



# **Human Resources Manual**

**EFFECTIVE JUNE 28, 2022**

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## Introduction

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The New York City Housing Authority (“NYCHA”) has designed this Human Resources Manual (“Manual”) to provide our employees with information and guidelines pertaining to employment at NYCHA.

This Manual incorporates the NYCHA Personnel Rules and Regulations, whether embodied herein or incorporated by reference. This Manual supersedes all prior issues of the NYCHA Human Resources Manual and supplementary memoranda. This Manual does not alter any collective bargaining agreement. To the extent there is a conflict between this Manual and a collective bargaining agreement, the terms of the provisions of such collective bargaining agreement shall supersede.

The Chair<sup>1</sup> or Chief Operating Officer is authorized to promulgate and issue regulations, practices and procedures to implement and enforce the Personnel Rules and Regulations. The Chair or Chief Operating Officer is also empowered to designate an officer or officers of NYCHA who shall have the right to waive any of the Personnel Rules and Regulations adopted by resolution in any individual case. Such designation, however, shall limit the right of such officer(s) to waive any of the Personnel Rules and Regulations in instances delineated in the chapter in this Manual in regard to the Personnel Board and waivers.

Personnel policies, procedures, and benefits, by their nature, are constantly under review as they are affected by changes in applicable law, regulations, collective bargaining agreements, economic conditions, and the way we do business. NYCHA therefore reserves the right to unilaterally modify, revoke, suspend, or terminate any and all of the provisions of this Manual on non-mandatory subjects of bargaining with or without prior notice. The Human Resources Department (“Human Resources”) will communicate changes to all employees as they occur.

Neither this Manual, nor any of the policies or provisions contained herein, constitute a contract or guarantee of employment. Nothing in this Manual is intended to be, nor should be construed as, a guarantee of one’s continued employment with NYCHA, nor a guarantee that any particular benefit, program, or policy will be continued for any period of time. Any and all benefits, programs, and policies herein may be revoked at NYCHA’s discretion except where a collective bargaining agreement or applicable law so provides.

Certain pension, health, and other welfare benefit plans mentioned in this Manual are more fully described in materials provided by the administering agent of each program (e.g., NYCERS, City of New York OLR; union welfare funds, etc.).

If you have a question pertaining to anything in this Manual, consult with Human Resources at (212) 306-8000.

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<sup>1</sup>All simple references in this document to the “Chair” of NYCHA is to the unified position of “Chair and Chief Executive Officer.”



## Human Resources Manual

# 1. Alcohol and Substance Abuse

### Overview

It is never acceptable for employees to use or be under the influence of alcohol or illegal substances during work hours. Use of any substance, including marijuana, which impairs the ability to properly carry out duties is never acceptable.

### Further Information

#### Alcohol and Substance Abuse

During work hours or while on NYCHA property, NYCHA employees may NOT:

- Possess or use controlled substances, including marijuana, on or off-duty, except with the written approval of a licensed physician, and then only if the use of such substance will not interfere with the proper performance of their duties. Even with written approval of a licensed physician, employees may not sell, possess or use marijuana while on duty. Under no circumstances may an employee sell a controlled substance on or off-duty.
- Be under the influence of, or in possession of, alcoholic beverages while on duty or at the worksite. Alcoholic beverages are prohibited even if unopened or sealed.

#### Reporting Alcohol or Substance Abuse

Any NYCHA employee who becomes aware of or suspects an instance of alcohol or substance abuse should contact their supervisor immediately for appropriate follow up. For more details, please see “Fitness for Duty” below and the chapter thereon.

#### Fitness for Duty

Where it appears that an employee may be intoxicated or under the influence of a controlled substance, it is not necessary to have the employee submit to an examination by a NYCHA-designated physician. Supervisors alone, or in consultation with others, can assess whether an employee is under the influence of alcohol or appears to be under the influence of alcohol. Supervisors can ask the employee if the employee has been drinking alcohol and any other questions that will help them assess whether the employee is under the influence of alcohol. If the employee exhibits symptoms of intoxication or impairment such as alcoholic breath, slurred speech, unsteady gait, red or glassy eyes, decreased inhibitions, difficulty answering questions, or other unusual behavior, the employee should be considered intoxicated and unfit for duty. The employee, therefore, is to be directed by the supervisor to swipe out and go home. An escort or other such custodial arrangements may need to be made for safe removal of the employee from the premises, as may be appropriate. A counseling memorandum is to be issued and disciplinary action is to be taken as appropriate.



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### **Questions**

Any questions about these matters should be directed to the Office of Safety and Security at (212) 306-8800 or HR at (212) 306-8000.



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### 2. Annual Leave

#### Overview

Annual Leave is time accrued by an employee that may be used for vacation, sickness, personal business and religious observance without deduction from pay. Annual Leave is taken at the convenience of NYCHA. In no event shall accrued leave be used before one month of service is completed.

Employees are advised to save days each year in the event of an illness, and not to use all of their accrued Annual Leave for vacation.

#### Further Information

##### Accrual

Generally, Annual Leave is accrued based on length of service, on a pro-rata basis. For purposes of accrual only, length of service includes service with NYCHA as well as service in an agency of the City of New York, provided the period between such employment and the appointment to NYCHA is no longer than 30 days. For the rate at which Annual Leave is accrued for the various categories of employees, please see the [Leave Accrual Table](#).

NOTE: NYCHA is not a “city agency.”

- Employees appointed on or before the 15th of any month earn Annual Leave on the first of the following month. Employees appointed on or after the 16th of the month will start to earn Annual Leave on the first day of their second month. New employees absent before the completion of one month of employment shall be pay docked, unless the absence can be charged against overtime.
- Employees who are absent *without pay* for 12 or more consecutive working days will lose at least one month of Annual Leave accrual during such unpaid absence. (The consecutive working days need not fall within one month but may extend into the following month.)
- Annual Leave accruals for employees who are absent *with pay* for 12 or more consecutive working days are withheld until the employee is back to work for one month. (The consecutive working days need not fall within one month but may extend into the following month.)

Unless otherwise prohibited, accruals are unlimited, and so may carry-over from year to year.





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### **Scheduling Time Off**

Supervisors are required to ensure that sufficient staff is on duty at all times in order to carry out the functions of the units. When supervisors are absent, a key staff member of the unit should be present to ensure that the unit's work continues.

Department Directors are required to submit vacation schedules for themselves and their Deputies to their appropriate Executive Vice President.

In order to maintain satisfactory coverage during the summer months, and to allow staff members to take off during this period, employees may not take vacation totalling more than 3 weeks between July 1st and September 1st. Only Department Directors may approve requests for more than 3 weeks during this period.

### **Use**

Annual Leave is granted for faithful and satisfactory performance of duty and may be cancelled or reduced by the Chair or Chief Operating Officer for unsatisfactory performance.

Annual Leave, except in cases of sickness or other emergency approved by the department director or FMLA leave-qualifying events, shall be taken at the convenience of NYCHA.

A Department Director or the Director of Human Resources may, whenever it is in the best interests of NYCHA, require an employee to take earned Annual Leave at such time or times and for such periods as the Director may determine (except where stipulated otherwise in a collective bargaining agreement).

### **Charges**

For authorized absences of less than a full day, the amount of time an employee is absent is charged to Annual Leave in units of one-half hour. (A fraction of a half hour in excess of 5 minutes is charged as a half hour.) There is no grace period for employees leaving before their regularly scheduled departure time except where provisions have been made for an "expedited swipe out." For more information concerning this subject, please see "Recording Work Hours."

For skilled trades (prevailing rate) employees who report after their scheduled reporting time, please see the chapter on "Lateness."

### **Payment Upon Separation (Terminal Leave)**

Separating employees may be paid their unused Annual Leave in accordance with the Terminal Leave formula, which is both conditioned upon length of service and capped. Terminal Leave is granted for faithful and satisfactory performance of duty and may be cancelled or reduced by the Chair or Chief Operating Officer for unsatisfactory performance. As a result, an employee may not necessarily be paid for all of their accrued Annual Leave.



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### **Transfers from An Agency of the City of New York**

An employee who is appointed, transferred or reinstated from an agency of the City of New York to NYCHA will be credited with Annual Leave at NYCHA based on the combined unused accrual of Annual Leave, Sick Leave and Compensatory Time earned at such agency up to a maximum of two times their latest Annual Leave accrual rate at such agency, up to a maximum of 54 days. However, this time may not be used until the employee has completed six months of employment with NYCHA. If the employment with NYCHA terminates prior to the completion of six months of service, then the employee will not be compensated for the time that was earned at such agency.

### **Transfers to An Agency of the City of New York**

Employees who leave NYCHA to accept a position in an agency of the City of New York may have their Annual Leave balances transferred in accordance with the Career and Salary Plan Leave Regulations, or if the New York City agency has different leave regulations, in accordance with those regulations.

### **Rehires**

Employees who were previously employed by NYCHA are considered as new employees upon their return to NYCHA service in order to determine the rate at which they accrue Annual Leave, except for:

- employees reemployed within one month from the date of separation; and
- permanent competitive class employees reinstated within 12 months in the permanent title held at the time of separation.



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### 3. Anticipated Leave

#### Overview

In cases of incapacity to work due to an exceptional medical condition or other special circumstances, where an employee has exhausted their entire available Annual Leave, the Chair or Chief Operating Officer may, at their discretion, upon recommendation of the Personnel Board, permit an employee to anticipate and use Annual Leave allowances before they are earned. Such leave is defined as Anticipated Leave.

#### Further Information

##### Requests

To request Anticipated Leave, an employee must submit to their supervisor a Leave of Absence Request Form along with a Health Care Certification with their treating physician's original signature affixed.

The Property Manager/Division Manager forwards the request, with their recommendation, to the Borough/Department Director who will make their recommendation and forward it to the Human Resources Director for submission to the Personnel Board, if necessary.

##### Maximum Amount

The Director of Human Resources may, at their discretion, approve Anticipated Leave to a maximum of 10 days, except for Jury Duty when they may approve Anticipated Leave in any amount necessary for Jury Duty.

##### Deductions from Future Annual Leave

Approved Anticipated Leave is deducted from *all* future Annual Leave accruals, except for Jury Duty with supporting documentation.

In exceptional circumstances, in cases involving an employee with at least 5 years of service, the Chair or Chief Operating Officer may in their discretion, upon recommendation of the Personnel Board, excuse an employee from making up Anticipated Leave out of future Annual Leave allowances to the extent of 5 days for each year of service but not including the first 5 years of service. For any partial years of service, the allowance of 5 days per year is to be pro-rated.



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### 4. Appearance (Personal)

#### Overview

Personal appearance and dress are important to NYCHA's image and success. NYCHA requires all employees to project a professional appearance appropriate to their job duties and to maintain high standards of personal hygiene, grooming and dress.

#### Further Information

##### Appropriate Attire

Employees who serve in titles that require uniforms must wear them at all times while on duty. All other employees should wear clothing that is considered appropriate business attire for their position, taking into account:

- The degree of contact with the public;
- The nature of work;
- The weather;
- Safety issues; and
- Work environment.

Extremely informal or revealing clothing such as shorts, halters, midriff tops, and ripped clothing may not be worn during work hours. Employees must also be sensitive to NYCHA's diverse environment, and should not wear clothing displaying messages that may be viewed by others as offensive.

Certain clothing, hair styles, jewelry or other items that may otherwise be worn on the job may not be acceptable if they pose a safety hazard (such as, but not limited to, when working with machinery), and may need to be removed, covered or secured as established safety protocols dictate.

##### Cleanliness

Clothing and hair must be neat and clean, free from any foreign matter, infestation, odor or other emission that causes a hazard and/or disruption of the workplace.

##### Standards

Supervisors are responsible for monitoring employee appearance. If clothing is deemed inappropriate, the employee may be considered as having failed to report prepared to work and



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may be sent home to change their clothes. The time away from work will be treated as any other time missed from a work shift and dispositioned accordingly.

### **Questions**

Questions about appropriate appearance should be addressed to HR at (212) 306-8000.



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### 5. Attendance

#### Overview

Employees are expected to report to work as scheduled. Employees may not absent themselves from work for part or all of the work day without approval. Unauthorized or excessive absences disrupt operations and are unacceptable.

#### Further Information

##### **Supervisory Responsibility**

Supervisors must review their staff's attendance records, approve or disapprove leave requests in a timely manner, and initiate appropriate action when employees fail to comply with time and leave regulations.

##### **Employee Responsibility**

Employees may not absent themselves from work without the approval of their Property Manager/Division Chief (or their supervisor on the level equivalent thereto) or designee except for emergency circumstances beyond their control.

Employees unable to report for duty for any reason must notify their Division Chief in accordance with the practices of their division. In any event this notification must be made no later than one hour after the start of their shift or as soon as possible. When an employee notifies their Division Chief of an inability to report to work, the reason must be given. Notification does not mean the absence will be approved. Employees must submit a written leave of absence request. It is within the supervisor's discretion to approve or deny the request. If the interests of NYCHA so dictate, any absence may be investigated and corroborating evidence may be required.

##### **Absent Without Approved Leave (AWOL)**

An employee is considered AWOL when they are absent from work without approval. Employees who are AWOL will be pay docked for the period of absence and may be subject to disciplinary action.

If an employee fails to report to work for 20 consecutive work days and does not contact NYCHA utilizing designated call-in procedures and receive approval for their absence, the employee shall be deemed to have abandoned their job. Appropriate disciplinary action should then be requested. This provision shall not be a bar to requesting such action, prior to 20 consecutive workdays of unapproved absence.



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### **Lateness**

For information concerning lateness, excessive lateness, and lateness penalties, please refer to the chapter headed "Lateness."

### **Major Transportation Delays**

Major delays to public transportation are not treated as a lateness. However, before a lateness can be excused, the employee must submit and the supervisor must review a *MTA: NYC Transit Verification of Delay* form to determine if the lateness was attributable to a major transportation delay. The length of the delay must be at least equivalent to that of the employee's lateness in order to be considered for excusal.



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### 6. Benefits

#### Overview

Subject to the terms, conditions and limitations of applicable contract and law, a comprehensive benefits program is available to employees in order to assist them and their families in the event of illness, death and retirement. In addition, some benefits are provided to help employees balance the demands of both their work and personal lives. Each eligible employee has the opportunity to participate in those benefits that best meet their needs. In order to respond to changing economic times and the evolving benefits environment, the program may be modified from time to time.

Detailed information regarding each benefit is available in the current *Summary Program Descriptions*. Benefits that do not have summary program descriptions are described in this section.

#### Further Information

##### Benefits

It is important that employees learn about and understand these benefits. Below is a brief list and summary of the benefits available:

- Health Benefits

Through collective bargaining agreements, the City of New York and the Municipal Unions have cooperated in choosing health plans and designing benefits for the City of New York Health Benefits Program (HBP). Through NYCHA's participation therein, NYCHA offers a fully paid choice of basic health and hospitalization plans without premium cost to employees. Depending on their circumstances and preferences, employees may also select other available plans which may bear a premium cost for basic coverage. In addition, premium costs for optional riders, co-payments, and co-insurance may apply. The terms and conditions thereof are also subject to change through collective bargaining.

- To avoid delays, a health plan should be chosen within 31 days of a new employee's start date.
- For some employees, coverage will not begin for a 90-day period based on provisional or certain non-competitive status.

For more information, please see the [\*Summary Program Description\*](#).

- Health Benefits Buy-Out Waiver Program





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This plan allows employees who are covered under a health insurance plan through an employer other than NYCHA to waive their participation in the City of New York Health Benefits Program and receive a cash incentive.

