# EMPLOYEE HANDBOOK

# MANHATTAN COMMUNITY BOARD 3

# CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 E. 4<sup>th</sup> St. New York, NY 10003 T: 212-533-5300 F: 212-533-3659

## Welcome to Community Board 3

We hope that you enjoy working with us, and that you find your employment rewarding and challenging. Community Board 3 believes that a City agency is best served by a shared understanding of each person's role, responsibilities and relationships. This manual outlines the policies and procedures that guide our daily work together.

It is important that you understand all the material included in this manual. Our success depends on you, and your success depends, in part, upon your cooperation in following the policies referred to in this manual. Please read this information carefully; it is intended to help you make the most of your job. If you have any questions, please talk to the District Manager.

Please confirm your receipt and understanding of this Office Policy and Procedures Manual by signing the acknowledgement page at the end of this book, and returning it to the District Manager within three (3) days.

This Office Policy and Procedures Manual refers to current policies, procedures and benefits that are in effect today. They may be changed or updated periodically. We will promptly inform all staff of any changes to policies, procedures or benefits described in this manual.

Please contact the District Manager with any comments or questions you may have about this manual; your feedback is encouraged and appreciated.

## **About Community Board 3**

Manhattan Community Board 3 is a local government agency of the City of New York encompassing the neighborhoods of the Lower East Side and part of Chinatown. The boundaries of the district are 14th Street on the north, the East River on the east and the south, and Fourth Avenue and the Bowery on the west, extending to Baxter and Pearl Streets and the Brooklyn Bridge south of Canal Street. It is a community filled with a diversity of cultures, religions, incomes, and languages. Its character, drawn from its heritage as a historic first stop for many immigrants, continues to the present day.

Like all other community boards, Community Board 3 is mandated by the City Charter of the City of New York and is responsible for participating in long-term community planning, Uniform Land Use Review Procedure (ULURP); reviewing applications for liquor licenses, sidewalk cafes, street fairs, and street closings; assessing community needs in the City budget; ensuring the proper delivery of municipal services; and advocating for the welfare of the community district and its residents.

The Board is headed by a Chairperson. The Community Board's staff is headed by its District Manager. The Board consists of 50 volunteer members who are appointed by the Manhattan Borough President, 25 of whom are selected by the two City Council Members representing the District. All of CB 3's Board Members live, work or have a significant interest in the District and were appointed based on their qualifications and the needs of the Board.

## **TABLE OF CONTENTS**

#### I. INTRODUCTION

- A. Welcome Address
- B. Daily Procedures You Should Know
  - i. Community Board 3 Document Management
  - ii. Purchases Using Community Board 3 Monies
  - iii. Special Events Protocol

## II. CODE OF CONDUCT AND ETHICS RULES

- A. Code of Conduct
- B. Conflicts of Interest
  - i. Gifts
  - Gifts from Individuals or People Doing or Intending to Do Business with the City
  - iii. Gifts from Lobbyists
  - iv. Other Gift Rules
  - v. Acceptance of Tickets
  - vi. Volunteering for Not-For-Profit Organizations
  - vii. Political Activities
  - viii. Misusing One's City Job for Private Advantage
  - ix. Letters of Recommendation
- C. Personal Use of Community Board 3 Technology
  - i. General Policy
  - ii. Definitions
  - iii. Unauthorized Personal Uses
  - iv. Proper Representation
  - v. Privacy Expectations
  - vi. Community Board 3 Computer and Internet Acceptable Use Protocol
  - vii. Sanctions for Unauthorized Use
- D. Confidentiality
- E. Outside Employment
- F. Information Concerning Possible Wrongdoing
- G. The Department of Investigation
- H. Conduct Under Investigation

#### III. WORK RULES AND PROTOCOL

- A. General On-the-Job Conduct
- B. Press Inquiry Protocol
  - i. Statements on Behalf of Community Board 3
  - ii. Employee Statements in their Personal Capacities
  - Statements that Disclose Confidential Information or are Disruptive to Community Board 3
- C. Email Protocol

- D. Freedom of Information Law (FOIL) Requests
- E. Smoke-Free Workplace
- F. Change of Address, Name or Phone Number

#### IV. NEW HIRE PROCESS

- A. Processing Fees
- B. Background Checks of All Employees
- C. Residence Requirements
- D. Oath of Office
- E. Probationary Status

#### V. EMPLOYMENT LAWS

- A. Equal Employment Opportunity
  - i. General Anti-Discrimination Protections
  - ii. Sexual Harassment
  - iii. Disabilities
  - iv. Anti-Retaliation

#### VI. WORK SCHEDULE AND TIME POLICIES AND PROCEDURES

- A. Scheduled Work Hours
  - i. Meal (Lunch) Period (Non-Managerial Employees)
  - ii. Alternate Work Schedules for Non-Managerial Employees
    - a. Request of Alternate Work Schedules by Non-Managerial Employees
    - b. Approval of Alternate Work Schedules for Non-Managerial Employees
  - iii. Sign-ins/Sign-outs for Non-Managerial Employees
- B. Lateness Policy for Non-Managerial Employees
  - i. Excused and Unexcused/Unauthorized Lateness
  - ii. Employee Responsibility to Notify of Lateness
    - a. Lateness Caused by Verified Major Failure of Public Transportation
    - b. Lateness Cause Not Verified as Major Failure of Public Transportation
  - iii. Disciplinary Consequences of Excessive Lateness
- C. Timekeeping/Paychecks

#### VII. ANNUAL LEAVE POLICIES AND PROCEDURES

- A. Definitions
- B. Responsibility of Non-Managerial Employees for Leave Requests
- C. Emergency Leave for Non-Managerial Employees
- D. Accruing Annual Leave
- E. Recordkeeping of Leave Balances
- F. Using Annual Leave
- G. Advance of Annual Leave
- H. Medical Disability While on Annual Leave

- I. Unauthorized Absences for Non-Managerial Employees
- J. Legal Holiday
- K. Floating Holiday

#### VIII. SICK LEAVE POLICIES AND PROCEDURES

- A. Introduction
- B. Accruing Sick Leave
- C. Responsibility of Employee for Sick Leave Requests
- D. Using Sick Leave
- E. Medical Documentation
- F. Excessive Undocumented Sick Leave Policy
- G. Sick Leave Used for Family Illness
- H. Advanced Sick Leave
- I. Discretionary Sick Leave

## IX. OVERTIME POLICIES AND PROCEDURES

- A. Definition
- B. Authorization for Overtime
- C. Credits for Overtime
- D. Using Compensatory Time
- E. Meal Allowances
- F. Recall and Standby Time
- G. Pagers/Blackberries

#### X. CONDITIONAL LEAVES

- A. Leave Without Pay (LWOP)
- B. Child Care Leave of Absence
- C. Family Medical Leave Act (FMLA)
- D. Excused Absences Not Charged to Leave Credits
  - i. Jury Duty
  - ii. Bereavement Leave/Death in the Family
  - iii. Court Attendance
  - iv. Civil Service Examinations
  - v. Blood Donations
  - vi. Religious Observance
  - vii. Military Leave

#### XI. PERFORMANCE EVALUATION PROCESS

- A. Introduction
- B. Objectives
- C. Tasks and Standards
- D. Evaluation Period and Procedures
- E. Preparation of Performance Evaluations
- F. Plans and Recommendations

#### XII. EMPLOYEE DEPARTURES

- A. Dismissals
- B. Resignations
- C. Transfers

## XIII. EMPLOYEE RIGHTS

- A. Personnel Folders
- B. Disciplinary Action
- C. Substance Abuse/Mental Health

# XIV. UNION RIGHTS/GRIEVANCES

- A. Labor and Staff Organizations
- B. Grievances

## XV. ADMINISTRATIVE AND OPERATIONAL OFFICE PROCEDURES

- A. Security
- B. Reception
- C. Copying/Mailing Equipment/Facsimile Machines
- D. Supplies/Ordering
- E. Purchases/Requisition Forms
- F. Equipment and Maintenance Problems/Repairs

#### Part I: INTRODUCTION

#### A. Welcome Address

All Community Board 3 employees have the honor of serving the people of the LES/E. Village/Chinatown and high standards are set for our job performance. From answering the phones to attending community meetings to addressing important policy or land use questions, every job in this Office is important. The unique contributions of each staff member play a vital part in ensuring that the residents of the LES/E. Village/Chinatown receive the services and representation they deserve.

#### PART II: CODE OF CONDUCT AND ETHICS RULES

#### A. Code of Conduct

The staff of Community Board 3 is expected to conduct themselves according to the highest standards of integrity at all times. Further, the staff members will make every effort, at all times, to comply with applicable federal, state and city criminal laws, civil laws and regulations governing the conduct of public officials and employees, as well as that of the public at-large.

In addition to any other penalties which may apply, in evaluating and disciplining staff, the District Manager and Board will take account of *any* infractions of such laws that may occur in the course of their work on behalf of the Board; the District Manager and Board will also take account of infractions that may occur while off-duty that are of a nature that an employee knows or has reason to know would be likely to reflect poorly on his/her character or reputation for honesty, and thus, on the reputation of Community Board 3. This obligation to comply fully with the law extends to such matters as the ban on personal use of City property.

This is the Code of Conduct for the office of Community Board 3. The purpose of this Code is to inform employees of the standards of conduct and performances that are required of them. Employees must read this Code and conduct themselves accordingly. Any violation of any of the following rules or any other regulations governing Community Board 3 employees may result in disciplinary action, up to and including termination.

- 1. Employees shall not strike or attempt to strike a supervisor, subordinate, fellow employee or private citizen.
- 2. Employees shall not engage in disorderly or disruptive conduct while on duty.
- 3. Employees shall not steal or permit any property or thing of value to be stolen from any Community Board 3 premises.

- 4. Employees shall not possess or use a dangerous weapon or instrument as defined in Article 265 of the New York Penal Law on Community Board 3 premises and/or during work hours..
- 5. No employee shall receive bribes; unlawful gratuities or rewards for official misconduct or engage in official misconduct as described below.
  - a. Bribery A public servant is guilty of bribe receiving when he or she solicits, accepts or agrees to accept any benefit from another person upon agreement or understanding that his or her vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.
  - b. *Gratuities* A public servant is guilty of receiving unlawful gratuities when he or she solicits, accepts or agrees to accept any benefit from having engaged in official conduct that he or she is required or authorized to perform and for which he or she was not entitled to any special or additional compensation.
  - c. Official Misconduct A public servant is guilty of official misconduct when, with intent to obtain a benefit or to injure or deprive another person of a benefit:
    - (i) He or she commits an act relating to his or her office but constituting an unauthorized exercise of his or her official functions, knowing that such act is unauthorized.
    - (ii) He or she knowingly refrains from performing a duty that is imposed upon him or her by law or is clearly inherent in the nature of his or her office.
    - (iii) He or she misuses his or her official capacity for personal benefit or for the benefit of another.
    - (iv) He or she refuses or fails to appear to answer questions as to the performance of his or her official duties before the Office of Community Board 3, the Department of Investigation or any lawfully constituted court, officer, or body having authority to make inquiry relating thereto, or who, having appeared, refuses to answer questions which pertain to the performance of his or her official duties.
  - d. Receiving reward for official misconduct A public servant is guilty of receiving a reward for official misconduct when he or she solicits, accepts or agrees to accept any benefit from another person for having violated his or her duty as a public servant

- 6. Employees shall not engage in any conduct that is proscribed by City, State or Federal law and is related to the employee's qualifications for or ability to perform his or her job.
- 7. Employees shall immediately notify in writing the District Manager and Chair of the Board of any arrest, indictment for or conviction of a crime.
- 8. Employees shall not be uncivil or discourteous in relations with the public or with other Community Board 3 or municipal or government employees.
- 9. Employees shall not use obscene or abusive language to a superior, fellow employee, subordinate, or private citizen in connection with Community Board 3 activities.
- 10. Employees shall not threaten or intimidate a superior, fellow employee, or private citizen in connection with Community Board 3 activities.
- 11. Employees shall not knowingly make false reports or false entries in or on any Community Board 3 record or on any other official record in connection with any Community Board 3 operation or activity, knowingly make a false statement in connection with any required verbal record, or knowingly submit or cause the submission of any false document.
- 12. Employees shall not knowingly make a false statement, in the course of an employee's official duties, concerning the Community Board 3 or the employee's duties or responsibilities within the Community Board 3.
- 13. Employees shall not disclose to any unauthorized person any confidential information relative to the Community Board 3's records, operations or activities.
- 14. Employees shall not engage in improper, inefficient, negligent or careless performance of duties.
- 15. Employees shall not sleep while on duty.
- 16. Employees must promptly notify their supervisor when they are unable to carry out an assignment within the prescribed time limit.
- 17. Employees shall comply with all time and leave procedures promulgated by Community Board 3 in accordance with citywide and local contracts.
- 18. Employees shall not be absent from or leave assigned work locations except when authorized.
- 19. Employees shall comply with all Community Board 3 rules and applicable City policy and rules related to sick leave or injury on duty.

- 20. Employees must follow directives, rules, or regulations promulgated by supervisory personnel. Each employee is hereby advised that all directives issued by supervisory personnel must be followed, despite advice offered by labor representatives. If the employee believes a particular directive is not consistent with the terms of the existing labor contract, he or she must nevertheless follow the directive, and then may file a grievance through the proper channels. The only exception is an order, which endangers a person's health or safety, or an order to take action in violation of City, state or federal law.
- 21. Employees shall not engage in sexual harassment of any employee or member of the public in his or her dealings with Community Board 3.
- 22. Employees shall not engage in outside activities which interfere with their assigned official duties, or engage in such activities during any work hours.
- 23. Residency within New York City is required as a condition of employment for all civilian employees hired on or after September 1, 1986. Employees must be City residents at the time of employment or they must move to the City within 90 days after appointment. However, if employees are in what is considered a "hard to recruit title," the Residency Requirement is waived for as long as the employee serves in that title. Failure to comply with the Residency Requirement may result in termination or reversal to an employee's permanent title. There are exemptions to this policy. Please contact the District Manager.
- 24. No employee shall take retaliatory action against an employee who reports a violation to the District Manager, Corporation Counsel, Inspector General, EEO Officer, supervisor or a law enforcement agency.
- 25. No employee shall take retaliatory action against an employee who testifies against another Community Board 3 or City employee or member of the public in any action initiated by the Inspector General, a government regulatory agency, a professional disciplinary committee, or a law enforcement agency.
- 26. All internal Community Board 3 office policies and rules are hereby incorporated by reference and made a part hereof.

#### **B.** Conflicts of Interest

The New York City Conflicts of Interest Board (COIB) is an independent body that issues opinions and orders, and imposes penalties for violations of the Conflicts of Interest Law and the Financial Disclosure Law, as set forth in the New York City Charter and Administrative Code.

