessive lateness. Employees are required to complete Form M-301e: *Explanation for Lateness or Unplanned Absence*, for each instance of lateness.

Lateness attributed to transportation is classified as “excused” or “not excused.” Excused lateness will not be charged against an employee’s leave balances. Lateness found by the employee’s supervisor or designee to have been caused by transportation circumstances beyond the employee’s control will be excused. The employee is required to provide proof that is satisfactory to his/her supervisor or designee as to the cause of the lateness within 22 business days of the delay. The Transit Authority offers an on-line form to request transit delay verification for the subway only. Staff can access the form at <http://enterprise.mtanyct.info/delayverify>.²

Employees are reminded that delays are part of the daily commute and should be planned for since some level of delay is normal for any transportation system. Employees should adjust their departure for work-time accordingly. Prior to approval of an excused lateness that has not been verified as a major failure of public transportation, attendance patterns of the employee will be reviewed.

Lateness caused by a verifiable major failure of public transportation, such as widespread or total power failure of significant duration or other catastrophe of similar severity will be excused.³ Employees who submit a request to have lateness excused will have their requests reviewed by their supervisor and the Timekeeping department.

Deductions for unexcused lateness will be made on a minute for minute basis from any compensatory time standing to an employee’s credit, or if there is no credited time, from the employee’s annual leave balance. Employees with no annual leave balance will be subject to leave without pay. Employees must submit a request for unexcused lateness in CityTime and charge the time to their annual leave or compensatory time balance. If no annual leave or compensatory time leave balances exist, the employee must charge the lateness to leave without pay (LWOP).

F. Paid Legal Holidays

Each year, there are 11 Legal Holidays for which eligible employees receive pay:

New Year’s Day	Independence Day	Veteran’s Day
Martin Luther King, Jr. Day	Labor Day	Thanksgiving Day
President’s Day	Columbus Day	Christmas Day
Memorial Day	Election Day	

In addition to the holidays listed, under the Municipal Coalition Memorandum of Economic Agreement (MCMEA), Lincoln’s Birthday has been designated a floating holiday, to be taken on a date requested by the employee. However, the floating holiday provisions do not apply to employees assigned to facilities that are normally closed on Lincoln’s Birthday, such as, but not limited to State Courts or Department of Sanitation garages. At such locations Lincoln’s Birthday will continue to be observed as an official holiday. Prevailing rate 220 titles also

² For detailed instructions for requests due to transportation delays, staff can refer to the *CityTime Bulletin Instructions for Transportation Delay Requests*.

³ Refer to the *CityTime Bulletin Excused Absence/Citywide Power Transportation Failure*.

observe the holiday on Lincoln's Birthday. Requests to use the floating holiday are subject to supervisory and/or managerial approval, as with all other requests for leave.

Managerial and non-managerial employees hired on or after July 1, 2004 are not eligible for the Floating Holiday with the exception of members of unions that have opted out of this provision.⁴

The following union/locals have retained the Floating Holiday:

CBU's:

Doctor's Council	035
UFT School Safety Supervisors	428
SEIU	087, 093 & 123
087 - Pharmacists and Dieticians	
093 - Microbiologists	
123 - Hospital Technicians – Laboratory Technicians L144 Affiliated with L1199	
Licensed Practical Nurse	065
Local 237 Teamsters (Except Attorney and 220 Titles)	108, 121, 142 & 047

Local 237 Teamsters CBUS:

108 and 121 - Institutional Titles	
142 - Public Info	
047 - Special Officers	
EMS (Local 2507 & 3621)	137

The following groups have given up the Floating Holiday for all employees:

Deputy Sheriff	069
Board of Elections (Local 1183)	024
EMS Chiefs	135

The following groups receive one of 3 personal days in lieu of Floating Holiday:

⁴ For more information, refer to Article V, section 9c of the 1995-2000 Citywide Agreement, the 2002 MMEA and DCAS memorandum dated July 14, 2004, Mavor's Personnel Order No. 2004/1 and Announced Revisions to the Pay Plan for Management Employees and Other Modifications.

075 Staff Nurses (Mayoral Agencies)

The following groups receive Lincoln's Birthday as a paid holiday and do not receive the Floating Holiday:

Employees assigned to facilities that are normally closed on Lincoln's Birthday, such as, but not limited to State Courts or Department of Sanitation garages.

Prevailing rate 220 Titles

Fire Alarm Dispatchers

Automotive Service Workers Local 246

Employees must request use of their floating holiday in CityTime at least 30 days in advance of the requested date. The Floating Holiday can not be used prior to Lincoln's Birthday and will not show up in the employee's leave balance until it has been accrued. However, if an employee wishes to use their floating holiday on the actual date of Lincoln's Birthday or 30 days after that, he/she will be allowed to do so. To submit a request to use the floating holiday prior to the leave accrual being available in Citytime, the employee must submit a request to their supervisor in writing, 30 days prior to the day off. The employee will be unable to enter the request in CityTime until the floating holiday accrual is available in the employees' leave balances. Once the employee is able to enter the request in CityTime, they must do so.

The Floating Holiday leave balance is not carried over to the next year. As such, employees must use the Floating Holiday within the same calendar year that it is earned.

III. LEAVE POLICIES

A. Time Recording

Each employee must adhere to established time and leave policies, procedures and regulations. Infractions of the time and leave policies, procedures and regulations may subject the employee to disciplinary action.

Time records must contain complete and factual information on employee attendance. All employees are required to submit a completed timesheet via CityTime by close of business Monday of the following work week. Failure to do so may result in a partial paycheck, a paper paycheck (Commissioner's Check), Leave Without Pay (LWOP) and/or disciplinary charges. All documentation provided by the employee regarding their time and leave is open to further investigation if it is believed to be fraudulent. Any employee found to be submitting fraudulent documentation will be subject to disciplinary action.

Employees with low leave balances must ensure that his/her time is recorded on a daily basis unless otherwise stated in their collective bargaining agreement. Attorney titles and titles that are FLSA-exempt earning over the Citywide Contract overtime cap amount of \$74,079 are not required to clock in and out on a daily basis. However, it is strongly recommended these employees do so, to prevent payment issues. All trades, independent of their salary, must clock in and out on a daily basis. Employees who do not account for all scheduled hours, fail to submit his/her time or leave requests, and do not have leave balances to cover for the missing time

entries, may be marked Leave With Out Pay (LWOP) by Timekeeping when processing their timesheets.

B. Leave Period

There are three leave periods referred to in this procedure:

- ***Non-Managerial Leave Year***

The duration of time used to calculate annual and sick leave credits is on a yearly basis, beginning May 1 and ending April 30.

- ***Managerial Leave Year***

The duration of time used to calculate annual and sick leave credits is on a calendar year basis beginning January 1 and ending December 31.

- ***Sick Leave Period***

The calendar year is divided into two (2) sick leave periods, from January 1 - June 30, and from July 1 - December 31.

C. Carryover of Compensatory Time/Annual Leave Credits

Compensatory time must be used within four (4) months of being earned (except for Fair Labor Standards Act or Holiday Compensatory earnings). Compensatory time not used within four (4) months may be converted to the employee's sick leave balance.

Annual leave exceeding two (2) years worth of accruals or time not approved for carryover will be converted to sick leave balance.

D. Annual Leave/Compensatory Time Usage

Annual leave and compensatory time should be utilized on a planned, pre-approved basis. Newly hired employees must complete four (4) months of service to be eligible to use annual leave as it accrues, unless otherwise specified by a collective bargaining agreement or a Department of Citywide Administrative Services (DCAS) directive. However, employees who request pre-approved annual leave for the purpose of religious observance are exempt. This type of leave may be granted at the discretion of the Agency Head or their designee.

Supervisory Approval

The use of annual leave or compensatory time requires prior supervisory approval. The minimum amount of time that can be requested for annual leave and compensatory time is 15 minutes.

Employees should discuss all leave requests with their supervisor and/or manager prior to taking the leave. All employees are required to obtain prior approval for annual leave, including days before or after a holiday. The employee must obtain prior approval before the start of the leave.

To request leave, the employee must enter a leave request in CityTime. It is advised that the employee checks CityTime periodically to ascertain whether or not his/her supervisor has

reviewed and taken action on the request. Requests should be accommodated when appropriate, and denials should not be arbitrary or capricious.

In addition, any changes to a pre-approved annual leave or compensatory time leave request must be reviewed and approved by the employee's supervisor and/or manager prior to the scheduled date(s) of absence.

Supervisory decisions on requests must be made within seven (7) working days of submission, except when requests cannot be approved at the location or during peak vacation periods for which the Location Head has established a schedule for submission(s) and decision(s) on leave(s) requested. Requests will also be considered on the basis of title seniority within each group consistent with the applicable collective bargaining agreement. The decision to approve or deny an employee's request to change a pre-approved annual leave or compensatory time leave request is at the discretion of the employee's supervisor and/or manager.

Once a leave request has been approved, the approval may not be rescinded by the approver except in writing by the agency head. It is an employee's responsibility to ascertain the status of a leave request (whether approved or disapproved) prior to actually taking the leave.

Unplanned Absences

For unplanned absences caused by sickness or emergency, a CityTime request for leave must be entered or submitted the day the employee returns to work (for an absence, Form M-301e, "Explanation for Lateness or Unplanned Absence", should also be used). In the event the employee is unable to enter the request in CityTime in a timely manner, the immediate supervisor must enter the request on the employee's behalf.

Continuous Scheduled Annual Leave

On or before the last workday in April of each year, an employee may voluntarily submit his/her preference for a continuous scheduled annual leave (vacation) of one week or more, to begin during the period from June 1 through September 30. Requests from employees with permanent civil service status will be considered before requests from other employees; requests submitted during this period will be given priority over later requests. No request shall be considered prior to 90 days in advance of the requested time off. Requests should be submitted at least two weeks in advance of the desired beginning date of the leave.

Summer Months and Holiday Periods

During the summer months and holiday periods such as Thanksgiving week, President's Day week, or New Year's Eve, managers/supervisors should not approve leave for more than 25% of their staff performing similar duties at one time. This percentage may be reduced for all or part of staff to meet administrative or other needs at any time. Therefore, advance planning for the reduction of staff on any days before or after a legal holiday is required. Approval or disapproval of annual leave requests are a matter of supervisory discretion. Vacation schedules may be set up in each division or unit by the designated supervisor. The preparation of these schedules must be established in a fair and equitable manner and in accordance with the work requirements of HRA.

Partial Day Leave

Employees requesting any type of leave in CityTime for part of the day must enter the one (1) hour period meal start and meal end times in CityTime. Generally, the one (1) hour period meal start and meal end times should fall between the designated agency meal period of 12:00 Noon – 2:00 P.M. However, in certain circumstances, it may be necessary for the meal start and meal end times entered in CityTime to fall outside of the 12:00 Noon – 2:00 P.M. period.⁵

Annual Leave for Personal Business

Employees requesting annual leave for personal business must notify their supervisor at least 24 hours in advance, except in emergency situations. The minimum amount of time that can be requested is 15 minutes. Unplanned annual leave/compensatory time/LWOP must be fully explained and documented; unsatisfactory explanations/documentation will result in disapproval of the leave and loss of pay. An employee who takes any type of leave that was disapproved is subject to disciplinary action.

Failure to follow these instructions may cause an employee to be charged as absent without official leave (AWOL).⁶

E. Review and Processing of Unplanned Leave Requests

Unplanned use of leave is when leave is requested by the employee **after** the actual start date and time of the leave. Unplanned leave is to be used **only** for personal emergencies and must be fully explained and appropriately documented using the Explanation for Lateness or Unplanned Absence form M-301e.

An employee who does not report to work due to a personal emergency must contact his/her supervisor or the supervisor's authorized designee as early as possible, but not later than 60 minutes after the expected reporting time. This notification should be provided for each consecutive day of absence, unless the employee has notified his or her supervisor of the expected date of which the employee will return to work. If additional leave is necessary, a second call must be made at least 24 hours prior to the original estimated date of return. Employees whose positions require substitution of another employee in their absence are required to contact their supervisor or designee no later than 60 minutes before the employee's scheduled reporting time and give an estimate of the length of leave. **Messages must not be left with co-workers.**

To request approval of unplanned leave, an employee must submit the request in CityTime on the day he/she returns to work. Requests should be accommodated where appropriate. If the unplanned leave request is disapproved, the absence is categorized as AWOL.

An employee who takes unplanned leave that is disapproved may be subject to disciplinary action for each occurrence.

An employee is required to submit form M-301e: *Explanation for Lateness or Unplanned Absence* for each unplanned absence. If the supervisor does not accept the explanation, the absence may be disapproved and will be considered unauthorized.

⁵ Refer to the CityTime bulletin *Entering Leaves in CityTime for Part of the Day*.

⁶ Refer to the "CityTime Reference Guide Revised" for guidance in using the afore mentioned CityTime functions. Staff can access this guide and/or other CityTime informational documents via the HRA Intranet Homepage under the "My CityTime & Paycheck" section, CityTime: How to Info link.

F. Absent Without Official Leave (AWOL)

AWOL absences are a violation of the agency's Code of Conduct. Employees who are absent without leave will be referred to the Employee Disciplinary Unit (EDU).

Any employee who is absent from his/her work location for any period of time without authorization can be deemed to be AWOL. Any unauthorized and unexcused early departures can be considered AWOL.

Examples:

- An unplanned leave for which the employee fails to submit to his/her supervisor a formal request with acceptable written explanation the day the employee returns to his/her assigned location.
- Leave actually taken, which was requested and denied prior to being taken.
- Any absence from the work location for any period of time without authorization.
- Use of undocumented sick leave during a Doctor's Note Restriction

An employee who notifies his/her supervisor of an absence can still be deemed AWOL if the supervisor does not approve leave for the period. The decision to grant leave should be based on contract and policy guidelines.

G. Sick Leave

An employee who does not report to work due to illness or other medical reasons must contact his/her supervisor or the supervisor's authorized designee as early as possible, but not later than 60 minutes after the employee's scheduled starting time. This notification should be provided for each consecutive day of absence, unless the employee has notified his or her supervisor of the expected date of which the employee will return to work. **Messages must not be left with co-workers.** Employees whose positions require substitution of another employee in their absence are required to contact their supervisor or designee no later than 60 minutes before the employee's scheduled reporting time. If additional leave is necessary, a second call must be made at least 24 hours prior to the original estimated date of return.

One instance is defined as the use of one-half or more work days for undocumented sick leave. Sick leave taken in amounts of less than one-half day becomes an instance when the total cumulative amount of these leaves added together equals one-half day or more.

Sick leave is not meant to be used as soon as it is accrued. The use of sick leave is limited to the employee's own personal illness, except for three (3) days per year, which may be used for the care of an ill eligible family member. Family member shall be defined as:

Spouse; natural, foster or step parent; child, brother or sister; father-in-law; mother-in-law; any relative residing in the household; and domestic partner, provided such domestic partner is registered pursuant to the terms set forth in the New York City Administrative Code Section 3-240 *et seq.*

If the employee has been on sick leave for five (5) or more consecutive workdays and continues to be absent, the agency may contact the employee and request proof of the illness or injury, which must be submitted within five (5) workdays of the request. This provision does not alter the employee's responsibility to submit the request for leave in CityTime to the supervisors on the day the employee returns to work. If the supervisor receives documentation/notification from

the employee and the employee is still absent by Tuesday of the following week, the supervisor must enter and submit the sick leave request on behalf of the employee, approve it, and submit and approve the corresponding timesheet on behalf of the employee.

Approval of sick leave in accordance with "Leave Regulations for Employees under the Career and Salary Plan" is discretionary with the agency. Medical documentation satisfactory to the agency must be provided by the employee within five (5) workdays of the employee's return to work to the supervisor. The agency may waive the requirement for proof of illness or injury at its discretion. However, medical documentation is mandatory when:

- An employee requests sick leave in advance, for any amount of time;
- An employee uses sick leave for more than three (3) consecutive work days;
- An employee uses undocumented sick leave more than five (5) instances within a six (6) month "Sick Leave Period" and is thus subject to Doctor's Note Restriction starting with the next complete "Sick Leave Period";
- An employee uses undocumented sick leave more than four (4) instances before or after a regular day off, holiday, or scheduled day off within a (6) month "Sick Leave Period". This will also subject the employee to a "Doctor's Note Restriction" period.⁷

The agency has the discretion to waive notification requirements if the circumstances surrounding the employee's absence warrants such a waiver. The agency also has the discretion to waive medical documentation for employees who have completed their third year of employment and have a current sick leave accrual or balance commensurate with the number of years of employment as follows:⁸

3 years	-	21 days	-	147 hours
4 years	-	28 days	-	196 hours
5 years	-	35 days	-	245 hours
6 years	-	42 days	-	294 hours
7 years	-	49 days	-	343 hours
8 years	-	56 days	-	392 hours
9 years	-	63 days	-	441 hours
10 years	-	70 days	-	490 hours
or more				

An employee who anticipates a series of three (3) or more medical appointments which require repeated use of sick leave in units of one day or less must submit medical documentation indicating the anticipated treatment schedule. Sick leave taken in this manner is considered documented.

⁷ Refer to Subsection H, Policy for Doctor's Note Restriction, for more information.

⁸ See Article 5, Section 5, Subsection e of the 1995-2001 Citywide Agreement.

When an employee has been excused from duty by a medical practitioner, the time granted will be considered documented sick leave beginning with the date specified by the practitioner, unless otherwise noted.

H. Doctor's Note Restriction

Doctor's Note Restriction occurs during either of the following scenarios:

- An employee uses undocumented sick leave more than five (5) instances within a six (6) month "Sick Leave Period."
- or-
- An employee utilizes more than four (4) instances of undocumented sick leave before or after a regular day off, holiday, or scheduled day off within a six (6) month "Sick Leave Period"

During Doctor's Note Restriction, a written statement from a licensed health practitioner must accompany all requests for sick leave. Restriction starts on the first day of the next sick leave period. Under Doctor's Note Restriction, any undocumented sick leave must be disapproved and results in loss of pay, even if sick leave balances exist. Employees hired during a "Sick Leave Period" will be subject to the terms of this subsection commencing with the start of the next "Sick Leave Period". Doctor's Note Restriction is removed when the employee works a complete six-month "Sick Leave Period" with no more than two (2) instances of sick leave.

I. Sick Leave Medical Documentation

The criteria for acceptable medical documentation are as follows:

- The note must be issued by a health practitioner licensed to diagnose and certify illness or disability.
- The original medical note must be provided. Copies or duplicates will not be accepted.
- Each medical note must be dated.
- The medical note must contain a statement that the employee/family member was examined, and/or treated on a specific date. Also, it must indicate when the employee can return to work.
- The medical note must be on official stationery and signed by the examining practitioner or an authorized representative.
- A medical note indicating a series of appointments is acceptable. The absences on those dates are deemed documented.
- For chronic illnesses which require on-going treatment, permission for submission of periodic medical documentation may be requested through OSR's Employee Relations and Services Unit (ERSU).