- Pension Plan

The opportunity to join the New York City Employees' Retirement System (NYCERS), a *defined benefit* pension plan, is available to NYCHA employees, both full and part-time. All permanent competitive civil service and labor class employees, including Caretakers, are required to join the NYCERS upon completing six months of service, unless eligible for and enrolled in the Voluntary Defined Contribution (VDC) Plan. Provisional and non-competitive employees are not required to join the retirement system. However, they may join voluntarily at any time. For more information, please visit: [www.nycers.org](http://www.nycers.org)

- Voluntary Defined Contribution (VDC) Plan

A new voluntary defined contribution plan option is available to all unrepresented (non-union) employees who are hired on or after July 1, 2013 and are paid at a rate of \$75,000 or more on an annual basis. Eligibility to participate is limited only to those meeting these criteria. The VDC is a *defined contribution* retirement plan that offers certain advantages over traditional defined benefit pension plans. Retirement benefits will depend on the value upon distribution of individually owned annuity contracts purchased on behalf of electing employees through employer and required employee contributions from one or more of the currently Authorized Investment Providers for the VDC, including TIAA-CREF, ING, MetLife, and VALIC. For more information, please visit: <http://www.definedcontribution.ny.gov/>

- New York City Deferred Compensation Plan (457 & 401k)

The Deferred Compensation Plan is a retirement savings plan that lets you save for retirement through payroll deductions. Your contributions are made on a pre-tax basis. For more information, please visit: <http://www1.nyc.gov/site/olr/deferred/dcphome.page>

- Flexible Spending Accounts

- Health Care Flexible Spending Account (HCFSA) is a way to pay for eligible medical expenses (not covered by insurance), dental, vision and hearing expenses (not covered by the Welfare Fund) with before-tax dollars.



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- Dependent Care Assistance Program (DeCAP) is a way to pay for expenses to care for your child(ren) or other dependents, with before-tax dollars, while you and your spouse work or attend school full-time.

For more information about Flexible Spending Accounts please visit:  
<http://www1.nyc.gov/site/olr/fsa/fsahome.page>

- NYC Gives

NYC Gives (formerly known as the Combined Municipal Campaign) provides employees with an easy and convenient way of making contributions to their favorite charity.

- Direct Deposit

Direct deposit allows you to have your paycheck automatically credited directly to your bank account.

- NYCHA PayCard Program

Offered to non-represented employees and certain represented employees through agreement, the NYCHA PayCard Program is a prepaid MasterCard® card that is funded with your bi-weekly pay.

- New York's 529 College Savings Program

A tax-advantaged program that allows NYCHA employees to save for college through payroll deductions. Contributions to this program are *not* pre-tax. For more information about New York's 529 College Savings Program please visit:  
<http://www1.nyc.gov/site/opa/my-pay/nys-529-college-savings-program.page>

- Commuter Benefits

This commuter benefits program allows employees to access a number of transit providers and transit options. You will be given a pre-tax commuter account and card to purchase MTA Metrocards and other commutation options.

- Management Benefits Fund

The Management Benefits Fund (MBF) provides supplemental benefits to non-represented NYCHA staff, which includes Managerial and Original Jurisdiction employees and retirees therefrom. Please see "Representation."

- Payroll Rent Deduction Program



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This program is designed to save time and money by allowing NYCHA employees who are also NYCHA residents to voluntarily have their rent paid through automatic bi-monthly payroll deductions.

For additional information about available benefit programs, employees should refer to their respective collective bargaining agreements and the Summary Plan Descriptions that describe the plan in non-technical terms.

### **Orientation**

A new employee orientation will be made available to each new employee upon their hiring to provide more information about benefit options and election procedures.

### **Employee Responsibility**

Employees are responsible for selecting those benefits that best suit their needs. Some benefits are not automatic and require an employee election. Those employees who do not formally enroll will not receive benefits.

### **Elections**

Employees have the opportunity to elect certain benefits on their date of hire or after completing their eligibility waiting period, when applicable. Employees may also enroll or change their benefit elections during an open enrollment period or at the time of a qualifying event (see the Summary Plan Description for more details). Employees change their elections by submitting the appropriate form(s) to Human Resources.

### **Beneficiary**

Where applicable, employees must name beneficiary(ies) in the event of death.

### **Forms**

Forms to elect benefits, name a beneficiary, change benefits, or submit a claim are available from Human Resources.

### **During Leaves of Absence**

Generally, all benefits continue during Annual Leave and other paid leaves. Special rules may apply to other forms of unpaid leave (*e.g.*, military leave and FMLA leave). For additional information, contact Human Resources.

### **Upon Separation**

Generally, all benefits cease upon separation from service unless an employee retires or a covered employee and their covered dependents elect continuation of health coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA notices explaining continuation of coverage are provided to employees and their spouses when they enroll in the plan and when they experience a qualifying event. (A qualifying event is a loss of coverage due



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to termination of employment, reduction in hours, employee's death, divorce or legal separation, employee's entitlement to Medicare, or a child's loss of dependent status.)

### **Questions**

Any questions regarding employee benefits should be directed to HR at (212) 306-8000.



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### 7. Blood Donation

#### Overview

Employees are encouraged to donate blood when possible. To facilitate, NYCHA sponsors a blood donation program and blood drives.

#### Further Information

##### Location

Employees may donate blood at any location described below:

- NYCHA Blood Drives.
- New York Blood Center Sites.
- Hospitals or Other Blood Donor Sites.

##### Approval

An employee who wants to donate blood during work hours must obtain their supervisor's approval.

##### Excusal

NYCHA employees may be eligible for excused time to donate blood. To be eligible for excused time, an employee must:

- Obtain supervisor's prior approval;
- Donate or attempt to donate blood during regular work hours;
- Provide the Donor Receipt Form to their supervisor or timekeeper; and
- Not be giving a "directed donation."

##### Excusal Maximum

After obtaining supervisor's approval to donate blood, employees may be excused for a maximum of one-half day for time spent donating blood in order to recuperate.

An additional half-day of excused time is granted to those employees who successfully donate blood. An employee who tries but cannot donate blood is not entitled to the additional half-day and must return to work unless their supervisor approves the use of Annual Leave for the balance of the work day.



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### **Directed Donations Ineligible**

A “directed donation” occurs when an employee donates blood for their own use or for another person named by the employee or that is otherwise intended to be reserved for a specific individual or group of recipients. Employees who make a directed donation are not eligible for any excused time.

### **Documentation**

Obtaining documentation varies depending on the location:

#### ***NYCHA Blood Drives***

Employees who donate blood at a NYCHA blood drive will receive a Donor Receipt Form.

#### ***New York Blood Center (NYBC) Sites***

Employees who donate at a NYBC site receive a Donor Receipt Form when they provide the NYCHA Identification number (69242).

#### ***Hospitals or Other Blood Donor Sites***

Employees who donate at a hospital or through a donor program that is not run by NYBC must obtain documentation that contains the following information:

- confirmation that you successfully donated blood and the date of the donation or confirmation that you attempted to donate and the date of the attempted donation;
- a statement that the donation was not a directed donation;
- the name of the hospital or sponsoring organization and the complete address of the donation site; and
- name and address of a program coordinator who can provide verification of the donation.



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### 8. Breaks

#### Overview

If the supervisor determines it to be appropriate, employees may be permitted to take one or two paid breaks of up to 15 minutes each during the workday, with a start and ending time set by the supervisor. Supervisors must be able to locate staff at all times during the workday including breaks in order for the location to function effectively, as well as for the safety and well-being of staff.

#### Further Information

Once employees have reported to work, they are *not* permitted to leave their work location, unless otherwise authorized by a supervisor. Employees are expected to remain at their assigned work area and perform their job duties, except when their job duties require them to travel to another area or location.

While employees are normally relieved of their responsibilities during their meal period, they are not fully relieved of their responsibilities during approved breaks. An approved break is an opportunity to temporarily cease work in order to rest and/or have refreshment.

To maintain adequate staff coverage at all times, breaks, when permitted, must be taken separately from the meal period and never used to extend the length of an employee's meal period.

Employees who are out of their assigned area or location for unauthorized periods of time or who take more frequent or longer breaks than permitted may be subject to disciplinary action.

There may be certain exceptional circumstances. For guidelines concerning pregnancy and breaks, please see "Pregnancy." For information concerning breaks and expression of breast milk, please see "Nursing."



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### 9. Campaigning/Electioneering (Union)

#### Overview

This section addresses the rules that are applicable to union election campaign activities on NYCHA property. These rules apply to union election campaigns at all levels of office and states of candidacy, whether declared or undeclared, official or unofficial, and for the subdivisions or affiliations thereof or that are otherwise identified therewith.

All employees are required to adhere to these rules. Violations of these rules may be considered acts of misconduct and may subject an employee to disciplinary action. Supervisors are responsible to ensure compliance by all NYCHA employees.

#### Guidelines

Union election campaigns as described above are not permitted to interfere with, disturb or disrupt employees engaged in the performance of their work, or to impede the operation, function or workflow of any office, unit, division, department or development.

#### Meetings

Campaign activities on NYCHA property must be limited to non-working hours (such as meal periods) and non-working areas. Requests to meet with employees involving campaign activities at developments shall be addressed to the Executive Vice President for Operations. Requests to meet at other locations shall be directed to the appropriate Director. All requests shall state the place, date and time of the meeting requested.

The union campaign activities for which prior request and approval are required are those that are convened by one slate of candidates for the purpose of discussing campaign issues and that generally involve attendance by candidate representatives not assigned to the location where a particular meeting is being held. The rules are not intended to prohibit the casual exchange of information on campaign issues among employees assigned to a particular location that occur during non-working hours (such as meal periods) and are held in non-working areas.

Approval may be revoked or rescinded if, once commenced, the campaigning activities at a given site result in violations of the prohibitions specified herein.

#### Literature

Posting of campaign flyers or other campaign literature on any bulletin board or any wall, window, furniture, fixture, fence, pole, tree or other similar or different surface anywhere on NYCHA property, whether real, electronic or virtual, is strictly prohibited at all times. Similarly, use of NYCHA's real and/or intellectual property, copyrighted material, trademarks, legal





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likenesses or identity, technology, equipment, and communication and business systems, including but not limited to telephones, computers, handheld or wireless devices, e-mail, internet, copy machines, faxes, paper and electronic bulletin boards, for the production, transference, transmission, migration, propagation or other such conveyance or use of such materials is strictly prohibited at all times. Any and all campaign flyers or other campaign literature inappropriately posted will be removed promptly.

These rules do not preclude the conduct of normal union business or the ability of employees to have access to union representation at the worksite, as appropriate.



## Human Resources Manual

# 10. Cancer Screening

### Overview

NYCHA employees are entitled to excused paid leave not to exceed 4 hours (including travel time) each calendar year to undergo any type of cancer screening.

### Further Information

#### Eligibility

Employees are entitled to excused leave **only** when the screening is scheduled during the employee's regular work hours. Employees who undergo cancer screening outside their regular work schedules do so on their own time and are not eligible for compensatory time or credits for excused leave not used.

#### Requesting Leave

Employees request excused time by completing *NYCHA Form 015.015* and providing it to their supervisor. Employees must note on the form that they are requesting leave for a cancer screening. Leave must be pre-approved, and is taken at NYCHA's convenience. If a request for leave is approved, the time for the screening will initially be charged to the employee's Annual Leave. If leave is not approved and the employee fails to report to work as scheduled, the employee will be marked AWOL and may be subject to disciplinary action. Employees who do not use the maximum amount of leave for a screening may use the balance for any subsequent screenings during the calendar year.

#### Medical Documentation Required

When they return to work, employees must give their supervisors an original medical note on official letterhead completed by the healthcare provider indicating:

- that the employee was screened for cancer, and
- the date and time of the screening.

When NYCHA receives the medical note, the leave is changed to "excused time" and up to 4 hours of Annual Leave is returned to the employee. If an employee fails to provide medical documentation, the absence is charged to the employee's Annual Leave balance, or pay docked to the extent that Annual Leave is insufficient.

#### Leave Expires at the End of Each Year

Leave for cancer screenings is not cumulative and, if not used, expires at the end of each calendar year.



## Human Resources Manual

# 11. Car Usage (Personal)

### Overview

Employees who use their own car in the performance of authorized NYCHA business shall be reimbursed at the rate established by NYCHA for their title through collective bargaining.

### Further Information

#### Reimbursement Amount

Employees are reimbursed based on the rate and minimum established for their title, for each day of authorized and actual use. The terms and conditions for such reimbursement are subject to change through collective bargaining. Reimbursement for mileage and tolls shall be made on a calendar month basis. For detailed information, please consult the collective bargaining agreement that may be applicable to your position.

#### Mileage and Tolls

Actual mileage and tolls shall be computed from the first development to which the employee reports and ends at the last development to which the employee reports. Tolls paid in travel between the employee's home and the first development, and between the last development and the employee's home, shall not be reimbursed.

If an employee is called out on an emergency, including a weekend, holiday, or "after-hours" emergency, reimbursement for mileage and tolls shall begin and end at home if the employee lives within the city, or at the city line nearest the employee's home if the employee lives outside of the city.

#### Reimbursement

Actual tolls shall be reimbursed provided the request is substantiated with receipts for such expenditures.

#### Required Documentation

Employees receiving reimbursements must log in at each location they visit by signing the development's Visitor's Book, Boiler Room Log Book, or other appropriate record. Skilled Trades employees shall swipe in and out as they are required to do when visiting developments.

Employees shall record daily odometer readings, mileage, tolls, developments visited, etc. on [NYCHA Form 121.054](#). The employee shall submit the form to their supervisor at the end of the month.



## Human Resources Manual

# 12. Childcare Leave

### Overview

Any employee who becomes the parent of a child less than four years old, either by birth or adoption, shall be eligible for childcare leave of absence.

### Further Information

#### Maximum Amount

A childcare leave of absence may be for up to 48 months or until the child is four years old, whichever comes first. The use of this maximum allowance shall be limited to one time only; all other such leaves shall be limited to a 36-month maximum.

Parents who are both employed by NYCHA may take a combined total subject to the maximums above.

#### Requests

The employee must request childcare leave at least one month before the leave begins by submitting a Leave of Absence request along with supporting documentation.

#### Domestic Partners

Employees registered as domestic partners with the City Clerk's Office may request a childcare leave by submitting proof of Domestic Partnership.

#### Timing of Leave

Childcare leave may commence at any time prior to the child's fourth birthday.

Employees who elect to take less than the maximum allowable leave may elect to extend that leave for additional periods of up to one year, up to the maximum allowable childcare leave amount. In no case may childcare leave extend beyond the child's fourth birthday.

Childcare leave must be taken continuously; intermittent childcare leave is not available.

#### Pay Status

An employee must utilize accrued annual leave at the start of childcare leave. Upon the exhaustion of an employee's accrued annual leave, the employee shall be placed in non-pay status.



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### **Childcare Leave and FMLA**

Childcare leave runs concurrently with Family and Medical Leave Act (FMLA) Leave. For additional information regarding FMLA leave, please refer to the HR Manual section on *FMLA*.

### **Continuation of Benefits**

Unless otherwise provided for, such as pursuant to FMLA, employees are ineligible for benefits, including health insurance, when on an unpaid childcare leave of absence.

### **Childcare Leave and Civil Service Status**

Employees who have not obtained permanent status (including employees serving in their title provisionally, employees who have not completed their probationary period, and managerial employees without a permanent competitive civil service title) may be reassigned or terminated during their childcare leave of absence due to NYCHA's business necessity or by operation of law.

Employees who have obtained permanent status in a title other than the one they are currently serving in may be reassigned during their childcare leave to their underlying permanent title due to NYCHA's business necessity or by operation of law.

### **Paid Parental Leave**

For information regarding Paid Parental Leave, please refer to the HR Manual section entitled "Paid Parental Leave – Managerial and Original Jurisdiction."



## Human Resources Manual

### 13. Children in the Workplace

#### Overview

Employees should not bring their children to the workplace. Employees may not, under any circumstances, bring children to their work locations without prior permission from their department or office director.

#### Further Information

##### Emergencies

In the event of an emergency, department or office directors may provide authorization for employees to bring their children to the workplace. Authorizations shall take into consideration the needs of the business unit.



## Human Resources Manual

# 14. Classification

### Overview

All positions are classified in accordance with New York State Civil Service Law, and applicable rules and regulations.