The Conflicts of Interest Law, otherwise known as Chapter 68 of the New York City Charter, contains a set of rules that governs all City employees on issues of prohibited conduct, post-employment restrictions, outside employment and activities, the receipt of gifts and other activities. Employees who have a question regarding a potential conflict of interest must consult with the General Counsel. The General Counsel will advise employees of a possible conflict of interest and may refer certain requests to the COIB for an opinion. This section highlights only a few important conflicts of interest issues and does <u>not</u> serve as a comprehensive policy or guidance for conflicts of interests. Whether a conflict of interest exists depends on the specific facts and circumstances of a case. Always consult with the Conflicts of Interest Board on questions regarding conflicts of interest.

#### i. Gifts

The Conflicts of Interest Law prohibits City employees from accepting gifts in certain situations. Community Board 3 employees are not permitted to accept certain gifts from (1) people or firms doing business or intending to do business with the City and (2) lobbyists.

# ii. Gifts from Individuals or People Doing or Intending to Do Business with the City

Community Board 3 employees, are not permitted to accept any gifts from any person or firm that the public servant or employee knows, or should know, does, or intends to do, business with the City, including Community Board 3. Gifts can include anything of value including money, a meal, renovations to one's house, tickets, travel expenses or other things of value.

There are a few exceptions to this rule. For example, a public servant or employee might be able to accept a gift where it's clear that a family or personal relationship, and not a business relationship, motivated the gift. The gift should be of a nominal value (less than \$25.00), preferably perishable or consumable. However, the entire circumstances of the gift must be considered to avoid any impropriety or appearance of impropriety. For example, if the gift giver is an old friend of a Community Board 3 employee but now has matters directly under the consideration of the Community Board 3 employee, the motive may not be so clear, and the employee should consult with the General Counsel on whether acceptance of the gift is permissible. Other exceptions might include free meals or refreshments offered during a meeting or event that a Community Board 3 employee is attending for official reasons and free tickets to events that a Community Board 3 employee is attending for a City purpose. Permissible gifts of this nature are considered "gifts to the City" instead of gifts to the City employee. See related subsection below on "Acceptance of Tickets."

#### iii. Gifts from Lobbyists

New York City Law prohibits a lobbyist, the spouse or domestic partner of a lobbyist, and the unemancipated children of a lobbyist, from offering or giving a gift to any public servant, including Community Board 3 employees. There is no \$50 cut-off here; lobbyists are prohibited from giving public servants gifts of any value whatsoever. Community Board 3 employees must consult with the General Counsel on questions of whether a person qualifies as a "lobbyist" for purposes of this gift restriction.

Similar to exceptions to the other gift rule, gifts that are customary on family and social occasions from a family member or close friend, where it can be shown that family or personal relationships, and not the lobbying activity, motivated the gift, may be permissible. Also, certain gifts from lobbyists are permissible because they are considered "gifts to the City." For example, complimentary admission to certain public functions may be permissible when the Community Board 3 employee would be attending for a City purpose.

#### iv. Other Gift Rules

Community Board 3 employees are generally prohibited from giving a gift to a supervisor or especially from receiving a gift from a subordinate if the gift is worth more than a negligible amount. For example, while an employee could give his or her boss a coffee mug as a holiday gift, he or she could not give an expensive pen. A collective gift by the office for birthdays, holidays, baby showers, "secret Santa" activities, and the like are usually permitted, with the understanding that these activities are organized by someone other than the person who sign's everyone's evaluations. No employee should feel pressured into buying gifts for their superior, particularly with the expectation of a reward in the future.

Small tokens of appreciation, such as flowers, chocolates or other perishables or minimal value, which as a practical matter cannot be returned, may sometimes be accepted as a gift to the City and placed in a common area for everyone to enjoy. For example, flowers or a box of chocolates from an organization that an employee helped may be accepted and enjoyed by the entire office. Other, more sizeable gratuities, such as a radio or a TV and any money, must be returned. Any offer of a gift or gratuity for a Community Board 3 employee must be reported to the District Manager.

## v. Acceptance of Tickets

The City's and Community Board 3's policy regarding the acceptance of a free ticket to an event, ceremony or function is that a Community Board 3 employee may accept such a ticket only when acting in his or her official capacity in furtherance of a legitimate Community Board 3 business purpose.

Any Community Board 3 employee who is interested in accepting a free ticket to such an event, function or ceremony should consult with the Conflicts of Interest Board.

## vi. Volunteering for Not-For-Profit Organizations

Community Board 3 employees, who volunteer for any Community Board 3 not-for-profit organization, including serving on the board of such an organization, must report such activity to the District Manager or Board Chairperson to determine whether such volunteer activity is permissible. Volunteer, unpaid work by Community Board 3 employees often creates no conflict of interest. However, when volunteering for an organization that does business with the City or with Community Board 3, certain strict restrictions apply. Specifically, the employee must recluse himself or herself from any discussions of the organization related to City matters. Furthermore, if a Community Board 3 employee serves on the board that does business with Community Board 3 (as opposed to another City agency), and then the employee might have to terminate his or her service on the board, if permission is not obtained from the District Manager, Chair of the Board and from the Conflicts of Interest Board.

#### vii. Political Activities

Community Board 3 employees may never use their City position or City resources to help a political candidate or a political campaign. For example, a Community Board 3 employee may not use a City (including Community Board 3) telephone to make calls on behalf of a candidate or photocopy a campaign flier on a City (including Community Board 3) copy machine.

Community Board 3 employees may not coerce anyone, or even request a subordinate, to work on a political campaign or contribute to a candidate or party. For example, a Community Board 3 supervisor may not ask subordinates to volunteer or make calls for a political campaign.

Community Board 3 employees charged with substantial policy discretion as defined by the rule of the NYC Conflicts of Interest board are not allowed to request anyone to make a political contribution to any candidate for a City office or to any City elected official who is running for any office. Such higher-level Community Board 3 employees are also prohibited from holding certain political party positions.

## viii. Misusing One's City Job for Private Advantage

Community Board 3 employees may not use their City position or City resources for private or personal gain or advantage for oneself, one's relatives, or one's business associates. For example, writing a letter on Community Board 3 letterhead for any personal reason is strictly forbidden, even if sending the letter to another City agency. As a general rule, the City Charter prohibits the use of City (or Community Board 3) letterhead, personnel, equipment, resources or supplies for any non-City purpose.

Community Board 3 has adopted a COIB-approved "Acceptable Use Policy" that provides guidelines for acceptable incidental non-City use of some City resources. For example, under this policy, local personal calls may be acceptable, as long as they are of an incidental nature and do no interfere with an employee's job performance. This policy is contained in the section entitled "Personal Use of Community Board 3 Resources and Technology" in this Office Manual.

It is important to note that there are always certain types of non-City use of City resources and property that are impermissible even in small amounts. Examples include using City resources in any way for a private business purpose or for sending hate speech or political literature. For further guidance on this issue, please consult with the General Counsel.

#### ix. Letters of Recommendation

Community Board 3 employees may not write letters of recommendation on Community Board 3 letterhead for any person with whom the employee did not become acquainted in the course of official City work at Community Board 3. A Community Board 3 employee who wishes to write such a recommendation may only write such a recommendation as a personal letter using non-Community Board 3 and non-City letterhead such as a plain sheet of paper. In addition, the signature of the letter may not designate the author's City title. For example, a Community Board 3 employee may not end a personal letter of recommendation with "Sincerely, Jay Smith, Community Associate, Community Board 3."

However, a Community Board 3 employee may write a letter of recommendation on Community Board 3 letterhead for a former intern or employee of Community Board 3 whom the recommender <u>supervised</u> at Community Board 3. Community Board 3 employees should consult with the District Manager on all letters of recommendations that include mention of a Community Board 3 title prior to sending such letters.

# C. Personal Use of Community Board 3 Resources and Technology

## i. General Policy

Community Board 3 employees are permitted limited personal use of Community Board 3's office and technology resources if the use is not prohibited pursuant to this policy, does not interfere with or otherwise impede Community Board 3's operations or employee productivity, and involves no more than a minimal additional expense to Community Board 3. Community Board 3 employees may engage in the personal use of Community Board 3's and City's office and technology resources permitted by this policy only at times that do not conflict with the employee's official duties and responsibilities and the employee is not required to perform services for Community Board 3.

#### ii. Definitions

"Office and technology resources" includes but is not limited to: information technology, personal computers and related peripheral equipment, software, library resources, telephones, mobile telephones, blackberries and other wireless communications devices, facsimile machines, photocopiers, Internet connectivity and access to Internet services, and email.

"Information technology" means any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.

"Personal Use" means activity that is conducted for purposes other than accomplishing official work related activity. Personal use under this Policy does not include any use that is unlawful, violates the City's Conflicts of Interest rules or other applicable rules and regulations, or is specifically prohibited by the Policy or another applicable policy.

#### iii. Unauthorized Personal Uses

Employees are required to conduct themselves appropriately in the workplace and to refrain from using Community Board 3's or City's office and technology resources for activities that are unauthorized by this Policy, another applicable policy, or applicable law, rule or regulation. Unauthorized personal use of Community Board 3's office and technology resources includes, but is not limited to, the following uses, all of which are prohibited:

- Any personal use of Community Board 3's office and technology resources that could cause congestion, delay, or disruption of service to any of Community Board 3's office and technology resources. For example, electronic greeting cards, video, sound, digital images or other large computer file attachments can degrade the performance of the entire network. "Push" technology on the Internet and other continuous data streams can also degrade the performance of the entire network.
- Any personal use of Community Board 3's office and technology resources as a staging ground or platform to gain unauthorized access to other systems or in furtherance of unauthorized computer use.
- Any personal use of Community Board 3's office and technology resources in the creation, copying, transmission, or retransmission of chain letters, petitions or other unauthorized mass mailings regardless of the subject matter.
- Any personal use of Community Board 3's office and technology resources for activities that are inappropriate to the workplace or are prohibited by applicable

law, rule, regulation or agency policy.

- Any personal use of Community Board 3's office and technology resources for the creation, downloading, viewing, storage, copying, or transmission of any material that is: obscene, sexually explicit or sexually oriented; hate speech; threatening; defamatory; known to be fraudulent; or ridicules others on the basis of race, creed, religion, color, gender, disability, age, national origin, or sexual orientation.
- Any personal use of Community Board 3's office and technology resources for furtherance of a non-City business or non-City employment, including, without limitation, consulting for pay, sales or administration of business transactions (not including personal finances), or sale of goods or services, including assisting relatives, friends or other persons in such activities.
- Any personal use of Community Board 3's office and technology resources to
  engage in any outside fund-raising activity, endorse any product or service,
  participate in any lobbying activity, or engage in any prohibited political activity.
- Any personal use of Community Board 3's office and technology resources to
  post agency information to external newsgroups, chat rooms, bulletin boards or
  other forums without explicit authorization.
- Any personal use of Community Board 3's office and technology resources in the unauthorized acquisition, use, reproduction, transmission, or distribution of any information, computer software or data, including, without limitation: private or confidential information about any individual, business or other entity including, but not limited to, medical information; copyrighted, patented or trademarked material or material with otherwise legally protected intellectual property rights; proprietary data; or export controlled software or data.
- Any unauthorized modification of Community Board 3's office and technology resources, including, but not limited to, loading personal software or making configuration changes.
- Any personal use of Community Board 3 office supplies, including, but not limited to, paper, pens and postage, other than a minimal use of supplies incident to the limited use of photocopiers, computers, telephones and facsimile machines allowed by this Policy.

## iv. Proper Representation

It is the responsibility of employees to ensure that they are not giving the false impression that they are acting in their official capacities as Community Board 3 employees when they are using Community Board 3's office and technology resources

for non-City purposes. If there is a possibility that such a personal use could be reasonably interpreted to be made on behalf of Community Board 3, the employee may not use Community Board 3's office and technology resources.

## v. Privacy Expectations

Community Board 3 employees do not have a right of privacy while using any of Community Board 3's office and technology resources, whether for official or personal purposes, at any time, including while accessing the Internet or using email. Any use of Community Board 3's office and technology resources is made with the understanding that such use is generally not secure, is not private, and is not anonymous. To the extent that employees wish that their personal activities remain private, they should not use Community Board 3's office and technology resources for such activities.

By using Community Board 3's office and technology resources, whether for official or other purposes, Community Board 3 employees consent to the disclosure of the contents of any files or information maintained on or passing through Community Board 3's office and technology resources and of any logs or other records of the use of such equipment, including, without limitation, billing records.

By using Community Board 3's office and technology resources, whether for official or other purposes, Community Board 3 employees consent to the monitoring and recording of any such use with or without cause, including, but not limited to, records of access to the Internet and email usage.

Community Board 3 may employ monitoring tools approved by the District Manager to ensure the proper use by Community Board 3 employees of Community Board 3's office and technology resources. The Chair of the Board or his or her designee may access any electronic communications that are made using Community Board 3's office and technology resources.

## vi. Community Board 3 Computer and Internet Acceptable Use Protocol

The use of computers, related equipment and access to the Internet are resources provided by Community Board 3 solely for employees to perform their City work responsibilities. Accordingly, Community Board 3-provided computers, related equipment and Internet Access should be used only for appropriate City business, and not for any personal or non-City business matters. This policy applies to all Community Board 3 employees, and to all interns, temporary workers, contractors, consultants and other individuals utilizing Community Board 3-provided computers, related equipment and Internet Access.

Failure to adhere to this Policy exposes the City to increased vulnerability to unauthorized access, theft of services, theft of information, and malicious disruption of services. The use of Community Board 3 computers, related equipment and Internet resources for activities that are in violation of this Policy may result in sanctions, including criminal prosecution, removal from employment or other disciplinary action.

Personal Internet usage is prohibited during working hours.

#### vii. Sanctions for Unauthorized Use

Unauthorized use of Community Board 3's office and technology resources may result in: (1) loss of use or limitations on use of office and technology resources; (2) financial liability for the cost of such use; (3) disciplinary or other adverse personnel actions, up to and including dismissal; and/or (4) civil and/or criminal penalties.

## D. Confidentiality

Pursuant to the NYC Charter and Community Board 3 Policy, Community Board 3 staff members shall hold all confidential information contained in the office-wide file system in trust and confidence, and will not use or disclose it or any part or embodiment thereof, directly or indirectly, except as may be necessary in the performance of the staff person's duties for Community Board 3.

Confidential information is generally defined as information concerning the property, affairs or government of the city which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public. Examples of confidential information include a constituent's personal information such as name, address, phone number, date of birth, health status, immigration status, etc. Unless specifically noted in the FOIL guide, all information should be considered confidential. A staff member who has questions about whether certain information is confidential should consult with the General Counsel to determine how such information should be treated.

Notwithstanding the foregoing, confidential information does not include any information that staff or Community Board 3 is obligated by law to disclose, including but not limited to the New York State Freedom of Information Law, or in response to judicial or administrative subpoena, to the order of a court of competent jurisdiction.

Community Board 3 staff shall not remove, transfer or otherwise release from Community Board 3 or Community Board 3's or files or computer system, either physically or by an electronic format, materials containing confidential information, unless authorized to do so in writing by a supervisor or the District Manager. Upon termination of a staff member's access to the network or a staff member's employment with Community Board 3, the staff member shall return all such materials and copies thereof to Community Board 3.