The note a staff member provides to his/her supervisor should say something to this effect:

"_____ was seen in my office on _____ and is able to return to work on _____."

The doctor's note does not have to include a diagnosis, prognosis and/or treatment for sick leave.

However, when a Family Medical Leave Act (FMLA), American Disability Accommodation (ADA) Worker's Compensation, or a request for restricted duty is requested, the requesting employee must provide a legally adequate documentation that makes note of particular health concerns that prevent or limit the staff member's ability to perform their job. For example:

"_____ is under my care for a hernia and cannot engage in activity requiring extensive walking up and down stairs or extensive bending, such as lifting boxes."

Employee Relations representatives can ask for a doctor's note with specific information. The agency reserves the right to request additional documentation as deemed necessary.

J. Religious Observance

Reasonable accommodation will be made for the needs of employees requesting time off for religious observance. Leave for religious observance must be charged against annual leave or compensatory time balances. Employees must submit requests for religious observance at least one (1) week prior to the religious day(s) of observance.

Reasonable accommodation, in regard to religious observance, includes the rearrangement of work schedules and in some cases the advancement of annual leave for observance of religious holidays. Employees should plan to use their own annual leave and/or compensatory time balances for religious observance. However, employees with no accrued annual leave or compensatory time balances can be advanced up to one (1) month's worth of annual leave accruals, to be charged against future annual leave accruals for religious observance. If the employee's requests exceeds the one (1) month of accruals, the employee must charge the additional time to LWOP. With the approval of the Commissioner, exceptions to this policy may be made on a case-by-case basis.

If the employee resigns before accruing the advanced annual leave, OSR will debit the equivalent dollar amount from the employee's last paycheck at the time of separation from city service.

When granting leave for religious observance, Program Heads/Location Directors and other supervisory/managerial staff must ensure that appropriate levels of staff are available to ensure that agency operations and services to the public are maintained. Reasonable accommodation of an employee's religious observance or practice may not cause undue hardship in the conduct of the agency's business, or any reduction in mandated services to agency clients.

An employee who has been denied religious observance day(s) may request a review of the decision by the Executive Deputy Commissioner of OSR or designee, within five (5) workdays of the date of denial.

K. Sabbath Observance

Sabbath observers are not required to work beyond the time necessary to depart for the purpose of religious observance. To compensate for early departure, the employee will be required, at his/her option, to either: (a) work an equivalent time outside the usual work hours, excluding the lunch hour, as arranged with his/her supervisor or manager; or (b) use available annual leave credits or overtime compensatory time for this purpose. Sabbath observers cannot use any portion of their lunch hour toward the time equivalent. The employee is required to receive approval for a work schedule that clearly accounts for the time utilized for Sabbath observance.

L. Jury Duty and Subpoenas

All city employees who serve on jury duty are entitled to receive full salary for the time they serve. Employees are not entitled to the per diem allowances paid by the City, County or State courts. Jury duty served is considered excused if the employees follow procedures outlined below:

- Submit a copy of the summons for jury duty to the supervisor at least five (5) business days prior to the start of jury service.
- Upon completion of jury duty, submit written documentation from the court to his/her supervisor and to the HRA Timekeeping department, and enter the appropriate request in CityTime. The supervisor will apply 1st level of approval, and Timekeeping will apply the 2nd level approval once the appropriate documentation is received.
- Return to work on days when a postponement is granted. Generally this means an employee will be excused only for the number of hours spent at court, plus travel time as appropriate, with the submission of documentation from the courts.

If an employee is called for jury duty while on vacation, the employee may keep the jury duty check but may not have such vacation extended by the amount of vacation time spent on jury duty.

If an employee is called to serve in Federal Courts or in courts outside New York State:

- The employee must return any fee given minus the transportation cost to the HRA Finance department. Employees who fail to submit the required payment will be billed by the HRA Finance department. If payment is not received within the due date, the CityTime jury duty request will be changed for annual leave and the employees' annual leave balances will be reduced by the number of days of jury service. If the annual leave balances are insufficient, LWOP will be entered for those days and the employee's paychecks will be reduced by the appropriate number of days at the employee's rate of pay.

If an employee serving on the Grand Jury is required to serve only half days (either morning or afternoon) the employee is expected to report to work the remaining half day, provided that at least one (1) hour of the employee's regularly scheduled work day remains after the employee returns to work. If serving intermittent days, the employee must notify the supervisor at least 24 hours in advance of each day scheduled. If it becomes apparent that the jury duty will cause the employee to be away from work for an extended period of time (1 week or more) the employee serving jury duty must call their supervisor at least once a week, for notification purposes.

If a jury session ends earlier than the end of the employee's regularly scheduled work day, the employee is expected to report to work, provided that at least one (1) hour of the employee's regularly scheduled work day remains after the employee returns to work.

Court Attendance Under Subpoena/ Court Order:

- An employee may be granted excused time for court attendance under subpoena only when it is related to an HRA case and neither the employee nor anyone related to the employee has a personal interest in the case, and where the attendance is not related to any other employment of the employee.
- Proper documentation must be provided and the leave request must be submitted only for the number of hours the employee was in court. The employee is expected to report to work for the remainder of the day.

M. Military Leave

Employees who are required to serve in the military are released from their assignment within the agency to meet the terms of their orders. Military orders must also be available prior to the leave.

Leave for military service may be long-term, short-term, or on an intermittent basis, based upon the submitted orders. Military orders for less than 30 days are processed at the program level by the employee's HRBP. Orders greater than 30 days are processed by the Employee Relations and Services Unit of OSR.

N. Leave Due to a Death in the Family

The standard time and leave regulations governing "Leave Regulations for Employees who are Under the Career and Salary Plan," the "Leave Regulations for Management Employees" and Original Jurisdiction employees, provide for up to four (4) consecutive workdays without charge to leave credits for bereavement leave in the case of death of an employee's spouse; "domestic partner," as defined in the New York Administrative Code Section 1-112(21); natural, foster or step parent; child; brother or sister; father-in-law; mother-in-law; grandchild, or other relative residing in the household.

Annual leave or compensatory time may be requested for any additional time necessary beyond the four work days.⁹

O. Authorized Absences with Pay (Excused Time)

There are certain types of absences for which employees will be paid without charge to leave balances, provided the necessary documentation is submitted. These absences are called authorized (excused) absences.

Absences for any of the reasons indicated below are excused without charge to sick or annual leave balance. The employee must submit a leave request in CityTime and any applicable documentation must be submitted to the employee's immediate supervisor for verification.

⁹ For more information regarding Leave Due to Death in the Family, refer to procedure No. 00-11 (August 3, 2000).

- **Excused Time for Training**

Employees who attend training that is required for their positions, or elective Management Information Systems (MIS) training, or professional development training sponsored by the agency, are considered to be acceptable Excused Absences. Requests for training must be reviewed and authorized by the employees' supervisor before the employees are registered for the class(es). Employees who attend training may be required to provide proof of attendance where applicable. Employees may be granted additional excused time for travel when the training is less than a full day and the employee is required to travel to the training location from their work location (or vice versa).

- **Excused Time for Blood Donations**

Employees who donate blood, at any location, through the NYC employee blood program during working hours are excused only for the amount of time it actually takes to donate blood, including travel to and from the donation site, up to a maximum of three (3) hours. The excused time may not be taken at any other time during the day.

In addition to the excused time granted, employees who donate blood during an HRA blood drive will receive three (3) hours of compensatory time for their donation. In order to receive excused and/or compensatory time for donating blood, validation of the donation must be received by Timekeeping from the NYC employee blood program.

- **Civil Service Examinations**

Leave with pay is granted to employees for attendance at New York City Civil Service examinations scheduled on their normal work day, or for official investigation or appointment interviews relating to the resulting eligible list. This leave also applies to any examinations for licenses conducted by New York State for the Attorney, Architectural, Engineering or other titles which are required for the performance of the employee's duties or for eligibility to take a promotion examination.

- **Court Attendance Under Subpoena/Court Order**

Applicable leave of this type is considered excused. For more information, refer to section L. "Jury Duty and Subpoenas", subsection "Court Attendance Under Subpoena/Court Order" within this document.

- **Employee Assistance Program (EAP)**

The city has an Employee Assistance Program (EAP) which was created for the purpose of helping employees or their family members who are experiencing some kind of personal or job related problem. EAP is staffed by trained social workers and all information shared is strictly confidential. The first visit to EAP by an employee during the calendar year will be excused, and any subsequent visits during that same year will require the use of Annual Leave, Compensatory Time or LWOP. Documentation to verify the employee's attendance at EAP must be submitted to their immediate supervisor upon their return to work.

- **Union Activities**

All releases for union activities must be documented. If the release time is approved, the employee's supervisor must be provided with the details regarding the date, time (to and from), location and reason for the meeting. Unless the supervisor is notified and receives the appropriate documentation, release time will not be granted. Documentation will not be provided to employees/supervisors by the unions directly.

- **Vision Display Terminal (VDT) Eye Examination**

Vision care benefits are granted to employees who regularly and continuously spend 20 hours or more of their work week using Video Display Terminals (VDTs).

This benefit is provided whether you currently wear eyeglasses or contact lenses.

A VDT vision exam is available once every two years when performed at the same time as a regular vision exam. Employees must obtain a voucher which must be completed by the employee's immediate supervisor.

A maximum of two (2) consecutive hours of excused time is granted to any eligible employee taking the eye examination. This time may only be taken on the day of the examination. **For the time to be excused, a copy of the completed voucher and the doctor's note must be submitted to the employee's immediate supervisor.**

- **Workers Compensation (Doctors' Examinations)**

The Workers' Compensation division of the New York City Law Department will periodically schedule employees receiving workers' compensation for medical examinations either at the division's office or at a private doctor's office. Leave with pay will be granted for this purpose. **Leave balances are charged for appearances before the State Workers Compensation Board.**

In order for the time to be marked as excused, employees must submit documentation of attendance to their immediate supervisor and OSR's Worker's Compensation Unit at:

Human Resources Administration
Office of Staff Resources/Worker's Compensation Unit
180 Water Street, 3rd floor
New York, NY 10038

- **Breast Cancer Risk Reduction Workshop**

The Commission on Women's Issues and the Department of Health and Mental Hygiene partnered with Maurer Foundation to offer all city employees free Breast Cancer Risk Reduction Workshops during Breast Cancer Awareness Month.

Any city employee, regardless of gender, may attend one Breast Cancer Risk Reduction Workshop. The time used to attend the workshop, including travel time, shall be excused time up to a maximum of 90 minutes. Accordingly, such time up to 90 minutes may not be charged to employee annual leave or compensatory time balances. Any additional time taken must be charged to such balances accordingly. Excused time for this purpose may be taken contiguous with an employee's lunch hour where appropriate.

If an employee is interested in attending a Breast Cancer Risk Reduction Workshop, he or she must register in the manner specified by the Commission on Women's Issues. Additionally, the employee must, before registering, consult with his/her supervisor with respect to which workshop would allow the unit or office to maintain adequate staffing. Once registered, employees should notify the agency as soon as possible, but no later than three days prior to the workshop.

In order to be credited with excused time, the employee must submit verification of their attendance at the workshop to their supervisor upon their return to work.

- **Quarantine**

Absence required because of a Health Department ruling with respect to quarantine may be excused.

- **Conventions and Conferences**

Employees who are required to attend State or National Conventions as a delegate or National conventions of veterans' organizations and volunteer firemen's organizations may be excused.

In addition, when employee representatives are formally designated to appear before the State Civil Service Commission on matters affecting employees of their respective departments, time may be granted to attend such meetings of the State Commission.

Agency heads are entitled to place reasonable limits on the number of employee representatives who, on any single occasion, may be granted time under this section.

- **Citywide Power/Transportation Failure and Weather Emergency**

In the event of a citywide emergency, travel to and from work may, in many cases, become difficult. Because the city must continue to provide services to the public during times of emergency, all city employees must make every effort to report to work. A citywide emergency includes, but is not limited to, weather-related events such as storms, floods and tornados; transit strikes; and impact area-specific events such as infrastructure incidents.

In the event of a citywide emergency (as defined by PSB 440-14 – Time and Leave Policy in the Event of a Citywide Emergency), the agency head in conjunction with DCAS may authorize the excusal of lateness.

Employees may not request excused absence due to Citywide Power/Transportation Failure or Weather Emergency without the express authorization of the Commissioner or their designee. Requests submitted without prior authorization will be denied.

P. Leave to Express Breast Milk

Per Personnel Services Bulletin 440-13 – *Leave to Express Breast Milk*, the New York State Labor Law was amended with the addition of Section 206-c requiring employers to permit nursing mothers to express breast milk. HRA shall provide reasonable unpaid break time or permit an employee to use paid break time (annual leave or compensatory time) or meal time

each day to express breast milk for her nursing child for up to three years following the child's birth.

HRA will permit nursing mothers to express breast milk during their meal periods if the employee elects to utilize meal or break periods for this purpose. However, an employee cannot be required to use meal or break periods for this purpose and may elect to express breast milk at other reasonable times during the work shift. The legislation does not authorize the granting of additional paid break time beyond what is already provided by the employer, if any. Accordingly, if an agency does not provide paid breaks currently, there is no obligation to create paid breaks solely to permit an employee to express breast milk.

Employees may elect to use the unpaid break time instead of, or in combination with, meal periods. Employees must be permitted to charge the annual leave and compensatory time balances during the unpaid breaks as authorized by the New York State Legislation. Employees who use unpaid break time authorized by Section 206-c and do not charge their leave balances during such unpaid break time are advised that this may affect their ability to earn monthly annual and sick leave accruals. Employees with no accrued annual leave or compensatory time balances may be advanced annual leave to be charged against future annual leave accruals.

An employee who wishes to utilize this benefit is expected to give HRA reasonable notice so that the schedule can be arranged and all necessary parties are notified, optimally prior to the nursing mother's return to work from child care leave. If this is not possible, employees should notify their HRBP of their intent to express breast milk as soon as possible, but no later than three days before they plan to begin. Staff members who are requesting advance of time must submit a request to their HRBP, with their expected schedule and duration listed. Employees must also specify whether they plan to use unpaid break time or meal time or a combination of both. Although HRA is obligated to ensure adequate support staff to ensure agency operations aren't impacted, employees may be required to postpone a scheduled time to express breast milk for a brief period of time if they cannot be spared.

It is also expected that an employee will provide HRA notice when time for expressing breast milk is no longer required. Under no circumstances is the benefit available beyond three years from the data of birth of the child.¹⁰

IV. TIME RECORDING

A. Daily Recording of Time:

Employee attendance, hours worked, absences and tardiness must be recorded in CityTime on a daily basis. Accurate timekeeping is required to determine regular and overtime pay for all employees. CityTime entries should be made by employees on a daily basis, and certified in CityTime by the employee no later than Monday of the following week. The timesheet must be approved by the employee's supervisor **no later than close of business Tuesday** of the following week.

- **Attendance recorded by Data Collection Device (DCD)/Webclock**

¹⁰ For more information, please refer to Personnel Services Bulletin 440-13.

Employees who are required to clock in and clock out on a daily basis must record their time within CityTime, using a Data Collection Device (DCD) or via Webclock. Employees should report malfunctioning DCDs to their supervisor, who will notify the Office of Staff Resources' (OSR) Customer Service Unit of the problem. If for any circumstances an employee could not clock in through DCD or Web Clock the employee must submit a Time Punch Request through CityTime, and enter the reason for the request in the Comments section.

- **Attendance recorded via Electronic Time Sheet (ETS)**

Employees who are not required to record their time via CityTime using the DCD or Webclock are required to record their attendance via the Electronic Time Sheet (ETS), using their agency computer. No employee should enter time in advance of working their schedule.

On a limited basis, other select employees may be permitted to record their attendance via the ETS. Administrative officers of their work locations can submit written recommendations for consideration to OSR for exceptions to agency policy. Requests should be made by the HRBP to the Executive Deputy Commissioner of the Office of Staff Resources.

Managers and supervisors must approve their subordinates' Weekly Time Records by the **close of business the Tuesday after** the prior week worked. Because employees can enter their leave requests directly in CityTime via their agency computer, the supervisor must periodically view their subordinates' time records to approve/disapprove any leave requests that may have been entered into CityTime.

If the staff member's immediate supervisor is unavailable, the Location Head must ensure that all of that supervisor's subordinates time have been accounted for.

Failure of the supervisory/managerial staff to adhere to the above directives can result in generation of a *Commissioner's check*¹¹ for the employee, which can result in:

1. The employee not having time and leave balances updated.
2. EFT (Direct Deposit) not processed.
3. No check or partial check for per diem employees.

- **Timekeeping for Field Employees**

If an employee is a Field Worker or makes field visits as part of his/her work assignment, he/she should follow the field monitoring guidelines established for his/her Program Area.

Employees reporting to work at another HRA location are required to record their arrival and/or departure time at the reporting site via Webclock.

¹¹ A "Commissioner's check" does not include overtime and differential payments. The employee is issued a straight bi-weekly (10) day check.

Employees working in the field should enter only one “in” and one “out” time in CityTime per day. CityTime should not be used to swipe out and back in when going to /returning from a field assignment.

Multiple swipes will result in inappropriate entries in the Electronic Time Sheet (ETS) and will leave time unaccounted for due to travel, requiring additional adjustments to the ETS either by the employee or the supervisor via a Time Punch request.

Employees whose duties require work at a location other than where they are assigned, and employees in the field at different locations, are required to submit a record of their daily work-related activities. For each day, the location, description of the work performed, and time spent carrying out those responsibilities should be entered on the appropriate daily activity sheet. Deviations from regular hours should be clearly indicated, along with the reason for the discrepancy. Working hours other than those specified in CityTime will result in an LWOP.

Adequate supervision and control of time records for field personnel is essential. In instances where employees are required to move from place to place in the performance of their duties, recording of the employee’s time must be accompanied by supervisory verification of attendance.

When field employees are not required to report to their work location prior to commencing work for the day as part of their normal duties, their immediate supervisors are required to enter the employees’ scheduled clock-in time in CityTime on a daily basis. Supervisors must also verify the employee’s attendance and hours worked as well as job performance by viewing the employee’s weekly and other activity reports.¹²

B. Review and Processing of Time and Leave

• Type of Employee

- Full Time Per Annum -The time record must show attendance (time-in, and time-out). Absence or lateness is charged against earned annual leave, sick leave, and/or compensatory leave credits.
- Per-Diem/Hourly Wage -The time records for hourly wage employees must contain the details necessary to establish “Total Time” for each bi-weekly cycle, since they are only paid for time worked. The information entered on time records must be correct and complete in every detail.