### Further Information

#### **Classified Service**

This term refers to all offices or positions in the civil service of the City of New York, classified typically under one of these jurisdictional classes:

#### ***Competitive Class***

Positions for which merit and fitness for appointment must be demonstrated through a competitive examination. An examination may be a written, oral, or proficiency test, or combination thereof, or a rating of education and experience, based upon the duties and qualifications.

#### ***Appointments***

Appointments are made to positions in the Competitive Class in accordance with New York State Civil Service Law and the Personnel Rules and Regulations of the City of New York (PRR). The following types of appointments may be made within the Competitive Class:

- ❖ **Permanent** - Probationary appointments in the Competitive Class are made from eligible lists established as a result of competitive examinations. Appointments are made by selection of one of the three persons certified by the New York City Department of Citywide Administrative Services (DCAS) as standing highest on such eligible list who are willing to accept such appointment or promotion. This means that a candidate on an eligible list must be considered for three separate positions before they may be struck from the list without further consideration. This is commonly known as the “one-in-three rule.” Certain statutory exceptions may apply with respect to breaking ties in rank order.

Employees who are appointed from eligible lists and who satisfactorily complete a probationary period are considered permanent and may have certain notice and hearing rights before they can be terminated from their positions.



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- ❖ Provisional - An employee may serve in a Competitive Class position on a provisional basis under certain conditions. In the event that a vacancy occurs in a Competitive Class position for which no eligible list exists, the position may be filled by a qualified applicant on a provisional basis. Employees serving provisionally do not have notice or hearing rights and may be terminated if a civil service list is established for that title.
- ❖ Temporary - Temporary appointment may be made in accordance with civil service law to full or part-time positions that are intended to be of limited duration.

The nature of the appointment is to be distinguished from the nature or duration of the position or service. For example, employees may also serve on purely a seasonal basis. Seasonal positions are all positions where the nature of the service is such that it is not continuous throughout the year but which may recur from year to year as determined by NYCHA.

### *Reinstatement*

In accordance with Rule 6.2.3 of the PRR, employees who have completed probation in a Competitive Class title and later resign or retire may request reinstatement no later than a period of time equivalent to the time actually served in the civil service of NYCHA and/or the City of New York. However, in no event shall such period be less than one year or more than four years from the date of resignation. Accordingly, no request for reinstatement will be considered if the former employee had served less than one year of actual service in the civil service of NYCHA and/or the City of New York or if more than four years has passed from the date of resignation or retirement. If an employee wishes to request reinstatement to their civil service title at some time in the future, they should send their written request to NYCHA's Director of Human Resources. Reinstatements are made at NYCHA's discretion.

### ***Non-Competitive Class***

Positions for which merit and fitness can be determined, but for which it is not practical to administer a competitive examination. Accordingly, merit and fitness are determined by examining the applicant's qualifications to determine if the applicant meets the standards required for the position. Such standards may be measured by a non-competitive examination.





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### ***Labor Class***

Positions inclusive of all unskilled laborers for which competitive examination is not practical.

### **Office Titles**

Employees will be assigned to perform duties and assume responsibilities within the scope of the civil service title to which they are appointed, as may be modified or supplemented through collective bargaining. Certain employees, depending on the role that they perform, may also be assigned by NYCHA to an “office title.” Such positions are generally more specialized roles.

### **Minimum Qualifications**

Employees must meet all minimum qualifications for their appointment as delineated in the civil service title specification or notice of examination. Failure to maintain minimum qualifications at any point during employment may result in forfeiture of employment.

### **Illegal Discharge**

Employees are protected from discharge for illegal reasons, such as race, gender, or age discrimination.



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# 15. Collective Bargaining Agreements

### Overview

Employees serving in positions that are represented exclusively by a union may be covered by a collective bargaining agreement (CBA). Generally, such CBAs address matters such as wages, hours and terms and conditions of employment.

Titles that are classified as prevailing rate titles pursuant to §220 of the New York State Labor Law may also be covered by Consent Determinations. These Consent Determinations serve as collectively bargained settlements as to minimum wage and supplement requirements.

Not all positions that are represented are necessarily covered by a CBA.

### Further Information

#### Negotiation Forums

Collective bargaining negotiations take place in two different forums:

##### *Citywide Titles*

In regard to citywide titles, i.e., those titles that are used by both NYCHA and by agencies of the City of New York, NYCHA has agreed to be bound by the results of collective bargaining between the City of New York (“City”) and the respective certified collective bargaining representative with respect to wages, salaries, contributions to a union health and welfare fund and pensions, to the extent legally permissible, and any other matter of a fiscal nature which is consented to by NYCHA in writing and is legally permissible for the City to bargain (“fiscal matters”). As to all other matters, NYCHA reserves the right to bargain directly with the certified representative.

##### *Housing Unique Titles*

As to housing unique titles, i.e., titles that are used solely by NYCHA and not by other agencies, NYCHA reserves the right to collectively bargain directly with the certified representative on all matters, both fiscal and non-fiscal.

#### Agreement Types

To reference the provisions of CBA(s) that may cover your position, please consult the following sources:

##### *City Unit Agreements*

For Citywide Titles that are not Prevailing Rate Titles (i.e., not covered by §220 of the New York State Labor Law), to see the provisions of CBAs as to fiscal matters, please reference the applicable [Economic, and MLC Health Care Agreements](#); and [City Unit Agreements](#).



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### ***Prevailing Rate Consent Determinations***

For Prevailing Rate Titles (i.e., covered by §220 of the New York State Labor Law-covered skilled trade titles), please reference the applicable agreement on the New York City Office of Labor Relations website under the “Labor” and “Collective Bargaining” tabs at <https://www1.nyc.gov/site/olr/labor/labor-recent-agreements.page>.

### ***NYCHA Agreements***

For CBAs inclusive of those for Housing Unique Titles and for Citywide Titles on non-fiscal matters, please reference on NYCHA Connect under the “Human Resources” and “Labor Relations” tabs the applicable *NYCHA Agreements*.

This list is presented as a courtesy and is not exhaustive. This list is subject to change.

If you have any questions concerning a collective bargaining agreement or the provisions contained therein, please consult with your collective bargaining representative.



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# 16. Collective Bargaining Representatives

### Overview

Organizations certified by the New York City Board of Certification as the exclusive representative of a position(s) are recognized by NYCHA as the collective bargaining representative of such position(s). Collective bargaining representatives are commonly known as “unions.”

### Further Information

As a helpful resource, employees who are represented may contact and consult with their exclusive representative, as follows:

#### **Teamsters’ Local 237**

216 West 14th Street  
New York, N.Y. 10011  
(212) 924-2000 | [www.local237.org](http://www.local237.org)

#### **District Council 37, AFSCME**

125 Barclay Street  
New York, N.Y. 10007  
(212) 815-1000 | [www.dc37.net](http://www.dc37.net)

#### ***Local 299 (Recreation)***

(212) 815-1040

#### ***Local 768 (Community Service)***

(212) 815-1040

#### ***Local 957 (NYCHA Clericals)***

(212) 815-7672 | [www.dc37.net/about/locals/local957](http://www.dc37.net/about/locals/local957)

#### ***Local 983 (Motor Vehicle Operators)***

(212) 815-1983

#### ***Local 1087 (Prevailing Rate Employees)***

(212) 815-1010

#### ***Local 1407 (Accountants)***

(212) 815-1040 | [www.local1407.org](http://www.local1407.org)



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### **Local 2627 (Computer/IT)**

(212) 815-1040 | [www.local2627.org](http://www.local2627.org)

### **Social Services Employees Union (SSEU) Local 371**

817 Broadway  
New York, N.Y. 10003  
(212) 677-3900 | [www.sseu371.org](http://www.sseu371.org)

### **Civil Service Technical Guild, Local 375**

125 Barclay Street, 6th Floor  
New York, N.Y. 10007  
(212) 815-1375 | <http://civilservicetechnicalguild.org>

### **Communication Workers of America (CWA), Local 1180**

6 Harrison Street, 4<sup>th</sup> Floor  
New York, N.Y. 10013-2898  
(212) 226-6565 | [www.cwa1180.org](http://www.cwa1180.org)

### **Organization of Staff Analysts (OSA)**

220 East 23rd St. Suite 707  
New York, N.Y. 10010  
(212) 686-1229 | [www.osaunion.org](http://www.osaunion.org)

### **Civil Service Bar Association**

216 West 14th Street  
New York, N.Y. 10011  
(646) 638-8622 | [www.csbanyc.com](http://www.csbanyc.com)

### **Civil Service Forum, Local 300, SEIU (Buyers)**

36-36 33<sup>rd</sup> Street, Suite 200  
Long Island City, NY 11106  
(718) 383-8945 | [www.local300csf.org](http://www.local300csf.org)

### **Local 246 SEIU (Service / Auto Mechanics)**

217 Broadway, Room 501  
New York, N.Y. 10007  
(212) 233-0616 | <http://nyclocal246.org>

### **Allied Building Inspectors, Local 211, IUOE**

225 Broadway, 43rd Floor  
New York, N.Y. 10007  
(212) 233-2690 | <http://iuoe211.com>



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### **Local 306, IATSE (Audio/Visual Operators)**

545 West 45<sup>th</sup> Street  
New York, N.Y. 10036  
(212) 956-1306 | <http://www.iatse.net/directory/local-306>

### **Carpenters (NYC District Council of New York and Vicinity)**

395 Hudson Street  
New York, N.Y. 10014  
(212) 366-7500 | [www.nycdistrictcouncil.com](http://www.nycdistrictcouncil.com)

### **Electricians IBEW Local #3**

158-11 Harry Van Arsdale, Jr. Ave, 3rd Floor  
Flushing, N.Y. 11365  
(718) 591-4000 | [www.local3.com](http://www.local3.com)

### **Painters (Civil Service Employees, IUPAT Local 1969, DC9)**

45-15 36<sup>th</sup> Street  
Long Island City, NY 11101  
(718) 937-7440, Ext 108 | <http://www.nycclc.org/affiliate/iupat-local-1969>

### **Plumbers & Gasfitters Union, Local 1, U.A.**

158-29 Cross Bay Boulevard  
Howard Beach, N.Y. 11414  
(718) 738-7500 | [www.ualocal1.org](http://www.ualocal1.org)

### **Local 621, SEIU**

75 Darcy Circle  
Islip, N.Y. 11751  
(718) 334-9305 / 9306  
<http://www.nycclc.org/affiliate/seiu-local-621>

This list is presented as a courtesy and is not exhaustive. This list is subject to change.

NYCHA does not endorse any collective bargaining representative. NYCHA does NOT interfere with the rights that an employee may have to join the union that represents the position they serve in or their rights to engage in protected union activity.



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# 17. Communications and Business Systems

### Overview

All NYCHA employees are expected to be familiar with and to abide by NYCHA's policies which govern employees' use of NYCHA's computer, telephone, and electronic equipment.

Employees enjoy no expectation of privacy with regard to the use of any NYCHA computers, telephones, and electronic equipment. NYCHA may monitor an employee's use of the internet, and may also examine all system activities of the employee, including but not limited to email, voice, and video transmissions.

### Further Information

Employees who violate these usage restrictions, including but not limited to, the Communications and Business Systems Policy, or otherwise abuse or misuse NYCHA's User Responsibility Policy, may be subject to disciplinary action, including termination. In appropriate circumstances, employees may also be subject to criminal prosecution. For further information, please reference on NYCHA Connect the [IT Policies & Procedures](#) page.



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# 18. Conferences and Events

### Overview

This section discusses NYCHA's policy regarding employees attending industry events.

### Further Information

#### General Conference/Event Attendance Policy

All requests to attend industry events as a speaker or other participant in an employee's official capacity or while on NYCHA's time must be approved by an employee's supervisor and the Department of Communications. The submission for approval to the Department of Communications must include the supervisor's approval, any travel or admission costs, honoraria, speaker fee, or other concession provided for attendance, and a description of the event and proposed presentation or talking points. All materials or talking points used at an approved event must be approved by the Department of Communications prior to the event.

If an event requires approval pursuant to New York City ("NYC") Conflicts of Interest Law and the NYC Conflicts of Interest Board ("COIB") Rules, the employee must first obtain guidance from NYCHA's Ethics Liaison. For more information on what may pose a conflict under the law and require approval, please contact NYCHA's Ethics Liaison at [coi@nycha.nyc.gov](mailto:coi@nycha.nyc.gov). Employees are not permitted to seek invitations to industry events without the approval of the Department of Communications and must be in compliance with NYC Conflicts of Interest Law.

Employees are not required under the law or COIB Rules to seek permission to attend events in their personal capacity, on their own time, and at their own expense. In addition, under the law and COIB Rules, employees are not required to seek permission in the following situations:

- When they receive invitations to attend a professional or educational program as a guest of the sponsoring organization;
- Attending ceremonies or functions sponsored or encouraged by NYCHA as a matter of NYCHA policy, such as, for example, those involving housing, education, legislation or government administration; and
- Attending a public event of an organization composed of representatives of business, labor, professions, news media or organizations of a civic, charitable or community nature, provided that the organization that invited the employee does not do business with, or is not seeking to do business with, NYCHA.





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When attending an approved educational program as described in the HR Manual section entitled “*Learning & Development*,” NYCA may cover certain travel expenses in accordance with NCHHA’s business travel policy.

Employees must determine whether the entity is doing business with or has pending reviews to do business with NYCHA in consultation with the employees’ supervisor and NYCHA’s Ethics Liaison. Request for waivers of this policy are at the discretion of the Chair.

### **Statements on Behalf of NYCHA**

The Department of Communications has been designated as the NYCHA’s principal avenue of communication with the media and the public. No employee, except an employee designated to do so in writing by the Department of Communications, the Chair, or the Chief Operating Officer may hold themselves out as expressing the views of the agency. An employee receiving an inquiry from the media seeking a statement on behalf of NYCHA or a statement by an employee in their official capacity must refer the inquiry to the Department of Communications.

### **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 their personal capacity regarding NYCHA policies or operations shall communicate to their 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 necessarily represent the position of NYCHA. Such statements, whether written or oral, shall be made on the employee’s own time and not on NYCHA time. Employees may not make personal statements using NYCHA letterhead or their NYCHA email address. Any NYCHA employee who is invited to or intends to speak to a governmental agency, private organization, or the media in their personal capacity is encouraged to contact the Department of Communications for advice or to request background or other information on the subject matter at issue. Any written material describing the employee’s affiliation should note that they are not there representing NYCHA.

### **Statements that Disclose Confidential Information**

Employees who make statements that disclose confidential information, including, but not limited to, information relating to non-final NYCHA policies, specific investigations, specific security precautions, and other information protected from disclosure by law, may be subject to disciplinary action. Employees are encouraged to consult with the Department of Communications for guidance with respect to whether a statement might disclose confidential information.



## Human Resources Manual

# 19. Conflicts Of Interest

### Overview

To avoid conflicts of interest, the following prohibitions apply with respect to employee assignments and employee conduct.

### Further Information

#### Assignments

Close relatives may not be employed in the same division or development.

For purposes of assignment, the term “close relative” shall include, but not necessarily be limited to, an employee’s spouse, domestic partner, child, grandchild, parent, sibling, and grandparent; a parent, child, or sibling of a spouse or domestic partner; a spouse or domestic partner of a parent, child, or sibling; a parent’s sibling; or a sibling’s child. The terms “child,” “grandchild,” “parent,” “grandparent,” and “sibling” shall include step-child, step-grandchild, step-parent, step-grandparent, and step-sibling.

“Domestic partner” is defined pursuant to Mayoral Executive Orders Nos. 48 and 49, dated January 7, 1993, as: two people, both of whom:

- are 18 years of age or older;
- are not married or related by blood in a manner that would bar their marriage in New York State;
- have a close and committed personal relationship;
- live together and have been living together on a continuous basis;
- have registered with the City Clerk as Domestic Partners; and
- have not terminated the Domestic Partnership in accordance with procedures established by the City Clerk.

#### Employee Conduct

Employees may **NOT**:

#### *Misuse of Office*

Use or misuse their positions at NYCHA to financially benefit themselves, their family members or anyone else with whom they have a business or financial relationship.