In addition, Community Board 3 has a policy of keeping all personnel records, actions, evaluations, and financial records strictly confidential. Employees are prohibited from repeating information they learn about another employee in the course of business,

including the fact that an evaluation or personnel file is being reviewed. Employees who learn about a personnel action, an evaluation, and an investigation in progress or an equal employment opportunity complaint should respect the privacy rights of fellow employees and keep such information confidential.

## E. Outside Employment

Employees who wish to engage in outside paid employment must notify the District Manager, Chair of the Board and the Conflict of Interest Board in writing and must receive all required approvals prior to the commencement of such outside employment. Notification to the District Manager, Chair of the Board and the Conflict of Interest Board must include the following:

- 1. The name, address and phone number of the prospective employer;
- 2. The nature of the prospective outside employment;
- 3. The job description of the prospective employment;
- 4. The work hours of the prospective outside employment, as well as the employee's Community Board 3 work hours; and
- 5. A statement that the prospective outside employer has been asked whether the employer has any business dealings with the City of New York, and the prospective employer's answer to this question.

The employee must provide a copy of such notification to his or her supervisor. Any employee who commences employment prior to receiving the necessary approvals will be in violation of Community Board 3's Code of Conduct and, therefore, may be subject to disciplinary action. Moreover, such an employee may also be in violation of the Conflict of Interest provisions of the NYC Charter, and may, therefore, be subject to the penalties provided in the Charter for such violations. Employees who have been approved to engage in outside employment must notify the District Manager, Chair of the Board and the Conflict of Interest Board, in writing, regarding any change to that outside employment. If employees were previously engaged in outside employment and no longer work for that company, employees must make written notification to the District Manager, Chair of the Board and the Conflict of Interest Board.

## F. Information Concerning Possible Wrongdoing

As City employees, Community Board 3 staff have obligations regarding the reporting and pursuit of allegations of wrongdoing from any source, particularly that affecting the operations of City government. When such allegations are made by members of the public and are brought to the attention of Community Board 3 staff, Community Board 3 staff must do whatever is possible to encourage such individual to bring any information they have to the proper authorities, e.g., police, district attorney, Department of Investigation, etc.

If members of the public state that they have evidence of omissions or malfeasance by means of corruption, or make other similar charges, Community Board 3 staff must inform such individuals, as soon as they begin to make such a report, of the existence of appropriate investigative authorities and the need for reporting such wrongdoing. Staff

must further explain that Community Board 3 is not an investigative agency (e.g., subpoena power, authority to compel or protect the confidentiality of information), and must instead offer to assist in ascertaining which entity is best for reporting the information in question and exactly how to do so. In addition, the affected staff member must bring such allegations to the *immediate* attention of the District Manager and/or the General Counsel.

If a staff member believes he or she personally has received or seen evidence of wrongdoing, then the obligation to report may be personal, even if the initial source for the information had been someone else. In such an instance, it is critical that staff obtain guidance from the District Manager and/or the General Counsel immediately.

To the extent that any employee of Community Board 3 knows or should <u>reasonably</u> know about conduct involving corrupt or other criminal activity or conflict of interest (1) by another City officer or employee, which concerns his or her office or employment, or (2) by persons dealing with the City, which concerns their dealings with the City, that Community Board 3 employee should immediately report such information to the District Manager and the General Counsel. The Department of Investigation (described below) is also a resource for Community Board 3 employees with such concerns. Failure to report such information may result in disciplinary action.

## G. The Department of Investigation

The Department of Investigation (DOI) promotes and maintains integrity and efficiency in government operations. DOI investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, or employee of the City, as well as those who do business with, or receive benefits from the City.

In addition, DOI assists City agency heads in establishing and maintaining standards of conduct and fair and efficient disciplinary systems; conducts background investigations of employees selected to work in decision-making or sensitive City jobs, and those who do business with the City, to determine if they are suited to serve the public trust; and receives complaints from City employees and the public and takes appropriate action with such complaints. DOI may be contacted directly at (212) 825-5959.

#### H. Conduct under Investigation

A resignation submitted by a Community Board 3 employee who has been served with charges in relation to disciplinary proceedings or who has committed acts of misconduct or incompetence while employed, or who is under investigation by any lawfully authorized body or official, shall not prevent Community Board 3 from bringing charges of misconduct or incompetence against him/her. If found guilty of the charges, the employee's termination shall be recorded as a dismissal. An employee who is requested to submit to an interview by or requested or summoned to appear before, or to submit documentary evidence to or furnish oral testimony before a city,

county, state or federal investigating official or body, or who shall perform any of these acts voluntarily, shall inform the District Manager (or the Community Board Chair should the investigation pertain to the District Manager) of such circumstances. In addition, if an employee refuses or fails to appear to answer questions fully and specifically as to the performance of his or her official duties when requested to do so by Community Board 3 or by any lawfully constituted court, official or body having authority to make such inquiry, s/he shall be subject to charges of misconduct and, if found guilty, shall be subject to disciplinary action.

## Part III: WORK RULES AND PROTOCOL

## A. General On-the-Job Conduct

In all contacts with the public, Community Board 3 employees shall conduct themselves as representatives of the Community Board, and shall act responsibly, professionally and courteously at all times. In dealing with Community Board 3 colleagues and supervisors, employees shall similarly conduct themselves with civility and mutual respect. Disputes between colleagues or between staff and supervisors shall be resolved responsibly, through appropriate office channels. Such disputes, however, should not be aired in the presence of non-Community Board 3 staff or members of the public. Controversies that may arise between Community Board 3 and its employees that are not resolved through such normal supervisory channels shall be settled through the grievance procedure, collective bargaining and union contracts. When an unpredictable event occurs, or a confrontation arises which is out of the control of the individual staff member, the supervisor should be consulted immediately for further instructions.

## B. Press Inquiry Protocol

## i. Statements on Behalf of Community Board 3

The District Manager and Chair of the Board have been designated as Community Board 3's principal avenue of communication with the media and the public. No employee, except an employee designated to do so by the District Manager or Chair of the Board, may hold himself or herself out as expressing the views of the agency. An employee receiving an inquiry from the media seeking a statement on behalf of Community Board 3 or a statement by an employee in his or her official capacity should refer the inquiry to the District Manager or Chair of the Board. If neither the District Manager nor Chair of the Board are available due to being on vacation or are ill, the Assistant District Manager may act on their behalf and preferably in accordance with the First Vice Chairperson.

## ii. Employee Statements in their Personal Capacities

Any employee who is invited to or intends to make a statement to a governmental agency, private organization or the media in his or her personal capacity regarding Community Board 3 policies or operations shall communicate to his or her audience that the statement is not being made in the employee's official capacity and that such statement represents solely the employee's opinions and does not convey the position of Community Board 3. Such statement, whether written or oral, shall be made on the employee's own time and not on City time. Any Community Board 3 employee who is invited to or intends to speak to a governmental agency, private organization or the media in his or her personal capacity is encouraged to contact the District Manager or Chair of the Board for advice or to request background or other information on the subject matter at issue.

iii. Statements that Disclose Confidential Information or are Disruptive to Community Board 3

Employees who make statements that disclose confidential information, including but not limited to information relating to non-final agency policies, specific investigations, specific security precautions, medical information of others and other information protected from disclosure by law, may be subject to disciplinary action. Employees are encouraged to consult with the *General Counsel's Office* for guidance with respect to whether a statement might disclose confidential information. Employees who make statements that are disruptive to the operations of the agency may be subject to disciplinary action.

#### C. Email Protocol

Many of us have come to use e-mail as a regular part of our work routine. E-mails play an important role in the way we conduct business and make decisions. Too often, however, without thinking that their words will leave a lasting imprint, employees write an e-mail as cavalierly as they might make a comment in a casual conversation. (Even in casual conversations, employees should not be making inappropriate comments.) Such e-mails can create an impression that can be extremely damaging in any subsequent lawsuit that concerns the subject of the communication. If the content of an e-mail is relevant to a particular controversy, the e-mail can be obtained by a party suing the City and then used at trial. E-mails can also be obtained by a Freedom of Information Law request. Some of you may have read about e-mails that have surfaced in certain well-publicized lawsuits to the great disadvantage to one of the parties.

When employees write an e-mail, they should take care to avoid writing something that you would not include in a carefully considered memorandum. Similar care should be taken when employees leave someone a voice mail, as such voice mail may also be the subject of discovery in lawsuits.

Community Board 3 of course does not want to stifle useful exchanges, but wants Community Board 3 employees to be thoughtful when they write an e-mail and to consider the possible consequences of a carelessly worded message.

Finally, please be reminded that personal communications, whether by e-mail or otherwise, must be kept to a minimum and not interfere with the conduct of Community Board 3 business.

## D. Freedom of Information Law (FOIL) Requests

The District Manager is responsible for all Freedom of Information Law (FOIL) determinations. Any staff member who receives from the public (including the press) a request for information that either cites these laws or could be so construed must bring it to the *immediate* attention of the District Manager. The response time allowed by the law is *very* short. The staff member should make no representations to the requester as to the likely outcome of the request, except to indicate that it is being referred to the District Manager.

## E. Smoke-Free Workplace

No employee shall smoke anywhere in the workplace, including all indoor facilities, City-owned vehicles, enclosed parking areas, private enclosed offices, conference and meeting rooms, bathrooms, hallways, stairwells, the kitchen space or any other spaces in Community Board 3's Office, in any building or facility owned or operated by City agencies, or in some outdoor locations such as playing fields in City parks and the grounds of public schools. No ashtrays are permitted in any indoor area.

Compliance with the smoke-free workplace policy is mandatory for all employees and persons visiting the Community Board 3 office, with no exceptions. Employees who violate this policy are subject to disciplinary action.

Community Board 3 encourages all smoking employees to quit smoking. Smoking cessation information is available by calling 311.

## F. Change of Address, Name or Phone Number

Employees shall report any change of address, name, or phone number to the District Manager and immediate supervisor within two weeks of such change.

#### PART IV: NEW HIRE PROCESS

## A. Processing Fees

A personnel processing fee is required with any application or request for appointment or change in status without competitive examination. This includes appointments to Non-Competitive, Exempt, and Labor Class positions, and to Unclassified Service positions, as well as non-list appointments and promotions; and civil service transfers, title changes and reinstatements. These personnel processing fees are automatically deducted from your paycheck if you are paid from the Payroll Management System (PMS).

## B. Background Checks of All Employees

All candidates for employment with the City are subject to fingerprint processing. Some positions require partial or full background investigation. There is a fee charged by the New York State Division of Criminal Justice (DCJS) for processing applicant fingerprint cards. In addition to the fingerprint processing, investigations may include verification of education, employment history and other factors related to the person's character. The investigation is conducted by the Department of Investigation.

## C. Residence Requirements

All civilian employees hired on or after September 1, 1986 must be City residents at the time of appointment or they must move into the City within 90 days after appointment. However, if you are in what is considered a "hard to recruit title," the residency requirements are waived for as long as you serve in that title. The Notice of Examination and hiring documents explain the terms that apply to each job. If you are still unsure of your status, contact your agency's personnel officer.

#### D. Oath of Office

Section 62 of the New York State Civil Service Law requires all new appointees, except those in the labor class, to take an oath of office or file a statement. The oath or statement is required only upon original appointment or upon a new appointment following an interruption of continuous service. The oath is not required upon promotion, demotion, transfer, change of title or reinstatement, pursuant to law or rules, of an employee whose services have been terminated and whose last executed oath or statement is on file. There is a fee associated with this policy. A U.S. Postal money order is required for payment.

## E. Probationary Status

If you are hired from a civil service list or appointed to a Labor Class position, you

must serve a probationary period for at least one year, unless otherwise specified. If you are appointed to a Non-Competitive or Exempt Class position, you are on probation for six months, unless otherwise specified. Probationary employees may be terminated without a hearing for failure to complete their probationary period satisfactorily.

Provisional employees do not have a formal probationary period. If the provisional employee has less than two years of service, the employee may be terminated at any time without a reason. Provisional employees who have two years or more of provisional service have grievance rights through collective bargaining agreements. Agencies may not terminate such employees without going through established grievance procedures, unless it is for reasons of staff reductions as part of a Program to Eliminate the Gap (PEG). You may obtain additional information on probationary periods and/or grievance procedures by contacting your agency's personnel officer or union representative.

#### PART V: EMPLOYMENT LAWS

## A. Equal Employment Opportunity

Each Community Board 3 employee shall be provided a copy of the Community Board 3 Equal Employment Opportunity (EEO) Policy, a summary of which is provided below.

## i. General Anti-Discrimination Protections

Community Board 3 is an equal opportunity employer committed to compliance with federal, state, and local laws prohibiting employment discrimination. Employment decisions in City government are made on the basis of merit, fitness and equality of opportunity, and without unlawful discrimination on the basis of actual or perceived:

- Age (18 and over)
- Alienage or Citizenship Status
- Color
- Creed
- Disability
- Gender (including Gender Identify)
- Religion
- Sexual Orientation and/or Carrier Status
- Status as a Victim of Domestic Violence, Sexual Offenses and Stalking

- Marital Status
- Military Status
- National Origin
- Partnership Status
- Prior Record of Arrest or Conviction
- Race
- Genetic Predisposition

Consistent with the law, reasonable accommodations will be made for persons with disabilities, for religious observances or practices and for persons with status as victims of domestic violence, sexual offenses and stalking.

Anti-discrimination protections apply to all of the terms and conditions of employment, including, but not limited to:

- Recruitment
- Testing
- Hiring
- Work Assignments
- Salary and Benefits
- Performance Evaluations
- Working Conditions
- Discharge
- Promotions
- Training Opportunities
- Transfers
- Discipline

#### Complaint Procedure:

When a violation of this policy is suspected, employees may use Community Board 3's complaint procedures described in the MBPO's EEO Policy. Any person found to have engaged in conduct or practices in violation of this policy may be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, or any other measures permitted by law and/or collective bargaining agreements. In addition to implementing such disciplinary action, agencies shall take such steps as may be necessary to address the impact that any unlawful discrimination has had on the complainant or agency. Any employee or applicant who believes that he or she has been discriminated against should contact their EEO representative for consultation and/or to file a complaint. All complaints, investigations, requests for accommodations and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved.

#### ii. Sexual Harassment

Sexual harassment is a form of employment discrimination based on gender. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

A broad range of behaviors, in certain circumstances, can be considered sexual harassment, including sexually suggestive remarks, pictures, gesturing, verbal abuse or harassment of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching, patting, or pinching. Any employee who believes that he or she is being harassed is urged to contact an EEO representative within the MBPO.

#### iii. Disabilities

Discrimination against a person based upon that person's actual or perceived disability, record of disability, or that person's relationship with a person with a disability is prohibited by federal, state, and local laws and will not be tolerated by Community Board 3. Disabilities include physical, mental, or psychological impairments of a body system which may limit one or more life activities of a person.