• Leave Balances

Employees’ leave balances are displayed on their bi-weekly paystubs. Employees can access their Leave Balances through ESS via the “View My Leave Statements” screen. PMS automatically accrues leave balances for employees on a monthly basis based on years of service, in accordance with union contractual agreements, and DCAS’ Time and Leave Regulations.

¹² For more information, refer to Agency procedure Guidelines for Monitoring Employees’ Field Time, on the HRA intranet, within HRA Policies and Procedures.

Leave accruals do not appear on employee's pay stub until the following month (*i.e.*, January's accruals appear on the pay stub in February). **Employees are only entitled to each month's accrual if they have been in pay status for 15 calendar days.**

Employees are required to have worked or been on paid leave on the days before and after a holiday in order to be paid for the holiday. Employees are not under pay status when their sick days, leave accruals, and annual leave balances have been depleted and they incur additional unpaid absences.

- ***Overtime***

All hours worked beyond a regularly scheduled workweek are considered overtime hours for eligible employees if authorized. Managerial employees are not eligible to receive overtime cash or compensation for any time worked beyond their scheduled work hours (at least 35 hours per work week).

Existing oversight policies and procedures governing the pre-authorization of employee overtime remain in effect, including the Fair Labor Standard Act (FLSA) Guidelines and Contractual Provisions.¹³

All paid overtime must be pre-authorized. To ensure accurate timekeeping, it is essential that all overtime be entered into CityTime, approved by the immediate supervisor, and approved by the Senior Approver. The supervisor/managerial staff must ensure that all overtime requests in CityTime are approved/disapproved no later than Tuesday of the week following the week worked.

Except for purposes of computing FLSA overtime, time during which employees are in full-pay status is counted in computing the number of hours within the employee's regular weekly work schedule, whether or not the time was actually worked.

With the exclusion of trades workers, employees whose annual gross salary rate exceeds the negotiated Citywide overtime cap (\$74,079 as of June 1, 2012) are not entitled to paid overtime without a written waiver from the designated oversight agency.

Credit for all authorized overtime beyond the normal work week shall accrue in units of one-quarter (1/4) hour and, except for an employee covered by the provisions of FLSA who has actually worked in excess of forty hours in said calendar week, only after one (1) hour. Any work performed before or after regularly scheduled work hours must be entered and approved in accordance with agency policy.

- ***Involuntary Overtime***

Involuntary overtime is defined as overtime which the employee is directed in writing to work and which the employee is therefore required to work. Such overtime may only be authorized by the agency head or a representative of the agency head.

¹³ For an overview of agency and citywide regulatory materials on overtime control, refer to Mayoral Executive Order No. 7, and Agency procedure, Overtime Authorization, Compensation and Control, [on the HRA intranet, within HRA Policies and Procedures.

Ordered involuntary overtime which results in an employee working in excess of forty hours in any calendar week shall be compensated in either cash or time at time and one half (1 ½ times), whichever is preferable to the employee.

For employees whose normal work week is less than forty hours (40) hours, any such involuntary overtime worked between the maximum of that work week and forty (40) hours in any calendar week, shall be compensated in cash at straight time (1x).

Employees who are paid in cash or who are compensated in time at the rate of time and one-half (1 ½ x) for overtime may not credit such time for meal allowance.

- ***Voluntary Overtime***

Voluntary overtime is defined as overtime for work authorized by the agency head or the agency head's designee, which the employee is free to accept or decline.

Authorized voluntary overtime which results in any employee working in excess of the employee's normal work week in any calendar week shall be compensated in time off at the rate of straight time (1x).

For employees covered by the provisions of FLSA, voluntary overtime actually worked in excess of forty hours in a calendar week shall be compensated at the rate of time and one-half (1½x) in time provided that the total un-liquidated compensatory hours credited to an employee pursuant to this provision may not exceed 240 hours. If an employee has reached the 240 hour maximum accrual for FLSA compensatory time, all subsequent overtime earned under this provision will be compensated in cash at the rate of time and one-half (1½x) regardless of how the request was entered in CityTime.

FLSA exempt employees are compensated at straight time (1x) for all hours worked.

All compensatory credits, except FLSA compensatory hours, are subject to conversion to sick leave if not used within four (4) months of the earned date.

C. Lateness

- ***Lateness Caused by a Transportation Delay***

Lateness attributed to transportation is classified as "excused" or "not excused." Excused lateness will not be charged against an employee's leave balances. Lateness found by the employee's supervisor or designee to have been caused by transportation circumstances beyond the employee's control will be excused. Each request should be entered into CityTime, on the day of the lateness. The employee is required to provide proof that is satisfactory to his/her supervisor or designee as to the cause of the lateness within 22 business days of the delay. The Transit Authority offers an on-line form to request transit delay verification for the subway only. Staff can access the form at <http://enterprise.mtanyct.info/delayverify>.¹⁴

¹⁴ For detailed instructions for requests due to transportation delays, staff can refer to the CityTime Bulletin Instructions for Transportation Delay Requests.

When supervisors receive the documentation of the delay they must return to the leave request in CityTime and enter the date the documentation was received. If, upon receipt of the documentation the supervisor wishes to disapprove the transit delay request, or partially approve and partially disapprove the request, or if the employee wishes to change the request, the supervisor must contact OSR Customer Service

When a staff member's lateness is partially excused (MTA/Carrier verifies a transportation delay for less time than the transportation delay request was for) the portion not verified by the MTA/Carrier should be charged to unexcused lateness. If, after 22 business days, the staff member has not provided documentation of the transportation delay, the request must be disapproved by the supervisor and a new leave request for Unexcused Lateness entered in CityTime. When this situation occurs, the supervisor must contact OSR Customer Service for assistance. Supervisors must run monthly reports of their staff's Transportation Delay requests for this purpose.

Employees are reminded that delays are part of the daily commute and should be planned for since some level of delay is normal for any transportation system. Employees should adjust their departure for work time accordingly. Prior to approval of an excused lateness that has not been verified as a major failure of public transportation, attendance patterns of the employee will be reviewed.

Lateness caused by a verifiable major failure of public transportation, such as widespread or total power failure of significant duration or other catastrophe of similar severity will be excused.¹⁵ Employees who submit a request to have lateness excused will have their requests reviewed by their supervisor and the Timekeeping department.

- ***Lateness Caused by Circumstances Other than a Transportation Delay***

Lateness caused by circumstances other than transportation will be deducted from the employee's compensatory and/or annual leave balances. If the employee has no leave balances at the time of the unexcused lateness, the employee will be subject to an LWOP deduction made on a minute-by-minute basis from his/her paycheck.

Unexcused lateness due to the denial of transportation delay or unacceptably explained other lateness may subject the employee to disciplinary action should he/she exceed six (6) instances during a leave period.

Classification: 02

Effective Immediately

Replaces: P-13-10

¹⁵ Refer to the CityTime Bulletin Excused Absence/Citywide Power Transportation Failure.

V. APPENDIX - FORMS & DOCUMENTS MENTIONED**FORMS USED:**

<u>Form No.</u>	<u>Title</u>	<u>Origin</u>
M-301b	Attendance Record Form	Supervisor/Manager

Form M-301b: "Unplanned Annual Leave/Undocumented Sick Leave" is used by the supervisor/manager to record all instances of lateness or absences and undocumented sick leave without prior approval. Employees are required to sign form M-301b after each discussion with their supervisor related to their attendance. Refusal to sign form M-301b is considered insubordination and subjects the employee to disciplinary action.

Attendance Record Form M-301b

M-301bb	Absence and Tardiness Calendar	Supervisor/Manager
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Form M-301bb: "Absence and Tardiness Calendar" should be used as an overall guide to track an employee's overall tardiness, annual leave, sick leave usage, and allows the supervisor to monitor any developing scenarios which may require supervisory action.

Absence and Tardiness Calendars/Forms for 2014 M-301bb

M-301c	Notice of Unsatisfactory Attendance (Undocumented Sick Leave)	Supervisor/Manager
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Form M-301c: "Notice of Unsatisfactory Attendance (Undocumented Sick Leave)" is to be completed by the employee's supervisor/manager, to inform the employee that s/he has violated agency policy by excessive use of undocumented sick leave, notifying them that s/he will be placed on Doctor's Note Restriction if the behavior continues.

Notice of Unsatisfactory Attendance (Undocumented Sick Leave) Form M-301c

M-301d	Notice of Unsatisfactory Attendance (Undocumented Annual Leave/Compensatory Time)	Supervisor/Manager
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Form M-301d: "Notice of Unsatisfactory Attendance (Undocumented Annual Leave/Compensatory Time)" is to be completed by the employee's supervisor, to inform the employee that s/he has violated agency policy by excessive use of Undocumented Annual Leave/Compensatory Time, notifying the employee that s/he may be subject to disciplinary charges.

Notice of Unsatisfactory Attendance (Undocumented Annual Leave/Compensatory Time) Form M-301d

M-301e	Explanation for Lateness or Unplanned Absence	Employee
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Form M-301e: “*Explanation of Lateness or Unplanned Absences*” is to be completed by the employee when s/he is absent without prior approval and in emergency situations.

Employees can access the above listed forms via the HRA Intranet Homepage under the “My Forms” section, HRA Forms link, OSR folder within.

Explanation for Lateness or Unplanned Absence M-301e

Form M-559b: **Notice of Money Deducted or Money Restored** Timekeeping

Form M-559b: “*Notice of Money Deducted or Money Restored*” is completed by the Timekeeping department and given to the employee prior to a payday when money or time is deducted from the employee’s pay or leave balances.

PEILM 720: **Annual Employee Leave Statement** Payroll

PEILM 720: “*Annual Employee Leave Statement*” is given to an employee by the Payroll unit at the end of the leave year¹⁶, to outline the employee’s remaining leave balances.

Employees can also access their Leave Balances through Employee Self Service (ESS) by following these instructions:

- Log in to ESS
- Click on “View My Leave Statements”
- Select “Employee Leave Statement – Past 12 Months” to view their balances for the last 12 months, or
- Select “Employee Leave Statement – Year to Date” to view their balances for the current year only.
- The statement will display the leave balance number, description, opening balances, accruals, usage, and closing balances.
- Note:
 - The Leave Statements are calculated on the last day of the previous month. Balances shown represent the information available at that time. All leave balances are subject to review and audit.
 - When reviewing leave statements employees should take into consideration:
 - Leave taken but not deducted for prior or current payroll periods.
 - Pending adjustments that may be in progress.

PEILR 725: **Amended Employee Leave Statement** Timekeeping

¹⁶ There are two leave years: Non-Manual employee leave year, May 1st – April 30th and Managerial employee leave year, January 1st – December 31st.

PEILR 725: "Amended Employee Leave Statement" is given to an employee by the Timekeeping department if there is a discrepancy in the year-end leave statement.

<u>E-Form</u>	<u>Title</u>	<u>Origin</u>
M-301j Rev. 12/20/2011	Employee's Request to Carry Over Excess Annual Leave and Compensatory Time Credits	Employee

M-301j: "Employee's request to Carry Over Excess Annual Leave and Compensatory Time Credits" is to be completed by employees who have accrued over two year's worth of annual leave or compensatory time.

Employees can access the above listed e-forms via the HRA Intranet Homepage under the "My Forms" section, using the OSR Online Requests link.

- Notice of Money Deducted or Money Restored **Form M-559b (Internal Timekeeping Form)**
- Annual Employee Leave Statement Form **PEILM 720 (Distributed to Employee)**
- Amended Employee Leave Statement Form **PEILR 725 (Distributed to Employee)**
- Employee's Request to Carry Over Excess Annual Leave and Compensatory Time Credits Form **M-301j Rev. 12/20/2011** via OSR Online Requests

DOCUMENTS MENTIONED

- 1995-2001 Citywide Agreement
- CityTime: How to Info
- CityTime Bulletin - Excused Absence/Citywide Power Transportation Failure
- CityTime Bulletin - Instructions for Transportation Delay Requests
- CityTime Bulletin - Entering Leaves in CityTime for Part of the Day
- CityTime Bulletin - Use of the Absence Without Leave (AWOL) Leave Type
- CityTime Reference Guide Revised
- Overtime Authorization, Compensation and Control
- Guidelines for Monitoring Employees' Field Time
- Personnel Services Bulletin 440-13

PERSONNEL SERVICES BULLETINS (PSBs)

410-1R

Subject: Citywide Employee Lateness Policy

Supersedes: Personnel Services Bulletin No. 410-1

Source: "Leave Regulations for Employees Who are Under the Career and Salary Plan"

Date: April 17, 2000

I. Policy

All employees are obligated to report to work on time. Employees not at their work sites ready to work at the scheduled time are late. Each lateness, regardless of whether it is at the beginning of the scheduled work day or upon return from lunch, is a separate unauthorized lateness.

With the exception of the employees described below, there shall be a five-minute grace period at the beginning of each work shift. When a tardy employee's lateness exceeds the five-minute grace period, the full period of time between the scheduled reporting time and the actual reporting time shall be charged against the employee (e.g., an employee whose starting time is 9:00 a.m. who reports to work at 9:05 a.m. is not late, but an employee who reports to work at 9:06 a.m. is six minutes late). Lateness beyond the five-minute grace period shall be classified as "excused" or "not excused." Excused lateness shall not be charged against the employee.

The following employees are not entitled to the five-minute grace period:

- A. Emergency personnel, including but not limited to: Fire Alarm Dispatchers, Police Communication Technicians and Emergency Medical Specialists;
- B. Employees whose positions require that, in the event of their lateness, another employee be held over from a previous shift or be called in to substitute for him/her at premium rates of pay; and
- C. Effective December 5, 1999, employees subject to flexible work schedules.

Upon satisfaction of the agency head or individual designated by the agency head to implement lateness policy, lateness caused by unforeseen transportation circumstances beyond the ability of the tardy employee to control shall be excused.* The tardy employee may be required to furnish proof of the cause of lateness. A request for excusal shall not be unreasonably denied. A refusal to excuse a lateness may be appealed to the Commissioner of Labor Relations, whose decision shall be final.

Lateness caused by a verified major failure of public transportation, such as a widespread or total power failure of significant duration or other catastrophe of similar severity shall be excused.

The City reserves the right to discipline or discharge an employee for excessive lateness.

*The phrase "transportation circumstances beyond the ability of the tardy employee to control" encompasses circumstances, which cannot be anticipated, after the employee leaves for work (e.g., elevator breakdowns or private transportation breakdowns).

II. Procedure

Each agency will establish timekeeping procedures appropriate to the agency and consistent with the Citywide Agreement and the "Leave Regulations for Employees Who are Under the Career and Salary Plan."

Deductions for unexcused lateness shall be made on a minute for minute basis from any compensatory time credited to the employee. If the employee has no compensatory time, the time will be deducted from the employee's annual leave balances.

The following procedure shall be uniform in all agencies:

1. Notification

Within two days after an unauthorized lateness, the immediate supervisor will notify the employee of the amount of leave deducted as a result of the lateness.

2. First Warning

Upon the fourth occurrence of an unauthorized lateness, the immediate supervisor will meet with the employee to explain the lateness policy and to develop methods to help the employee avoid future lateness. At this time, remedies such as alternative work schedules should be discussed. The results of the meeting are to be recorded and signed by the supervisor and the employee and placed in the employee's personnel folder.

3. Second Warning

Upon the fifth occurrence of unauthorized lateness, the immediate supervisor will again meet with the employee to review the employee's lateness record. At this time the employee should be warned that additional lateness may result in disciplinary action. The results of the meeting are to be recorded and signed by the supervisor and the employee and placed in the employee's personnel folder.

4. Third Warning

Upon the sixth occurrence of unauthorized lateness, the immediate supervisor will again meet with the employee to review the employee's lateness record. The employee will be warned that the next unauthorized lateness will result in disciplinary action. The results of the meeting are to be recorded and signed by the supervisor and the employee and placed in the employee's personnel folder.

5. Disciplinary Action

If excessive lateness persists, the agency head will take disciplinary action against the employee utilizing Section 75 of the New York State Civil Service Law.

An unauthorized lateness shall not be considered if it occurred more than twelve months prior to the occurrence of the next lateness.

William J. Diamond
Commissioner



NEW YORK CITY CONFLICTS OF INTEREST BOARD

New York Conflicts of Interest Law, Covering New York City Public Servants (Plain Language Version*)

1. **Misuse of Office.** Public servants may not use their position to personally or financially benefit themselves, their family members, or any person or firm with whom they have a business or financial relationship.
2. **Misuse of City Resources.** Public servants may not use City supplies, letterhead, telephone, e-mail, computer, equipment, resources, or personnel for any non-City purpose, nor may they pursue personal or private activities during times when they are required to work for the City.
3. **Gifts.** Public servants may not accept anything valued at \$50 or more from any person or firm that they know or should know is doing business or seeking to do business with the City.
4. **Gratuities.** Public servants may not accept anything from anyone other than the City for performing their official duties.
5. **Volunteer Activities.** Public servants may be officers or directors of a not-for-profit with business dealings with the City if they do this work on their own time, they are not compensated for such work, the not-for-profit has no dealings with their City agency (unless the agency head has given approval), and the public servant is in no way involved in the not-for-profit's business with the City.
6. **Seeking Other Jobs.** Public servants may not seek or obtain a non-City job with any person or firm with whom they are dealing with in their City job.
7. **Moonlighting.** Public servants may not have a job with any firm that they know or should know does business with the City or that receives a license, permit, grant, or benefit from the City. For certain part-time public servants, such as part-time members of boards and commissions, this prohibition applies only to their employing City agencies.
8. **Owning Businesses.** Public servants may not own any part of a business that they know or should know does business with the City or that receives a license, permit, grant, or benefit from the City, nor may their spouses, or their domestic partners, nor any of their children. For certain part-time public servants, such as part-time members of boards and commissions, this prohibition applies only to their employing City agencies.
9. **Permission to Moonlight or Own a Business.** Public servants may, with the written authorization of the head of their City agency, seek permission from the Board to have a job with a firm that does business with the City or to own some or all of a business that does business with the City.
10. **Disclosure and Recusal.** As soon as a public servant faces a possible conflict of interest under the City's conflicts of interest law, he or she must disclose the conflict to the Conflicts of Interest Board and comply with the Board's instructions, which may include recusal, divestiture, or other actions.
11. **Confidential Information.** Public servants may not disclose confidential City information or use it for any non-City purpose, even after they leave City service.
12. **Lawyers and Experts.** Public servants may not act as a lawyer or expert against the City's interests in any lawsuit brought by or against the City.