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### ***Misuse of NYCHA Resources***

Use NYCHA letterhead, personnel, equipment, supplies, or resources for non-NYCHA purposes, or pursue personal or private activities during times when they are required to work (or are scheduled to work) for NYCHA.

### ***Gifts***

Accept a valuable gift as defined by the Conflicts of Interest Board (COIB) from anyone that they know or should know is engaged in business dealings with New York City or NYCHA, or is otherwise seeking or receiving anything of value from New York City or NYCHA.

### ***Gratuities***

Accept anything from anyone other than NYCHA for doing a NYCHA job.

### ***Seeking Other Jobs***

Seek or obtain employment outside of their NYCHA job from anyone they are dealing with in their current NYCHA position.

### ***Moonlighting***

Have a job with anyone who does business with New York City or NYCHA or receives a license, permit, grant or benefit from New York City or NYCHA *unless* they obtain prior approval from NYCHA and a waiver from the COIB.

### ***Owning Businesses***

Own any part of a business or firm that does business with New York City or NYCHA or receives a license, permit or grant or benefit from New York City or NYCHA, nor may an employee's spouse, domestic partner or minor child [under 18 years of age] own a part of a business or firm that does business with New York City or NYCHA.

### ***Confidential Information***

Disclose confidential New York City or NYCHA information or use confidential information for any non-New York City or non-NYCHA purpose, even *after* termination of employment.

### ***Appearances***

Accept anything from anyone other than NYCHA for communicating or appearing anywhere if the matter involves NYCHA.

### ***Lawyers and Expert Witnesses***

Receive cash, gifts or other consideration from anyone to act as a lawyer or expert witness against New York City's or NYCHA's interests in any lawsuit, administrative proceeding or arbitration brought by or against New York City or NYCHA, except that an employee may act as a lawyer or expert witness against New York City, but only if NYCHA has determined



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that New York City's interests and NYCHA's interests are incompatible and has assigned the employee to act as a lawyer or expert witness.

### ***Buying Office and Promotion***

Give or promise to give anything to anyone in order to be appointed to NYCHA or to receive a promotion or raise.

### ***Business with Subordinates***

Enter into any business or financial dealings with a subordinate or superior.

### ***Political Solicitation of Subordinates***

Directly or indirectly ask a subordinate to make a political contribution or do any political activity.

### ***Coercive Political Activity***

Force or try to force anyone to engage in any political activity.

### ***Coercive Political Solicitation***

Directly or indirectly threaten anyone or promise anything to anyone in order to obtain a political contribution.

### ***Political Activities by High-Level Officials***

Political Activities by High-Level Officials (Members of the Board, the Chief Operating Officer, General Counsel, Deputy General Counsel, Executive Vice President(s), Vice President(s), the head of a department or an employee who holds any other position determined by NYCHA and/or the COIB to have substantial policy discretion): Hold political office or ask anyone to contribute to the political campaign of a New York City officer or New York City employee or the political campaign of anyone running for office in New York City. (For additional restrictions on political activities for NYCHA employees, please see "*Political Activities.*")

### ***Post-Employment One-Year Ban***

Accept anything from anyone for communicating with NYCHA for one year after employment with NYCHA ends.

### ***Post-Employment Particular Matter Ban***

Work on a particular matter that they personally and substantially worked on while employed by NYCHA.

### ***Improper Conduct***

Take any action or have any position or interest, as defined by the COIB, that conflicts with their NYCHA duties.



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### ***Inducement of Others***

Cause, try to cause, or help another public servant do anything that would violate these guidelines or the laws that they are based on.

### ***Disclosure and Recusal***

As soon as an employee faces a potential conflict of interest under these requirements, they must report the possible conflict to:

- NYCHA's Ethics Officer at (212) 306-4000 or [coi@nycha.nyc.gov](mailto:coi@nycha.nyc.gov), or
- The COIB at (212) 442-1400.

If the conflict involves a matter that involves the employee, the employee must recuse themselves from dealing with the matter.

### ***Volunteer Activities***

An employee may be an officer or director of a not-for-profit that has business dealings with the City of New York or NYCHA, but only if the employee:

- does this work on their own time;
- is unpaid, and
- is not involved with any business that the not-for-profit may have with the City of New York or NYCHA. If the not-for-profit has business dealings with the City of New York or NYCHA, the employee must request and receive prior written approval from NYCHA.

### ***Reports of Violations***

Violations of these requirements, inadvertent or otherwise, should be immediately reported to the COIB.

### ***Additional Information***

For further information about the Conflicts of Interest Law contact:

New York City Conflicts of Interest Board  
2 Lafayette Street, Suite 1010  
New York, NY 10007  
(212) 442-1400 (TDD 212-442-1443)  
<http://nyc.gov/ethics>

OR



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New York City Housing Authority  
Office of the Inspector General  
180 Maiden Lane, 19<sup>th</sup> Floor  
New York, NY 10007  
Tel: (212) 306-3355  
Fax: (212) 306-6484  
[ig@nycha.nyc.gov](mailto:ig@nycha.nyc.gov)

OR

New York City Housing Authority  
Law Department  
90 Church Street, 11<sup>th</sup> Floor  
New York, NY 10007  
Tel: (212) 306-4000  
[coi@nycha.nyc.gov](mailto:coi@nycha.nyc.gov)



## Human Resources Manual

### 20. Contractors

#### Overview

NYCHA may use independent contractors, consultants or other vendors to perform certain services. These individuals or entities are **not** NYCHA employees. However, NYCHA employees in the course of business may review their work and conduct or may otherwise interact with them. This section contains references to assist in regard to such interaction.

#### Further Information

For more information regarding contractors, consultants or other vendors at NYCHA, and the rules of conduct that govern them, please see the following:

- [General Rules of Behavior for On-Site Consultants](#)
- [Privacy Policy – Standard Procedure # 002:12:1](#)
- [Internet Policy – Standard Procedure # 003:01:5](#)
- [Virtual Private Network Policy – Standard Procedure # 003:04:2](#)
- [Access Authorization on Consultants Service Entity Contracts – Standard Procedure # 001:12:1](#)
- [Emergency Procedure Manual](#)

This list is not exhaustive. Other rules that apply to contractors, consultants and other vendors are as outlined in their contracts with NYCHA.



## Human Resources Manual

# 21. Discipline

### Overview

Discipline may be used to correct behavior or to remove an employee from the workforce for misconduct or incompetency in their work. Many, but not all NYCHA employees are entitled to statutory or contractual disciplinary proceedings before their employment may be terminated. Other NYCHA employees are employed at-will and may be terminated from employment if termination is approved by the Director of Human Resources or designee. The general information in this chapter regarding the disciplinary process and non-disciplinary tools, such as counseling and instructional memos, do not replace, modify or expand the statutory or contractual disciplinary rights and obligations applicable to a particular employee.

### Further Information

#### **Disciplinary Due Process Proceedings**

The term “disciplinary due process” usually refers to the requirements set forth in the Civil Service Law for covered employees. Under certain circumstances, collective bargaining agreements (CBAs) may also provide disciplinary due process. Employees with disciplinary due process rights may dispute charges of misconduct or incompetence through a disciplinary proceeding.

NYCHA has two types of disciplinary due process proceedings: Local Hearings and General Trials. Both are administrative proceedings conducted by or through NYCHA. Supervisors should confer with the Assistant Director of Employee Relations to verify whether an employee has disciplinary due process rights. Where appropriate, supervisors should proceed with disciplinary action even if the employee has a pending related criminal case.

#### **Progressive Discipline**

Progressive discipline is a process in which increasing penalties are applied for each successive instance of incompetence or misconduct. Generally, NYCHA will afford an employee an opportunity to improve their performance through progressive discipline. However, there is no legal obligation to do so and NYCHA may in its sole discretion decline to apply progressive discipline under certain circumstances, or based on the gravity of the misconduct.

#### **Instructional Memos and Counseling Memos**

Instructional and counseling memos are not disciplinary actions. They do not have the same intention, force or effect of a formal reprimand in that they are not punitive in nature. Rather, these tools may be used to address the conduct or performance of an employee, whether or not the employee is entitled to notice of charges and a disciplinary hearing.





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Instructional memos serve to inform employees of expectations and explain to them applicable work methods, rules or regulations. Typically, they identify an employee's error or misconduct related to job performance or conduct. A copy of the instructional memo is given to the employee and the supervisor keeps a copy. A copy is not placed in the official employee folder.

Counseling memos are often a last step or concurrent step before initiating disciplinary action. A counseling memo is a written record of specific unacceptable or insufficient conduct or job performance, and notifies the employee that the recorded instance and future instances of similar conduct or performance may be the subject of disciplinary action. Counseling memos are usually presented to an employee during a face-to-face counseling session. The employee should receive one copy of the counseling memo, and should be instructed to sign the supervisor's copy as evidence that the counseling session was held, and that they received a copy of the memo.

The employee's signature does not mean they agree with the content of the counseling memo. If an employee refuses to sign the counseling memo, a supervisor must make the notation "Refused to Sign" and note the date the employee received their copy. The employee may rebut the contents of the counseling memorandum in writing, which may be adjoined to the counseling memorandum placed into the employee's folder in HR.

The original counseling memo is to be forwarded to the Records Control Division of the Human Resources Department for inclusion in the employee's folder. Whenever the decision is made to initiate a disciplinary proceeding, the supervisor should take steps to assure that a copy of each counseling memo is in the employee's folder in HR.

### Local Hearings

Local Hearings are informal and expedited due process proceedings that are conducted in accordance with CBA or this HR Manual. A Local Hearing is usually the first disciplinary proceeding commenced when instructional and counseling memoranda are not effective. This option may be appropriate for conduct that is too serious for a counseling memo but not serious enough for a General Trial. Some examples for which a Local Hearing may be appropriate are:

- Time and attendance violations, of a recurring nature or pattern;
- Failure to perform assigned duties, in cases where such failure does not have a serious impact on operations;
- Insubordination that does not include threats of violence.

A supervisor in the title of Division Chief (or above) or Property Manager (or above) or an equivalent title initiates a Local Hearing by preparing and serving an employee with a Notice of Local Hearing ([NYCHA Form #015.191](#) or [#015.191A](#)). To schedule a Local Hearing, please



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consult with the respective Property Management Borough Advocate or the HR Employee Relations Local Hearing Coordinator at (212) 306-3892.

Employees may be represented at Local Hearings by legal counsel, or their certified or recognized employee organization, or they may represent themselves. Under certain collectively bargained local hearing procedures, an employee may not be represented by an attorney at a Local Hearing.

Consistent with due process requirements, the employee and NYCHA may present witnesses and documents into the record, provided they are offered in a manner consistent with Local Hearing rules which are designed to expedite the hearing process. The presiding officer hears the evidence and issues a decision in accordance with the rules applicable for the title in which the employee is serving.

Guidelines for a Local Hearing are as follows:

- Provide notice of a Local Hearing;
- NYCHA must prove the charges through presentation of witnesses and other evidence;
- The employee may cross-examine witnesses and present witnesses on their own behalf;
- The employee may choose to not testify; however, a presumption may be drawn against the employee if they don't testify;
- NYCHA may cross-examine the employee's witnesses.

Penalties range from a formal reprimand to a suspension without pay for up to 10 working days or a fine not exceeding \$100, except where permitted otherwise by a collective bargaining agreement.

The hearing results are recorded on the *Record of Local Hearing* ([NYCHA Form #015.051](#) or [Form # 015.051B](#), as applicable) and a copy is provided to the employee and others as delineated on the form. The employee's location is responsible for implementation of any penalty.

Certain collectively bargained Local Hearing procedures include a settlement option. The *Settlement Agreement* (NYCHA Form # 015.214) stipulates that the employee accepts all charges that NYCHA did not withdraw and the penalty to be imposed. Records of Local Hearings and Local Hearing Settlement Agreements are placed in the employee's folder in HR.

### General Trials

General Trials are conducted pursuant to §75 of the Civil Service Law or a CBA. General Trials are more formal than Local Hearings. They are held before a Trial Officer. Employees are



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notified by letter of the charges being brought against them. These letters also include the time and place of the General Trial. Employees can be represented by attorneys or representative of their choosing at a General Trial and, after a trial that may include witnesses, documentary evidence and other appropriate evidence, the Trial Officer issues a report and recommendation setting forth whether or not an employee is guilty of the charges. If an employee is found guilty of any of the charge(s), the Trial Officer recommends a penalty based upon the employee's length of service, the severity of the charge(s) and the employee's prior disciplinary history.

Civil Service Law §75 sets forth permissible penalties, which include a reprimand, fines, suspension without pay, demotion, or dismissal from service. The findings of Trial Officers and the penalties recommended must be reviewed by NYCHA's Disciplinary Panel, composed of the Chair (or designee), the Chief Operating Officer, and the Chief Administrative Officer. It is the prerogative of NYCHA's Disciplinary Panel to adopt or modify in whole or in part the trial officer's findings and recommended penalty. Once the Disciplinary Panel issues its decision, HR notifies the employee of the results.

General Trials may be recommended under circumstances including:

- The employee has already been found guilty of misconduct at Local Hearing(s);
- Conduct seriously disrupting the workplace or impacting operations;
- Theft or dishonesty;
- Violence and/or threats of violence in the workplace;
- Incompetency despite substantial efforts to instruct and train the employee;
- Any conduct or behavior which, if proven, may be subject to a substantial penalty, up to an including termination of employment.

A Request for General Trial is submitted by using *NYCHA Form # 015.226*. Requests for General Trials must be submitted by the Department Director to the Director of Human Resources for approval. If approved, requests are then submitted by Human Resources to the Law Department.

### **Conference Disposition (Settlement)**

Upon agreement of the parties, a settlement conference may be held in resolution of General Trial charges. Settlement conferences are meetings at which the employee, their representative and representatives of the Law Department called a Conference Disposition, usually indicating that the employee has pled guilty to the charge(s) and has agreed to a particular penalty, such as a suspension period and a probationary period. The Conference Disposition may include other conditions or terms of continued employment as may be appropriate, such as enrollment in and successful completion of an Employee Assistance Program (EAP) action plan. Conference



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Dispositions agreed to at settlement conferences must be approved by NYCHA's Disciplinary Panel.

A settlement conference may also be held subsequent to a General Trial should the Disciplinary Panel reject some or all of the Trial Officers recommendation(s).

The actions approved by the Disciplinary Panel are implemented by the Human Resources Department and documentation of the General Trial or Conference Disposition Results are provided to the employee, their counsel, and placed in the employee's folder in Human Resources.

### **Pre-Trial Suspensions**

Employees entitled to disciplinary proceedings who commit serious acts of misconduct or incompetence may be suspended without pay pending a hearing and determination of charges ("pre-trial suspension") for up to 30 calendar days. The Director of Human Resources, the Chief Operating Officer or the Chair (or their designees) are the only individuals who may authorize pre-trial suspension.

A pre-trial suspension is most typically implemented when an employee engages in a violent act or threat of violence; sale and/or possession of drugs or a controlled substance; theft or other act that has caused injury or harm or is likely to cause injury or harm. An employee may be restored to their duties prior to the maximum period of suspension.

Requests for a pre-trial suspension usually originate with Property Managers (or above) or Division Managers (or above) who present the request to a Department Director or designee. Once approved by the Department Director or equivalent position, the request is submitted to Human Resources for approval. If the Director of Human Resources or designee approves the suspension, Human Resources prepares a letter to be hand-delivered to the employee by the employee's supervisor. When employees are placed on pre-trial suspensions, the employee's department must submit the written request for a General Trial to the Human Resources Employee Relations Division within two (2) business days of the first day of the suspension period, unless otherwise approved by Human Resources.

Restoration decisions will be made by Human Resources in consultation with the Law Department and the employee's Department Director. Human Resources notifies the employee when they are to return to work.

In certain cases it may be determined that an employee will not be allowed to return to work following the 30 day unpaid pre-trial suspension. In such cases, Human Resources will notify the employee that they are being placed on a disciplinary suspension with pay.