Community Board 3 will make reasonable accommodations to qualified employees and applicants with disabilities, unless providing such accommodations would create undue hardship for the agency. Whether an accommodation is reasonable generally depends upon the circumstances of each situation.

Employees with disabilities requesting reasonable accommodations to perform essential job functions should contact an EEO representative or the Disability Rights Coordinator.

#### iv. Anti-Retaliation

It is also unlawful to retaliate against or harass any person for filing an EEO complaint, seeking a reasonable accommodation for a disability or a religious observance or practice, opposing discrimination in the workplace, or for cooperating in the investigation of an EEO complaint. Community Board 3 will not tolerate any such retaliation. Any person, who believes that he or she is being retaliated against for having made a complaint, or for cooperating in an investigation, may file a complaint with an EEO representative.

If questions arise about any of this information, contact the MBPO's EEO representatives.

#### PART VI: WORK SCHEDULE & TIME POLICIES AND PROCEDURES

#### A. Scheduled Work Hours

The standard work hours of Community Board 3 are Monday through Friday from 9:00 AM to 5:00 PM. Work hours may vary according to the needs of the Community Board as determined and approved by the District Manager or Chair of the Board. Each staff member of Community Board 3 is regularly required to be in attendance for eight hours during this time period, with one unpaid hour for lunch. Exceptions to these work hours must be approved by the District Manager or Chair of the Board and are subject to the provisions governing overtime, lateness, or use of approved leave. Additional information regarding alternate work hours is provided below in the section on "Alternate Work Schedules for Non-Managerial Employees."

Each employee is scheduled to work either Community Board 3's standard Monday through Friday work hours, if the employee has not had alternative work hours approved, or alternative work hours that have been approved by the District Manager or Chair of the Board.

## i. Meal (Lunch) Period (Non-Managerial employees)

Non-managerial employees should take a meal period of one hour between 12:00 p.m. and 2:00 p.m. At the discretion of the District Manager, there can be variations of this period, but such variations should be kept to an absolute minimum. Where possible, consideration will be given to individual preferences in balance with the operational or administrative needs of Community Board 3. Shortened meal periods are not to be used to make up for a non-managerial employee's late arrival or early departure. All non-managerial employees are required to take a meal period. Non-managerial employees may not shorten their workday by working through their lunch hour. There is no grace period for a late return from lunch.

## ii. Alternate Work Schedules for Non-Managerial Employees

Work schedules are determined by balancing the operational or administrative needs with Community Board 3's desire to offer employees work schedules that can accommodate personal needs. Employees may consult their supervisor to determine what work schedules are available in their work units.

The three basic types of Alternate Work Schedules available, subject to the approval of the District Manager and Chair of the Board, are as follows:

1. *Standard Schedule*: The standard 9:00 a.m. through 5:00 p.m. schedule, five days per week. Employees are required to work a Standard Schedule unless otherwise authorized by the District Manager and Chair of the Board as provided below.

- 2. Staggered Hours Schedule: Employees work the same number of hours each day, five days per week. Employees report to work every day at the same time. The only difference between staggered hours and the standard schedule is that under staggered hours, the supervisor and employee pick a starting time other than 9:00 a.m., such as 8:00 a.m. to 4:00 p.m. or 8:30 a.m. to 4:30 p.m. and so on.
- 3. Flextime Schedule: Under this schedule, rather than arriving every day at the same time, employees may choose a different starting time from day to day, within their authorized flex-band limits, which designate periods of time when an employee may arrive to and depart from work. Employees work a full day, eight hours every day, five days a week and are not required to notify their supervisors in advance exactly what time they will arrive, as long as the starting time is within the pre-arranged, authorized flex-band. For example, if an employee's pre-arranged, authorized flex-band time period is 8:30 a.m. to 9:30 a.m., he or she must arrive at work during the flex-band time period. On a day this employee arrives to work at 9:15 a.m., he or she will not be marked late because he or she has arrived within his or her flex-band. In that situation, the employee may leave at 5:15 p.m., but may not leave earlier or later than 5:15 p.m. without appropriate prior authorization. There is no grace period for lateness with a Flextime Schedule. For example, an employee who has a flex-band of 9:00 a.m. to 9:30 a.m. is deemed to be late at 9:31 a.m. It is the policy of Community Board 3 to not grant flex-band limits of more than 30 minutes other than in exceptional circumstances or for employees who are frequently authorized to work significantly after work hours as outlined below.

For additional information about the policy governing lateness, please see Section B, "Lateness Policy for Non-Managerial Employees."

Request of Alternate Work Schedules by Non-Managerial Employees

To request a Flextime or Staggered Hours Schedule, an employee must submit to the District Manager a written explanation of the employee's special circumstances, reasons or needs that may warrant the requested alternate schedule. The District Manager has discretion to approve or disapprove the request for an alternate schedule based on the explanation provided by the employee and the needs of Community Board 3. When circumstances warrant, employees may seek approval for changes, but such changes must be kept to a minimum, so that each employee's schedule remains predictable and convenient for purposes of colleagues in Community Board 3 and members of the public.

Daily scheduled work hours may also be adjusted for individual employees as follows:

**Physically Disabled Employees:** The scheduled work hours and assignment of an employee with a temporary or permanent disability may be adjusted, subject to approval by the District Manager, in order to accommodate such employee in the performance of his or her duties.

**Religious Observance:** Such persons are not required to work on the afternoon before the Sabbath beyond when they would need to leave for purposes of religious observance. To compensate for an early departure, employees will be required, at their own options, either to work an equivalent time outside the usual work hours, as arranged with the District Manager or to use available annual leave credits or compensatory time for this purpose.

*Other:* No other adjustments in the above scheduled work hours of individual employees may be made unless authorized by the District Manager.

## B. Lateness Policy (Non-Managerial Employees Only)

#### i. Excused and Unexcused/Unauthorized Lateness

Employees are expected to report to work in accordance with their scheduled arrival time. Employees not at their work locations at their scheduled time are considered late. Each occurrence of lateness is considered a separate unauthorized lateness.

With the exception of the employees on Flextime Schedules, 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, which is lateness that is approved by the employee's supervisor, shall not be charged against the employee. Deductions for unexcused lateness shall be made on a minute for minute basis from the employee's compensatory time bank. If the employee does not have compensatory time accrued, the deduction will be made from the employee's annual leave balance. Employees who do not have any leave available shall have the appropriate dollar amount deducted from their next paycheck. Supervisors are responsible for monitoring employee attendance.

#### ii. Employee Responsibility to Notify of Lateness

An employee must call his or her supervisor and speak to the supervisor within 30 minutes after the employee's scheduled starting time if the employee is ill, expects to be late or will not be able to report for work for any reason. For example, if an employee has a flexband from 9:00 a.m. to 9:30 a.m., he or she must call and speak to his or her supervisor no later than 10:00 a.m. If the District Manager is not available, the employee must speak to the Assistant District Manager. Messages must not be left with other staff of Community Board 3 unless authorized by the District Manager. If the District Manager and Assistant District Manager are unavailable, the employee must (1) leave a voicemail message at the Board Office with a number to call back and (2) email the District Manager and Assistant District Manager of the employee's lateness. If this behavior becomes habitual, the District Manager should inform the employee that chronic lateness may result in disciplinary action, and suggest ways to improve his or her punctuality.

#### a. Lateness Caused by Verified Major Failure of Public Transportation

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 <u>shall be excused</u> only after authorization by the New York City Department of Citywide Administrative Services.

## b. Lateness Cause Not Verified as Major Failure of Public Transportation

For a transit delay that has not been verified as a major failure of public transportation, an employee may request to have the lateness excused by submitting written verification of the delay from the relevant transportation authority. Employees may use the following contact information for obtaining such written verification:

Train: NYC Transit Authority, Customer Services, 370 Jay Street, 7th Floor, Brooklyn, NY 11201; 718-330-3322.

Bus: 1-800-NYCT-BUS

Employees must provide the NYCTA with the date of the delay, departure time, station, transfer time and station (if applicable), arrival time and the amount of the lateness.

Employees traveling on transportation systems other than the NYC Transit Authority are required to obtain verification from the necessary transportation system. Employees must provide the notice of verification received from the NYC Transit Authority (or other transportation system) to the District Manager to complete the employee's request to have the lateness excused.

Lateness caused by unforeseen transportation circumstances, which cannot be anticipated and are beyond the ability of the tardy employee to control, after the employee leaves for work (e.g., elevator breakdowns or private transportation breakdowns) may be excused. The employee shall demonstrate the reasons for the lateness to the satisfaction of his or her supervisor to have such lateness excused. Such findings shall be reasonably made; and the tardy employee may be required to furnish proof satisfactory to the District Manager of the cause of lateness. A request for excusal shall not be unreasonably denied. A refusal to excuse lateness may be appealed to the Commissioner of Labor Relations whose decision shall be final.

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

## iii. Disciplinary Consequences of Excessive Lateness

Excessive lateness will be considered in evaluating Community Board 3 employees, and may subject employees to appropriate disciplinary action, including discharge, especially when such lateness impedes such employees' ability to perform assigned tasks.

# Procedure for Supervisors to Notify Non-Managerial Employees of Unauthorized (Unexcused) Lateness

#### 1. Notification

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

## 2. First Warning

Upon the <u>fourth</u> occurrence of an unauthorized lateness, the District Manager 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 District Manager and the employee and placed in the employee's personnel folder.

## 3. Second Warning

Upon the <u>fifth</u> occurrence of unauthorized lateness, the District Manager 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 District Manager and the employee and placed in the employee's personnel folder.

## 4. Third Warning

Upon the <u>sixth</u> occurrence of unauthorized lateness, the District Manager 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 District Manager and the employee and placed in the employee's personnel folder.

## 5. Disciplinary Action

If excessive lateness persists, the District Manager or Board Chair 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.

**Exceptions in Charging Lateness:** Lateness shall not be charged when an employee reports on time for a conference or other meeting elsewhere than at the work location, if such meeting is due to start after the beginning of the scheduled work hours, and if prior reporting to the location would be impossible or impracticable.

# C. Timekeeping/Paychecks

CBs must submit their Timesheets to the BP office no later than noon on Tuesday of each week. In order to ensure this, employees must complete timesheets first thing on Mondays for approval by DM and submission to the MBP office

The City sponsors a program for direct deposit of paychecks; applications and procedures for direct deposit can be obtained in the Operations Unit of the Manhattan Borough President's Office.

#### PART VII: ANNUAL LEAVE POLICIES AND PROCEDURES

#### A. Definitions

**Annual leave** allowance is primarily intended for use as vacation leave, religious observance leave and special personal leave. It is also applicable in other types of situations.

An *absence* occurs when an employee is not present at an authorized work location during scheduled work hours.

A *leave* is an authorization by the agency of an employee's absence. Leaves are granted in compliance with statutory provisions as well as contractual language and in accordance with regulations of the City. The administrative needs of the Community Board are a primary consideration in the granting of leaves.

## B. Responsibility of Non-Managerial Employees for Leave Requests

Only upon completion of four months of service may an employee be granted permission to use annual leave as it accrues except for religious observance. Requests for annual leave must be made in writing at **least five days** prior to the leave being used for requests five days or less, unless it is an emergency, in which case procedures provided in the section on *Emergency* Leave must be followed. Leave will be approved if it does not cause a hardship or conflicts. Leave requests six days or greater should be scheduled by 12/31 for the following year. An employee requesting leave should complete the *Request for Leave Form* and submit it to his/her supervisor Approval of the leave request must be made by the appropriate supervisor prior to the employee taking the annual leave. Annual leave used without prior approval of the supervisor will be considered unauthorized, and therefore, without pay, unless it is deemed to be an excused emergency pursuant to the procedures provided in the section on *Emergency Leave*.

Approval or disapproval of annual leave requests are a matter of supervisory discretion. Vacation schedules may be set up by the supervisor. The preparation of these schedules must be established in a fair and equitable manner. In addition, before the beginning of a planned absence for which leave has been approved, or at any time during a leave, Community Board 3 may cancel or curtail the leave if administrative or operational needs so require, provided that the leave was discretionary.

During an approved leave, an employee shall promptly notify the District Manager in writing of any change in circumstances affecting the purpose or period of leave and shall indicate any resulting change in his or her leave request.

## C. <u>Emergency Leave for Non-Managerial Employees</u>

All non-managerial employees are required to obtain approval to use annual leave or compensatory time *in advance of* the date of the leave. If any employee is unable to provide the required five day advance notice due to emergency circumstances, he or she must comply with the procedures below for seeking approval of using annual leave or compensatory time for leave under emergency circumstances.

Community Board 3 recognizes that emergency situations (different than short-term illness) may arise which will necessitate the use of annual leave. Emergency annual leave may be taken only with the supervisor's permission, and provided the employee contacts his or her supervisor within 30 minutes of the employee's reporting time. For example, if an employee has a scheduled arrival time of 9:30 a.m. or flexband ending at 9:30 a.m., the employee must contact his or her supervisor by 10:00 a.m. to request emergency annual leave.

Only in a genuine personal emergency may an employee use annual leave or compensatory time without prior approval. Approval of such leave is granted if the supervisor determines that the cause warranted the absence or the extension of an excused leave. In order to enable the supervisor to make a determination of whether the absence or leave is warranted, the employee must provide a sufficiently detailed explanation of the nature of the personal emergency. Employees should note that an explanation that states only that an absence or leave is due to a personal matter or personal emergency without providing any additional detail is not sufficient for a supervisor to determine whether the absence or leave is warranted. An employee should provide additional information in the explanation but does not need to disclose specific information that may be confidential, private, or sensitive. All requests for approving leave based on personal emergency shall be determined on a case by case basis. These requests and explanations are carefully weighed by the supervisor in light of the employee's overall attendance and the gravity of the emergency.

With the exception of leaves related to military service, veterans' study and physical disability of an employee because of an assault arising out of and in the course of his employment, no leave shall initially be granted for a period in excess of one year. Any extension shall be subject to approval by the Chair of the Board, on recommendation of the District Manager. An extension resulting in a total leave period of more than two years shall be subject to action by the New York City Department of Citywide Administrative Services.

## D. Accruing Annual Leave

Annual leave credit accrues at a rate, and to a maximum balance, determined by the date of the employee's appointment to city service and by the length of such service. Credits in excess of two years' accrual will automatically be converted to sick leave credit.

All full-time permanent, provisional and temporary employees hired <u>prior to July 1, 1985</u>, as well as all managerial and original jurisdiction employees earn annual leave as listed below. These accrual rates apply to employees who work a standard workweek of 35 hours.

Length of Services	Monthly (hours)	Annually (work days)
Prior to the 8th year	11:40	20
At the start of the 8th year	14:35	25
At the start of the 15th year	15:45	27

All full-time permanent, provisional and temporary employees hired <u>on or after July 1, 1985 and through February 1, 1992</u>, as well as all managerial and original jurisdiction employees earn annual leave as listed below. These accrual rates apply to employees who work a standard workweek of 35 hours.