13. ***Appearances Before the City.*** Public servants may not accept anything from anyone other than the City for communicating with any City agency or for appearing anywhere on a City matter. For certain part-time public servants, such as part-time members of boards and commissions, this prohibition applies only to their employing City agencies.
14. ***Buying Office or Promotion.*** Public servants may not give or promise to give anything to anyone for being elected or appointed to City service or for receiving a promotion or raise.
15. ***Business with Subordinates.*** Public servants may not enter into any business or financial dealings with another public servant who is their subordinate or supervisor.
16. ***Political Solicitation of Subordinates.*** Public servants may not ask a subordinate to make a political contribution or to do any political activity.
17. ***Coercive Political Activity.*** Public servants may not force or try to force anyone to do any political activity.
18. ***Coercive Political Solicitation.*** Public servants may not directly or indirectly threaten anyone or promise anything to anyone in order to obtain a political contribution.
19. ***Political Activities by Certain High-Level Officials.*** Deputy mayors, agency heads, deputy or assistant agency heads, chiefs of staff, directors, or members of boards or commissions may not ask anyone to contribute to the political campaign of anyone running for City office or to the political campaign of a City elected official running for any office. These appointed officials, as well as elected officials, may not hold certain political party positions.
20. ***Post-Employment One-Year Ban.*** For one year after leaving City service, former public servants may not communicate with their former City agency on behalf of their new employer or business.
21. ***Post-Employment One-Year Ban for Certain High-Level Officials.*** Elected officials, deputy mayors, the chair of the City Planning Commission, and the heads of the Office of Management and Budget, Law Department, and Departments of Citywide Administrative Services, Finance, and Investigation, for one year after they leave City service, may not communicate with their former branch of City government on behalf of their new employer or business.
22. ***Post-Employment Particular Matter Bar.*** After leaving City service, former public servants may never work on a particular matter they personally and substantially worked on for the City.
23. ***Improper Conduct.*** Public servants may not take any action or have any position or interest, as defined by the Conflicts of Interest Board, that conflicts with their City duties.
24. ***Inducement of Others.*** Public servants may not cause, try to cause, or help another public servant to do anything that would violate the City's conflicts of interest law.

FOR ADDITIONAL INFORMATION, CONTACT
NEW YORK CITY CONFLICTS OF INTEREST BOARD
2 LAFAYETTE STREET, SUITE 1010
NEW YORK, NY 10007
212-442-1400
<http://nyc.gov/ethics>

* This material is intended as a general guide. It is not intended to replace the text of the law (City Charter § 2604). For more information or to obtain answers to specific questions, you may write or call the Board. Also, bear in mind that individual agencies may have additional restrictions on the acceptance of gifts, moonlighting, and other issues. Contact your agency's ethics liaison for more information.

OFFICE OF THE MAYOR
EXECUTIVE ORDER NO. 75
(as amended)

March 22, 1973

TIME SPENT ON THE CONDUCT OF LABOR RELATIONS BETWEEN THE
CITY AND ITS EMPLOYEES AND ON UNION ACTIVITY.

Whereas, Existing policy of the City, enunciated by the New York City Collective Bargaining Law, seeks to promote harmonious relations between the City and its employees by providing machinery for the conduct of collective bargaining negotiations, for the orderly presentation and redress of employees grievances, and by recognizing the right of employees to speak through designated representatives in other areas of employer-employee interest, and

Whereas, Experience has shown that it is often necessary and desirable for both government and its employees to carry on during working time the activities directly incident to the practical application of this policy, and

Whereas, To the extent that assigned working time necessarily and reasonably spent for these purposes serves to promote efficient operations and effective administration, and not to impede them, it is as much time devoted to the public interest as is the time spent in the performance of regularly assigned duties, and

Whereas, Practices by employees and by the various departments pursuant to existing Executive Order No. 38 dated May 16, 1957, the New York City Collective Bargaining Law, and Executive Order No. 38 dated February 7, 1967 establishing the Office of Labor Relations require revision, updating, clarification and more detailed standardization of the procedures governing the use of working time by employees in the conduct of Labor-Management Joint Activities in order to provide as nearly as possible for uniformly reasonable and consistent practices and to prevent abuses and interference with the effective performance of governmental operations, and

Whereas, It is also necessary to further clarify and standardize the applicability of City time and leave policy to time taken by an employee for the conduct of union activities for the essential and direct benefit of a labor organization,

Now, therefore, by the power vested in me as Mayor of The City of New York, it is hereby ordered that:

Section 1. The provisions of this Executive Order shall apply to all City departments and agencies with respect to the time spent in the conduct of Labor-Management Joint Activities and Union Activities:

Section 2. Labor-Management Joint Activities:

1. Employee representatives, duly designated by certified employee organizations, when acting on matters related only to the interests of employees in their certified bargaining units shall be permitted to perform the following functions, subject to the conditions set forth in this Executive Order, without loss of pay or other employee benefits:
 - a. To investigate grievances, assist in their early resolution, and to process them at all levels of the grievance procedure.
 - b. To participate in meetings of departmental labor-management committees.
 - c. To negotiate and confer with the City Director of Labor Relations and/or his representatives.
 - d. To confer with and/or appear before departmental and other City officials and agencies, including the Board of Estimate, the City Council, the Civil Service Commission, and the Office of Collective Bargaining.
 - e. To serve as employee members of a City Pension Board.
 - f. To serve as members of the Municipal Labor Committee.
 - g. To participate in fact-finding and other collective bargaining impasse proceedings.
 - h. To confer with and/or appear before any Federal wage regulatory agencies.
 - i. To serve as members of authorized Safety Committees.
 - j. To attend award, honor, graduation, and promotional ceremonies, as employee representatives.
 - k. To attend funerals and memorial services of represented employees who are killed in the line of duty, as employee representatives.
 - l. To attend any other activity for which time without loss of pay or other employee benefits is specifically provided for in the labor contract covering the employees' certified unit.

- m. Upon approval in writing by the City Director of Labor Relations to engage in any other activity which is not inconsistent with the provisions of this executive order.
- n. To attend meetings as a trustee of union welfare, security or annuity funds.

Section 3. Union Activities.

- 1. Employee representatives, duly designated by certified employee organizations, shall be permitted to take time off without pay for or to charge to their annual leave allowance or compensatory time credits, time spent in the following activities performed in behalf of an affected union and its members:
 - a. Organization of and attendance at union meetings, conferences or conventions.
 - b. Organizing and recruitment of union membership.
 - c. Solicitation of members and keeping of membership records.
 - d. Collection and/or recording of union dues.
 - e. Preparation and/or distribution of union pamphlets, newspapers, circulars and other union literature.
 - f. Administration of welfare, security and/or annuity funds.
 - g. Appearance before, or conferences with, members of or various committees of the New York State Legislature or of the Congress of the United States.
 - h. Holding of press conferences and the preparation and distribution of press releases.
 - i. Appearances in court.
 - j. Pension counseling.
 - k. Administrative or office work.
- 1. Upon approval in writing by the City Director of Labor Relations any other activity not inconsistent with the provisions of this executive order.

Section 4. Regulatory Provisions.

The provisions of this Order shall be applied in the following manner and under the following conditions:

- 1. Full and part-time assignments and leaves of absence without pay:

The City Director of Labor Relations, in conformity with the basic principles of this Order, shall determine:

- a. The number of employees if any, on full-time and/or part-time assignment, on a regular basis, with pay and benefits, permitted under Section 2 for the affected unit.
- b. The number of employees, if any, on full-time leave of absence without pay, permitted under Section 3, for the affected unit.

In making such determinations, the City Director of Labor Relations shall consider:

- a. The number of employees in the unit.
- b. The number of titles in the unit.
- c. The grievance activity in the unit.
- d. The dispersion of the unit in affected work locations.
- e. The nature and level of the unit's function.
- f. The presence of safety problems in the unit.

2. *Ad hoc assignments:*

The head of each agency, in consultation with and with the approval of the City Director of Labor Relations shall establish reasonable limits on the number of employee representatives who may be permitted and the amount of time required to participate on an ad hoc basis in the activities enumerated under Section 2 and 3 of this Order.

3. *General provisions*

- a. The head of the agency in which the affected union representative is employed shall continue to make the necessary administrative determinations, subject to the approval of the City Director of Labor Relations, under both Sections 2 and 3, including but not limited to those set forth below. The agency head:
 - (1) Shall make all full and part-time individual assignments and grant leaves-without-pay as authorized in writing by the City Director of Labor Relations and shall grant ad hoc assignments pursuant to this Order.
 - (2) Shall require, receive, check, certify and maintain time records and payrolls for all employees assigned pursuant to Section 2 of this Order covering all hours so assigned. Sick leave, annual leave, etc., shall be charged in accordance with established agency procedure.

- (3) Shall require, receive, check, certify and maintain regular activity reports for all employees assigned.
 - (4) Shall be responsible for employee compliance with the requirements of this Order.
2. The City Director of Labor Relations shall review the agency time and activity records of all affected employees to insure compliance with this Order.
 3. All time spent on the conduct of labor relations granted pursuant to this Order including ad hoc, full and part-time assignments, and leaves of absence without pay, must be approved in advance by authorized officials.
 4. ~~Organizing, planning, directing, or participating in any way in strikes, work stoppages, or job actions of any kind, are excluded from the protection or coverage of this Order. Any employees assigned on a full or part-time basis or granted leave of absence without pay pursuant to this Order who participate in such excluded activity may have such status suspended or terminated by the City Director of Labor Relations.~~
 5. Employee representatives who are assigned to labor-management joint activities under Section 2 of this Order and are paid out of union or other private funds for the time so spent shall not also be paid by the City for such time. An employee who is granted a full or part-time assignment with pay and benefits pursuant to this Order shall be required to submit an affidavit to the head of the agency in which he is employed certifying that he is not receiving any other compensation for the same time for which he is paid by the City.
 6. Employees assigned or granted time or leave-without-pay pursuant to this Order to represent a certified unit may not be incumbents in a title represented by another union.
 7. Only employees who are elected or appointed to an official position in the union represented may be assigned on a full-or-part-time basis or granted leave without pay pursuant to this Order. Such assignment or leave shall be cancelled immediately upon termination of the employee's official union status.

8. Employees assigned on a full or part-time basis or granted time pursuant to this Order shall not receive overtime, shift differential, compensatory time, meal allowances or holiday premium pay while so assigned.
9. Employee representatives who are granted a leave of absence without pay pursuant to this Order shall continue to have their seniority rights preserved, the right to take promotional examinations, full pension rights for the time on such leave-of-absence without pay and shall be entitled to salary increments.
10. Employees assigned on a full-time or part-time basis or granted leave without pay pursuant to this Order shall at all times conduct themselves in a responsible manner.
11. Upon request of any agency or certified union, the City Director of Labor Relations shall be empowered to issue interpretations of this Order.
12. The Department of Personnel and the Office of Labor Relations shall take all appropriate and necessary steps to make present rules and regulations consistent with this Executive Order.

Section 5. Executive Order No. 38 dated May 16, 1957 and any other Orders issued on these subjects inconsistent with the provisions of this Order are hereby rescinded. Nothing contained in this Order shall be deemed to have the effect of changing the character of the subject matter hereof which is a managerial prerogative and a non-mandatory subject of collective bargaining.

Section 6. This Order shall take effect immediately.

/s/ JOHN V. LINDSAY, Mayor



Staff Members' Tips to Receive an Accurate Paycheck

To Ensure an Accurate Paycheck, Each Day:

- Employees should enter their time as soon as they arrive at work.
 - Electronic Timesheet users (ETS) Employees should enter their time, in military time, on their Electronic Timesheet.
 - DCD/Webclock Employees must punch in at either a DCD device or at the Webclock on their computer.

Time and Leave Requests

- Enter leave requests in advance.
- All time entries on leave requests must be entered using military time.
- Provide documentation for leave requests (when required).
- Make sure overtime entries match the time worked on the timesheet.
- DCD/Webclock employees must enter a punch request for missing/duplicate time entries.
- Add meal time when working overtime on a non-scheduled workday.
- A meal cannot be entered at the beginning or end of the scheduled workday.
- **IN ORDER TO RECEIVE A CORRECT PAYCHECK, STAFF MUST CERTIFY AND SUBMIT THEIR CITYTIME TIMESHEETS BY CLOSE OF BUSINESS MONDAY FOLLOWING THE WEEK WORKED.**

DCD Employees

- When using the DCD device, the user's name should appear on the screen after they enter their DCD badge number.

- The DCD badge number and DCD group assigned to the employee can be viewed in the "Employee Profile - DCD Info" tab in CityTime.
- DCD punches can take up to fifteen minutes to populate a timesheet in CityTime.
- If an employee forgets to clock-in upon arrival, they must submit a "Time Punch" request in CityTime for supervisory approval.
- If DCD punches are not populating on a timesheet, the employee must contact their CityTime Liaison/DCD Enroller.

Lateness

- If late due to any reason besides a transportation delay, staff must enter a leave request for lateness unexcused charged to annual leave, compensatory time, or LWOP (leave without pay).
- Transportation delay requests must be entered in CityTime as soon as the employee arrives at work.
 - A comment explaining the delay must be entered on the request.
 - Documentation of the request must be provided within 22 calendar days, otherwise the Transportation Delay request will be disapproved and adjusted to unexcused lateness instead.
- Lateness/Excused due to agency related issues must have an appropriate explanation in the comments section. These requests are subject to 2nd level of approval by Timekeeping. In most cases, staff may not enter this type of request unless an agency memo instructs them to do so.

Jury Duty

- Jury duty requests must be entered by selecting Excused Absence as leave type and the appropriate Jury Duty leave reason (i.e. Fed. NYS or NYC, or Other), for the number of days served on jury duty. Documentation showing the number of days must be provided to the staff member's supervisor and must also be faxed to the OSR Jury Duty Coordinator at 917-639-0349 or e-mailed to osrcustomerservice@hra.nyc.gov as soon as the employee returns to work.

- If an employee receives a subpoena to go to court to justify a non-response to previous jury duty requests, they should enter an Excused Absence leave request for leave reason and Subpoena for leave type in CityTime. The request should only be for the number of hours the staff member appeared at court, and for reasonable travel time to report to work after the appearance. Documentation showing the time of release from the court appearance must be provided to the employee's supervisor and e-mailed or faxed to the OSR Jury Duty Coordinator following the instructions indicated above.
- Jury duty leave reasons may not be used for going to court to change the start date of jury duty appearance, or any personal appearances in court (ie. family court, civil court, etc.). In these cases, the staff member must enter either an annual leave, compensatory time, or LWOP request.
- Staff are expected to return to their work location if they are released from jury duty service early.
- If serving on jury duty for more than one day, the staff member must call their supervisor each day that they are serving jury duty.
- If an employee receives a Subpoena request to appear in court for an agency related issue, they must enter an Excused Absence leave request with Subpoena as leave reason, and include an appropriate comment on the request with appropriate documentation.

Excused Absence

- Excused Absence/Special Excusal should only be used when directed by the agency. An appropriate comment must be entered on the request and the request will be reviewed for 2nd level of approval by timekeeping.
- Excused Absence/Other Excused cannot be used for personal reasons or for working in the field. It can be used as directed by the agency (i.e. Sabbath Observer).
- Excused Absence for Citywide Power Transportation Failure/Weather Emergency should only be used for citywide emergencies as directed by DCAS and/or the Mayor's office.

PERSONNEL SERVICES BULLETINS (PSBs)

100-3R

Subject: Out-of-Title Work

Supersedes: Personnel Services Bulletin No. 100-3

Source: Civil Service Law, Sections 61 and 100

Date: April 9, 1998

I. Background and Policy and Procedure

Out-of-title work is defined as assignment to duties which are substantially different from those appropriate to the employee's title. Assignment to out-of-title work is prohibited by Section 60 of the Civil Service Law. In addition, many collective bargaining agreements list assignment to out-of-title and out-of-level work as a grievable matter. Therefore, agencies should take all the necessary steps to ensure that employees are performing tasks consistent with their current civil service titles and assignment levels.

Payment for out-of-title work is precluded by law. However, if the employee's title is covered by an out-of-title grievance procedure, an arbitrator may award back pay for out-of-title work in accordance with the specific collective bargaining agreement, generally, from no more than 30 days prior to the date the Step I grievance was filed, up to the date the duties ceased. Once such an award is granted, the assignment should cease and desist or the employee should be properly appointed to the appropriate title.

Job specifications provide a description of the scope of each job and examples of typically performed tasks. They are not exhaustive lists of all possible assignments. In addition, every job specification provides that employees may perform "related duties," and performing "related duties" as such would not be considered out-of-title work.

Note

Agencies should be aware that temporary assignments to higher level duties are not necessarily considered out-of-title work. Employees may be assigned to any duty on a temporary basis in an emergency. For example, most employees are expected to fill in for their supervisors on a temporary basis when the supervisor is on vacation or is sick.

II. Procedure

A. Any questions regarding proper assignments for employees in a particular title or assignment should be directed to DCAS's Classification and Compensation Division.

B. Grievances should be filed promptly pursuant to the procedures set forth in the Citywide Agreement.

William J. Diamond
Commissioner

Inquiries: Classification and Compensation Division - (212) 669-7312

Issue No. 4-98

All Staff Bulletin



May 3, 2016

**From Deputy Commissioner Mitch Gipson
Division of Administration**

**– Time & Leave Rules & Regulations for FLSA covered
Employees –**

Staff covered under the Fair Labor Standards Act (FLSA) are eligible for overtime or compensatory time whenever they perform work-related tasks outside of their regularly scheduled work day.

As a reminder, in accordance with the Time and Leave Rules and Regulations for ACS, employees covered under the FLSA are not permitted to perform any work-related tasks before the start time of their scheduled work hours, during their meal break, and after the end time of their scheduled work hours **unless the work has been pre-approved by the appropriate supervisor.** Such pre-approved hours must be accurately recorded on their timesheets and must match the overtime request.

Therefore, FLSA covered employees should not engage in work-related tasks outside of their scheduled work hours, or during a meal break, without requesting prior permission from the appropriate supervisor or unless otherwise mandated by work rules or supervisory personnel.

Staff can find out if they are covered under FLSA by logging on to CityTime and clicking on "Employee Profile" on the side navigation, then "Job" on the top. If you are covered under FLSA, the letter "C" will appear next to FLSA Title Indicator. If you are not covered under FLSA, the letter "E" will appear.

Authorized supervisor/managers who approve work-related tasks to be performed outside of an employee's scheduled work hours, or during a meal break, must ensure that the time the employee spends performing the work is accurately recorded on the timesheet. This will ensure that the employee is appropriately compensated for working on tasks outside of scheduled work hours.

Supervisors Responsibilities to Ensure Accurate Time and Leave Reporting by Their Staff

Supervision of Time and Leave for All Employees

- Review your workflow on a daily basis and approve any outstanding items.
- Request documentation for leave requests and enter the documentation received date in Citytime when required.
- For low balance employees you are expected to enter time and leaves on their behalf on a daily basis if the employee is out in the field or not in attendance.
- Enter leave requests for the prior week worked on behalf of your staff when the employee is not in attendance by COB Monday.
- If a staff member is not in attendance by COB Monday, please certify and submit the staff member's timesheet on his/her behalf.
- Approve overtime requests as soon as the overtime is performed.
- Review "Time Punch" requests and take appropriate action on a daily basis.
- Approve your subordinates' timesheets by COB Tuesday.
- Remember to ensure meal time is added on the employee's timesheet when working overtime on a non-scheduled work day.
- Supervisors cannot approve meal time taken at the beginning or end of a scheduled work day.