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The foregoing does not supersede the right and obligation of a Property Manager or other location manager to deal with immediate safety issues, contact police, security or medical staff as needed, and thereby remove employees who present an immediate danger.

Employees who are placed on pre-trial suspensions and then acquitted of all charges after a General Trial are reimbursed for the pay lost during the pre-trial suspension, except that the amount received as unemployment insurance will be deducted from the amount to be reimbursed. Human Resources and the Payroll Division will address these issues directly with the employee.

### **Termination of Other Employees**

Supervisors should consult the Assistant Director of Human Resources for Employee Relations for guidance.



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### 22. Electronic Devices (Personal)

#### Overview

The excessive or improper use of personal electronic devices (PEDs) can cause disruption, safety issues and loss of productivity. PEDs include desktop or mobile devices such as hand-held, pocket, clip-on, and headset/headphone devices, and include, but are not necessarily limited to, cellular phones; cameras; multifunction devices such as smart phones (inclusive of phone/video service, WiFi/internet access, and digital media); radios; MP3 players and other audio recording, storing and production devices; e-book readers; tablet computers and similar devices.

#### Further Information

Employees need to be considerate of others and aware of their surroundings. They need to be able to both see and hear what is occurring in their work environment to prevent accidents and possible injury to themselves, coworkers and/or the public. This is especially important for employees who operate machinery or use hand tools.

Below are the guidelines to keep you safe and productive at work:

- When use of a PED is necessary, it is recommended that it be limited to non-work time such as meal periods, where fully relieved from duty, and break periods (when and where permitted).
- In order to limit disruption in the workplace and to ensure that other NYCHA employees, residents and clients are not disturbed, employees should have the ring tone, alarms, or other sound effects of their PED set to the “vibrate” mode. Employees utilizing PEDs should ensure that the volume, functions and other activity of such devices do not disrupt or otherwise interfere with the business operations of the work unit.

Misuse of personal electronic devices may subject an employee to discipline. For example, an employee who is habitually using a PED and as a consequence is not performing their assigned work satisfactorily, and/or such usage is disruptive to the work unit’s operations, may be subject to discipline.

#### Prohibition on Recording of Work Conversations

As NYCHA has a duty to safeguard personal information pertaining to its residents and employees, NYCHA activities, work conversations or meetings not held in public may not be recorded, whether audio or video, unless expressly authorized to do so in advance by their supervisor and approved by the Chief Communications Officer or their designee. For further



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reference, please see the General Regulations of Behavior concerning disclosure of confidential information and the removal from any NYCHA premises of documentation of NYCHA.

This provision shall not infringe upon any legal rights that an employee may have in regard to protected activity and the gathering by an employee through lawful means of evidence in support of a claim for equal employment opportunity.



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# 23. Employee Assistance

### Overview

The Employee Assistance Program of the New York City Office of Labor Relations (also called the NYC EAP) is a confidential program available to all NYCHA employees and immediate family members who may be experiencing personal problems for which they may need professional support.

### Further Information

#### Scope of Services

The NYC EAP provides qualified and concerned counsellors to help employees sort through difficulties and assist in deciding what steps to take to help resolve problems (*e.g.*, assistance with alcohol and drug abuse, stress, anxiety and depression, personal, family or job difficulties, financial problems and social service needs, including childcare and eldercare). When a traumatic workplace event occurs, often the EAP responds, upon request, by visiting the site and speaking to employees involved to help them manage the emotional effects of trauma and loss.

#### Location and Office Hours

The NYC EAP is located at 250 Broadway, 28<sup>th</sup> Floor, New York, N.Y. 10007. Office hours are weekdays between 9:00 a.m. and 5:00 p.m. Employees should call first to arrange an appointment.

#### Referrals

Sometimes employees are referred to the EAP by supervisors, union representatives or disciplinary officers because their problems are interfering with work performance. As in all cases, participation is voluntary and the employee's rights to privacy and confidentiality are respected.

#### Contact

To speak to a NYC EAP counsellor by phone or to make an appointment to speak to someone in person, please call (212) 306-7660 during office hours (*i.e.*, Monday through Friday between 9:00 a.m. and 5:00 p.m.). Employees who call after hours can leave a message and a counsellor will generally return their calls on the next business day.

#### Confidentiality

All NYC EAP services are protected by confidentiality laws and regulations. Only in extreme situations may the NYC EAP release information regarding anything an individual discusses with a counsellor.





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### **Excused Leave**

An employee may attend the first session on NYCHA time. The employee must notify their supervisor that they would like to talk to an EAP counsellor. The employee does not need to tell the supervisor why they would like to visit the NYC EAP. The employee will be given documentation of the attendance to present to the supervisor to support the request for time to visit the NYC EAP.

If an employee does not want the supervisor to know about the visit to the NYC EAP, the employee may call the NYC EAP without notifying their supervisor and must request permission to use their own leave time.

### **Additional Information**

For additional information about the NYC EAP, please refer to the [Employee Assistance Program FAQs](#) at [www.nyc.gov/html/olr](http://www.nyc.gov/html/olr).



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# 24. Employee Representatives

### Overview

This section addresses the terms and conditions of employee release from their assigned work schedule for the conduct of joint labor-management activities. Such release is governed by the terms and conditions thereof that may be specified in the applicable collective bargaining agreement between NYCHA and the collective bargaining representative.

### Further Information

#### Regularly Designated Representatives

Absence with pay is granted for labor-management activities of employee representatives who are duly designated by certified collective bargaining representatives operating under the terms and conditions specified herein and acting on matters related to the employees in their respective collective bargaining units, to:

- Investigate grievances, assist in their early resolution, and to process them at all levels of the grievance procedure.
- Participate in meetings of NYCHA labor-management committees.
- Negotiate and confer with the City Commissioner of Labor Relations and/or his representatives.
- Confer with and/or appear before officials of NYCHA and of the City of New York and agencies of the City of New York, including the City Council, the Civil Service Commission and the Office of Collective Bargaining.
- Serve as employee members of a City Pension Board.
- Serve as members of the Municipal Labor Committee.
- Participate in fact-finding and other collective bargaining impasse proceedings.
- Confer with and/or appear before any Federal wage regulatory agencies.
- Serve as members of authorized Safety Committees.
- Attend award, honor, graduation, and promotional ceremonies, as employee representatives.



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- Attend funerals and memorial services of represented employees who are killed in the line of duty, as employee representatives.
- Attend any other activity for which time without loss of pay or other employee benefits is specifically provided for in the labor contract covering the employees' certified unit.

### **Ad Hoc Representatives**

Those unions which have been granted exclusive bargaining rights may, with the approval of the Department Director, designate other employee representatives, on an ad hoc basis, to handle grievances and engage in the activities referred to below. Department Directors will be notified when one of their employees has been so designated. They are authorized to permit these designated employee representatives to be released with pay for the purpose of:

- handling grievances at work locations (shop steward function);
- participating in meetings of departmental joint labor-management activities; or
- participating in negotiations between NYCHA and the employee's certified union.

NYCHA shall establish reasonable limits on the number of employee representatives who may be permitted and the amount of time required to participate on an ad hoc basis.

The ad hoc employee representative must give at least 24 hours' notice, in writing to their supervisor including the following information:

- the date and hour when they are to be released;
- the approximate duration involved; the time when they expect to return to regular duty;
- a brief summary of the subject involved and the employees or officials with whom the matter is to be discussed.

The supervisor may excuse the employee representative on less than 24 hours' notice when there is sufficient reason to do so.

The employee representative may not spend on such activity more than 24 hours during any calendar month and not more than 8 absences of all or any part of a day from the work location during any calendar month. The supervisor shall submit a monthly report, *Time by Employees on Union Grievances, Form 015.092*, to the Human Resources Department by the fifth of each month for the preceding month. This report must include the following:

- the name of the employee handling grievances;
- the number of cases handled by the employee; and



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- a breakdown of each case handled.

The breakdown must include:

- the date and the amount of time spent on the case (*e.g.*, “1/29/15 from 10:00 a.m. to 11:00 a.m.”);
- the reason involved;
- the name(s) of the employee(s) of official(s) with whom the matter was discussed.

In a case where the employee does not handle any grievances during the month, the report should state “None” under “The Number of Cases Handled” and should be submitted in the usual manner.

### **Time Off Without Pay**

Subject to the approval of the Property Manager/Division Manager, employee representatives may be permitted during normal working hours, to have time off for the following types of activities, which time shall either be without pay or chargeable to their Annual Leave allowances:

- Organization of and attendance at union meetings, conferences or conventions;
- Organizing and recruitment of union membership;
- Solicitation of members and keeping of membership records;
- Collection and/or recording of union dues;
- Preparation and/or distribution of union pamphlets, newspapers, circulars and/or other union literature;
- Administration of welfare, security and/or annuity funds;
- Appearance before, or conferences with, members of or various committees of the New York State Legislature or of the Congress of the United States;
- Holding of press conferences and the preparation and distribution of press releases;
- Appearances in court;
- Pension counseling;
- Administrative or office work;



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- Upon approval in writing by the City Commissioner of Labor Relations, any other activity not inconsistent with the provisions herein.

The employee must provide at least 24 hours of advanced written notice and receive written authorization from their Property Manager/Division Manager.

### Regulatory Provisions

The provisions herein shall be applied in the following manner and under the following conditions:

- Full and part-time assignments and leaves of absence without pay:
  - The City Commissioner of Labor Relations shall determine the number of employees, if any, who are to be on:
    - ❖ Full-time and/or part-time assignment, on a regular basis, with pay and benefits, permitted for the affected unit for conducting the joint labor-management activities (“Regularly Designated Representatives”).
    - ❖ Full-time leave of absence without pay for the affect unit (“Time Off Without Pay”).

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

- ❖ Number of employees in the unit.
- ❖ Number of titles in the unit.
- ❖ Grievance activity of the unit.
- ❖ Dispersion of the unit in affected work locations.
- ❖ Nature and level of the unit’s function.
- ❖ Presence of safety problems in the unit.

### General Provisions

- Employees released in accordance with the provisions herein shall maintain time records and regular activity reports as prescribed by NYCHA.
- All time spent on the conduct of labor relations pursuant to these provisions, including ad hoc, full and part-time assignments, and leaves of absence without pay, must be approved in advance by NYCHA.



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- Organizing, planning, directing, or participating in any way in strikes, work stoppages, or job actions of any kind are not permissible activities. Any employees who participate in such excluded activities may have their status suspended or terminated.
- Employee representatives who are assigned to labor-management joint activities as specified herein (Regularly Designated Representatives) and are paid out of union or other private funds for the time so spent will not also be paid by NYCHA for such time. An employee who is granted a full or part-time assignment with pay and benefits in accordance with the provisions herein is required to submit an affidavit to NYCHA certifying that they are not receiving any other compensation for the same time for which they are paid by NYCHA.
- Employees assigned or granted time or leave-without-pay pursuant to the provisions herein to represent a certified collective bargaining representative (union) must be an incumbent in a position represented by such certified collective bargaining representative.
- Only employees who are elected or appointed to an official position in the union represented may be assigned on a full or part-time basis or granted leave without pay pursuant to the provisions herein. Such assignment or leave will be cancelled immediately upon termination of the employee's official union status.
- Employees assigned on a full or part-time basis or granted time pursuant to the provisions herein are not authorized to be credited with and will not receive overtime, shift differential, compensatory time, meal allowances or holiday premium pay while so assigned.
- Employee representatives who are granted a leave of absence without pay pursuant to the provisions herein will continue to have preserved any of their seniority rights, any right to take promotional examinations, pensions rights for the time on such leave-of-absence without pay, and will be entitled to salary increments that otherwise would accrue to the position they occupy.
- Employees assigned on a full or part-time basis or granted leave without pay pursuant to the provisions herein shall at all times conduct themselves in a responsible manner.

Nothing contained herein shall have the effect of changing the character of the subject matter hereof, which is a managerial prerogative and a non-mandatory subject of collective bargaining.

Notwithstanding, the above regulations may be altered or set aside by agreement between NYCHA and employee's respective union.



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### 25. Equal Employment Opportunity

#### Overview

NYCHA prohibits illegal discrimination in employment opportunities, as detailed in the [NYCHA Equal Opportunity Policy Statement and related policies](#). NYCHA provides equal employment opportunities for all qualified applicants and employees without regard to:

- Race
- Religion
- National Origin
- Age
- Disability
- Predisposing Genetic Characteristic
- Gender (including Sexual Harassment, Pregnancy, and Gender Identity)
- Prior Arrest or Conviction
- Caregiver Status
- Sexual and Reproductive Health Decisions\*
- Color
- Alienage or Citizenship Status
- Marital/Familial Status
- Partnership Status
- Military Status
- Sexual Orientation
- Status as a Victim of Domestic Violence, Sexual Assault, Dating Violence, Stalking or Sex Offenses
- Unemployment
- Consumer Debt History

\*Sexual and reproductive health decisions are defined as “any decision by an individual to receive services which are arranged for or offered or provided to individuals relating to sexual and reproductive health, including the reproductive system and its functions.” Examples of such services are listed below:

- Fertility-related medical procedures;
- Sexually transmitted disease prevention, testing, and treatment; and
- Family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing, and abortion.



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In addition to those persons who fall within the above-listed protected groups, employees who are “perceived” to be within one of the above-listed protected groups, or employees who have a known relationship or association with someone who is, or is perceived to be, within one of the protected groups are also protected. Discrimination is prohibited both in the actual workplace and in any location that can be reasonably regarded as an extension of the workplace, such as an off-site NYCHA sanctioned social function.

### Further Information

#### Applicability

These requirements apply to all terms and conditions of employment including, but not limited to:

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

In addition, these requirements prohibit discriminatory harassment based on any of the above-listed protected groups.

All employees, as well as others who work at NYCHA-owned or operated locations, are required to comply with these requirements. This includes consultants and independent contractors and interns. All persons who work at NYCHA-owned or operated locations should work to maintain an atmosphere of respect and non-discrimination and to promote understanding among co-workers.

Managers and supervisors are directed to make all employment decisions in accordance with these requirements and to ensure compliance in their areas of responsibility. Any manager or supervisor who receives a complaint of discrimination or becomes aware of discriminatory behavior in violation of these requirements **must** immediately report that information to NYCHA’s Department of Equal Opportunity (“DEO”). Supervisors are not to engage in any independent investigation of the complaint of discrimination. Failure to comply with these requirements may result in disciplinary action against the manager or supervisor.





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### **NYCHA Single-Sex Facility Access**

Employees and members of the public using NYCHA services have the right of access to single-sex facilities owned or operated by NYCHA consistent with their gender identity or expression without being required to show identification, medical documentation, and/or any other form of proof or verification of gender. This covers any NYCHA facility which has separate designated spaces on the basis of sex or gender, including bathrooms, locker rooms, waiting areas, lounges, or living spaces.

Retaliation and discriminatory harassment are prohibited. Violations of the policy may result in disciplinary action or liability under law. NYCHA employees, as well as others who work at NYCHA-owned or operated locations, including consultants and contractors, are to familiarize themselves with these requirements so they will understand what type of conduct is prohibited.

### **Reasonable Accommodations**

Reasonable accommodations are afforded to eligible employees and applicants to accommodate disabilities; pregnancy; sincerely held religious beliefs, and; status as a victim of domestic violence, sex offenses, or stalking. Employees seeking a reasonable accommodation should follow Standard Procedure 007:01:1 and complete a reasonable accommodation request form. Employees seeking a reasonable accommodation may also consult with the NYCHA Employee Reasonable Accommodations Coordinator or with HR for more information at (212) 306-8000.

### **Complaint and/or Assistance**

If you believe that you, a co-worker, or a job applicant is a victim of employment discrimination, you should immediately report the complaint to a supervisor, or you may report the complaint directly to DEO, Office of Employment & Fair Housing Investigations (OEFHI), located at 250 Broadway, 3<sup>rd</sup> Floor, New York, NY, Monday through Friday from 8:30 AM to 5:00 PM:

DEO OEFHI	(212) 306-4468
DEO Facsimile	(212) 306-4439
TTY (Hearing Impaired)	(212) 306-4845

An employee, intern or job applicant may file an internal complaint of discrimination with DEO anytime within one year of the date the incident occurred. A NYCHA employee or job applicant may electronically file a *NYCHA Complaint of Alleged Discrimination (NYCHA Form 036.025)*.