Length of Services	Monthly (hours)	Annually (work days)
At the start of the 1st year	8:45	15
At the start of the 5th year	11:40	20
At the start of the 8th year	14:35	25
At the start of the 15th year	15:45	27

Effective February 2, 1992 and through June 30, 2004, all employees newly hired or promoted to the Staff Analyst, Training and Development Specialist or Program Research Analyst title series shall earn annual leave as follows:

# **Length of Services**

0		
At the start of the 1st year	10:30	18
At the start of the 4th year	11:05	19
At the start of the 5th year	11:40	20
At the start of the 8th year	14:35	25
At the start of the 15 <sup>th</sup> year	15:45	27

The following modifications shall apply to employees newly hired <u>on or after July 1, 2004</u> and who work a standard workweek of 35 hours:

Length of Services	Monthly (hours)	Annually (work days)
At the start of the 1st year	8:45	15
At the start of the 5th year	9:20	16
At the start of the 8th year	11:05	19
At the start of the 14th year	14:35	25

All part-time per annum, hourly, per diem, per session and seasonal employees *hired after July 1, 1985* who work at least one-half the regular hours of full-time employees in the same title accrue one hour of annual leave as follows:

## Length of Service Accrual Rate

At the beginning of the 1st yr.:

1 hr for each 15 hrs worked
At the beginning of the 5th yr.:

1 hr for each 11 hrs worked

Annual leave accruals appear on employees' pay stubs one month after they are earned. For a higher rate of annual leave accrual an employee must have been in active status for the required number of continuous years of service.

On April 30th, the end of the leave year for non-managerial employees, a non-managerial employee's annual leave balance cannot exceed two years of accruals. All annual leave balances on April 30th exceeding the two year maximum will be converted to sick leave, unless permission is granted to "carry over" more than the allowable limit.

If an employee accumulated a total of 30 calendar days of Leave Without Pay (LWOP) in the leave year (i.e., May 1<sup>st</sup> to April 30<sup>th</sup>) he or she will lose the annual leave credits earned in one month for each 30 calendars days of such LWOP. This applies even if the employee was in full pay status for a least 15 calendar days in each month during this period, unless the employee would lose annual leave credits for more than three months.

# E. Recordkeeping of Leave Balances

By June 1st of each year, each non-managerial employee shall receive an annual statement of his or her leave balances as of the preceding April 30<sup>th</sup> (sick leave, annual leave, compensatory time, holiday leave credits).

# F. <u>Using Annual Leave</u>

The minimum charge to annual leave is one hour, except for religious observance, lateness, and absence by employee representatives duly designated by certified employee organizations in activities specified in Executive Order No. 75. A charge in multiples of one day or one-half day may be applied. The normal unit of charge against annual leave for vacation and personal business is one-half day, but leave may be taken in units of one hour. Annual leave may be approved, within available credits, for a minimum of one-half day and a maximum equivalent to the employee's yearly accrual rate. Special exceptions to the maximum may be made for an employee with five or more years of continuous service to use up to the accrual rate of two years, subject to the approval of the supervisor.

Absence for religious observance, whether full or part of the day, must be charged to annual leave or compensatory time balances. Reasonable accommodations will be made

for the religious needs of employees requesting time off for religious observance. Those employees, who are granted leave for religious observance with no accrued annual leave or compensatory time balances to their credit, may be advanced leave time to be charged against future annual leave accruals. However, employees should plan to use annual leave or compensatory time balances for religious observance.

#### G. Advance of Annual Leave

In exceptional and unusual circumstances, a supervisor may permit the use of annual leave before it is earned, not exceeding two weeks. The advance leave (which shall not exceed two weeks) must be repaid from annual leave accruals once the employee returns to work. Annual leave may be advanced only after all applicable leave balances have been exhausted. Employees must submit requests for advanced annual leave in writing with supporting documentation to their supervisor for approval prior to taking the requested advanced leave. An employee's work record and attendance are evaluated prior to awarding an annual leave advance. Employees with a poor work record and attendance record will not receive an annual leave advance. Use of annual leave in excess of the two week maximum allowance of advanced annual leave and in excess of any available leave balances of the employee may result in the employee not being paid for that excess leave.

## H. Medical Disability While on Annual Leave

If an employee is hospitalized while on annual leave, the period of such verified hospitalization shall be charged to sick leave and not to annual leave. When an employee is seriously disabled but not hospitalized while on annual leave, the District Manager may approve charging the period of such disability to sick leave and not to annual leave. A written statement from the employee's physician must be submitted with the request for leave, stating the diagnosis and probable duration of illness. The employee may be required to submit additional information to establish the need for continued sick leave if the illness exceeds 15 work days. On his/her return, the employee may be required to submit a medical statement regarding his/her ability to resume work.

# I. <u>Unauthorized Absences for Non-Managerial Employees</u>

Unauthorized absence renders an employee subject to dismissal or other disciplinary action. Unauthorized absence includes any absence from work, including lateness and early departures:

- 1. for which leave has not been requested
- 2. for which required documentation has not been submitted
- 3. for which leave has been requested but has been disapproved or withdrawn
- 4. begun or continued for a purpose or during a period other than that specified in the current leave request or approval

Employees who notify their supervisor of an absence can still be deemed to have an unauthorized absence if their supervisor does not approve the leave for the period of time requested. In addition, a request for leave of any kind which has not been approved, but which is taken by the employee, may result in a deduction of pay, regardless of the number of outstanding leave credits that the employee may have. Absence under the following conditions will be considered in evaluation of Community Board 3 employees, and may subject employees to appropriate disciplinary action:

- 1. Absence without notification and satisfactory explanation;
- 2. Failure to return to work immediately after the expiration of a leave, without notification and/or satisfactory explanation;
- 3. Use of sick leave, or another kind of leave granted to meet a special need, for any purpose other than the basis for its approval; or
- 4. When an employee without prior or subsequent approval has a pattern of one day absences, frequent use of leave in special units (amounts of less than a full day) or absences before and after weekends.

# J. Legal Holidays

The regular holidays with pay provided by the City of New York are as follows:

New Year's Day
Martin Luther King Jr.'s Birthday
Washington's Birthday
Memorial Day
Independence Day

Labor Day
Columbus Day
Election Day
Veteran's Day
Thanksgiving Day
Christmas Day

When a holiday falls on Saturday or Sunday, it is observed on the preceding Friday or the succeeding Monday, respectively. However, when the Chair of the Board per the recommendation of the District Manager deems it necessary to keep facilities open on both Monday and Friday, employees may be scheduled to take time off on either the Monday or the Friday. When either the holiday, or the day designated for observance, occurs on an employee's scheduled day off and the employee does not work on such day, the employee is entitled to one compensation day off in lieu of the holiday.

An employee must be in pay status the day before and the day after a holiday to be paid for the holiday. If the holiday falls on a Monday, the employee must be in pay status Friday afternoon (half day) and Tuesday morning (half day).

# K. Floating Holiday

Employees hired prior to July 1, 2004 are entitled to one floating holiday, Lincoln's Birthday, during each calendar year the employee is in active pay status. **Employees** hired on or after July 1, 2004 are not eligible for the floating holiday.

The floating holiday shall be taken at the employee's discretion, subject to the needs of Community Board 3. Employees must request to use their floating holiday in writing at least 30 days in advance on a form supplied by Community Board 3. Approval or disapproval of the request shall be made on the same form by the employee's supervisor. Decisions shall be made within ten working days of the submission.

Employees wishing to use their floating holiday to observe Lincoln's Birthday shall file such requests prior to January 15. Approval shall not be unreasonably denied.

#### PART VIII: SICK LEAVE POLICIES AND PROCEDURES

#### A. Introduction

Sick leave is a benefit which protects employees against loss of pay when they are unable to work due to health reasons. Sick leave credit is intended for use only for an absence relating to an employee's own illness. For certain employees, limited sick leave credits may also be applied to terminal leave on retirement. Employees may also use three days per year from sick leave balances for the care of ill family members. All requests to use sick leave may be granted solely at the discretion of Community Board 3. Medical documentation (doctor's notes) may be required at any time and must be satisfactory to the District Manager.

## B. Accruing Sick Leave

All full-time permanent, provisional, and temporary employees hired <u>prior to July 1,</u> 2004 are entitled to 12 days of paid sick leave per year, one day of sick leave per month.

Employees hired prior to July 15, 1996 receive sick leave credits at the rate of one day per month for a total of 12 days per year. Employees hired <u>after July 14, 1996</u> receive a reduced maximum sick leave accrual rate of 11 days per year (i.e., 6:25 hours per month), for the first 3 years of employment. At the beginning of the fourth year, full-time employees will begin to accrue sick leave credits at the rate of one day per month for a total of 12 days per year.

Employees hired <u>after July 1, 2004</u> receive a reduced maximum sick leave accrual rate of 10 days per year (i.e., 5:50 hours per month), for the first 5 years of employment.

Employees must be in full pay status for at least 15 calendar days per month to accrue sick leave for that month. Sick leave accruals appear on the pay stub one month after they are earned. Employees may use sick leave as it is accrued, provided that all sick leave requests are approved by the appropriate supervisor. Employees are permitted to accumulate an unlimited number of sick leave days in their sick leave bank.

Part-time per annum, hourly, per diem, per session and seasonal employees who work at least one-half the regular hours of full-time employees in the same title accrue one hour of sick leave for every 20 hours worked (with no maximum). An employee on military leave without pay does not earn sick leave while away, but upon return, the sick leave balance is restored.

If an employee accumulated a total of 30 calendar days of Leave Without Pay (LWOP) in the leave year (i.e., May 1<sup>st</sup> to April 30<sup>th</sup>) he or she will lose the sick leave credits earned in one month for each 30 calendars days of such LWOP. This applies even if the employee was in full pay status for a least 15 calendar days in each month during this period, unless the employee would lose sick leave credits for more than three months.

## C. Responsibility of Employee for Sick Leave Requests

Employees not reporting to work due to health reasons must notify their supervisor or supervisor's designee within 30 minutes after their scheduled starting time. For example, if an employee has a flexband from 9:00 a.m. to 9:30 a.m., he or she must call and speak to his or her supervisor no later than 10:00 a.m. If the supervisor is not available, the employee must speak with the Chair of the Board or Chair of the Personnel Committee. Messages must <u>not</u> be left with other staff of Community Board 3 unless authorized by the employee's supervisor. If the District Manager, the Chair of the Board and Chair of the Personnel Committee are all unavailable, the employee must (1) leave a voicemail message with his or her supervisor and (2) speak to Community Board 3 front desk and request the front desk personnel to immediately notify the District Manager or, if the District Manager is not available, the Chair of the Board or Chair of the Personnel Committee of the employee's lateness. If an employee is unable to make a phone call, he or she may send an email notification to his or her supervisor within 30 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 date on which the employee will return to work. Failure to notify the supervisor may result in the employee's absence being deemed unauthorized.

If an employee is absent due to illness, the Request for Leave part of the Timesheet must be filled in upon his/her return and given to the employee's supervisor and forwarded to the Operations Unit at the MBPO.

# D. Using Sick Leave

The minimum charge to approved sick leave is one hour, except in extraordinary and unusual cases such as sudden illness while working, and in such case sick leave may be used as it accrues. Any charge beyond one hour may be in fifteen-minute increments.

Employees on approved sick leave who exhaust their sick leave balances will be kept in a pay status until any remaining leave balances are exhausted. These remaining leave balances to be exhausted include any annual leave and/or compensatory time balances, unless the Timekeeper receives written notification from the employee indicating that any annual leave and/or compensatory time balances should not be used for sick leave.

An employee required to report to the New York State Workers' Compensation Board for a medical examination may use paid sick leave. If no sick leave credits are available, such time will be charged to annual leave, compensatory time or Leave Without Pay. Time used for a medical examination requested by the City is excused.

#### E. Medical Documentation

The agency may at any time request an employee to provide original medical

**documentation.** Such documentation must (1) be from a health practitioner licensed by the state in which he or she practices to diagnose and certify illness of disability and (2) include:

- 1. Employee's name
- 2. Physician's name, address, and phone
- 3. Dates excused from work
- 4. General nature of employee's condition
- 5. If the sick leave is being requested for caring for a family member, it must be clearly indicated on the documentation

When submitting medical documentation, <u>original medical documentation</u> is required. **Copies are not acceptable**, unless they are faxed directly to the employee's supervisor. The documentation can only be altered by the physician and the change must be initialed. Medical documentation shall be submitted to the employee's supervisor who should attach it to the employee's Timesheet.

Medical documentation is <u>mandatory</u> under the following circumstances:

- An employee absent on sick leave for more than three consecutive full work days must provide documentation from a physician within five business days of the employee's return to work in order to charge the absence to documented sick leave. If an employee takes more than three consecutive days of sick leave without providing medical documentation, the employee's pay may be withheld for all the consecutive undocumented days of sick leave. However, supervisors have the option to approve the use of annual leave or compensatory time upon an employee's written request even if medical documentation is not submitted.
- An employee who anticipates a series of three or more medical appointments, which will require a repeated use of sick leave units of one day or less, shall submit medical documentation indicating the nature of the condition and the anticipated schedule of treatment. Such documentation shall be submitted to the supervisor before the employee begins the medical leave of absence. Sick leave taken pursuant to said schedule of treatment shall be deemed documented.
- In the case of an extended illness of more than two weeks, employees should mail the original medical documentation to their supervisor no later than two weeks after the first day of employee's absence. It is the supervisor's responsibility to complete a Timesheet and Request for Use of Leave Balance form of the employee, attach the original medical documentation received and forward all to the Timekeeper.
- If an employee has prior knowledge that he or she will be absent for extended medical leave, the required medical documentation indicating the diagnosis, prognosis and the employee's estimated return to work date should be submitted to the supervisor before the employee begins the medical leave of absence.

- Medical documentation is required in order to charge your sick leave for family illness. Employees may charge their own sick leave to care for an immediate family member's illness for up to 21 hours during the calendar year. To understand complete requirements regarding using sick leave for family members, please see the section entitled "Sick Leave Used for Family Illness" below.
- Employees seeking advanced sick leave or discretionary sick leave must submit acceptable medical documentation with their request for such leave. To understand complete requirements for such leave, please see the sections entitled "Advanced Sick Leave" and "Discretionary Sick Leave" below.
- If an employee receives a "warning notice" for excessive use of undocumented sick leave, all further requests for sick leave usage must be accompanied by medical documentation. If the employee continues to request sick leave and does not provide the required documentation, the employee will be docked pay regardless of whether sick leave balances are available. See "Excessive Undocumented Sick Leave" policy and procedures below.
- A supervisor who has reason to believe that an employee is abusing sick leave privileges must immediately take the appropriate steps to address this problem. Supervisors can require employees to submit medical documentation when they exhibit abusive patterns of undocumented sick leave. Abusive patterns of undocumented sick leave include continually calling in sick before or after a holiday, weekend or day off or continually reaching one of the Steps of the "Excessive Undocumented Sick Leave Policy" below.