Supervision of DCD Employees

- Supervisors can view the employees DCD badge number and DCD assigned group by searching for an "Employee" and viewing the "Employee Profile – DCD Info" tab.
 - This will be necessary for you to do if your staff member forgets his or her badge number, or is assigned the incorrect DCD group in CityTime. You should report any problems with a staff member's badge number or work group to the CityTime Liaison or your Human Resources Business Partner.
- DCD punches can take up to fifteen minutes to populate the employee's timesheet
- If the employee was not able to successfully use the DCD you can run the "DCD Punch Status Report" to verify the time the staff member tried to use the DCD. You should not enter the employee's time on his/her behalf; instead you should ask the employee to enter a "Time Punch" request in CityTime for your approval.

- Supervisors must monitor their staff members' use of the "Time Punch" request.
- If an excessive numbers of Time Punch requests and/or patterns of such requests are noted the staff members' records should be audited and reported to EDU for investigation if an abuse is suspected.
- If the staff member is having problems using the DCD and/or the DCD device is not functioning properly please contact your CityTime Liaison/DCD Enroller.

Lateness

- Lateness/Excused requests due to agency related issues must be carefully reviewed and an appropriate comment must be entered before routing the request for 2nd level of approval by timekeeping.
- If the employee is late, a leave request must be entered for Lateness/Unexcused.
 - If the employee notifies you in advance that he/she needs to come in late on a given day, and you approve the request, a regular leave for annual leave, compensatory time, sick leave, or LWOP (leave without pay) can be entered.
 - Leave requests at the beginning of the day cannot be submitted/approved for a duration of less than 15 minutes.
- Excused lateness due to transportation delay must be monitored closely by running monthly reports to identify transportation delay requests pending documentation.
- If a staff member has not provided you with documentation for a Transportation Delay request within 22 calendar days, you must submit a request to OSR Customer Service 212.331.4800 to change the type of leave from Excused to Unexcused Lateness charged to annual, compensatory time, or LWOP(if the employee does not have any leave accruals).
- Supervisors must pay careful attention to how many Transportation Delay requests a staff member enters weekly, and employees with a lateness pattern should be audited. If an abuse is suspected the employee's record must be referred to EDU for further investigation, even if the requests are documented.

Jury Duty and Subpoena

- Subpoena requests for agency related issues should be entered as Excused Absence/Subpoena and an appropriate comment must be added before approving the request. Subpoena requests due to personal related issues must be denied and a new request must be entered as annual leave, comp time, or LWOP.
- Excused Absence/Subpoena requests due to jury duty service should be approved only for the number of hours the employee served on jury duty and reasonable travel time back to work. In addition, documentation showing the time of release must be provided.

- Supervisors must only approve the dates served in court. The requested dates must correspond to the dates provided on the Juror's Proof of Service Certificate
 - Jury duty/Subpoena notices must not be accepted as proof of jury duty service.
 - If it is suspected a fraudulent request and/or fraudulent documentation the employee's record must be referred to EDU for further investigation.
- All Jury Duty requests are subject to second level approval by Timekeeping.

Excused Absence

- Supervisors must not approve any Excused Absence/Special Excusal and Excused Absence/Other Excused unless directed by the agency or for agency related issues.
- An appropriate comment must always be entered on the request before approving.
- Excused absence for Citywide Power Transportation Failure/Weather Emergency should only be used for citywide emergencies and not be approved unless directed by DCAS and/or the mayor's office.

Note: The City Time: Desk Reference link on the HRA Intranet page contains bulletins and procedures on various subjects. We urge you to read them so that you are aware of the appropriate course of action to take in a particular case. If you cannot find the answer you are looking for, you can always contact your Human Resources Business Partner (HRBP) or OSR Customer Service at 212-331-4800 or via e-mail at osrcustomerservice@hra.nyc.gov.

PERSONNEL SERVICES BULLETINS (PSBs)

440-14

Subject: Time and Leave Policy in the Event of a City-wide Emergency

Date: March 5, 2012

Policy

In the event of a City-wide emergency, travel to and from work may, in many cases, become difficult. Because the City must continue to provide services to the public during times of emergency, all City employees must make every effort to report to work. For the purposes of this Personnel Services Bulletin ("PSB"), a City-wide emergency includes, but is not limited to, weather-related events such as storms, floods and tornados; transit strikes; and impact area-specific events such as infrastructure incidents.

The following time and leave policy applies to all City employees who are subject to the "Leave Regulations for Employees Who are Under the Career and Salary Plan" or the "Leave Regulations for Management Employees." Uniformed employees of the Police, Fire, Correction and Sanitation Departments, and Prevailing Wage employees, are not subject to the terms of this PSB.

I. Employees covered by this policy are advised of the following:

A. Absence

Where an employee's usual means of transportation is affected or is likely to be affected by a City-wide emergency, it is the employee's responsibility to find alternate means of reporting to work. In order to be paid for the day, employees who do not report to work during the City-wide emergency must use their annual leave, compensatory time, or be advanced annual leave. Such usage is subject to agency head approval.

B. Lateness

Employees are expected to report to work on time. Employees who anticipate delays in reaching their work locations because of a City-wide emergency as defined by this PSB are expected to allow extra time for travel. For employees who arrive at work late, agencies shall determine whether the lateness was caused by unforeseen circumstances which arise after an employee leaves for work, which cannot be anticipated and are beyond the ability of the tardy employee to control; in these instances, lateness shall be excused. A request for excusal should not be unreasonably denied. For employees covered by the Citywide Agreement, a refusal to excuse a lateness may be appealed to the Commissioner of Labor Relations, whose decision shall be final.

If lateness is not excused, employees will need to use annual leave or compensatory time to make up for lateness, unless they have a pre-existing flex time arrangement available to them that allows them to make up this time and not have their leave balances charged. Sick leave may not be charged under these circumstances.

II. Consistent with Continuity of Government objectives and Agency Continuity of Operations Plans ("COOP"), the following areas should be addressed:

PSB - Time and Leave Policy in the Event of a City-wide Emergency

A. Alternative Work Sites/Alternative Work Schedules

In the interest of maintaining continuity of government, employees may be directed to report to authorized alternative work sites or to work staggered or flexible schedules, pursuant to their agency COOP plans. Employees will be required to track and enter their work hours from alternative work sites and will be directed by their agencies how to do so. In addition, at the discretion of the agency head, appropriate managerial employees may be permitted to perform duties remotely, pursuant to procedures for tracking work product and hours, and only for the duration of the City-wide emergency.

B. Maintenance of Agency's Essential Services

Agencies have developed Continuity of Operations Plans to enable them to maintain essential agency services during a City-wide or localized emergency. Employees who have been identified to support essential services will be notified by their agency heads, COOP liaisons, or human resources divisions, and given further instructions.

Edna Wells Handy
Commissioner

Inquiries: Office of Special Programs (212) 386-0552

Issue No. 1-2012

Paid Family Leave (PFL) Employee Fact Sheet

PSB 440-16 - Paid Family Leave for Represented Employees

Program Summary

- Paid Family Leave (PFL) is now available to eligible employees of the City of New York.
- An employee who experiences a qualifying event (see below) may be eligible for this insurer partially-paid leave time and the ability to return to the same or a comparable position.
- Leave may be taken consecutively or intermittently. Any leave must be taken in full day increments.

Eligibility

- An employee must be in a represented title within a participating union.
- Full-time employees (20+ hours a week) are eligible after 26 consecutive weeks of employment, beginning with the employee's City start date.
- Part-time employees (<20 hours per week) are eligible after working 175 days, beginning with the employee's City start date. The 175 work days do not have to be consecutive.

Opting Out

- Employees may be granted a waiver to opt out of the PFL benefit and to not have deductions taken from their paycheck **only if** they do not meet the minimum amount of time required for eligibility.
- To opt out, you may complete a PFL waiver (https://www1.nyc.gov/assets/dcas/downloads/pdf/agencies/pfl_waiver_nyc.pdf) and submit it to your Human Resources (HR) representative.

Qualifying Events

- To bond with a newborn, adopted, or foster care child during the first 12 months after birth* or placement.
- To care for a seriously ill family member**.
- To address important needs related to a family member's deployment in a foreign country on active military service.

NOTE: PFL benefits may not be used for an employee's own health condition.

*Begins only after birth and is not available for prenatal conditions.

**Family member: child, parent, parent-in-law, grandparent, grandchild, spouse, domestic partner (does not require legal registration), or other adult responsible for child in place of parent.

Payment Rate & Schedule *(These figures are re-configured annually by New York State)*

Benefit

2019: Payment of 55% of your salary, for a max benefit of \$1,493 biweekly, for 10 weeks.

2020: Payment of 60% of your salary, to be determined, for 10 weeks.

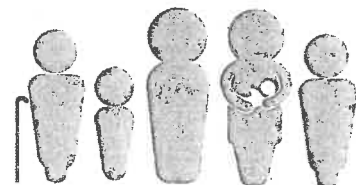
2021: Payment of 67% of your salary, to be determined, for 12 weeks.

Cost

Deduction rate for 2019 is 0.153% of an employee's weekly wage, with a maximum contribution of \$107.97 annually. This deduction rate is subject to increase in 2020.

Impacts of Use on Leave Balances & Status

- Leave balances can, but do not have to be used.
- If leave balances are used, the days used will count towards PFL entitlement.
Example: if you use one week of leave balances towards your PFL-eligible leave, you will have one week deducted from your total entitlement.



- An employee may use up to three days of sick leave balances to care for an ill family member.
- Short-term disability leave cannot be used at the same time as PFL leave because PFL does not cover an employee's own illness.
- If the employee is eligible for leave under the Family and Medical Leave Act (FMLA), then FMLA will be used at the same time as PFL if the reason is covered by both policies.

Employee Responsibilities

- Where the leave is foreseeable, an employee must give his/her agency at least 30 calendar days' notice before the leave begins. Otherwise, the employee must notify the agency as soon as possible.
- It is the employee's responsibility to notify their agency's HR if there are any changes to the agreed-upon schedule.
- The employee must request a PFL package from their agency's HR and complete the Request for Family Leave (Form PFL-1). The employee can get other appropriate PFL - (2-5) forms from the insurance company or the State of New York's PFL website. The specific documentation required varies based on the type of leave. There is a separate PFL-1 form for each type of leave (see link below).

Information to Consider

Employees who are on PFL will be placed in leave without pay (LWOP) status, only if the employee elects not to use their leave balances. Employees in LWOP status are not paid by the agency, and items such as employee contributions, deductions, garnishments, etc., will be discontinued during the period. Please also be aware of the following:

Pension contributions:

Employee pension contributions to NYCERS will be discontinued while in LWOP status. Employees will not be able to buy back pension credits for any period of time designated as LWOP, with the exception of those employees in Pension Tier 1.

Direct deposit:

Employees in LWOP status with an agency may experience interruptions to their direct deposit. Employees whose direct deposit accounts are affected must visit the New York City Automated Personnel System (NYCAPS) or contact their agency's HR to restore their direct deposit account when they return from PFL.

Leave accruals:

Employees in LWOP status will not accrue sick leave or annual leave during the PFL period.

General tax information:

Employees who receive a PFL benefit payment should keep in mind the following:

- PFL benefits paid to employees will be taxable non-wage income that must be included in federal gross income;
- Federal taxes will automatically be withheld from benefits, but not state taxes;
- Premiums for PFL will be deducted from employees' post-tax wages;
- At the end of the year, the insurance carrier will send tax forms to the employees that received PFL payments.

Informational Links

LINK: https://www1.nyc.gov/assets/dcas/downloads/pdf/reports/440_16.pdf

INSURANCE COMPANY CONTACT INFORMATION:

PHONE: (800) 401-2691

FAX: (800) 728-7028

MAIL: Technology Insurance Company C/O Absolve
P. O. Box 1328, Mt. Laurel, NJ 08054

EMAIL: AmTrustNYDBLPFL@absencesolved.com



City of New York
Administration for Children's Services
POLICY #

Subject: Use of Agency Issued Phones with GPS Capacity

APPROVED BY:

PAGE: 1 of 1

DATE: September 1, 2011

IMPLEMENTATION RESPONSIBILITY:
Children's Services
Division of Child Protection (DCP) Staff

PURPOSE:

Agency issued phones with GPS capacity are intended to provide a consistent means of communication that enables Child Protective Specialist (CPS) staff to contact supervisors and allows the supervisory team to support and monitor the work of staff that is in borough units. The phones equipped with GPS capacity will improve accountability by helping the CPS verify their whereabouts when documentation is not consistent with CNNX documentation requirements, but does not substitute for timely documentation. The phones will also support ACS' responsibility for knowing and assuring that the work was completed as reported. The GPS tracking is not intended to be used as a daily or weekly monitoring system.

POLICY

It is mandatory that every Child Protective Specialist and Supervisor must accept and use an agency issued phone with GPS capacity. Phones must be in their possession and turned on during agency related business hours until ACS required or assigned tasks are completed at the end of the workday.

SCOPE

This policy applies to all Child Protection Specialists and CPS Supervisors.

PROTOCOL

The GPS data will be used in the following circumstances:

- During random managerial reviews to assure that there is consistency between the case documentation and GPS data.
- During borough case reviews by Division of Practice Improvement and Accountability to verify consistency between the case documentation and GPS data.
- When there are concerns prompted by complaints or Supervisory or CPM assessment, regarding the veracity and/or accuracy of the case documentation.
- Review of fatality or serious injury cases, as determined by CPM or higher level supervision.

The GPS data will not be used:

- For routine monitoring of CPS or CPSS movements.

Effective Date: This policy is effective October 1, 2011

CODE OF CONDUCT FOR ACS EMPLOYEES

This Code of Conduct promulgated by the Administration for Children's Services (ACS) takes effect immediately and supersedes HRA Executive Order 639 and 651, "Code of Conduct for HRA Employees." This Code of Conduct incorporates by reference any prior or contemporaneous orders, directives, procedures or informationals relating to staff conduct issued by ACS and – to the extent not inconsistent with or replaced by an ACS policy – any orders, directives, procedures, or informationals relating to staff conduct issued by the Human Resources Administration prior to January 10, 1996.

I. GENERAL POLICY

This Code of Conduct sets forth the parameters of appropriate staff conduct and standards of performance. All ACS employees are deemed to be familiar with this Code of Conduct and any subsequent amendments or additions that are applicable to ACS employees.

Employees must also adhere to all relevant provisions of the New York City Charter and Mayoral Executive Order No. 16 (July 16, 1978 as amended). (Executive Orders and Agency or City Policies mentioned herein may be obtained from ACS' Personnel Office upon request.)

This Code Of Conduct prohibits any action or activity, whether on or off duty, which would undermine or compromise the effectiveness of an employee in the performance of his/her duties, or undermine A C S ' relationship with children or family members supervised and/or served by ACS or otherwise involved with ACS (hereinafter referred to as "Clients") or with foster parents or others served and/or supervised by or otherwise involved with ACS (hereinafter referred to as "Participants").

For purposes of employee discipline, any employee misconduct or incompetence will be governed by the Code of Conduct in existence at the time of the alleged act. However, no disciplinary charge which alleges an employee's violation of the superseded Code of Conduct, HRA Executive Order 639 and 651, or this Code of Conduct shall be invalid based on the date of the alleged misconduct or incompetence as long as the conduct charged would also violate the Code of Conduct in effect at the time of the misconduct or incompetence.

II. STAFF ETHICS

A. Relationships with Clients and/or Participants

The relationship which ACS establishes with each Client and/or Participant is for the benefit of the Client and/or the public, not for the employee.

Prohibited conduct includes:

- (a) any relationship or involvement between an employee and a Client and/or Participant which is or may be disorderly, discourteous, disruptive, detrimental or contrary to the ACS-Client or ACS-Participant relationship or to A C S ' investigative, supervisory and/or other child protective responsibilities;
- (b) using or attempting to use Clients or Participants, known to the ACS employee in the employee's professional capacity, to advance the self-interest of an employee or another person affiliated with the employee; or
- (c) interfering in ACS-Client or ACS-Participant matters with which they have no official involvement.

In the event that an employee is related to or involved with an individual – on a family, social or professional basis – and that individual becomes or has become involved

with ACS as a Client or Participant, and this relationship or involvement creates or might create a conflict of interest or appearance of a conflict of interest, the employee must immediately report such involvement or relationship to his or her supervisor and comport with this Code of Conduct and any other applicable conflict of interest laws and policies.

B. Relationships with Staff

ACS employees shall be courteous and considerate to fellow employees and shall refrain from using abusive, demeaning, insulting, threatening or harassing language. All ACS employees should work to maintain an atmosphere of appreciation of the diversity of ACS staff and to promote understanding among their co-workers.

C. Confidentiality

Employees shall, at all times, respect and safeguard the confidentiality of information concerning Clients, Participants and ACS employees, and their respective property and affairs, as prescribed by law.

D. Conflict of Interest

1. ACS employees shall not engage in any business, transaction or private employment or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of an employee's official duties or has the appearance of impropriety.
2. All new employees appointed after March 16, 1990 are required, within ten (10) days of commencing employment, to certify to both the City Clerk and Conflicts of Interest Board that they have read and will conform with New York City Charter Chapters 49 and 68.
3. All employees shall abide by:
 - (a) ACS policies regarding outside employment ("Outside Employment of ACS Employees," dated March 27, 1998 and February 24, 1999);
 - (b) ACS policy regarding employees serving as foster or prospective adoptive parents of children in ACS care ("Policy regarding certification of adoptive or foster parent applicants who have an association with the certifying agency," dated January 7, 2000); and
 - (c) any other ACS or citywide policy or Executive Order issued with respect to conflicts of interest.

E. Conduct Under Investigation

1. A resignation submitted by an ACS employee, who has been served with disciplinary charges for acts of misconduct or incompetence or who is under investigation by any lawfully authorized body or official, shall not prevent ACS from proceeding with a pending disciplinary action subsequent to the employee's separation from employment. ACS may serve the employee with notice of the disciplinary charges at any point prior to the effective date of the resignation. In the event that the employee resigns with charges pending, his/her separation from employment may be recorded as such in the employee's personnel file. If an employee is found guilty of disciplinary charges, his/her separation from employment may be recorded in the employee's personnel file as a "Resignation in Lieu of Dismissal," if appropriate in the particular case.
2. All ACS employees shall immediately inform the ACS Commissioner in writing if

they:

(a) are requested to submit to an interview by, or are summoned to appear before, to submit documentary evidence to, or to furnish oral testimony before, a City, County, State or Federal investigating official, court (in matters outside the scope of normal work functions) or body, or perform any of these acts voluntarily; or

(b) are the subject of a pending criminal action.