### **Retaliation**

These requirements prohibit retaliation against an employee who:

- Uses the DEO internal complaint procedures; or
- Files a complaint with any governmental human rights agency; or



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- Commences litigation under applicable anti-discrimination laws; or
- Provides information related to, or assists in, the investigation of complaints of discrimination and/or harassment, or for voicing opposition to unlawful discrimination.

Employees found to be in violation of these requirements and/or laws prohibiting employment discrimination and/or retaliation may be subject to disciplinary action and/or liability under law.



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# 26. Excusals

### Overview

Employees may not absent themselves from work without the approval of their supervisor or designee except for reasons beyond their control. In certain instances, an absence from work may be excused.

### Further Information

#### Definitions

The following definitions shall apply:

- Excused Absence

“Excused Absence” is defined as an absence with supervisory approval from an employee’s regular work assignment for a whole or partial scheduled work day for which the employee is paid and the absence is not charged against Annual Leave.

- Family

“Family” is defined as spouse; natural, foster or step-parent; child; brother or sister; father-in-law or mother-in-law; domestic partner; parent or child of a domestic partner; domestic partner’s relative residing in the household; and/or any other relative residing in the employee’s household. For employees serving in DC37 represented titles, the definition of “Family” also includes grandchild.

- Domestic Partnership

A “Domestic Partner” is defined pursuant to Mayoral Executive Orders Nos. 48 and 49, dated January 7, 1993, as: two people, both of whom are: (i) 18 years of age or older; (ii) are not married or related by blood in a manner that would bar their marriage in New York State; (iii) have a close and committed personal relationship; (iv) live together and have been living together on a continuous basis; (v) have registered with the City Clerk as Domestic Partners; and (vi) have not terminated the Domestic Partnership in accordance with procedures established by the City Clerk.

#### Absence Reasons

Unless an employee’s respective collective bargaining agreement states otherwise, absences for the reasons listed below will, generally, not be charged against Annual Leave. Please refer to the specific type of leave for applicable restrictions:

- Death in the Family;



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- Civil service examination;
- State exam for professional license;
- Jury Duty (including pre-qualification);
- Military Duty (for additional information see chapter in this manual regarding *Military Duty*);
- Conventions and meetings;
- Official delegates to a convention of a veterans' organization;
- Time spent in court testifying on behalf of another governmental agency;
- Time spent by certain employee representatives on joint labor-management activities (for detailed information on this subject, please see the separate chapter headed "Employee Representatives");
- Voting;
- First day of on-the-job injury;
- Cancer Screening and;
- Blood Donation.

### **Bereavement Leave**

If a death in the family occurs, an employee may request Bereavement Leave. Eligibility for Bereavement Leave may vary based on employees' respective collective bargaining agreement. For additional information employees should refer to their respective collective bargaining agreement.

The following groups are ineligible:

- Seasonal City Aides;
- Part-time workers; and
- Employees on Annual Leave or another approved leave of absence.

### ***Supporting Documentation***

The employee must present a copy of the death certificate or other suitable documentation to their supervisor.



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### ***Length***

Eligible employees are entitled to four days of excused leave. These workdays must be taken consecutively, and within a reasonable period of time following the death.

### ***Supervisor's Approval***

Employees must notify their supervisor as soon as possible of the need for Bereavement Leave. The time period selected must have the supervisor's approval.

### ***Confidentiality***

NYCHA will hold all information with regard to Bereavement Leave in strict confidence and will not, under any circumstances, use this information for any other purpose other than granting Bereavement Leave.

### **Jury Duty**

Jury duty is defined as the duty requested by any legally constituted court of a government unit, whether municipal, county, district, state, or federal in nature. (Jury duty includes jury duty prequalification for absences to a maximum of one-half day.) Employees are required to report to work on any regular scheduled work day when the court does not convene or when jury duty ends. For additional information regarding Jury Duty, employees should refer to their respective collective bargaining agreements.

- Jury Duty Stipend

Employees called for jury duty in New York City and State Courts who are eligible for excusal with full pay shall receive no NYCHA jury duty stipend. NYCHA shall pay a daily stipend of \$40.00 for the first three days of an employee's jury duty service only to employees who:

- are not eligible for excusal with full pay, or
- Opt to be pay docked for time taken for jury duty (employees opting to charge jury duty to their Annual Leave are not eligible for the stipend.)

These employees shall complete the *Request for Payment of State Jury Duty Stipend Form* and shall submit it for their Supervisor's approval. Thereafter, Supervisors shall complete the *State Jury Duty – Stipend Form* and forward it to the Payroll Division which shall deduct any taxes to which the stipend is subject.

There is no jury duty stipend from NYCHA for jury duty in Federal Courts or courts outside of New York State.



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### **Civil Service Examinations**

A permanent employee may take a promotional exam or an open competitive exam for a title utilized by NYCHA. Similarly, a provisional employee may take any open competitive exam for a title utilized by NYCHA. In both cases the employee must provide prior notice and subsequently submit evidence to their supervisor of taking the appropriate exam. NYCHA grants an Excused Absence for the length of time necessary to complete the exam (*e.g.*, no more than ½ day for a ½ day exam) as well as the appropriate travel time from the work location to the test site or vice versa, if necessary.

NYCHA does not grant Excused Absences for Civil Service investigations. Employees must use Annual Leave for this purpose, as necessary.

### **New York State Examination for Professional License**

An employee may be excused for time used to take a New York State examination for professional licensure, if appropriate to an employee's title or for advancement. The employee must present documentation for time taken so that the time can be excused.

### **Conventions and Meetings**

NYCHA shall grant an excused absence to employees who attend conventions or meetings as an approved representative for NYCHA.

### **Official Delegates to a Convention of a Veterans' Organization**

An employee (other than a part-time employee) who is designated as an official delegate of a veterans' state or national organization may be excused for a maximum of 5 days per calendar year (including travel time) that they would be required to work in order to attend the convention(s). A *Leave of Absence/Time Off Request* must be submitted to supervisor at least 4 days before the first day of the absence. A certificate signed by an authorized official of the organization stating that the employee attended the convention for which the leave was granted must be submitted to the Human Resources Department with the *Leave of Absence Request* when the employee returns to work.

### **Time Spent in Court Testifying on Behalf of Another Governmental Agency**

An employee must present evidence such as a copy of the summons or subpoena. Witness fees or any other compensation received by the employee for their testimony shall be handled in the same manner as jury duty checks. For additional information, see the *Jury Duty Policy*.

### **Employee Representatives**

For more information on this subject, please see the separate chapter headed "Employee Representatives."

### **Voting**

A registered voter may, without loss of pay for up to three hours, take off so much working time as will enable them to vote at any election.



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The employee shall be allowed time off for voting only at the beginning or end of their working shift, as their supervisor may designate, unless otherwise mutually agreed.

If the employee requires working time off to vote, the employee shall notify their supervisor not less than two working days before the day of election that they require time off to vote in accordance with the provisions of this section.

This section will be amended as needed to comply with applicable federal, state, and local election law(s).

### **First Day of On-the-Job Injury**

Special Rules for First Day of On-the-Job Injury:

- Absence will be excused for the non-worked hours on the day the accident occurred only if it is necessary for the employee to leave the job due to the injury.
- Absence will also be excused for employees who are requested by NYCHA or its insurance carrier to appear before a physician.

For additional information about Workers' Compensation claims, see the section on *Workers' Compensation*.

### **Partial Work Day**

When staff is excused for part of the work day for reasons such as excessive heat, public celebrations, holiday eve, etc., a skeleton staff shall remain until the usual closing time. Employees engaged in work of an urgent nature, interruption of which would impede proper operation, shall be required to remain until the regular closing time. Unless otherwise stipulated, the excused time does not apply to skilled trade employees and employees working an "irregular schedule" unless the shift ends between the excused hour and 5 p.m.



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### 27. Family and Medical Leave Act (FMLA)

#### Overview

The Family and Medical Leave Act (FMLA) entitles eligible NYCHA employees to the following:

A total of 12 weeks of leave in a 12-month period for the birth of a child and/or care of an infant; the placement of a child with the employee for adoption or foster care; the care of a seriously ill spouse, child or parent or the employee's own serious health condition which makes the employee unable to perform their job functions.

A total of 12 weeks of leave entitlement to address certain qualifying exigencies impacting the employee's son, daughter or parent who is on a covered active duty or called to covered active duty status.

Up to 26 weeks of leave during a single 12-month period to care for spouse, son daughter or parent who is a covered service member.

During FMLA leave, NYCHA will maintain the employee's basic health insurance coverage. Optional health insurance premiums remain the employee's responsibility. However, if the employee does not return following expiration of FMLA leave, NYCHA may recover its share of health insurance premiums for the period of time the employee was on the unpaid portion of that leave.

#### Definitions

##### **Serious Health Condition**

This term is defined as an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical facility or continuing treatment by a health care provider where more than three consecutive calendar days are expected to be required for treatment or recovery.

##### **Chronic Serious Health Condition**

This term is defined as a chronic health condition that requires periodic visits for treatments by a healthcare provider, continues over an extended period of time, or may cause episodic rather than a continuing period of incapacity.

##### **Continuing Treatment by a Health Care Provider**

This term is defined as:

- A period of incapacity of more than three calendar days combined with at least two visits to a healthcare provider and any subsequent treatment or period of incapacity;





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- Any period of incapacity due to pregnancy;
- Any period of incapacity for a chronic serious health condition;
- A period of incapacity that is permanent or long-term.

### **Intermittent Leave**

Under certain circumstances, an employee may request to take the 12 weeks of FMLA leave intermittently in small blocks of time. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt NYCHA's operations.

Intermittent leave may be taken following the birth of a child or the placement of a child for adoption or foster care only if the employee's Department Director and the Director of Human Resources agree.

### **Reduced Schedule**

A reduced schedule allows employees to reduce the number of hours worked on a daily or weekly basis or to change their schedule from full-time to part-time.

### **Qualifying Exigencies**

Qualifying exigencies may include attending certain military events, arranging alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

### **Covered Service Member**

A covered service member is a:

- Current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness; or
- Veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

### **Further Information**

In order to qualify for FMLA leave, an employee must have worked for NYCHA at least 12 months and must have worked at least 1250 hours during the 12 months prior to the requested leave. Employees are eligible regardless of civil service status.



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A husband and wife who are both employed by NYCHA are entitled to a combined total of 12 weeks leave during any 12 month period when the leave is taken for the birth of an infant and/or the care of the child; or the placement of a child with the employee for adoption or foster care, or to care for the child after placement.

An employee is entitled to a maximum of 12 weeks in a rolling 12-month period which is measured backwards from the date an employee begins any FMLA leave.

Employees must use their Annual Leave and/or compensatory time balances concurrently with any FMLA leave. If all leave balances are exhausted before the end of the FMLA 12-week period, the remaining period of the FMLA leave will be unpaid.

Any time spent on the unpaid portion of FMLA leave will not be counted as service in determining certain benefits such as pension allowance, retirement bonuses or Annual Leave anniversary dates.

Eligibility for a FMLA child care leave terminates 12 months after the birth or placement of the child. If the FMLA leave is not taken during this period, a Leave of Absence for Child Care Purposes may be requested. For detailed information on this subject, please see “*Child Care Leave.*”

### **Requesting FMLA Leave**

If the need for leave is foreseeable, the employee should request leave at least 30 days in advance by submitting a *NYCHA Leave of Absence Request Form* to their Department Director. If the need for leave is not foreseeable (e.g., a medical emergency), then the employee must provide the form as soon as practicable. In either case, along with the *Leave of Absence Request Form*, the employee must submit the following appropriate documentation to substantiate their request:

- For child care, a birth certificate or confirmation of birth, adoption papers, or foster care certification.
- For employee’s serious health condition, medical documentation indicating the date the health condition began, its probable duration, appropriate medical facts regarding the condition, and a statement that the employee is unable to perform their essential job functions. At the conclusion of this type of FMLA leave, the employee must provide documentation from the employee’s healthcare provider stating that the employee is able to return to work. Medical certification may also be required at the end of FMLA Leave stating that the employee is able to return to work.
- For a family member’s serious health condition, medical documentation specifying that the family member requires assistance for basic medical needs, safety, transportation, nutritional needs or psychological comfort and the length of time the assistance will be required.



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If the need for leave is not foreseeable, supporting documentation must be provided within 15 days or as soon as reasonably possible given the particular facts and circumstances. If the employee fails to provide documentation within a reasonable time, NYCHA may delay the continuation of FMLA Leave. If the employee fails to provide the certification, FMLA Leave will be denied.

All FMLA requests require the approval of the Human Resources Department. The Human Resources Department will review, indicate the disposition of the FLMA request and return it to the supervisor (copy to Department Director).

### **Returning to Work from FMLA Leave**

An employee returning to work from FMLA leave will be restored to their position or an equivalent position with the same salary and benefits. However, if the employee does not return following the expiration of the FMLA leave, they may not be restored to the same or equivalent position held prior to the commencement of such leave.

A “key employee” is an employee who is among the highest paid ten percent of both salaried and unsalaried employees. If you are a “key employee,” reinstatement may be denied following FMLA leave on grounds that such reinstatement will cause substantial and grievous injury to NYCHA. If it is determined, while a key employee is on FMLA leave, that reinstatement will cause substantial and grievous economic injury, NYCHA shall notify such employee by certified mail that it intends to deny reinstatement on completion of the leave and must state the basis for its determination. The “key employee” will be given a reasonable time in which to return to work. If they don’t return to work at that time, the “key employee” may still request reinstatement at the end of the FMLA leave period. If NYCHA’s determination remains the same, such employee will be notified in writing by certified mail that reinstatement is denied.



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# 28. Financial Disclosure

### Overview

Pursuant to §12-110 of the New York City Administrative Code, “Annual Disclosure Law,” and NYCHA Board Resolution, certain NYCHA employees are required to file annual Financial Disclosure reports with the Conflicts of Interest Board (COIB) and the Department of Investigation (DOI).

### Further Information

#### Annual Report & Filing Criteria

Employees who are designated as Policy Makers, or are M-4 level and above, or are identified as Contract Filers, are required to file an annual Financial Disclosure Report. A Contract Filer is an employee who, during any part of the preceding calendar year, is involved in the negotiation, authorization or approval of contracts, leases, franchises, revocable consents, or application for special permits or change orders, or performs any substantive tasks related to these activities. Each Department Director is required to identify all Contract Filers prior to each annual filing cycle.

#### Termination Report

Employees who are required to file annual Financial Disclosure reports are also required to file a Financial Disclosure Termination Report upon separation from employment with NYCHA and all City service. Financial Disclosure Termination Reports must be filed within 60 days of the last day of NYCHA service. Employees will be placed in pay and health benefit suspension status after their last day of work until the Termination Report is filed with COIB and DOI. The final paycheck and/or lump-sum payment will not be released to an employee until the Financial Disclosure Termination Report is filed. Employees are responsible for obtaining a Certification of Compliance from COIB and DOI upon submission of the Financial Disclosure Termination Report.

#### Penalties

Failure to file a Financial Disclosure Annual report or Termination Report within the time limits established by the Annual Disclosure Law may result in disciplinary action including termination of employment and fines imposed by COIB. COIB may seek to assess civil penalties for intentional violation of Section 12-110 of the Administrative Code, including but not limited to failure to file, failure to include assets or liabilities, and misstatement of assets or liabilities, in an amount not to exceed \$10,000.



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The Human Resources Department manages the Financial Disclosure functions at NYCHA. For additional information, please contact HR at 212-306-8000 or [financial.disclosure@nycha.nyc.gov](mailto:financial.disclosure@nycha.nyc.gov) with any questions relating to these filing requirements.