## F. Excessive Undocumented Sick Leave Policy

(applicable only to non-managerial employees)

The calendar year shall be divided into two six month "sick leave periods":

- (1) January 1 to June 30, inclusive
- (2) July 1 to December 31, inclusive.

Employees have excessive undocumented sick leave when they use undocumented sick leave:

- (1) on more than five occurrences in a sick leave period or
- (2) on more than four occurrences in a sick leave period on a day immediately preceding or following a holiday, weekend, approved annual leave day, or other scheduled day off
- (3) on two or more occurrences in a sick leave period or the day of a General Board Meeting or District Service Cabinet Meeting. These two days are the busiest for the office and the office has very little tolerance for undocumented leaves on these days.

An occurrence is considered 3 ½ hours or more of undocumented sick leave, accumulated either in a single day or over a period of time within one of the six month

sick leave periods. An employee who exceeds these limits of undocumented sick leave shall not be permitted to use accrued sick leave unless he or she presents medical documentation, satisfactory to the employee's supervisor, for each use of sick leave. Thus, an employee in this situation will lose a day's pay for each day of sick leave that is not accompanied by satisfactory medical documentation. The requirement for such documentation shall continue in effect until the employee has worked a complete "sick leave" period without being on sick leave more than two times. Employees hired during a sick leave period shall be subject to these terms commencing with the next complete sick leave period.

An absence and lateness record, which indicates all lateness and absences during the week of occurrence, must be maintained for each employee by supervisors.

Excessive undocumented sick leave may subject an employee to disciplinary action in addition to the above administrative requirements.

The following are the Steps that will be taken for the "sick leave documentation" process:

Supervisors are responsible for conducting a conference with the employee at each Step, within two days after the employee returns from sick leave.

Step 1 (First Discussion): On the 2nd occurrence of undocumented sick leave before or after a holiday or weekend, or on the 3<sup>rd</sup> undocumented occurrence of undocumented sick leave, the supervisor must conduct a conference with the employee. The employee should be offered assistance in improving his or her attendance and should be warned of possible consequences. The details of the discussion should be recorded on the Undocumented Sick Leave Record and both the supervisor and the employee must sign the Undocumented Sick Leave Record.

Step 2 (Second Discussion): On the 3<sup>rd</sup> occurrence of undocumented sick leave before or after a holiday or weekend, or on the 4<sup>th</sup> occurrence of undocumented sick leave, the supervisor must conduct another conference with the employee. The supervisor should also discuss the case with the Chair of the Board. The details of the discussion with the employee should be recorded on the Undocumented Sick Leave Record and both the supervisor and the employee must sign the Undocumented Sick Leave Record.

**Step 3 (Final Warning):** On the 4<sup>th</sup> occurrence of undocumented sick leave before or after a holiday or weekend, or on the 5<sup>th</sup> occurrence of undocumented sick leave, the supervisor must place the employee on written notice that his or her attendance continues to be unsatisfactory. The details of the discussion should be recorded on the Undocumented Sick Leave Record and both the supervisor and the employee must sign the Undocumented Sick Leave Record.

Step 4 (Sanction Status/Doctor's Note Restriction): On the 5<sup>th</sup> occurrence of undocumented sick leave before or after a holiday or weekend, or on the 6<sup>th</sup> occurrence of undocumented sick leave, the employee will be placed on Sanction Status/Doctor's Note Restriction. The supervisor must send the employee's absence and lateness record and Undocumented Sick Leave Record to the Director of Operations at MBPO. A formal memo notifying the employee that he or she is being placed on Sanction Status/Doctor's Note Restriction will be forwarded to the District Manager and Chair of the Board. An employee on Sanction Status/Doctor's Note Restriction will not be permitted to use sick leave unless he or she presents acceptable medical documentation for each use of sick leave. Thus, an employee on Sanction Status/Doctor's Note Restriction will not be paid for any sick leave that is not satisfactorily documented. An employee who uses undocumented sick leave while on Sanction Status/Doctor's Note Restriction will have the absence(s) deducted from his or her paycheck even if the employee has sufficient leave balances available to cover the absence(s).

The employee will remain in Sanction Status/Doctor's Note Restriction until he or she has worked a complete six month sick leave period with two or less occurrences of documented or undocumented sick leave use.

An employee may be subject to disciplinary action for continued or excessive absence without acceptable documentation in addition to the above administrative actions.

## G. Sick Leave Used For Family Illness

Employees may use three days per year from their sick leave balances for the care of ill immediate family members. When using sick leave for such a family member's illness, original medical documentation is required. The minimum charge to sick leave for use of an immediate family member's illness is one hour.

Original medical documentation concerning the covered family member must be submitted within five work days of the employee's return to work in order for the employee to be paid for the sick leave used. An immediate family member is defined as: spouse, natural, foster or step parent, child, brother, sister, mother-in-law or any relative residing in the employee's household, or a registered domestic partner. The medical documentation must state the relationship to the employee.

#### H. Advanced Sick Leave

At the discretion of the District Manager or Chair of the Board, permanent employees who have exhausted all earned sick leave and annual leave balances due to personal illness may be permitted to use unearned sick leave up to the amount earnable in one year of service. The advance must be repaid from sick leave accruals once the employee returns to work.

Part-time and per-diem employees who do not accrue sick leave as full-time employees are not eligible to receive advanced sick leave.

Written requests for advanced sick leave should be submitted in writing to and approved by the employee's supervisor and by the District Manager and then forwarded to the Director of Operations at MBPO. Acceptable medical documentation must accompany the written request. An employee's work record and attendance are evaluated prior to awarding advanced sick leave. Employees with a poor work and attendance record will not receive a sick leave advance.

## I. <u>Discretionary Sick Leave</u>

At the discretion of the District Manager, permanent employees may be granted sick leave with pay for up to three months after ten years of full-time service. This leave will be granted only after all other sick leave and annual leave has been exhausted, and the employee has been advanced the maximum sick leave and annual leave allowable. In special instances, sick leave with pay may be further extended.

Written requests for a Discretionary Sick Leave Grant should be submitted in writing, approved by the District Manager and Chair of the Board and then forwarded to the Director of Operations at MBPO. Acceptable medical documentation must accompany the written request. An employee's work record and attendance are evaluated prior to the awarding a Discretionary Sick Leave Grant. Employees with a poor work and attendance record will not receive an annual leave advance.

#### PART IX: OVERTIME POLICIES AND PROCEDURES

#### A. Definition

Overtime is time worked in excess of the regularly scheduled work day/week. All overtime work must be authorized in advance and may be performed before or after working hours. There are two types of overtime:

- 1. Authorized Voluntary Overtime: overtime authorized by an employee's supervisor which the employee is free to accept or decline.
- 2. Ordered Involuntary Overtime: overtime which the employee is directed in writing by his or her supervisor to work and which the employee is therefore required to work.

#### B. Authorization for Overtime

Supervisors may authorize voluntary overtime. All authorizations for overtime shall be in writing on the Daily Time Record Form. Requests for overtime authorization shall be made *prior to the time when such overtime is worked*. No credit shall be recorded for unauthorized overtime.

Supervisors may authorize overtime, upon advance request, when they determine that the employee making the request requires such additional time in order to complete significant assignments within the scope of his/her duties, including such assignments as attending Community Board 3 meetings held outside of ordinary working hours.

Overtime in Community Board 3 is restricted to *authorized voluntary overtime*, except that the District Manager may on a written basis only order involuntary overtime.

#### C. Credits for Overtime

Per annum employees who regularly work more than half-time on a permanent, provisional or temporary basis in positions in the competitive and non-competitive classes of the Classified Service in the City are credited for <u>Authorized Voluntary</u> <u>Overtime</u> with compensatory time at the rate of straight time, pursuant to the Citywide Agreement.

Employees covered under the **Fair Labor Standards Act (FLSA)** are entitled to receive premium compensatory time at time and one-half for any hours of actual work over 40 hours in a weekly period (i.e., Sunday through Saturday). Employees working a 35 hour workweek will be credited at straight time for the first 5 hours of overtime (i.e., hours 35 o 40) and will earn time and one half for every hour of actual work over 40 hours.

Any time charged (e.g., annual leave, sick leave, lateness, etc.) during the same week is

not to be counted toward the 40 hours of actual work needed to earn premium compensatory time. The maximum amount of earnable FLSA premium compensatory time is 240 hours. After earning 240 hours of FLSA compensatory time, employees covered under FLSA must be paid cash at a time and a half. They cannot receive additional compensatory time at that point.

Employees should contact the Director of Operations at the MBPO to determine whether their job title is covered by the FLSA.

Authorized Involuntary Overtime is compensated in cash at straight time for the first 5 hours of overtime (i.e., hours 35 to 40) and at time and one-half for every hour or actual work over 40 hours. Employees earning a gross salary in excess of the annual overtime cap (including base salary, overtime, all differentials and premium pay) are eligible for compensatory time only, except as prescribed by the FLSA.

An employee receives credit for overtime only when the overtime reaches one hour in a workweek. Between July 15, 1996 and March 31, 2000 compensatory time earned was credited in half-hour increments. Effective April 1, 2000 compensatory time is credited in quarter-hour increments to the nearest quarter hour.

Employees may request in writing to their supervisor, immediately after working Authorized Involuntary Overtime, that the overtime be credited to the employees compensatory time balance rather than being paid in cash. This request must be sent to the District Manager for a final determination.

If the District Manager approves such a request, the employee's compensatory time balance will be credited on an hour for hour basis for the first 5 hours of overtime (i.e., hours 35 to 40) and at time and one-half for every hour of actual work over 40 hours. An employee granted this request is not eligible for meal allowances/supper money.

Overtime worked within the same day cannot be broken up between compensatory time and paid overtime.

Only time for which an employee is in full-pay status shall be counted in computing the number of hours worked during the week.

# D. Using Compensatory Time

Requests to use compensatory time for leave must be made in writing to the employee's supervisor two work days in advance of using the leave. Approval for the request must be made by the District Manager prior to the employee taking compensatory time for leave. Failure to obtain such approval may result in the employee being designated with unauthorized absence.

All compensatory time off must be taken within a week unless approval to extend the time is allowed. In the event a supervisor requests an employee not to take

compensatory time off or any part thereof within four months, that portion shall be carried over until such time as it can be liquidated at the agency's convenience. Such request by a supervisor shall be made in writing and a copy forwarded to the timekeeper. Any non-FLSA compensatory time not so used within four months from the date it is earned by reason of the employee's choice (i.e., not the supervisor's direction) shall be added to the employee's sick leave balance.

Compensatory time can be used in 15-minute units. Compensatory time is charged upon a minute for minute basis upon an unexcused lateness to work.

## E. Recall and Standby Time

Employees who volunteer to standby in their homes as authorized by the District Manager receive compensatory time credit on the basis of one-half hour for each hour of standby time.

Employees who are required, ordered and/or scheduled on an involuntary basis to standby in their homes subject to recall, as authorized by the District Manager or Chair of the Board, shall receive paid overtime for such time on the basis of one-half hour for each hour of standby time.

Employees recalled from home for Ordered Involuntary Overtime shall be guaranteed paid overtime for a minimum of four hours, if the employee is eligible for paid overtime as authorized by the District Manager or Chair of the Board.

When an employee voluntarily responds to come home from Authorized Voluntary Overtime, such overtime shall be compensated in time off on an hour for hour basis, but with a minimum compensatory time credit of four hours.

# F. Pagers/Blackberries

Employees who are required to carry pagers/blackberries or other communication devices shall not be restricted in their ability to travel. They may be required to call in or may make other mutually agreeable accommodations. Under these circumstances, employees are not entitled to compensation in either time or cash as they are not required, ordered or scheduled to standby in their homes or restricted in their ability to travel.

#### PART X: CONDITIONAL LEAVES

## A. Leave Without Pay (LWOP)

Employees may not take leave without pay without prior written authorization from the District Manager. Employees who have not received such approval and who take leave where they do not have sufficient leave balances to cover such absence(s), will be marked with an unauthorized absence and may be subject to disciplinary action.

A Leave Without Pay (LWOP) cannot be authorized when an employee has any annual leave or compensatory time balances, unless the employee is out because of an illness, has exhausted all sick leave and does not wish to use annual leave or compensatory time.

A leave without pay may be authorized to permanent employees not exceeding one year. Extensions of such leave not exceeding an additional year may be granted. Written requests for Leaves Without Pay should be submitted on a *Request for Special Leave of Absence form*, signed by the District Manager and Chair of the Board. The form should also be submitted to the Timekeeping office at the BPO's. If the leave is for medical reasons, supporting documentation must accompany the request. Requests for extensions of Leaves Without Pay must be accompanied by supporting documentation and must be made prior to the expiration of the current leave.

Employees are expected to return to work on the expiration date of their Leave Without Pay. An employee who does not report back to work as scheduled will be considered to have an unauthorized absence and will be subject to disciplinary action.

#### B. Child Care Leave of Absence

A child care leave of absence for a period of up to 48 months will be granted to an employee, male or female, who or whose domestic partner becomes the parent of a child up to four years of age, either by birth or by adoption. The use of the 48 month maximum allowance is limited to one instance only. All other child care leaves of absence for an employee shall be limited to 36 months. A child care leave of absence must be used in one continuous absence. Such leave shall commence upon request and reasonable notification by the employee of the intent to take such leave.

Prior to the commencement of child care leave, all annual leave and compensatory time must be used. The employee shall be in a continuous pay status during the time period the employee's accrued annual leave and compensatory time balances are being exhausted. Such time in pay status shall not be included in the child care leave of absence.

Pregnant women who wish to use their sick leave prior to the commencement of a child care leave of absence are obligated to provide acceptable medical documentation.

Employees who initially elect to take less than the 36 months or the 48 months of leave may request up to two leave extensions for a minimum of six months each. However, in no case may the initial leave period plus the one or two extensions total more than 36 or 48 months. A child care leave of absence request must be submitted on a *Request for Special Leave of Absence form* and include the appropriate supporting documentation and signatures of the employee's supervisor. The form and supporting documentation must then be submitted to the Director of Operations at the BPO's.

# C. Family and Medical Leave Act (FMLA)

The FMLA entitles eligible City employees to 12 weeks of leave in a 12 month period for child care leave, the serious health condition of the employee or to care for covered family members or domestic partners who are seriously ill.

An eligible employee is one who has worked for the City for at least 12 months and who has worked 1250 hours in the previous 12 months.

Leave will be granted for any of the following reasons:

- To care for the employee's child after birth, placement of adoption or foster care (entitlement to FMLA child care leave expires 12 months after the birth or placement of the child with the adoptive or foster parent);
- To care for the employee's spouse, child who is under 18 or incapable of self care, parent or domestic partner who has a serious health condition (in-laws are not covered); or
- For a serious health condition which makes the employee unable to perform his or her job.