3. All employees shall immediately provide written notification to the New York City Office of the Inspector General and the ACS Commissioner regarding circumstances surrounding any arrest, indictment or conviction of a crime.

Rev. 5/05

4. An ACS employee may not:

(a) refuse or fail to appear to answer questions as to the performance of his/her official duties before ACS, the Department of Investigation or any lawfully constituted court, official or body having authority to make inquiry relating thereto; or

(b) having appeared, withhold or provide false or misleading information, or refuse to answer questions that are specifically, narrowly and directly related to the performance of his/her official duties.

F. Conduct in Contacts with the Public

All employees shall conduct themselves as representatives of ACS and shall act responsibly and courteously in all contacts with the public, including Clients and Participants. Official identification provided by ACS shall be carried during working hours and at all other times while on official ACS business. The ACS identification shall be exhibited by the employee, upon request, in the field or when otherwise appropriate. All employees shall identify themselves by name and title in all telephone conversations and other contacts with the public in which the employee's identity and/or relationship to ACS may be unclear to any other party to the conversation.

G. Off-Duty Conduct

ACS employees may be subject to disciplinary action for offenses committed off ACS premises if those acts may reflect unfavorably on the fitness of the employee to serve as an ACS employee or to serve in the employee's particular position at ACS or may bring discredit to ACS or the City of New York.

III. STANDARDS OF CONDUCT

A. Purpose

In order to foster, maintain and promote good order, morale, efficiency and professionalism, ACS employees are expected to adhere to the "Standards of Conduct" listed below. These Standards of Conduct are not exhaustive and are not intended to cover every possible situation.

B. Requirements

Employees are required to obey the Standards of Conduct and all procedures, rules and regulations issued by ACS. Violations of the Standards of Conduct or other mandates of this Code of Conduct shall constitute misconduct and/or incompetence and may result in the initiation of disciplinary action.

1. Employees shall be courteous and considerate in their contact with the public and other employees, shall conduct themselves in a manner which will reflect

favorably upon them, ACS and the City, and shall not conduct themselves in a manner prejudicial to good order and discipline.

2. To promote efficiency, professionalism and effectiveness of government operations and to prevent disruptions, employees must be appropriately dressed and properly groomed during the workday. Employee dress and grooming should be consistent with standards of comparable public and private organizations, and appropriate both to persons representing a service activity of the City and to the particular duties performed by the employee. Inappropriate attire may result in formal disciplinary action, the employee's early dismissal without pay and/or the employee's dismissal without pay for a time period necessary to change clothing and return to work.

3. Employees must comply with ACS directives issued in the course of an official investigation or proceeding including a request to provide information or to prepare and appear as a witness relative to an employee disciplinary matter of which the employee has knowledge.

4. Employees in the course of their official duties or at a hearing, meeting or proceeding must cooperate with any official inquiry relating to their duties and shall not knowingly make a false statement concerning ACS or the employee's duties or responsibilities within ACS.

5. Employees shall not knowingly make any false entry upon nor alter any record of the City or ACS nor submit, or cause to be submitted, any false document to or by the City or ACS.

6. Employees shall comply with all ACS and citywide time and leave regulations, including the prohibition against excessive lateness and/or absenteeism and the requirement that employees notify their immediate supervisors or division heads of any unplanned absence not more than 60 minutes after their scheduled reporting time.

7. Employees shall not clock-in or otherwise record the time of another employee, except when specifically authorized in writing by an appropriate authority.

8. Employees shall not be absent from or leave assigned work locations without appropriate authorization and coverage.

9. Employees are prohibited from knowingly submitting false, forged or altered documentation to substantiate an illness or other cause of lateness or absence.

10. Employees shall not solicit, accept or agree to accept any benefit from another person:

(a) upon an agreement or understanding that such employee's vote, opinion, judgement, action, decision or exercise of discretion as an employee will thereby be influenced;

(b) for having engaged in official conduct which the employee is required or authorized to perform and for which the employee is not entitled to any special or additional compensation; or

(c) for having violated the employee's duty as an employee.

11. Employees shall not commit any act which constitutes an unauthorized or abusive exercise of the employee's official functions.

12. Employees shall notify the ACS Office of Personnel of any outside employment

and comply promptly with any requests for further information from the Office of Personnel or the ACS Ethics Panel with regard to such employment. The employee is solely responsible for obtaining all New York City Conflicts of Interest Board waivers required to maintain an outside position or ownership interest, and otherwise complying with New York City Charter Chapters 49 and 68.

13. Employees shall not engage in any non-ACS activity during working hours, or use ACS premises to engage in non-ACS matters.

14. Employees shall not permit City property or premises to be used by unauthorized persons or for unauthorized purposes.

15. Employees shall not permit an unauthorized person to remain in or on ACS premises or property. If an unauthorized person remains on ACS premises or property after the employee asks the unauthorized person to leave, the employee must promptly inform the immediate supervisor/designee or office security personnel of the situation.

16. Employees shall not distribute or post, nor attempt to distribute or post, any unauthorized notice at or on any ACS premises, including hallways, elevators and stairwells, without the written authorization of the ACS Commissioner or his/her designee. (See ¶¶ 54 and 55 of this document for bulletin board posting requirements.)

17. Employees required to have a license for employment in their position or for performance of their duties must ensure that the license remains valid and appropriately renewed on a timely basis throughout their employment. Should a required license lapse, or be revoked or restricted, such lapse, revocation or restriction must be reported immediately in writing to ACS' Office of Personnel and the employee's supervisor.

18. ACS identification cards and badges shall be issued by ACS staff only for use on official ACS business. These identification cards must be carried during working hours and at all other times while on official ACS business and must be properly safeguarded against loss or theft both on and off the job. Loss or theft of identification cards must be reported in writing to the employee's supervisor immediately upon the discovery of such loss or theft.

19. While employees may use ACS-issued identification cards for general identification purposes unrelated to official business, these identification cards and ACS badges may not be utilized: (a) to gain a benefit unavailable to the general public; (b) to identify the employee as acting on behalf of ACS when the employee is not acting on behalf of the agency; or (c) in any other manner which conflicts with the purposes of the City and/or ACS. Identification cards must be surrendered when requested by an ACS employee with authority to make such a request, upon termination of employment and/or upon request of the Office of the Inspector General.

20. Motor vehicle permits issued or provided to an employee by ACS must be utilized for official ACS business only. Employees shall not issue, utilize or possess an ACS motor vehicle permit for any unauthorized purpose.

21. ACS employees shall not utilize any ACS vehicle without authorization or for any unauthorized purpose and shall not permit any unauthorized person to ride in or

operate the vehicle.

22. Employees shall keep ACS informed of their current residence and shall notify the ACS Office of Personnel in writing of any change of residence within two (2) weeks of such change.

23. Supervisory personnel shall be responsible for compliance with the ACS Code of Conduct and other applicable rules and laws which relate to subordinates under their jurisdiction, including those which prohibit illegal discrimination and sexual harassment. Supervisory personnel shall be responsible for the proper instruction, discipline, work safety and health, efficiency and the method of performance of official duties of all subordinates under their jurisdiction.

24. Employees shall obey all oral and written regulations and orders of A C S supervisory personnel, immediately, without regard for advice offered by labor representatives. If the employee believes a particular order is inconsistent with the terms of an existing collective bargaining agreement, he/she must nevertheless obey the order and then utilize appropriate channels to file a grievance. Before consulting with a supervisor's superior regarding a problem or grievance, employees shall first consult with their supervisors.

25. Each employee shall perform all duties imposed by law and/or by the tasks and standards of his/her ACS employment. Employees must carry out all work assignments given to them by their supervisor as accurately and efficiently as possible, maintaining productivity at the standards established for their job assignment. If, for any reason, an employee is unable to carry out an assignment, he/she shall promptly notify his/her immediate supervisor, providing specific reasons for his/her inability to do so.

26. Employees shall immediately notify, in writing, his or her Deputy Commissioner and the ACS General Counsel of any report to the New York State Central Registry of Child Abuse and Maltreatment in which the employee has been named and shall state the circumstances surrounding the report.

27. Employees shall not strike or attempt to strike, threaten or intimidate a Client, Participant, supervisor, fellow employee or private citizen.

28. Employees shall not consume or possess alcoholic beverages during working hours. Employees shall not be intoxicated during working hours, on ACS premises, in ACS vehicles or while on any official assignment.

29. Employees shall not use, be under the influence of, or possess any controlled substance at any time, except for one prescribed by a licensed practitioner as defined in New York State Public Health Law Section 3302(29).

30. New employees shall comply with pre-employment drug testing requirements set forth in ACS policy.

31. Employees shall not smoke in prohibited areas of any ACS facility and shall comply with all City and ACS rules, regulations and directives relating to smoking.

32. Employees shall not gamble on ACS premises or in ACS vehicles at any time and may not gamble during working hours on or off premises.

33. Employees shall not sleep while on duty.

34. Employees shall not solicit contributions or payments, or sell goods or services for

private gain, while on City time or premises, except payment of dues or assessments of employee organizations or collection of money for other purposes authorized by the ACS Commissioner.

35. Employees shall not purchase goods or services while on City time or premises when such goods or services are offered by another person for private gain (as prohibited under ¶ 10 above).

36. Employees shall not intentionally damage, tamper with, steal, misappropriate, convert, or cause to be damaged, tampered with, stolen, misappropriated or converted, nor knowingly purchase or accept possession of, stolen, misappropriated or converted property of the City, ACS or another.

37. Employees shall refrain from performing any act, by any means, which may tend to arouse hatred or ill will against any individual or group on the basis of age, sex, race, creed, religion, ethnicity, color, sexual orientation, national origin, ancestry, disability, affectional preference, marital status, prior arrest or irrelevant conviction records, physical/mental handicap or Vietnam-era or disabled veteran status.

38. Employees shall not discriminate against any person in hiring, promotion or other conditions of employment on the basis of age, sex, race, creed, religion, ethnicity, color, sexual orientation, national origin, ancestry, disability, affectional preference, marital status, prior arrest or irrelevant conviction records, physical/mental handicap or Vietnam-era or disabled veteran status.

39. Employees shall not use or direct offensive, obscene, sexual, abusive, disrespectful or otherwise inappropriate language or gestures or ethnic slurs toward or with any Client, Participant, supervisor, fellow employee or private citizen.

40. Employees shall not sexually harass any Client, Participant, employee or private citizen.

41. Employees shall not possess a firearm while on duty, on or off premises, or carry or possess any dangerous instrument or weapon while on duty, without written authorization of the Commissioner and appropriate licensing authorities.

42. Employees shall not engage in any conduct detrimental to ACS or which would undermine the effectiveness of the employee in the performance of his/her duties.

43. Each employee is expected to devote his/her time at work to official business. During working hours, employees may not use personal radios or televisions in work areas or read newspapers, books or other literature unrelated to job performance.

44. After recording his/her presence at a work location, the employee shall not leave the premises except for official business, approved leave or during authorized break periods.

45. When using ACS equipment or supplies, employees shall exercise appropriate care to prevent accident, damage or waste to that property, or diversion of that property to purposes unrelated to the work of ACS.

46. The excessive use of ACS telephones for personal reasons is prohibited. The number and duration of personal phone calls must be kept to a minimum during work hours.

47. Employees shall not remove from an ACS or other City facility any official

records, files, documents or property of ACS or the City, except in the course of official duties.

48. ACS employees are prohibited from making personal use of any ACS electronic data processing systems or equipment. Misuse of ACS property, including software programs and data, may be punishable by fine and/or imprisonment and/or result in disciplinary action. No unauthorized software programs or games shall be installed or used on ACS computers.

49. The use of ACS premises shall be limited to the transaction of official business and such other activities as may be specifically authorized by the ACS Commissioner.

50. Before leaving his/her work location for the day, each employee shall secure work materials and leave any other assigned equipment in an orderly condition. In a location to which the public has access, the employee shall be especially careful, when leaving his/her desk, to clear its surface of all records and other confidential materials.

51. An employee should not report before or remain on ACS premises after his/her scheduled work hours unless the overtime or the activity was previously approved or authorized and the appropriate administrative monitoring of such activity is provided.

52. During lunch hours and break periods, an employee shall refrain from activity likely to distract or disturb other employees at work. He/she shall spend his/her break periods, wherever possible, in lounge areas or in areas apart from those assigned for Clients and/or Participants. Employees should not gather or socialize in work or reception areas in a manner that disrupts ACS business, creates a disturbance or reflects unfavorably on ACS.

53. The use of hot plates, immersion heaters or skillet stoves for cooking or for any other purposes is strictly prohibited. No cooking is permitted at employee work areas except in lunchrooms or designated areas and in no case may equipment be used that is in violation of the New York City Fire Code. Any administrative unit which possesses microwave ovens or refrigerators shall be responsible for their cleanliness, safety and security. At no time shall an employee store perishable food in his/her desk or work area.

54. Distribution of written material on ACS premises is limited to releases issued or sponsored by:

(a) ACS;

(b) recognized staff organizations or clubs approved for distribution by the Office of Personnel Services; *and*

(c) certified labor organizations pursuant to collective bargaining agreements.

55. Employee use of ACS bulletin boards shall be limited to:

(a) Official releases issued by ACS;

(b) Organizational releases of recognized staff organizations and clubs

(c) approved for posting by the Office of Personnel Services; *and*

(d) Appropriate Labor releases of certified labor organizations, pursuant to collective bargaining agreements.

IV. DISCRIMINATORY PRACTICES

Discrimination by reason of age, sex, race, creed, religion, ethnicity, color, sexual orientation, national origin, ancestry, disability, affectional preference, marital status,

prior arrest or irrelevant conviction records, physical/mental handicap or Vietnam-era or disabled veteran status is absolutely prohibited.

This policy applies to:

- A. all dealings with persons seeking or receiving the services of ACS;
- B. the recruitment, hiring, assignment and promotion of ACS staff; *and*
- C. all other aspects of ACS employment.

Any employee who engages in such discriminatory practice may be subject to disciplinary action by ACS as well as to the sanctions and penalties imposed by the courts and regulatory agencies such as the New York City Commission on Human Rights and the New York State Division of Human Rights.

V. OATH OF OFFICE

Each person appointed/hired to a position in the competitive, non-competitive or exempt class is required to execute an oath that he/she will support the United States and New York State Constitutions and that he/she will faithfully and to the best of his/her ability discharge the duties of his/her position.

A newly appointed/hired employee to a position in the labor class is excluded from this requirement.

**DATA SECURITY INCIDENT PROCEDURE: WHAT TO DO IN
THE EVENT OF AN UNAUTHORIZED DISCLOSURE AND
BREACH PREVENTION MEASURE**

To: All Staff
From: Steven Banks
Commissioner

I. INTRODUCTION

This procedure provides guidance on how to respond to data security incidents when the security of confidential or protected information may have been compromised. This procedure is directed to all NYC Department of Social Services (DSS) employees, including employees of the NYC Human Resources Administration (HRA), the NYC Department of Homeless Services (DHS), and DSS shared services.

II. GENERAL INFORMATION

All DSS employees, consultants, contractors and vendors must protect the confidentiality of individually identifying information obtained from DSS applicants/recipients and employees.

III. EXAMPLES OF DATA SECURITY INCIDENTS

A data security incident occurs when confidential information is disclosed to a third party without authorization, whether the disclosure is intentional or accidental. Examples of possible data security incidents include, but are not limited to:

- Loss, theft or improper disposal of Agency Equipment, including BlackBerrys, Agency issued cell phones, CDs, thumb drives, portable devices, desktop computers, laptops, photocopiers, fax machines.
- Loss, theft or improper disposal of Employee-owned devices used for agency purposes ("Bring Your Own Device" or "BYOD").
- Loss, theft or improper disposal of hard copy documents that contain confidential and personally identifiable information. Individually identifiable information may relate to employees and clients.
- Misdirection of emails and faxes containing confidential information that are sent to unintended parties.
- Suspected instances of computer hacking.

- Release of confidential information in response to a fraudulent email or telephone call.
- Disclosure of confidential information to the internet or any social media sites.
- Unauthorized copying of confidential Agency information to personal electronic devices, such as routers, thumb drives, etc.
- Improper use or disclosure of confidential information obtained from city or state-owned databases such as WMS, HRA OneViewer, etc.

IV. WHEN IS A DATA SECURITY INCIDENT CONSIDERED A BREACH?

- Not all unauthorized disclosures constitute a breach of data security.
- Whether a disclosure constitutes a breach is a legal determination based on the facts and circumstances and applicable law.
- Given the comprehensive response that is required when there is an actual breach, do not refer to a data security incident as a breach in oral or written communications until the DSS Chief Data Privacy Officer and the Office of Legal Affairs makes their legal determination. Otherwise, reference in a communication to a breach that is not an actual breach may trigger an unnecessary agency response.
- Report any possible data security incidents to the DSS Chief Data Privacy Officer immediately, so a determination can be made and corrective steps, if necessary, can be taken immediately.
- If a data security incident involves the unauthorized access, use, or disclosure of Protected Health Information (PHI) (see Section V below), the Office of Legal Affairs will determine whether a breach has occurred under the Health Insurance Portability and Accountability Act (HIPAA), and whether additional obligations apply.

V. WHAT IS CONFIDENTIAL INFORMATION?

Examples of confidential information include, but are not limited to:

- An individual's name (first name or first initial and last name)
- Telephone number
- Address
- Social Security Numbers
- Client Case Numbers
- Benefit Information
- Benefit Coverage dates
- Individually Identifying Substance Use Treatment Records
- Individually Identifying Domestic Violence Records
- Office of Child Support Enforcement Records
- Adult Protective Services Records
- SDX data
- Supplemental Nutrition Assistance Program (SNAP) benefit data

- Cash Assistance benefit data
- Reasonably identifiable HIV-AIDS related information
- Date of Birth
- Driver's License Number
- Non-Driver Photo ID card number
- Bank account information
- Income and/or credit history
- Personal identification number
- Tax return
- Asset statement
- Passport number
- Birth Certificate
- Mother's maiden name
- Computer system password
- Electronic signature or unique biometric data such as a fingerprint, voice print, and photographic facial images
- Citizenship or immigration status, or ethnic or religious information
- Account number, security code, access code or password allowing access or use of an individual's financial/credit and/or debit account
- IDNYC information
- Reasonable Accommodation information
- Individual disability status
- Protected Health Information, including:
 - Medicaid records
 - All individually identifiable demographic data maintained by HRA's Medical Assistance program, Medical Insurance and Community Services Administration (MICA), Home Care Services Program (HCSP) and Business Associates, including CIN Number or medical record number
 - Any other health, medical or mental health information

VI. DETECTION—What Steps Must Be Taken Upon Discovery of an Unauthorized Disclosure?

- If a data security incident occurs, the first step is to immediately report the incident to your supervisor. Your supervisor must notify the Chief Data Privacy Officer of the incident (see Section X below for the Chief Data Privacy Officer's contact information).
- The DSS division in which the incident took place (the "affected division") must complete an incident report. A copy of the Data Security Incident Form (DSS-2) is attached to this Protocol as Appendix "A."
- Individuals completing the form are asked to describe the nature of the incident—how the disclosure was discovered, the type of information disclosed, the number of records involved and the number of individuals affected.