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### 29. Fitness For Duty

#### Overview

This section provides information on certain steps that may be taken to appropriately address the sensitive instances where employees may not be fit for duty.

#### Further Information

##### Action Initiated by Employee's Supervisor

When an employee is judged by their supervisor to be physically or mentally unable to perform the duties of their position, the supervisor shall so advise their department head and the Director of Human Resources (HR). If the employee is serving in a title covered by the provisions of §72 of the New York State Civil Service Law, then NYCHA HR may then require the employee to undergo a medical examination by a physician selected by the N.Y.C. Department of Citywide Administrative Services (DCAS). Prior to the examination, both the employee and the DCAS shall be provided by HR in writing with the basis of the judgment that the employee is unfit to perform the duties of their position. The notice shall contain the reasons for the proposed leave and the date on which it is to commence. The notice shall be served in person or by certified mail, return receipt requested.

If continued presence of the employee represents a potential danger to NYCHA residents, employees, property or operations, the employee may be placed by HR on an immediate involuntary leave of absence, provided that the employee may use any accrued time allowances standing to their credit. A medical exam shall be scheduled as soon as possible and if the employee is ultimately judged fit, they shall be restored to their position. All leave credits or salary lost will be restored, less any compensation earned in any other employment or any unemployment benefits received during that period.

The employee is allowed 10 working days from service of the notice to request a hearing. NYCHA shall thereupon supply the employee with a copy of its documentation for the case, and imposition of the leave shall be held in abeyance until a determination is made subsequent to a hearing. Within 10 working days of the conclusion of the hearing, HR will render its decision.

##### Other Medical Examinations

- Whenever the Director of Human Resources finds that reasonable grounds exist for the belief that an employee may be suffering from a medical disability (including physical, mental or emotional conditions) to such an extent that it renders the employee incompetent to perform the duties required of their position, the Director of Human Resources is authorized to direct such employee in writing to submit to a medical examination to be conducted by a medical expert or group of experts selected by the



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Director of Human Resources, without cost to the employee. The order containing such directive shall state the time and place of the examination. The failure or refusal of an employee to submit to an examination as directed in such order shall be deemed an act of insubordination and shall subject the employee to a charge of misconduct. The Director of Human Resources may, in such instance, take action to discipline the employee for such misconduct.

- The Director of Human Resources shall have the authority to direct the employee to report for an examination by a physician selected by NYCHA. An employee may also be directed to report for an examination in the circumstance when their unsatisfactory work performance, poor behavior, or unreliable attendance indicates that they may be suffering from a physical, mental, or emotional disorder. In such instance, the supervisor shall report the facts and circumstances to the Director of Human Resources through the Department Director in writing with a recommendation that the employee be required to submit to a medical examination.

Where it appears that an employee may be intoxicated or under the influence of a controlled substance, it is not necessary to have the employee submit to an examination by a NYCHA-designated physician. Supervisors alone, or in consultation with others, can assess whether an employee is under the influence of alcohol or appears to be under the influence of alcohol. Supervisors can ask the employee if the employee has been drinking alcohol and any other questions that will help them assess whether the employee is under the influence of alcohol. If the employee exhibits symptoms of intoxication or impairment such as alcoholic breath, slurred speech, unsteady gait, red or glassy eyes, decreased inhibitions, difficulty answering questions, or other unusual behavior, the employee should be considered intoxicated and unfit for duty. The employee, therefore, is to be directed by the supervisor to swipe out and go home. An escort or other such custodial arrangements may need to be made for safe removal of the employee from the premises, as may be appropriate. A counseling memorandum is to be issued and disciplinary action is to be taken as appropriate.

In case of doubt, the supervisor shall consult with the Assistant Director of Employee Relations of the Human Resources Department.



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### 30. Folders (Employee)

#### Overview

NYCHA collects and maintains up-to-date employee information in every employee folder. This information allows NYCHA to administer personnel functions, carry out employee programs and satisfy government reporting requirements. These files contain personal identifiable and confidential employee records. NYCHA has established administrative, technical and physical safeguards to protect confidential employee information.

#### Further Information

##### Location Folders

A folder should be maintained at the location for each employee. These should contain only employee information that is relevant and necessary to the operation and a copy of all disciplinary records, commendation memos or evaluations. Folders should be stored in locked files and appropriate physical safeguards should be established to insure their confidentiality and security. Only employees whose official duties require access should be allowed to handle employee location folders.

When an employee is transferred, the employee's location folder must be transferred to the new location.

When an employee separates from service, the file shall be retained for 6 months. Thereafter all commendation memos, disciplinary records and evaluation/probations should be transmitted to the Human Resources Department.

##### Human Resources Folders

Human Resources maintains the official employee folders for all NYCHA employees, both active and inactive. These folders are the official source of information concerning an employee's tenure with NYCHA. As such, proper administrative, technical and physical safeguards are followed to assure such records are disclosed only to authorized individuals for authorized purposes. The folders are kept in secured areas within Human Resources where access is strictly monitored, recorded and controlled.

##### Content

Employee folders are intended to accurately reflect the complete employment history of NYCHA's employees. They are generally reviewed whenever employees are under consideration for promotion, transfer, reinstatement or disciplinary action. In order to ensure that employee folders are accurate and complete, supervisors must submit all documents related to an employee's performance (e.g., performance evaluations, counseling memoranda, letters of





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commendation, etc.), promptly to the Human Resources Department, Records Control Division, 90 Church Street, 5th Floor, New York, NY 10007. These folders may include the following:

- Hiring records such as employment application, resumes, letters of recommendations, W-4 Forms and I-9 verification;
- Job related records such as status changes, performance evaluations, commendations and other recognition documentation, disciplinary actions, and counseling documentation;
- Benefits-related records such as beneficiary designation and;
- Separation-related records such as notices or letters of resignation, retirement, and termination of employment.

### **Access**

Whenever practical, disclosures are made in accordance with the following guidelines:

#### ***Active Employees***

Employees may review their employee folders **once** a year and when a written adverse personnel action has been initiated. Furthermore, an employee may receive a copy, if requested, of their evaluation report(s), counseling memo(s), employment application(s), appointment notice(s), resume and birth certificate.

An employee who wants to review their employee folder should e-mail or telephone the Assistant Director of Records Control to schedule an appointment. Appointments must be scheduled during the employee's own time, NOT during the employee's work day.

An employee pending a General Trial must contact their attorney to arrange to review the folder.

#### ***Inactive Employees***

May **not** review their files until they return to work from their leave of absence.

#### ***Terminated Employees***

May **not** review their employee folder. For more information, please see the section on "*References/Recommendations.*"

#### ***Current Supervisors***

May have access to specific information regarding those employees who work under their supervision.



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### ***Hiring Supervisors***

May have access to specific information regarding an employee who is being considered for a position.

### ***Other Employees***

Other employees, e.g., investigators, et al., who have a legitimate business need (as determined by NYCHA) to have access to information regarding an employee.

### ***Outside NYCHA***

Inquiries from former NYCHA employees or from prospective employers will be handled as outlined in the section on “*References / Recommendations.*” NYCHA will verify to non-governmental entities the employment status of former or present employees (i.e., dates of employment and positions held). Generally, no other information will be provided unless NYCHA has received a written request from the employee to release other information. Other third-party inquiries, including subpoenas, will be handled in accordance with applicable law.

### **Employee Responsibility**

An employee **must** notify Human Resources within 2 weeks of any changes to their personal information (e.g., name, social security number, home address, apartment number, mailing address, telephone number or emergency contact information) by submitting a *Notice of Change of Personal Information (Form 015.044)* or accessing the NYCAPS Employee Self-Service System (ESS) on NYCHA’s intranet homepage and submitting the change information.

Employees may **not** use the address of a property owned or operated by NYCHA as their mailing address unless they are an authorized tenant of record or an authorized member of the household.

Employees have an obligation to disclose if they are residing in a NYCHA development or Section 8 housing and make certain that their occupancy is authorized and that their income is recorded on the *Annual Income Affidavit* submitted to NYCHA by the tenant of record. Notification to the development management where they reside or at the work location is not sufficient to update their NYCHA employee folder. Failure to fulfill these obligations will subject the employee to disciplinary action, up to and including termination of employment.



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### 31. General Regulations of Behavior

#### Overview

Employees shall comply with these General Regulations of Behavior. [A1]

The provisions of these General Regulations of Behavior do not provide the only basis upon which conduct of NYCHA employees may be judged for disciplinary or performance evaluation purposes. Employees must comply with all NYCHA “rules and regulations” (a term that is used to refer to all written policies, procedures, manuals, codes and directives of NYCHA and its departments). [A2]

Supervisors and managers are required to take appropriate and timely action when they become aware of any violation of these General Regulations of Behavior. [A3]

#### Further Information

##### Performance:

Employees of NYCHA shall *not*:

- Fail to perform their duties in a satisfactory manner. [B1]
- Fail, neglect or refuse to perform duties or complete assigned tasks. [B2]
- Refuse, fail or neglect to follow a reasonable directive or order of, or insubordinate to, a supervisor or superior or interfere with any person carrying out a directive or order. [B3]
- Use abusive, profane, offensive language, gestures or threats directed at any employee or resident of NYCHA or any member of the public, or cause a disruption or disturbance, while on duty or at the worksite or in any location that can be reasonably regarded as an extension of the workplace. [B4]
- Be under the influence of or in possession of alcoholic beverages or controlled substances, including marihuana, while on duty or at the workplace, except with the written approval of a licensed physician and then only if the use of such substance will not interfere with the proper performance of their duties. [B5]
- Engage in activity that may be reasonably construed as constituting official action of NYCHA, without the consent of NYCHA. [B6]
- Fail to carry a valid NYCHA-issued identification card during working hours or fail to display it upon request. [B7]



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- Use NYCHA-issued shields or NYCHA-issued identification cards for other than official NYCHA business. [B8]
- Fail to immediately report the loss or theft of NYCHA-issued shields or identification cards to their supervisor. [B9]
- Loan their NYCHA identification cards to another employee or another individual. [B10]
- Use their NYCHA identification cards to swipe in or out at a location to which they are not assigned. [B11]
- Violate NYCHA time and leave rules and regulations. [B12]
- Leave assigned work location or area without appropriate authorization. [B13]
- Remain on NYCHA premises after their regular working hours unless authorized to do so. [B14]
- Wear uniforms off-duty except as authorized. [B15]
- Fail to wear NYCHA-prescribed uniform and/or as prescribed when serving in a title requiring a uniform. [B16]
- Wear attire that is unsuitable for a business environment. [B17]
- Wear clothing that displays messages that may be viewed as offensive to others. [B18]
- Smoke (i) inside any building or vehicle owned, operated or leased by NYCHA, including, but not limited to, any area within a public housing building, or (ii) within 25 feet of a public housing building, or to NYCHA's property boundary (if less than 25 feet from a public housing building), or (iii) within any outdoor area used as a playground area or used by any child daycare center at any NYCHA development. [B19]
- Use NYCHA's Mail Center for personal correspondence or personal packages. [B20]
- Fail to report, in writing, any change of mailing address, residence or telephone number to the Human Resources Department within 2 weeks of such change. [B21]
- Submit to the Human Resources Department the address of a property owned or operated by NYCHA as a mailing address, unless the employee is an authorized tenant of record or an authorized member of the household. [B22]
- Post or hang any unauthorized notices or posters on NYCHA property. [B23]
- Work at a NYCHA development where they reside.\* [B24]



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\* With the exception of employees serving in:

- Ad hoc assignments, incidental assignments, or roving crews assigned to a location for a day or a partial day;
  - Titles where residency is a qualification requirement of the title specification;
  - Positions where they are officially designated as “Resident Employees”;
  - Entry-level titles who serve as Resident Watch Supervisors or in the Childcare Feeding Program;
  - Such NYCHA developments on or before October 26, 2009.
- Fail to report, in writing to the Human Resources Department and Department Director, the names and work location of all relatives who also work for NYCHA, wherein “relative” is defined as: spouse; natural, foster or stepparent, child, brother or sister; father-in-law or mother-in-law; domestic partner; parent or child of a domestic partner; domestic partner’s relative residing in the household and/or any other person residing in the employee’s household. [B25]

### Conduct

Employees of NYCHA shall *not*:

- Conduct themselves in a manner that is prejudicial to or discredits NYCHA or the City. [C1]
- Fail to adhere to the requirements of NYCHA’s *Equal Employment Opportunity Policy Statement*, NYCHA’s *Sexual Harassment Policy Statement* or NYCHA’s *Fair Housing Policy Statement*. [C2]
- Fail to adhere to the requirements of NYCHA’s Hatch Act Guidelines concerning employee political activities. [C3]
- Fail to comply with NYCHA’s Conflicts of Interest Guidelines. [C4]
- Disclose any confidential information of NYCHA or the City which is obtained as a result of the official duties of the employee and which is not otherwise available to the public, except upon the approval of a supervisor who has the authority to approve the release of such information or where required to disclose by law, including compliance with an order of a court or an administrative agency; provided, however, that this shall not prohibit any employee from disclosing to the Inspector General, information including, but not limited to, conduct which the employee knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest. [C5]
- Accept a valuable gift as defined by the NYC Conflicts of Interest Board from anyone that employees know or should know is seeking or receiving anything of value from the City or NYCHA. [C6]



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- Accept anything from anyone other than NYCHA for doing their NYCHA job, except as may be expressly authorized by NYCHA. [C7]
- Engage in any non-NYCHA activity during working hours other than appropriate minimal personal use of NYCHA communications and business systems. [C8]
- Engage in any private commercial work on NYCHA premises, on NYCHA time or with NYCHA equipment. [C9]
- Use NYCHA resources for any non-NYCHA purpose, other than to the limited extent contemplated by NYCHA's *Communications and Business Systems Policy*. [C10]
- Enter into any business or financial relationship with any superior or subordinate. [C11]
- Have a second job with any firm doing business with NYCHA or City without written Chair approval and an appropriate waiver from the NYC Conflicts of Interest Board. [C12]
- Solicit, negotiate for or accept any position with any firm that is involved in a particular matter with NYCHA while such employee is actively considering, directly concerned or personally participating in such particular matter on behalf of NYCHA. [C13]
- Take part as a director, officer, employee, agent or consultant of a not-for-profit organization in any business dealings of such organization with NYCHA without first obtaining written Chair approval. [C14]
- Solicit contributions or payments, or sell goods or services for private gain, on or adjacent to NYCHA property, except as authorized by NYCHA. [C15]
- Fail to cooperate with any investigation by the Office of the Inspector General, the Law Department, the Department of Equal Opportunity, Office of Safety and Security, any other Department or Office of NYCHA or any prosecutor or investigative agency outside NYCHA. [C16]
- Fail to report directly and without delay, to the Office of the Inspector General or the New York City Department of Investigation, any and all information concerning conduct that they know or should reasonably know to involve corrupt or other criminal activity or conflict of interest by any officer or employee of NYCHA or the City of New York which concerns their office or employment, or by any person dealing with NYCHA or the City of New York, which concerns their dealings with NYCHA or the City of New York. [C17]
- Give false testimony. [C18]



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- Provide false or misleading information to the Office of the Inspector General, the Law Department, the Department of Equal Opportunity, the Compliance Department, the Office of Safety and Security or any other Department or Office of NYCHA or to any governmental entity outside NYCHA. [C19]
- Retaliate, persuade another or attempt to persuade another to retaliate against any person who has given information or assistance to or has testified on behalf of the Office of the Inspector General, the Law Department, and the Department of Equal Opportunity, Office of Safety and Security, any other Department or Office of NYCHA, any prosecutor or any investigative agency outside NYCHA. [C20]
- Interfere with or obstruct an investigation by the Office of the Inspector General, the Law Department, and the Department of Equal Opportunity, the Compliance Department, Office of Safety and Security, any other Department or Office of NYCHA any prosecutor or any investigative agency outside NYCHA. [C21]
- Interfere with or obstruct an inspection being conducted by a Housing and Urban Development (HUD) inspector. [C22]
- Fail to report to the Office of the Inspector General within three business days of occurrence any:
  - arrest;
  - criminal summons;
  - Desk Appearance Ticket (“DAT”);
  - indictment or conviction of any crime;
- Commit any crime or other violation of the law either on or off duty or on or off the work site which implicates their fitness or ability to perform their duties, discredits NYCHA, or which undermines NYCHA’s mission to provide safe housing, to provide a safe workplace environment, or to ensure the honesty or integrity of its workforce. [C24]
- Bribe, attempt to bribe, or solicit, give, agree to accept or accept a gratuity, benefit, money or anything of value in connection with their actions or duties as employees or in connection with the actions or duties of any other employee of NYCHA. [C25]
- Engage in any dishonest conduct, including but not limited to theft, fraud, deceit, covering up or hiding conditions that need repair or directing staff to engage in such conduct, falsifying or inappropriately altering any document, record, file or form of