Appropriate paid leave balances must be used concurrently with FMLA leave. All paid sick leave, annual leave and compensatory time must be used if an absence is due to the employee's own "serious health condition" and the leave usage is counted against the 12 week FMLA leave entitlement.

Once the employee has exhausted his or her appropriate paid leaves the remainder of FMLA leave entitlement is unpaid leave. Employees retain all group health insurance coverage during an FMLA leave of absence, but it is the responsibility of employees to pay for their union welfare benefits once unpaid leave begins.

The following forms must be submitted to request a leave of absence under FMLA:

- Request for Special Leave of Absence,
- Request for Leave under the Family and Medical Leave Act,
- Child Care Leave Certification under the Family and Medical Leave Act (if applicable), and
- Certification of Physician or other Health Care Provider

The definition of a "serious health condition" is given on the Certification of Physician or other Health Care Provider form.

Completed forms and attached necessary documentation should be submitted to the Director of Operations. Additional questions regarding FMLA should be discussed with the Director of Operations.

## D. Excused Absences not Charged to Leave Credits

The leave types itemized below are authorized without charge to leave credits. Except as specified under the respective leaves, the employee's pay is continued during such authorized absence.

## i. Jury Duty

All Community Board 3 employees who serve on jury duty are entitled to their regular pay while serving on Jury Duty. Employees are not entitled to the per diem allowances paid by the City County or State Courts of New York State. Jury duty served is considered excused time if the employee follows the procedures outlined below:

- Submits a copy of the Summons for Jury Duty to his or her supervisor prior to the start of jury service.
- Upon completion of jury duty, employees must submit to their supervisors the Certificate of Service from the court which states the date(s) served. The Certificate of Service should then be forwarded to the Central Timekeeping Unit.
- Employees must return to work on days when a postponement is granted. Generally this means an employee will be excused for 31/2 hours, with the submission of documentation from the courts.
- If an employee is scheduled to work other than 9:00 a.m. to 5:00 p.m. on a day when serving on jury duty, then the employee does not have to work.

If employees are called to serve in Federal Court or in courts outside of New York State, they must return any fee given to them, minus the transportation cost(s) to the Operations Unit at the MBPO. An employee who fails to submit the required payment will have his or her annual leave balances reduced by the number of days of jury service, or if the annual leave balances are insufficient, the employee's pay will be reduced by the appropriate number of days at the employee's rate of pay.

If employees serving on the grand jury are required to serve only half-days, either morning or afternoon, employees are expected to report to work the remaining half-day provided that at least one hour of an 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 an employee is called for jury duty while on vacation, he/she may not extend his or her vacation by the amount of days spent on jury duty.

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 hour of the employee's regularly scheduled work day remains after the employee returns to work.

## ii. Bereavement Leave/ Death in the Family

Employees are granted an absence of up to four workdays immediately following the death of an immediate family member provided a copy of the death certificate is submitted to the District Manager. Immediate family member includes: spouse, domestic partner, natural, foster or step parent, child, child of a domestic partner, brother, sister, father-in-law, mother-in-law, grandchild, grandchild of a domestic partner, any relative residing in the employee's household or the relative of the domestic partner residing in the household. If bereavement leave is being requested due to a domestic partnership, a copy of the registration certificate issued by the City Clerk's Office must also be submitted.

Under the definition provided in Mayoral Executive Order no. 48, domestic partners are two people, both of whom are 18 years of age or older, neither of whom is married or related by blood in manner that would bar their marriage in New York State, who have a close and committed personal relationship, who live together and have been living together on a continuous basis, who have registered as domestic partners and have not terminated the domestic partner relationship.

When the death of an immediate family member occurs while the employee is using sick leave or annual leave, the bereavement leave will not be charged against sick leave or annual leave balances. If two deaths occur within the 4-day absence, the second 4-day absence will run concurrently with the first 4-day absences. The four workdays of absence must immediately follow the death. In either case, the days are to be taken consecutively. If the maximum allowance is not used, a balance does not remain for the employee's credit.

#### iii. Court Attendance

An employee may be granted an excused absence for court attendance under subpoena or court order when neither the employee nor anyone related to the employee has a personal interest in the case, and where attendance is not related to any other employment of the employee. An employee who is a complaining witness on behalf of the State on a criminal case may also be granted an excused absence.

Employees must submit the subpoena or court order to the District Manager as proof of attendance.

#### iv. Civil Service Examinations

Employees are granted an excused absence 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 excused absence also applies to any examinations for licenses conducted by New York State for 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; and to Teacher examinations or official investigation and appointment interviews by the N.Y.C Board of Education.

#### v. Blood Donations

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

The compensatory time earned for donating blood is used as follows:

- 1. The compensatory time can be used in increments of 15 minutes and may be used immediately after donating blood.
- 2. In order for the compensatory time to be used, the employee must designate use of blood compensatory time on the Daily Time Record Sheet.
- 3. Compensatory time earned expires annually. Example: Compensatory time earned for donating blood on 2/11/2005 must be used before 2/11/2006.
- 4. If an employee is separating from City service his or her compensatory time must be used prior to his or her last day of work or it will expire.
- 5. If an employee is absent from work on the day of a scheduled donation, excused time and compensatory time will be credited if the donation were to occur during working hours.
- 6. Employees are not entitled to excused time or compensatory time if the blood donation is:
  - a. during non-workings hours;
  - b. for personal use; or
  - c. the blood donated is to be used by a selected person.

To receive excused and/or compensatory time for donating blood, the **employee** must document the specific times of absence from work due to blood donation and submit the blue verification slip given to the employee by the donation center.

## vi. Religious Observance

Reasonable accommodation will be made for the needs of employees requesting time off for religious observance. Leave for religious observance will be charged against annual leave and/ or compensatory time balances.

Reasonable accommodation, in regard to religious observance, includes the rearrangement of work schedules for employees needing to leave early for Sabbath Observance; and in some cases the advancement of annual leave for observance of religious holidays. Upon an employee's request, the District Manager may advance time for religious observance to employees who have no annual leave or compensatory time balances.

However, employees should plan to use their own annual leave and/ or compensatory time balances for religious observance. New employees, with less than four months of service, may be advanced time for religious observance. Such a request must be made prior to the day(s) of religious observance.

Advances of time will be repaid through annual leave balance accruals as they are earned. If an employee leaves Community Board 3 prior to the repayment of any advances, these monies will be recouped from appropriate sources.

If leave balances are not available, employee may request Leave Without Pay for religious observance.

## vii. Military Leave

Employees in the military reserves are entitled to full pay while engaged in "ordered military duty," and while going to and from such duty, not exceeding a total of 30 calendar days or 22 normally scheduled workdays, whichever is greater, in any one calendar year or in any one continuous period of absence.

At the discretion of Community Board 3 and in accordance with applicable leave regulations, employees who have exhausted their entitlement of paid military leave may be permitted upon a written request to the District Manager to use annual leave balances during any further or additional ordered military duty.

All requests for military leave must be submitted to the District Manager on a Request for Special Leave of Absence form accompanied by the applicable military order.

Employees who volunteer for a regular tour of military duty are not entitled to paid military leave. This time is considered "personal business" and employees may use annual leave, compensatory time or request an unpaid Leave of Absence on a Request for Special Leave of Absence form accompanied by the Military Service Agreement. This request should be submitted to the District Manager.

#### **PART XI:** PERFORMANCE EVALUATION PROCESS

#### A. Introduction

The District Manager is responsible for the administration of the non-managerial Performance Evaluation Program. Supervisors, reviewers and employees all have roles in ensuring that the program operates efficiently. The Chair of the Board is responsible for the administration of the Managerial Performance Evaluation Program for the District Manager and optionally the Assistant District Manager. The District Manager should take responsibility for the Assistant District Manager's evaluation.

All full-time, part-time and per-diem non-managerial employees are to be evaluated under the Performance Evaluation Program. Temporary employees, contractors, consultants, college aides, co-op students and interns are **not** subject to the Performance Evaluation Program.

A formal appraisal of the performance of each employee is to be carried out annually (or as otherwise required) by the District Manager based on Tasks and Standards. This appraisal includes:

- A written description of the tasks of the position,
- The standards established for these tasks,
- An evaluation of the employee's performance during the rating period, and
- A meeting between the supervisor and the employee to discuss the written observations.

This formal performance appraisal is intended to supplement regular discussions relative to job performance or responsibilities that are expected to take place as necessary and at the six month mid-point.

The formulation of Tasks and Standards allows a supervisor to examine not only an individual employee's responsibilities, but also how the employee's responsibilities further the goals of the unit and agency. The evaluation of performance allows the supervisor to focus on the specific needs of individual employees, and to take those actions which are most likely to improve the employee's performance.

Performance Evaluations may also serve as a basis for initiating promotions based on increased job duties, change in assignment, internal transfers and as a motivational tool for employees, providing valuable feedback to them to improve performance. Plans are developed to improve the employee's abilities to perform his or her job responsibilities or for changing conditions interfering with the employee's performance.

The District Manager monitors the evaluation program for Community Board 3 and the Chair of the Board conducts Performance Evaluations of the District Manager in accordance with the above-described program.

## B. Objectives

The objectives of the Performance Evaluation Program are:

- 1. To ensure that employees are aware of the responsibilities of their position and of the relative priorities of those responsibilities.
- 2. To provide employees with a formal evaluation of how they are performing their jobs.
- 3. To provide the opportunity for supervisors to give written acknowledgments of performance.
- 4. To provide an opportunity for supervisors to discuss problems in job performance and/or job structure, and ways of resolving those problems.
- 5. To provide a formal record of performance for use in decisions or recommendations relevant to promotions and other personnel actions.
- 6. To ensure that supervisors provide their employees with constructive observations on job responsibilities and performance.

#### C. Tasks and Standards

Tasks represent the primary responsibilities that an employee is required to perform in the day-to-day functions of the position. Each task shall have performance standards, which focus on the critical aspects of performance, and by which accomplishments of the task may be evaluated. Tasks and Standards should be recorded on the *Tasks and Standards Form*, discussed with the employee, given to the employee within three weeks of appointment, within three weeks of a change in duties or assignment, or at the start of the evaluation period, whichever is applicable. This ensures the employee understands what is expected for a **Good** rating and how that rating is to be achieved.

A task is a major unit of work or significant component of the position. The task should be broad enough to serve as a significant tool with which to evaluate an employee's performance, but not so broad that it becomes impossible to develop standards for the task. Most positions should be described in four to eight major tasks. In some situations, it may be necessary to identify a smaller or greater number of tasks. The objective is to identify the most important and critical tasks performed by the employee. The supervisor should not list everything the employee is required to do. Tasks should be listed in order of importance.

The importance of a task may be related to its frequency of performance, its level of difficulty, the severity of the consequences attached to poor performance, and/or the extent to which performance of the task impedes or facilitates the performance of other tasks or work of the office.

In developing a task, the following items should exist for the task to be appropriate:

- Tasks should reflect the duties and responsibilities of the Civil Service title's job description;
- Tasks should reflect the actual work assigned to the employee;
- Tasks should be significant and completed often enough to warrant appraisal;

- Tasks should be measurable; and
- Tasks should be written to be specific enough to provide a basis for determining a level of achievement.

## **Example of a Complete Task:** Types reports from handwritten copies.

Standards serve as a guide, which will enable the supervisor to determine when or under what conditions the employee's performance of the task is good. Standards should specify what level of performance is expected in relation to a given task. They should tell the employee and the supervisor what the employee is expected to do, and how well they are expected to perform a task. Standards should focus only on critical aspects or features of performance. The more precisely standards are stated; the easier it will be to evaluate performance of the task. Standards may refer to quality or quantity required to achieve a **Good** rating, as well as indicates desired results. Standards can also be phrased in the form of behaviors and actions an employee should take, and in what manner they should be achieved.

It may also be appropriate to incorporate other factors, such as sense of responsibility, judgment, initiative or cooperativeness, into an employee's rating justification, if it can be specifically described how these factors either positively or negatively impacted the employee's performance.

In developing standards, the following items should exist for the standards to be appropriate:

- Standards should be applicable to the task;
- Standards should be related to the job description;
- Standards should be objective;
- Standards should be attainable;
- Standards should be comparable to the standards of employees in similar positions;
   and
- Standards should be readily understood by the supervisor and the employee.

**Example of a Complete Standard:** Types reports promptly, content is accurate and report is formatted neatly and to office's specifications.

#### D. Evaluation Period and Procedures

The annual non-managerial Performance Evaluation period begins April 1 and ends March 31. The supervisor shall submit each evaluation to his or her superior (the Reviewer) for final review **before** the evaluation is presented to the employee for discussion and signature. The annual managerial Performance Evaluation period begins July 1 and ends June 30, which coincides with the Chair of the Board's term.

Annual evaluations will be required for all employees who have passed their probationary period and all provisional employees with more than 21 months of service.

If a probationary employee completes his or her probationary period prior to January 1<sup>st</sup>, then an evaluation for the duration of the annual rating period must be completed, i.e., through March 31<sup>st</sup>. The same process applies to provisional employees if their 12-month evaluation occurs prior to January 1<sup>st</sup>.

An evaluation shall not be placed in an employee's file without his or her signature or the appropriate notation that the employee refused to sign the evaluation. Evaluations must be submitted to Director of Operations no later than July 1st each year.

## E. Preparation of Performance Evaluations

The District Manager will evaluate the performance of the employees. If, during the evaluation period, an employee has had more than one supervisor, each supervisor is required to submit a separate evaluation, assuming the former supervisor(s) are still on staff at Community Board 3. The employee's new supervisor is required to first draft a new set of Tasks and Standards with current dates and signatures or reaffirm the existing Tasks and Standards with additional signatures, and at the conclusion of the evaluation period the supervisor must submit a performance evaluation for the employee. If an employee has been reporting to a supervisor for less than three months, an Overall Rating of Unratable should be submitted on the Performance Evaluation for that employee.

## F. Plans and Recommendations

Planning involves improving the employee's knowledge, skills and abilities to perform his or her job duties, or changing the external conditions that are interfering with the attainment of standards. Plans may be used to build upon an employee's strengths or to correct or minimize weaknesses.

Plans and/or recommendations should come from the employee whenever possible, but should be acceptable to the supervisor. If, however, the employee cannot suggest any plans and/or recommendations, the supervisor should suggest options and discuss them with the employee.

These plans should be indicated in the following sections of the Performance Evaluation Form.

# a) Plans to Improve Employee's Performance:

The supervisor shall indicate on the Performance Evaluation specific actions that will correct **Needs Improvement** employee performance to acceptable standards or to enhance **Good** performance to **Very Good** or **Outstanding**. This may include special instructions, formal training, and/or suggested plans, including specific knowledge, skills or abilities that are to be improved. This section of the Performance Evaluation <u>must</u> be completed for all employees who receive any task rating or an Overall Rating which is less than **Good**. It is recommended however, that this section be completed for all employees, regardless of their Overall Rating. The content of the plan shall

be at the discretion of the supervisor.