- At first, you may not have all the information the form asks you to complete. The affected division may need to conduct interviews with the involved parties during the fact gathering process.
- The Chief Data Privacy Officer will advise you if you have questions regarding completion of the Data Security Incident Form (DSS-2).
- The Chief Data Privacy Officer will review the facts connected with the unauthorized disclosure and will determine whether the incident meets the legal definition of a data breach.
- Determining whether the data security incident is considered a breach is decided on a case-by-case basis and requires a comprehensive analysis of the facts surrounding the incident.

VII. MITIGATION OF HARM

If it is determined by the Chief Data Privacy Officer that a breach has occurred, the employees within the affected division will be advised as to certain steps that must be taken to mitigate (or minimize) the risk of harm.

VIII. ESCALATION

1) WHO ELSE NEEDS TO KNOW?

- i) The Chief Data Privacy Officer will decide who else needs to be made aware of the suspected unauthorized disclosure and will notify the individual(s).
- ii) People involved in the detection of the disclosure or who are responsible for the incident should expect to complete the Data Security Incident Form (DSS-2) and may be questioned by other authorities, i.e. law enforcement, NYC Department of Investigation (DOI) depending on the situation.

2) BREACH NOTIFICATION

The DSS Chief Data Privacy Officer will determine if breach notification to the affected individuals and/or oversight/law enforcement authorities is required by law.

IX. BREACH PREVENTION

Below are some examples of breach prevention measures:

- Routine confidentiality training for DSS employees with access to client and employee records containing individually identifying information.
- Implementation of safeguard measures to protect electronic and physical data and providing guidance on the proper disposal of physical data and equipment.
- Consultation with the Agency's Office of Data Security Management for safeguarding and transmitting confidential electronic data.

X. CONTACT INFORMATION

DSS employees must notify Lauren Friedland, the DSS Chief Data Privacy Officer, at 929-221-6535 or friedlandl@hra.nyc.gov, immediately upon the discovery of a data security incident to determine what, if any, corrective steps must be taken.

APPENDIX

- **Data Security Incident Form (DSS-2)** **(Appendix A)**



**Department of
Social Services**

Human Resources
Administration

Department of
Homeless Services

Data Security Incident Form

Form completed by: _____

Date: _____

1) Unauthorized disclosure reported? <input type="checkbox"/> YES <input type="checkbox"/> NO If "Yes", date disclosure reported: _____	Unauthorized disclosure discovered? <input type="checkbox"/> YES <input type="checkbox"/> NO If "Yes", date disclosure discovered: _____
2) Disclosure reported or discovered by: _____ <div style="text-align: center;">(name)</div> <div style="text-align: center;">(title)</div> <div style="text-align: center;">(division/unit)</div>	Unauthorized disclosure was made by: _____ <div style="text-align: center;">(name)</div> <div style="text-align: center;">(title)</div> <div style="text-align: center;">(division/unit)</div>
3) Data last in possession of: _____	4) Disclosure intentional? <input type="checkbox"/> YES <input type="checkbox"/> NO Disclosure inadvertent? <input type="checkbox"/> YES <input type="checkbox"/> NO
5) Form of data: (example: electronic file, paper)	6) Data Source: (example: name of database[s])
7) Describe all locations data resided/stored: (example: thumb drive, cloud storage, email)	
8) How was data disclosed? (example: lost, stolen, inadvertently transmitted)	
9) Was data retrieved by/disclosed to another?	10) Who retrieved/ received data (If known)?
11) Number of records involved:	12) Number of people affected by disclosure:
13) Are affected parties aware of disclosure? <input type="checkbox"/> YES <input type="checkbox"/> NO	14) Data transported via internet? <input type="checkbox"/> YES <input type="checkbox"/> NO
15) Data successfully expunged/ removed after discovery of disclosure? <input type="checkbox"/> YES <input type="checkbox"/> NO	16) Data still discoverable? <input type="checkbox"/> YES <input type="checkbox"/> NO
17) Harm from disclosure reported? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, describe: _____	
18) Describe all types of information disclosed (example: name, SSN, Cash Assistance status)	
19) Reason for data use:	
20) Describe remediation/ mitigation efforts:	
21) Please briefly describe the events surrounding the unauthorized disclosure (include any additional helpful information to the investigation)	

OFFICE OF LEGAL AFFAIRS (OLA) INTERNAL USE ONLY**Data Security Incident Form**

OLA Investigator: _____ Date: _____

Applicable laws/statutes:**Does HRA have an MOU, data sharing agreement, or contract with the discloser?** ☐ YES ☐ NO**If an MOU, data sharing agreement or contract exists, does it include provisions on how the data should be disclosed and protected? If "Yes", describe.** ☐ YES ☐ NO**Breach notification?**
☒ YES ☐ NO**Was a risk assessment conducted?***
☐ YES ☐ NO**If risk assessment conducted, describe findings.****Next Steps:****Recommendations:**

*Necessary if disclosure does not constitute breach.

Employee Residency Requirements Information

Residence Requirements

Most employees of the City of New York are subject to residency requirements pursuant to the **Administrative Code (§12-119 through §12-121)**, as amended by Local Law 48 of 2009, and/or **Mayoral Executive Order No. 131 of 2010**, dated February 24, 2010. The requirements for residence may vary based upon an employee's position, title, status or agency, but **most** City employees are required to establish and maintain residence in one of the five boroughs (Brooklyn, Bronx, Manhattan, Queens and Staten Island) for two years of City employment.

As a result of Local Law 48, most employees may now reside in one of the six designated New York State counties (Nassau, Westchester, Suffolk, Rockland, Orange or Putnam) **after** two years of continuous City employment. Other positions, such as positions in the Executive Office of the Mayor and senior-level positions in Mayoral agencies, require that the employee maintain city residence for the duration of his/her employment. Generally, employees have up to 90 days to establish City residence if they are residing outside of the City at the time of appointment. For appointment to certain peace officer titles, the NYS Public Officers Law requires City residence at the time of appointment.

As compliance with the residency requirements is a condition of employment, failure to establish and maintain compliance with the residency requirements requires termination.

Those employees serving in the title of Chaplain or whose regular work site is located outside of the five boroughs are excepted from the residency requirements, as are employees selected for titles certified as hard-to-recruit. For more details regarding residence requirements and how they relate to the position for which you are being considered, please review PSB 100-8R and speak with your HR representative.

Section 1127 of the New York City Charter

The provisions of **Section 1127 of the New York City Charter** require that City employees residing outside of New York City at any time during their employment pay to the City an amount equal to that which would be paid if such non-resident were a City resident as defined by **Section 11-1705(b)** (or any similar provision) of the **Administrative Code of the City of New York** (Note: the City Charter incorrectly refers to 11-1706).

As a condition precedent to employment, each applicant must read and agree to the provisions of Section 1127 of the City Charter by signature on the Affirmation that if he/she becomes a City Nonresident Individual:

- (a) he/she will pay to the City an amount equivalent to the taxes that would be computed and determined for City Residents;
- (b) the City may deduct and withhold from such person's wages or compensation, such amount through payroll deductions
- (c) he/she will complete a NYC-1127 Form, which must be submitted before May 15 and must be accompanied by a copy of his/her State income tax return (IT-201 or IT-203) along with copies of any relevant federal schedules (i.e. D, E, C, etc.).
- (d) he/she will update his/her address in NYCAPS using ESS and must notify the head of the employing agency if his/her status as a nonresident individual or a resident individual changes.

Reporting Residence Information

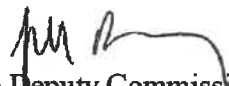
New hires must report residence information at the time of appointment in the completion of their Comprehensive Personnel Document (CPD-B). Any future changes of residence should be reported by the employee via Employee Self Service (ESS). Changes made in ESS are not necessarily reflected in other systems. The employee, therefore, is responsible for ensuring appropriate notifications of any subsequent address changes to the Department of Citywide Administrative Services (DCAS) Bureau of Examinations, DCAS Certification Unit, his/her Collective Bargaining Unit, etc. as applicable.

Proof of Residence

Proof of residence will be required at the time of appointment and for any subsequent residence changes to DCAS Investigation Unit and/or the employing agency. Acceptable verification documents include:

PRIMARY DOCUMENTS (Show 2)	
Original Utility Bill*	Original <i>mailed</i> copy of a monthly gas, landline telephone, oil, electric, cable or other utility bill.
Original Charge Account Statement*	Original <i>mailed</i> copy of a monthly major credit card or store card bill.
Original Bank Account/Life Insurance Statement*	Original <i>mailed</i> copy of a monthly bank account statement or life insurance statement.
Mortgage Statement*	Original <i>mailed</i> copy of a monthly mortgage statement.
Rent receipt on letterhead	Original rent receipt printed on landlord's professional letterhead.
Homeowner's/renter's insurance policy*	Original <i>mailed</i> copy of a homeowner's or renter's insurance policy.
<i>*NOTE: Printouts of electronic versions of such statements are considered to be secondary documents. All monthly statements (mailed or printed) should be dated within 30-60 days of submission to requesting agency representative and/or investigator.</i>	
SECONDARY DOCUMENTS (Show 3, or 1 PRIMARY and 2 SECONDARY)	
Electronic version of any statement above with asterisk (*)	Printed version of a monthly online statement, downloaded via Internet website of service provider and/or bank or creditor. May provide two different electronic statements and one <i>other</i> secondary document or a primary document.
W-2 statement, 1099 statement or payment of City tax**	Original or printed version of an electronic copy of W-2 or 1099 statement or a NY State tax return showing payment of City tax.
Voter registration**	Proof of voter registration with full name and address.
Motor vehicle insurance receipts or ID card	Receipts of payment for motor vehicle insurance and/or an original insurance identification card as provided by carrier.
<i>** NOTE: These documents are time-sensitive and therefore, subject to review and acceptance at agency/investigator's discretion.</i>	

DRESS CODE

TO: All DSS-HRA-DHS Staff
FROM: Jill Berry 
Executive Deputy Commissioner
Office of Staff Resources

I. INTRODUCTION

This Dress Code is a guide for all employees of the Department of Social Services (DSS), the Human Resources Administration (HRA), and the Department of Homeless Services (DHS) regarding professional standards of dress in the workplace. DSS-HRA-DHS expects all employees to dress appropriately for the workplace to instill confidence in those we serve and to reflect professionalism.

II. GENERAL INFORMATION

DSS-HRA-DHS are social services organizations with a continuing mission to fight poverty, income inequality, and homelessness by providing eligible New Yorkers with essential benefits and services. Appropriate behavior and appearance of staff promotes this mission and fosters a professional atmosphere. Professional attire exemplifies a high standard of service and respect for oneself and for others.

To facilitate consistent operations, staff members are required to dress and groom appropriately for the workday. These standards are consistent with standards of comparable public and private organizations, and appropriate to the services and duties performed by the staff members of DSS-HRA-DHS. Employees are expected to comply with these guidelines.

Under the New York City Human Rights Law, employers and covered entities may not require dress codes or uniforms, or apply grooming or appearance standards, which impose different requirements for individuals based on sex or gender.

III. INSTRUCTIONS

Location Managers are responsible for determining suitable attire for the staff members who are assigned to their work locations. Appropriate dress must be determined based on the nature of the tasks performed and the amount of client-staff contact.

IV. DRESS CODE AND CATEGORIES OF ATTIRE

The categories of attire, identified below, are designated to assist all staff members in adhering to the Dress Code guidelines, and all staff should select clothing items that adhere to the following applicable lists:

1. Appropriate attire for all staff members
2. Inappropriate attire for all staff members
3. Attire for office, administrative and field staff
4. Attire for trades, technicians, transportation, maintenance, and other staff required to wear special work-related or protective clothing.

1. **Appropriate attire for all staff members**

(Except for employees assigned to duties described in Section 4 below)

- *Slacks*
- *Skirts/dresses (of appropriate business length)*
- *Blazers/jackets*
- *Shirts with collars*
- *Polo shirts with collars*
- *Blouses*
- *Knit tops*
- *Sweaters*
- *V-neck sweaters or crew neck sweaters over collared shirts*
- *Vests over collared shirts/blouses*
- *Neckties*
- *Business-style shoes or boots*
- *Black or dark-colored casual walking shoes*
- *Jeans (blue or black) and denim skirts or dresses (of appropriate business length) – only on Fridays. Baggy jeans, denim leggings, and jeans with holes, tears, stains, or patches are strictly prohibited.*

2. **Inappropriate attire for all staff members**

- *Jeans and denim skirts or dresses (except on Fridays, as stated within list 1 above).*
- *Torn or ripped clothing*
- *Mini skirts*

- *Tank tops, spaghetti-strap tops, halter tops, tube tops*
- *Clothing that is overly sheer or revealing*
- *Caps/hats (except for religious and/or documented medical reasons)*
- *Sneakers (in cases with documented medical reasons, black or dark-colored sneakers may be worn)*
- *Overalls*
- *Extremely baggy clothing*
- *Shorts, pedal pushers, Capri pants, cropped pants (pants of mid-calf length or longer are acceptable)*
- *Sweatpants, sweatshirts*
- *Jogging suits*
- *Plain or pocket T-shirts*
- *Muscle shirts*
- *Shirts with slogans, offensive language, or images*
- *House slippers, rubber flip-flops*
- *Clothing of extreme fit, such as spandex (jeans or otherwise), leggings, or exercise clothing*

Neither category 1 or 2 is intended to be all-inclusive. Rather, the above items should help to set parameters for proper business attire and allow the employee to make good judgments about items that are not specifically addressed.

Note: Business attire is still required for formal meetings and appointments with external colleagues/vendors, court appearances, press conferences, and related events where business casual dress is not appropriate.

A good piece of guidance is: *If one is not sure if something is acceptable, choose something else.*

3. Attire for office, administrative, and field staff

Maintaining a professional work environment requires that office, field, and administrative staff wear appropriate attire and be well-groomed. **All staff that does not fall into category 4 below must select clothing items consistent with the lists above.**

Field staff are also required to comply with the dress code prescribed above. However, Location Managers may exercise discretion in setting the dress code for their particular location, using the parameters of categories 1 and 2 above as a basis, while incorporating other factors relating to the employees' daily duties (e.g., the amount of walking required, climbing of stairs, work environment, and other factors that the Location Manager may deem relevant).

- *Shelter and Intake Staff that directly service clients* - are required to conform to the attire prescribed for office and administrative staff in Section IV of this Dress Code.
 - Staff involved in activities such as preparing and serving meals and accepting deliveries may be allowed to wear relaxed attire. Staff serving in Community titles who work in shelters may be permitted to wear dark-colored jeans and sneakers.
- *Note:* staff must maintain themselves in a well-groomed, clean, and neat manner, and must be identifiable as agency employees.
- *DSS-HRA-DHS Staff at 4 World Trade Center, 33 Beaver Street, and 250 Church Street* - must conform to the dress code as set forth in categories 1 and 2, except for those assigned to duties as described in category 4.
- *Managerial employees at all locations* - must adhere to the general dress code as set forth in categories 1 and 2.
- *Interns, Consultants, Seasonal, and On-loan employees* - must abide by the dress code as set forth in categories 1 and 2, unless assigned to duties as described in category 4.

4. Attire for trades, technicians, transportation, maintenance, and other staff required to wear special work-related or protective clothing

This category is for non-office staff who are required to wear special work-related or protective clothing/uniforms in the performance of their assigned duties, as well as non-office staff who may need to dress in clothing suitable to their job-specific task. Individuals in this category are allowed exceptions to the dress code for office, administrative, and field staff. Location Managers are responsible for determining appropriate dress, based on industry standards for the work performed and the degree of public visibility of the staff.

Acceptable exceptions are as follows:

- Denim jeans or skirts (blue or black)
- Short- or long-sleeved, plain or pocketed t-shirts (without offensive language, slogans, or images)
- Sweatshirts, with or without hoods
- Flannel shirts with collars
- Sneakers or work boots

Staff in this category includes:

***Procedure No.17-03
April 7, 2017***

***The City of New York
Department of Social Services
Human Resources Administration
Department of Homeless Services***

- Facilities operations and maintenance staff, including trades and custodial workers
- Engineering, architectural, and space analysis staff who perform assigned field activities
- Mailroom, copy room, messenger, and stockroom staff
- Print shop and archives staff
- Staff assigned to transportation duties or the operation of motor vehicles, including van and truck drivers.

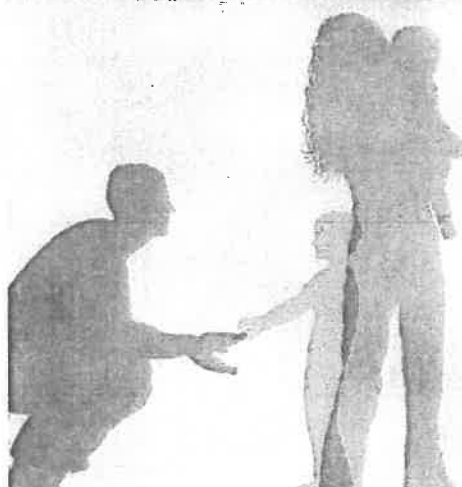
Classification: 02
Replaces: HRA Procedure No. 09-12
DHS Procedure No. 14-273

Effective Immediately



NEED TIME?

The Employee's Guide to the Family and Medical Leave Act



UNITED STATES DEPARTMENT OF LABOR



An Introduction to the Family and Medical Leave Act

When you or a loved one experiences a serious health condition that requires you to take time off from work, the stress from worrying about keeping your job may add to an already difficult situation.

The Family and Medical Leave Act (FMLA) may be able to help. Whether you are unable to work because of your own serious health condition, or because you need to care for your parent, spouse, or child with a serious health condition, the FMLA provides unpaid, job-protected leave. Leave may be taken all at once, or may be taken intermittently as the medical condition requires.

This guide provides a simple overview of how the FMLA may benefit you. In your time of need, sometimes you just *need time*.

This Guide Explains:

- Who Can Use FMLA Leave?
- When Can I Use FMLA Leave?
- What Can the FMLA Do for Me?
- How Do I Request FMLA Leave?
- Communication with Your Employer
- Medical Certification
- Returning to Work
- How to File a Complaint
- Website Resources

Who Can Use FMLA Leave?

In order to take FMLA leave, you must first work for a covered employer. Generally, private employers with at least 50 employees are covered by the law. Private employers with fewer than 50 employees are not covered by the FMLA, but may be covered by state family and medical leave laws. Government agencies (including local, state and federal employers) and elementary and secondary schools are covered by the FMLA, regardless of the number of employees.