# b) Plans and Recommendations to Capitalize Upon an Employee's Strengths:

Indicate special strengths (knowledge, skills and abilities) which enabled the employee to meet or exceed the standards and relate these strengths to plans for increasing the employee's responsibilities.

## c) Plans to Change Conditions:

Where failure to attain standards in the performance of individual tasks was due to interference from external conditions, indicate plans to change or alleviate these conditions.

The supervisor and the Reviewer, if necessary, should follow up to ensure that these plans are carried out. Each Evaluation Interview between the supervisor and the employee should refer to the plans from any previous discussions to see if they were implemented and, if so, what effect the implementation had on the employee's performance.

After completing a draft of the Performance Evaluation, the supervisor submits the evaluation to the Reviewer for review. It is the responsibility of the Reviewer to ensure that all evaluations are complete and that they are reflective of actual performance. Once the evaluation is reviewed, approved and signed by the supervisor and the Reviewer, an Evaluation Interview should be scheduled with the employee. All evaluations must be approved and signed by the Reviewer before they are submitted to the Director of Operations.

#### PART XII: EMPLOYEE DEPARTURES

#### A. Dismissals

Employees with *permanent* competitive Civil Service status (or non-competitive employees who have five years of service in the classified service) may be dismissed only pursuant to an adverse determination in either a Section 75 hearing or the exercise of the grievance option of the collective bargaining agreement employee discipline procedure. Such rights also apply to non-competitive employees who are war veterans or exempt volunteer firemen with three years of continuous City service.

A *probationary* employee may be dismissed upon notice at the end of six months. Any probationary employee may be separated from his or her probationary title prior to six months, upon notification to the satisfaction of the City Director of Personnel that the conduct or performance of the probationer has been unsatisfactory. At the discretion of the Appointing Officer, the services of the probationer may be terminated at any time after two months of service following his or her original appointment date or after four months of service following the date of his or her promotion. If the separation is to be effected prior to two months or four months as noted above, approval is required from the City Director of Personnel.

*Provisional* employees with two years of continuous service in the same or similar title or a related occupational group in the same agency are entitled to grieve a wrongful disciplinary action. A provisional employee with Civil Service status in another title may at any time be separated from his or her provisional title and returned to the Civil Service title. Upon separation of a temporary or provisional employee as a result of termination of his or her appointment or in connection with the promulgation of a Civil Service list, the employee shall, whenever possible, be given an opportunity to liquidate any accrued annual leave and overtime balance prior to separation.

# B. Resignations

## Employees must notify their supervisors when they decide to retire or resign.

Payment of credits is discretionary with the agency and is limited to two years of annual leave accrual and 70 hours of overtime earned in the four months prior to the last day of work or any overtime or any part thereof which the supervisor has asked the employee not to take. Upon resignation, the employee may apply directly to the payroll officer at the MBPO for withdrawal of pension fund contributions or s/he may elect to leave them in the fund with interest accruing for up to five years after the effective date of resignation.

On his or her last day of work, the employee must return all property issued by Community Board 3, including the employee's identification card, or his or her final paycheck will be withheld.

To qualify for terminal leave on resignation, the employee must submit to the District Manager and Chair of the Board a written resignation form at least two weeks prior to the last day of work. Terminal leave on resignation is intended to permit the use of available annual leave credit and overtime compensation credit as a basis for continuation of pay following the final work day and preceding the effective date of resignation. Terminal leave on resignation extends for the period covered by applicable leave credits in units of days and half-days, except that such leave may not apply to a period of paid employment with another city agency.

An employee under the Managerial/Executive Pay Plan receives a lump sum payment in lieu of terminal leave upon termination of service. (See "Guide for New York City Managerial Employees."). All other employees will continue to receive their bi-weekly paychecks until all of the eligible leave balances have been depleted.

For union employees, your health benefits are terminated when your accrued leave balances are depleted. For managerial/executive employees, your benefits are terminated on the last day you worked.

Terminal leave on retirement is intended, under the conditions stated below, to permit the use of available annual leave credit and overtime compensation credit (and under certain conditions, sick leave credit) as a basis for continuation of pay following the final day at work and preceding the effective date of retirement. An additional allowance of leave with pay may be granted on the basis of service as a city employee. Effective January 1, 1975, an employee who has completed at least ten years of service may elect (prior to final separation), to receive one day of terminal leave for each two days of accumulated sick leave up to a maximum of 120 days of terminal leave. Such leave shall be computed on the basis of workdays.

Terminal leave as referred to above does not include payment of accrued annual leave or compensatory time to which the employee may be entitled upon retirement.

## C. Transfers

An employee who resigns to accept an appointment in another city agency shall include this information in the resignation submitted. The staff member's leave credits shall generally be transferred to that agency.

Upon transfer of a permanent employee to another city agency or appointment to another city agency from an eligible list immediately following continuous city service, the receiving agency must agree to accept to transfer all sick leave and annual leave balances, as well as compensatory time, shall be transferred with the employee. If the receiving agency declines to transfer the leave balances, the sending agency is responsible for paying the employee's balances out.

In cases of a *functional* or *involuntary* transfer to another city agency, all of the employee's accrued compensatory time balances shall be transferred to the records of the receiving

agency.

When a transfer is accomplished with the *consent* of the employee, all compensatory time due for overtime work shall be granted to the employee prior to the effective date of the transfer *except* when:

- The receiving agency agrees in writing to accept the transfer of the accrued compensatory time balances in whole or in part to its records, or
- The employee requests in writing that the accrued compensatory time balances be converted to sick leave balances as of the date of transfer.

Responsibility for obtaining such written agreement rests with the employee. If the agency to which the employee is being transferred agrees to accept overtime credits, the employee shall request such agency to send a statement to that effect at once to the Director of Operations at the MBPO. In the absence of such letter of acceptance, Operations Unit shall automatically convert the employee's overtime credits to sick leave credits as of the date of transfer.

#### PART XIII: EMPLOYEE RIGHTS

#### A. Personnel Folders

All employees are entitled to examine their Personnel File once a year. An employee's Personnel File contains any and all documents previously reviewed and signed by the employee, and any and all documents reviewed and signed by the Management related to Payroll and Timekeeping and other functions that verify status change during an employee's employment at Community Board 3.

An employee shall be required to accept a copy of any evaluatory statement of the employee's work performance or conduct if such statement is to be placed in the employee's permanent personnel folder at Community Board 3. Prior to being given a copy of such evaluatory statement, the employee must sign a form which shall indicate only that the employee was given a copy of the evaluatory statement but that the employee does not necessarily agree with its contents. The employee shall have the right to answer any such evaluatory statement filed and the answer shall be attached to the file copy. Any evaluatory statement with respect to the employee's work performance or conduct, a copy of which is not given to the employee, may not be used in any subsequent disciplinary actions against the employee. At the time disciplinary action is commenced, the MBPO General Counsel shall review the employee's personnel folder and remove any of the herein-described material which has not been seen by the employee.

No documents can be taken out of or placed in an employee's Personnel File by any employee other than the District Manager, Chair of the Board, Chair of the Personnel Committee or the General Counsel. The District Manager, Chair of the Board, Chair of the Personnel Committee or the General Counsel or other appropriately designated Community Board designee must be present during an employee's review of his or her Personnel file.

# B. <u>Disciplinary Action</u>

It is the policy of Community Board 3 to take disciplinary action in instances of an employee's misconduct and incompetence, in accordance with state Civil Service Law (Sections 75 and 76), the City Charter (Section 1103), the Administrative Code (Chapter 49, Section 1103-1.0) and the Rules of the Civil Service Commission (V and VI).

The responsibility for initiating such actions rests with supervisory personnel.

#### C. Substance Abuse/Mental Health

As more fully described in Executive Order No. 46 of 1992, Community Board 3 is committed to referring our employees to the NYC EAP (New York City Employee Assistance Program) which provides coordinated assistance and services to combat substance abuse and other mental, emotional and social problems.

The NYC EAP is designed to assist employees and their families who are experiencing a wide range of personal problems. Areas of services include marital or family conflict, mental health or emotional stress, problems with alcoholism and substance abuse, elder care, and traumatic events. Additional information and links on these topics can be found under *Common Concerns Handled by the EAP*.

Working with the EAP you can make changes in your life that will greatly improve your health and well-being. To this end, the NYC EAP offers all employees and their families non-discriminatory counseling, information, and referrals to help resolve personal problems efficiently and confidentially.

The first step in receiving assistance from the NYC EAP is to call 212-306-7660 to schedule an appointment. The Program has two locations: 40 Rector Street, 7th Floor and 49-51 Chambers Street, Room 915. Remember, all information is free and confidential.

## PART XIV: UNION RIGHTS/GRIEVANCES

## A. Labor and Staff Organizations

In accordance with city and agency policy, employees may form a *bona fide* labor organization and apply for its certification with the Office of Collective Bargaining. Employees may join and support a certified labor organization. They also may form, join or support *bona fide* staff organizations concerned with their interests. Employees have the right to refrain from such organizational activities and no employee will be subject to discrimination because he or she does or does not participate.

Specific policies and procedures relating to recognized labor and staff organizations within city agencies, their activities on agency premises and their relationships with the agencies are included in Executive Orders which also contain a complete listing of labor organizations designated as bargaining agents for specific Civil Service titles and recognized staff organizations. Here is the contact information for both unions designated for titles within Community Board 3:

CWA 1180 6 Harrison Street New York, NY 10013 (212) 226-6565 General Info (212) 966-5353 Benefits http://www.cwa1180.org/index.htm Local 371Union 817 Broadway, 14th Floor New York, NY 10003 (212) 677-3900

#### B. Grievances

When an employee claims a violation, misinterpretation, or inequitable application of rules and regulations, written policy, or orders applicable to Community Board 3, citywide policy provides for review and appropriate adjustment. If the employee believes that an adjustment has not occurred, the matter may be presented through the collective bargaining agreement procedure as a grievance, except for the following excluded subjects:

- The contents and recommendations of performance evaluations.
- Disciplinary actions involving actual or possible dismissal, demotion, suspension, fine or reprimand, unless the employee elects the grievance provisions in accordance with applicable laws, agreements and operating procedures.
- Rules and regulations of the New York City Service Commission.

Employees covered by existing labor contracts are subject to the provisions of the grievance procedure incorporated in these contracts; those not covered by existing contracts are subjected to the provisions of the citywide grievance procedure.

#### PART XV: ADMINISTRATIVE AND OPERATIONAL OFFICE PROCEDURES

## A. Security

Due to the nature of interacting with and receiving impromptu visitors of the public, thefts are quite possible in the Community Board 3 office, so valuables must be secured appropriately.

Any staff member sitting at the front desk is responsible for stopping all visitors, even people he or she knows. Everyone is announced unless well known to the receptionist or accompanied by a Community Board 3 member or staff person. When large group meetings are held in the conference rooms, no guests are directed to a conference room until the responsible Community 3 board or staff member has been notified. Any staff member who sees an individual s/he does not know beyond the reception area should ask that individual whether he or she needs help. Regardless of the reason the person is at Community Board 3 (or who he or she is), guests should be escorted to meet the responsible Community Board 3 staff person there.

The staff member at the front desk is responsible for alerting the District Manager or Assistant District Manager of any need for assistance in removing individuals or otherwise dealing with situations that arise. If the District Manager or Assistant District Manager are not available, staff should call 911 if the person will not leave.

## B. Reception

All Community Board 3 staff members are instructed to answer telephone calls as promptly as possible, and, if necessary, to place parties with whom he or she is already speaking on hold. Staff members are also instructed to ask for the correct spelling of callers' names and affiliations (if any) and to confirm the telephone numbers and e-mail addresses when writing them down.

In addition, if a constituent walks into the Community Board 3 office asking for assistance, the staff member should assist the individual and collect their contact information as well. Constituents are asked to submit problems in writing unless there is a language access or writing difficulty issue.

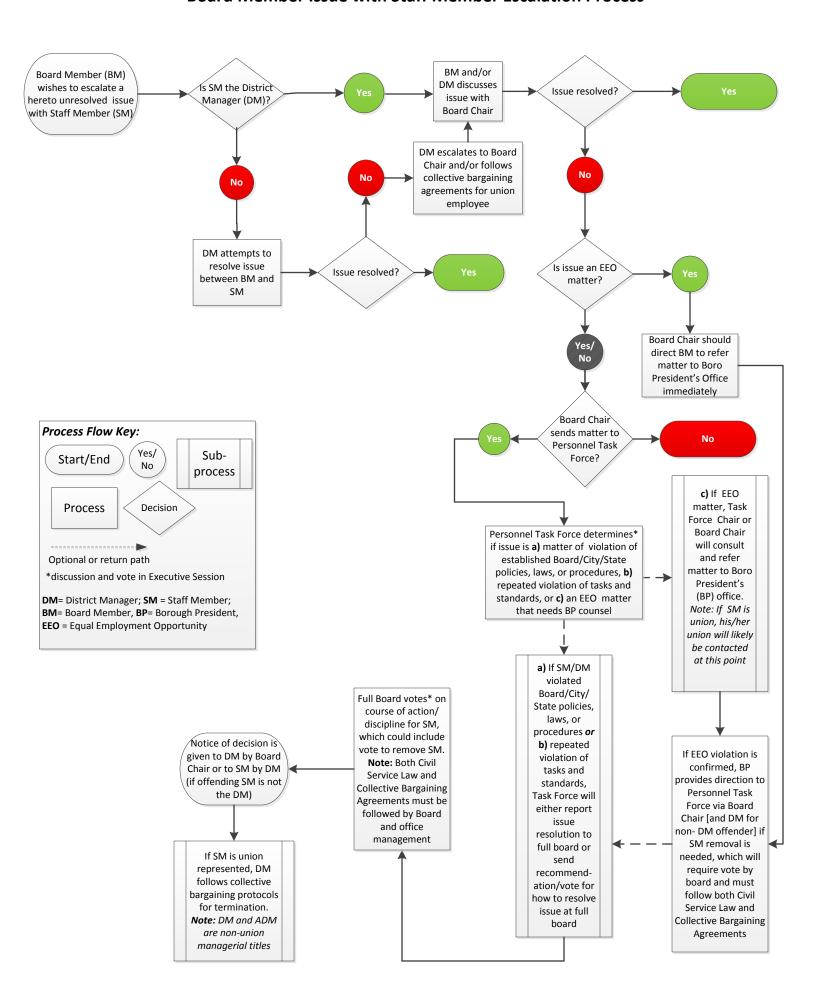
# C. Supplies/Ordering

The DM orders supplies or authorizes a staff member to order supplies.

# D. Purchases/Requisition Forms

All purchases for goods or services to be paid with office monies must be approved by the District Manager in advance of any order for a purchase being placed, solicitations being made, contracts being signed, or any commitment or promise being made by a Community Board 3 employee for purchasing any goods or services. Community Board 3 employees who wish to request a purchase using office monies must receive approval from the District Manager.

#### **Board Member Issue with Staff Member Escalation Process**



#### **Staff Member Issue with Board Member Escalation Process**