If you work for a covered employer, you need to meet additional criteria to be eligible to take FMLA leave. Not everyone who works for a covered employer is eligible.

First, you must have worked for your employer for at least 12 months. You do not have to have worked for 12 months in a row (so seasonal work counts), but generally if you have a break in service that lasted more than seven years, you cannot count the period of employment prior to the seven-year break.

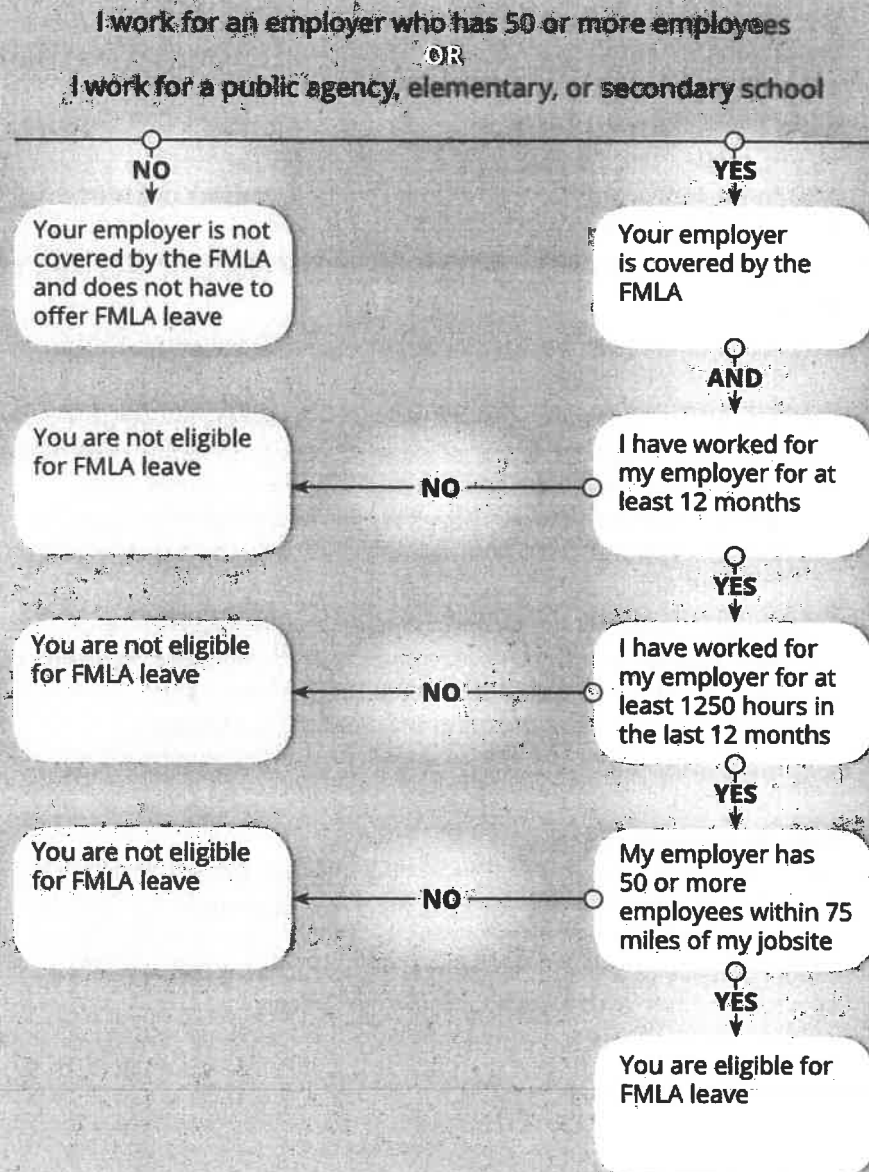
Second, you must have worked for the employer for at least 1250 hours in the 12 months before you take leave. That works out to an average of about 24 hours per week over the course of a year.

Lastly, you must work at a location where the employer has at least 50 employees within 75 miles of your worksite. So even if your employer has more than 50 employees, if they are spread out and there are not 50 employees within 75 miles of where you work, you will not be eligible to take FMLA leave.

Airline Flight Attendants/Flight Crew Employees

Due to non-traditional work schedules, airline flight attendants and flight crew members are subject to special eligibility requirements under the FMLA. You meet the hours of work requirement if, during the 12 months prior to your need for leave, you have worked or been paid for at least 60% of your applicable monthly guarantee, and have worked or been paid for at least 504 hours, not including personal commute time, or time spent on vacation, medical or sick leave.

Am I Eligible for FMLA Leave?



When Can I Use FMLA Leave?

If you work for an employer that is covered by the FMLA, and you are an eligible employee, you can take up to 12 weeks of FMLA leave in any 12-month period for a variety of reasons, including:

Serious Health Condition

You may take FMLA leave to care for your spouse, child or parent who has a serious health condition, or when you are unable to work because of your own serious health condition.

The most common serious health conditions that qualify for FMLA leave are:

- 1) conditions requiring an overnight stay in a hospital or other medical care facility;
- 2) conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and require ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
- 3) chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
- 4) pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

Military Family Leave

The FMLA also provides certain military family leave entitlements. You may take FMLA leave for specified reasons related to certain military deployments. Additionally, you may take up to 26 weeks of FMLA leave in a single 12-month period to care for a covered servicemember with a serious injury or illness.



Expanding Your Family

You may take FMLA leave for the birth of a child and to bond with the newborn child, or for the placement of a child for adoption or foster care and to bond with that child. Men and women have the same right to take FMLA leave to bond with their child but it must be taken within one year of the child's birth or placement and must be taken as a continuous block of leave unless the employer agrees to allow intermittent leave (for example, a part-time schedule).

Parent

Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the employee when the employee was a child. This term does not include parents-in-law.

Son or Daughter

Son or daughter (or child) means a biological, adopted, or foster child, stepchild, legal ward, or child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.

Spouse

Spouse means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law marriage or same-sex marriage.

In Loco Parentis

A person stands *in loco parentis* if that person provides day-to-day care or financial support for a child. Employees with no biological or legal relationship to a child can stand *in loco parentis* to that child, and are entitled to FMLA leave (for example, an uncle who cares for his sister's children while she serves on active military duty, or a person who is co-parenting a child with his or her same-sex partner). Also, an eligible employee is entitled to FMLA leave to care for a person who stood *in loco parentis* to that employee when the employee was a child. (See *Administrator's Interpretation No. 2010-3 and Fact Sheets 28B and C.*)

What Can the FMLA Do for Me?



If you are faced with a health condition that causes you to miss work, whether it is because of your own serious health condition or to care for a family member with a serious health condition, you may be able to take up to 12 weeks of job-protected time off under the FMLA.

If you take FMLA leave, your employer must continue your health insurance as if you were not on leave (you may be required to continue to make any normal employee contributions).

As long as you are able to return to work before you exhaust your FMLA leave, you must be returned to the same job (or one nearly identical to it). This job protection is intended to reduce the stress that you may otherwise feel if forced to choose between work and family during a serious medical situation.

Time off under the FMLA may not be held against you in employment actions such as hiring, promotions or discipline.

You can take FMLA leave as either a single block of time (for example, three weeks of leave for surgery and recovery) or in multiple, smaller blocks of time if medically necessary (for example, occasional absences due to diabetes). You can also take leave on a part-time basis if medically necessary (for example, if after surgery you are able to return to work only four hours a day or three days a week for a period of time). If you need multiple periods of leave for planned medical treatment such as physical therapy appointments, you must try to schedule the treatment at a time that minimizes the disruption to your employer.

FMLA leave is unpaid leave. However, if you have sick time, vacation time, personal time, etc., saved up with your employer, you may use that leave time, along with your FMLA leave so that you continue to get paid. In order to use such leave, you must follow your employer's normal leave rules such as submitting a leave form or providing advance notice. Even if you don't want to use your paid leave, your employer can require you to use it during your FMLA leave. For example, if you are out for one week recovering from surgery, and you have two weeks of paid vacation saved up, your employer can require you to use one week of your vacation time for your FMLA leave. When you use paid leave for an FMLA-covered reason (whether at your request or your employer's), your leave time is still protected by the FMLA.

How Do I Request FMLA Leave?

To take FMLA leave, you must provide your employer with appropriate notice. If you know in advance that you will need FMLA leave (for example, if you are planning to have surgery or you are pregnant), you must give your employer at least 30 days advance notice. If you learn of your need for leave less than 30 days in advance, you must give your employer notice as soon as you can (generally either the day you learn of the need or the next work day). When you need FMLA leave unexpectedly (for example, if a family member is injured in an accident), you **MUST** inform your employer as soon as you can. You must follow your employer's usual notice or call-in procedures unless you are unable to do so (for example, if you are receiving emergency medical care).

While you do not have to specifically ask for FMLA leave for your first leave request, you do need to provide enough information so your employer is aware it may be covered by the FMLA. Once a condition has been approved for FMLA leave and you need additional leave for that condition (for example recurring migraines or physical therapy appointments), your request must mention that condition or your need for FMLA leave. If you don't give your employer enough information to know that your leave may be covered by the FMLA, your leave may not be protected.

You do not have to tell your employer your diagnosis, but you do need to provide information indicating that your leave is due to an FMLA-protected condition (for example, stating that you have been to the doctor and have been given antibiotics and told to stay home for four days).

Communication with Your Employer

Ongoing communication between you and your employer will make the FMLA process run much more smoothly. Each of you has to follow guidelines about notifying the other when FMLA leave is being used.

You will need to inform your employer if your need for FMLA leave changes while you are out (for example, if your doctor determines that you can return to work earlier than expected). Your employer may also require you to provide periodic updates on your status and your intent to return to work.

Your employer must notify you if you are eligible for FMLA leave within five business days of your first leave request. If the employer says that you are not eligible, it has to state at least one reason why you are not eligible (for example, you have not worked for the employer for a total of 12 months).

At the same time that your employer gives you an eligibility notice, it must also give you a notice of your rights and responsibilities under the FMLA. This notice must include all of the following:

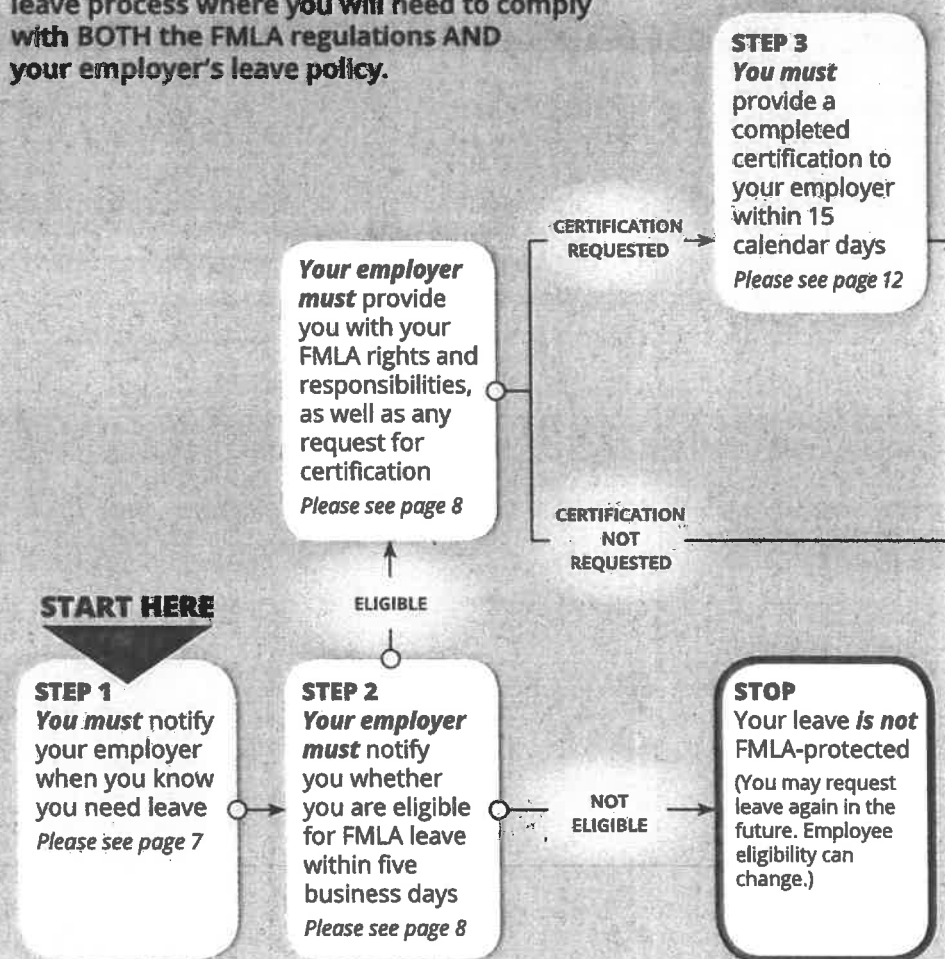
- A definition of the 12-month period the employer uses to keep track of FMLA usage. It can be a calendar year, 12 months from the first time you take leave, a fixed year such as your anniversary date, or a rolling 12-month period measured backward from the date you use FMLA leave. You need to know which way your employer measures the 12-month window so that you can be sure of how much FMLA leave you have available when you need it.
- Whether you will be required to provide medical certification from a health care provider.
- Your right to use paid leave.
- Whether your employer will require you to use your paid leave.
- Your right to maintain your health benefits and whether you will be required to make premium payments.
- Your right to return to your job at the end of your FMLA leave.

When your employer has the information necessary to determine if your leave is FMLA protected, it must notify you whether the leave will be designated as FMLA leave and, if possible, how much leave will be counted against your FMLA entitlement. If your employer determines that your leave is not covered by FMLA, it must notify you of that determination.

The FMLA Leave Process

This flowchart provides general information to walk you through your initial request for FMLA leave step by step, and help you navigate the sometimes complicated FMLA process.

Please note, it is **ESSENTIAL** for you to be familiar with your employer's leave policy. There are several instances throughout the FMLA leave process where you will need to comply with BOTH the FMLA regulations AND your employer's leave policy.





☐ YOUR RESPONSIBILITY

☐ YOUR EMPLOYER'S RESPONSIBILITY

STOP

Your leave *is not* FMLA-protected
(You may request leave again in the future.)

NOT DESIGNATED →

STEP 4

Your employer *must* notify you whether your leave has been designated as FMLA within five business days
Please see page 8

○ DESIGNATED →

STEP 5

Your leave *is* FMLA-protected
(There are employee responsibilities while out on FMLA leave.)
Please see page 8

STEP 6

When you return to work, *your employer must* return you to your same or nearly identical job
Please see page 14

Medical Certification

If your employer requests medical certification, you only have 15 calendar days to provide it in most circumstances. You are responsible for the cost of getting the certification from a health care provider and for making sure that the certification is provided to your employer. If you fail to provide the requested medical certification, your FMLA leave may be denied.

The medical certification must include some specific information, including:

- contact information for the health care provider;
- when the serious health condition began;
- how long the condition is expected to last;
- appropriate medical facts about the condition (which may include information on symptoms, hospitalization, doctors visits, and referrals for treatment);
- whether you are unable to work or your family member is in need of care; and
- whether you need leave continuously or intermittently. (If you need to take leave a little bit at a time, the certification should include an estimate of how much time you will need for each absence, how often you will be absent, and information establishing the medical necessity for taking such intermittent leave.)

If your employer finds that necessary information is missing from your certification, it must notify you in writing of what additional information is needed to make the certification complete. You must provide the missing information within seven calendar days.

If your employer has concerns about the validity of your certification, it may request a second opinion, but it must cover the cost. Your employer may request a third opinion if the first and second opinion differ, but it must cover the cost.

If your need for leave continues for an extended period of time, or if it changes significantly, your employer may require you to provide an updated certification.

Certification at a Glance



STEP 1

Your employer must notify you if a certification is required

STEP 2

You must provide a completed certification to your employer within 15 days

STEP 3

Your employer must designate your leave if it is FMLA-protected

YOUR EMPLOYER MAY REQUIRE YOU TO:

- Correct any deficiencies in your certification identified by your employer within seven days
- Obtain a 2nd medical opinion if your employer doubts the validity of your certification
- Obtain a 3rd medical opinion if the 1st and 2nd opinions differ

YOUR EMPLOYER MAY DENY FMLA LEAVE IF YOU FAIL TO PROVIDE A REQUESTED CERTIFICATION

YOUR RESPONSIBILITY

YOUR EMPLOYER'S RESPONSIBILITY

Returning to Work



When you return to work, the FMLA requires that your employer return you to the same job that you left, or one that is nearly identical.

If you are not returned to the exact same job, the new position must:

- involve the same or substantially similar duties, responsibilities, and status;
- include the same general level of skill, effort, responsibility and authority;
- offer identical pay, including equivalent premium pay, overtime and bonus opportunities;
- offer identical benefits (such as life insurance, health insurance, disability insurance, sick leave, vacation, educational benefits, pensions, etc.); and
- offer the same general work schedule and be at the same (or a nearby) location.

Please keep in mind that if you exhaust your FMLA leave entitlement and are unable to return to work, your employer is not required to restore you to your position.

SPECIAL CIRCUMSTANCES:

Key Employees

Certain *key employees* may not be guaranteed reinstatement to their positions following FMLA leave. A *key employee* is defined as a salaried, FMLA-eligible employee who is among the highest paid 10 percent of all the employees working for the employer within 75 miles of the employee's worksite.

Teachers

Special rules apply to employees of local education agencies. Generally, these rules apply when you need intermittent leave or when you need leave near the end of a school term.

Please visit our website for more complete information.

How to File a Complaint

The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for administering and enforcing the Family and Medical Leave Act for most employees.

If you have questions, or you think that your rights under the FMLA may have been violated, you can contact WHD at 1-866-487-9243. You will be directed to the WHD office nearest you for assistance. There are over 200 WHD offices throughout the country staffed with trained professionals to help you.

The information below is useful when filing a complaint with WHD:

- your name
- your address and phone number (how you can be contacted)
- the name of the company where you work or worked
- location of the company (this may be different than the actual job site where you worked)
- phone number of the company
- manager or owner's name
- the circumstances of your FMLA request and your employer's response

Your employer is prohibited from interfering with, restraining, or denying the exercise of FMLA rights, retaliating against you for filing a complaint and cooperating with the Wage and Hour Division, or bringing a private action to court. You should contact the Wage and Hour Division immediately if your employer retaliates against you for engaging in any of these legally protected activities.

**To contact the WHD office nearest you, visit:
www.dol.gov/whd/america2.htm**

Website Resources

Visit the Wage and Hour Division website at **www.dol.gov/whd/fmla** for resources containing information about the FMLA, including:

- Key News
- General Guidance
- Fact Sheets
- e-Tools
- Posters
- Forms
- Interpretive Guidance
- Law
- Regulations