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NYCHA or other entity, or knowingly submitting any falsified or inappropriately altered document, record, or form to NYCHA or other entity. [C26]

- Coerce or attempt to coerce, by intimidation, threat or harassment, any employee or resident of NYCHA or member of the public to engage in any activity that violates any law, or government regulation or any NYCHA rule or regulation. [C27]
- Possess, sell or use any controlled substance, including marihuana, on or off-duty, except with the written approval of a licensed physician and then only if the use of such substance will not interfere with the proper performance of their duties. [C28]
- Possess or display any firearm or any other type of weapon, or use any object as a weapon on NYCHA premises or in its vehicles, except as authorized and required by NYCHA employment (e.g., duly licensed Peace Officers of the Office of the Inspector General). [C29]
- Engage in illegal gambling in any form on or within any building, grounds or vehicle owned, operated or leased by NYCHA. [C30]
- Strike, attempt to strike; harm, attempt to harm or cause to harm; or threaten any NYCHA employee, resident of NYCHA, or member of the public or otherwise fail to comply with NYCHA's *Violence in the Workplace Policy*. [C31]
- Intentionally mar, deface, damage, tamper or interfere with the property of NYCHA, any employee, any resident, any contractor or any member of the public, or attempt to do so, at any time. [C32]
- Be an unauthorized occupant, or lease holder in which an unauthorized occupant resides, of an apartment that is owned or operated by the NYCHA or subsidized through the Section 8 Program. [C33]
- Occupy an apartment that is owned or operated by NYCHA or subsidized through the Section 8 Program and fail to report their own income pursuant to law and/or that of other tenants residing in the apartment. [C34]
- Be a Section 8 landlord without the written approval of the Chief Operating Officer. [C35]
- Engage in sexual relations with anyone else, whether consensual or otherwise, while on duty or at the worksite or in any location that can be reasonably regarded as an extension of the workplace. [C36]





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- Engage in lewd act(s) while on duty or at the worksite or in any location that can be reasonably regarded as an extension of the workplace. [C37]
- Litter or fail to properly dispose of their trash. [C38]

### **Use of NYCHA Equipment and Property:**

Employees of NYCHA shall *not*:

- Violate NYCHA's *Communications and Business Systems Policy* relating but not limited to the use of computers, the Internet, telephones, voice mail, answering machines, facsimile (fax) machines, electronic mail and photocopiers. [D1]
- Operate, borrow, remove, use or permit to be operated, borrowed, removed or used, any NYCHA vehicle, equipment, property or supplies without proper authorization. [D2]
- Fail to use reasonable care in the operation, use and maintenance of NYCHA vehicles, equipment, property or supplies. [D3]
- Neglect or fail to use all appropriate safety measures while operating NYCHA vehicles or equipment in performance of their duties. [D4]
- Fail to report promptly to their supervisor any damages to, or loss of, NYCHA vehicles, equipment, property or supplies. [D5]
- Remove from any NYCHA premises/facility any official records, files or documents of NYCHA except in the course of the performance of official duties. [D6]
- Fail to report the suspension, revocation or other restriction of a driver's license by the next business day after such notification, to their immediate supervisor and the Director of Human Resources, if the employee's job specification or duties require a valid driver's license. [D7]
- Fail to report to the Fleet Administration Office, by the next business day, all parking and other summonses issued to a NYCHA vehicle. [D8]
- Fail to respond to any summons or pay any fine or penalty issued as a result of their operation of a NYCHA vehicle. [D9]
- Permit unauthorized individuals to operate or ride in NYCHA vehicles. [D10]

### **Conduct While Working in Apartments**

Employees who are assigned to perform work in apartments shall *not*:



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- Enter an apartment without the presence of an adult, except when there is reasonable cause to believe that an emergency exists.\* [E1]

\* Examples of some emergency situations in, or affecting, an apartment for which entry to an apartment without the presence of an adult may be appropriate:

- Fire;
  - Flood;
  - Escaping gas;
  - Smoke condition;
  - Suspected death of a person in the apartment;
  - Suspected serious injury to a person in an apartment who needs immediate assistance;
  - Suspected unattended small child in the apartment;
  - Suspected distress of unattended pets;
  - Need to enter in order to restore essential building services; or
  - Other clear and present danger.
- Enter apartments alone in the absence of a resident, if possible, even in the case of an emergency, but shall be accompanied by another employee. [E2]
  - Fail to knock and announce their presence while opening the door. [E3]
  - If an adult resident is not present, in:
    - Non-emergencies:

Fail to make every effort to reach the resident prior to closing a work ticket as “Tenant Not Home” (TNH). [E4]

Disposition heat/hot water or mold complaints as TNH. [E5]

Fail to contact the resident and arrange entry into the apartment, if they are development staff. [E6]
    - All other cases:

Fail to contact the Management Office on the radio and speak with a supervisor while at the apartment entrance, if they are Maintenance Workers/Skilled Trades staff. [E7]

Fail to call the resident using the contact telephone number in an effort to gain access, if they are staff at the Management Office. [E8]

If unsuccessful, the Maintenance Worker/Skilled Trades staff must leave a note that indicates the ticket will be closed. [E9]



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- If any resident is present:
  - Engage in any inappropriate conversation or discussion with the resident or others in the apartment. [E10]
  - Enter an apartment if the occupant is a young adult who appears to be under the age of 18 years and is alone in the apartment. [E11]
  - Enter an apartment if the occupants are not properly clothed or act suspiciously. For example, if anyone in the apartment appears to be under the influence of alcohol, work shall not be done in the apartment and the employee shall leave at once. [E12]
  - Get too close to or touch any occupant in the apartment for any reason. [E13]
- Visit residents' apartments during working hours except in the performance of assigned duties. [E14]
- Perform work that is related to the repair, modification or improvement of any NYCHA apartment (whether during or after their regular working hours) unless they have been assigned to the particular work as NYCHA employees. [E15]
- Alter any fixture or fitting or conduct repairs in any apartment, including their own, without following the standard work ticket protocol, if they are resident employees. All necessary work in apartments, excluding work on resident-owned appliances, shall be performed by following the standard work ticket protocol. [E16]
- Touch or move articles belonging to any resident, unless necessary in completing the work assignment, in which case they shall be returned as found. The employee shall clean up any debris left from the job and remove it from the apartment. [E17]



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### 32. Grievances

#### Overview

The process for bringing a grievance under NYCHA's personnel rules is set forth below. Where a grievance is brought pursuant to a collective bargaining agreement (CBA), the process set forth therein shall be followed. Notwithstanding this, an employee may informally discuss a grievance with their immediate supervisor.

An employee or their appropriate representative may present a grievance through the first three steps set forth below.

#### Further Information

##### Definitions

###### ***Grievance***

The term "grievance" shall mean:

- A dispute concerning the application and interpretation of the terms of *written* CBA's and *written rules* and regulations;
- A determination under §220 of the New York State Labor Law affecting terms and conditions of employment.
- A claimed violation, misinterpretation or misapplication of the rules and regulations of NYCHA affecting the terms and conditions of employment;
- A claimed assignment of employees to duties substantially different from those stated in their job classification; or
- Any dispute defined as a grievance in a CBA, or as expressly agreed to in writing by NYCHA and a public employee organization.

###### ***Grievant***

- The term "grievant" shall include all grievants in the case of a group grievance.

###### ***Procedure***

For grievances as defined above:

###### *Step 1*

An employee on any level below Property Manager/Division Chief may present their grievance orally or in writing to the Property Manager/Division Chief not later than



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120 days after the grievance arose. The supervisor to whom the grievance is presented may discuss the matter with higher-level supervisors including the Department Director involved.

### *Step 2*

If the grievance is not resolved, in Step 1, within 2 working days after its presentation, the grievant may appeal to the Director of Labor Relations by filing a written statement of the grievance within 7 working days after the presentation of the grievance in Step 1. The Director of Labor Relations shall send 2 copies of the grievance to the Property Manager/ Division Chief. The grievance shall be responded to by the Director of Labor Relations within 5 working days after such filing. The Director of Labor Relations, the grievant and their representative will attempt to resolve the grievance through conference, negotiation and agreement. The determination of the Director of Labor Relations shall be in writing with copies sent to the employee or their representative upon issuance.

### *Step 3*

The grievant has the right to appeal the determination of the Director of Labor Relations to the Chief Operating Officer or their designee (pursuant to a written designation on file in the Office of the Corporate Secretary) by filing a written statement of such appeal within 5 working days after the issuance of the decision in Step 2. The Chief Operating Officer or their designee, the Director of Labor Relations, the grievant and their representative will attempt to resolve the grievance through conference, negotiation and agreement. They shall hold a conference at an appropriate time consistent with NYCHA requirements. The Chief Operating Officer or their designee shall issue their determination within 5 working days subsequent to the conference.

### *Step 4*

An employee organization, certified for the title which the grievant holds, may bring unresolved Step 3 grievances to impartial arbitration by an arbitrator on the register of the Office of Collective Bargaining, under procedures established by such Office. The grievant and the certified organization must file with the Director of the Office of Collective Bargaining a written waiver of the right, if any, to submit the grievance to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award.

The arbitrator's decision, order or award (if any) shall be limited to the application and interpretation of the collective bargaining agreement, and the arbitrator shall not add to, subtract from or modify the collective bargaining agreement. The arbitrator's award shall be final and binding and enforceable in any appropriate tribunal in



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accordance with Article 75 of the Civil Practice Law and Rules. An arbitrator may provide for and direct such relief as the arbitrator deems necessary and proper, subject to the limitations set forth above and any applicable limitations of law.

### *Expenses Related to Step 4*

The employee organization invoking the Step 4 procedure, outlined above shall pay 50% of the fees and expenses of the arbitrator and of related expenses incidental to the handling of such arbitration.



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### 33. Holidays

#### Overview

Paid holidays are provided to eligible employees in accordance with their respective collective bargaining agreements (CBA).

#### Further Information

The following are the legal holidays observed by NYCHA:

New Year's Day	January 1
Martin Luther King Jr. Birthday	Third Monday in January
Lincoln's Birthday*	February 12
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Election Day	The Tuesday following the first Monday in November
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

*\*Applies only to Skilled Trades §220 employees.*

#### Floating Holiday

Except for Holiday coverage, Skilled Trades Section 220 employees shall observe Lincoln's Birthday as a regular fixed holiday.

Unless otherwise stated in an employee's collective bargaining agreement, employees may be eligible to observe a floating holiday in lieu of Lincoln's Birthday.

#### Observances

When a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on Sunday, it shall be observed on the following Monday.



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### **Absence Without Pay**

Employees absent WITHOUT PAY for 4 consecutive days or more, and a legal holiday or an Officially Excused Full Day occurs immediately before, during or immediately after, shall be pay docked for the holiday.

### **Holiday Pay**

Employees working on a holiday will be paid in accordance with the employee's respective CBA.





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### 34. Identification Cards

#### Overview

All employees are issued identification cards. The cards are used for verification of identity and employment status and for security and timekeeping purposes. Employees are required to carry their NYCHA identification cards during work hours.

#### Further Information

##### Issuing Identification Cards

Each new employee is issued a NYCHA identification card before starting their assignment. NYCHA identification cards bear:

- The inscription “New York City Housing Authority Employee Identification”
- The NYCHA seal
- The employee’s photograph, name and employee identification number

The cards are updated bi-annually by attaching a color-coded label that bears the NYCHA logo and the effective dates.

##### Reporting Missing or Stolen Identification Cards

There will be a \$15 charge to replace lost or stolen identification cards; the charge is subject to change.

##### Returning Identification Cards upon Termination of Employment

Employees separating from service must return their NYCHA identification cards to their supervisors on or before their last day of work.

##### Prohibited Uses of Identification Cards

Employees may **not**:

- Fail to carry their valid NYCHA-issued identification card during work hours or fail to display it upon request;
- Use NYCHA-issued shields or NYCHA-issued identification cards for purposes other than official NYCHA business;
- Fail to report the loss or theft of NYCHA-issued shields or NYCHA-issued identification cards to their supervisor immediately upon the discovery of such loss or theft; and



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- Loan their NYCHA identification cards to another employee or another individual.

A prohibited use of an identification card may result in disciplinary action.

### **Recording Time and Attendance**

All employees are required to record their arrival and departure times by swiping their identification cards at assigned NYCHA time clocks, unless otherwise permitted by the Human Resource Department.

### **Alternate Time Sheets**

Employees who arrive at work without their identification cards must complete an Alternate Timesheet and obtain a supervisor's approval signature.



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### 35. Job Descriptions

#### Overview

The duties and responsibilities of a position are outlined in job descriptions that are to be completed by each supervisor and approved by each Department Director or equivalent. Copies are to be forwarded to Human Resources for each new position and when assignments change. Job descriptions should be shared with employees newly entering a position or when their assignment is changed so that what is expected of the position is made clearly known to the employee occupying it from the start. The job descriptions may also aid in the formulation of job postings for vacant positions.

#### Further Information

The *Job Description Template (NYCHA Form 015.221)* is to be completed for non-managerial positions and a copy transmitted to the HR Assistant Director for Performance Management. Information to be provided includes span of supervision, if applicable; a summary of the position (stating the principal purpose of the job, its major objective and what it is that it must accomplish); and a detail of the specific duties and responsibilities of the position with a description of tasks. Education, certification and/or licensure requirements are also to be provided, as well as the knowledge and experience requisite for the successful performance of the job.

Similarly, a more comprehensive report, the *Managerial Position Description Questionnaire (NYCHA Form 015.222)* is to be completed and transmitted for managerial positions. This must document:

- Reporting relationships / position within the organization structure;
- Knowledge and skill requirements;
- Principal accountabilities and expected end results;
- Key contacts, and frequency and purpose thereof;
- Major problems typically encountered, and their nature, variety and complexity;
- Authority and independent decision making responsibility level;
- Any other key or relevant insights.

Job descriptions are to be prepared in conformance with the duties and responsibilities of the civil service title specification for the title to which the position is classified, as outlined by the [NYC](#)



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[Department of Citywide Administrative Services \(DCAS\) Title Specifications](#) and as may be modified, supplemented and/or expanded by collective bargaining agreement. Tasks listed are to be within the scope of the general statement of duties and responsibilities provided for therein. Such listing of tasks need not be exhaustive but simply examples that are reflective of typical work assigned. While every effort is to be made to have a complete and accurate job description, employees may be directed to perform in-title tasks not specifically listed in the job description. Employees may also be directed to perform other tasks in an emergency.

Certain positions may bear an “office title,” depending on the role that is to be performed. Such positions are generally more specialized roles. For additional information, please see “Classification.”

All job descriptions are subject to change at management’s discretion. They should be reviewed by supervisors on a regular basis for currency and completeness and updated and otherwise revised as warranted.



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### 36. Lateness

#### Overview

Lateness means reporting to work after the beginning of the employee's scheduled reporting time. If an employee arrives after the scheduled reporting time, the lateness will be reflected in their time records as specified below unless there is prior supervisory approval to charge the lateness to Annual Leave.

Excessive excused or unexcused lateness is unacceptable. This includes chronic abuse of any grace period, relatively frequent and/or habitual instances of lateness, and/or wherein minutes late in individual instances and/or for cumulative totals are relatively high, and/or where there is a detrimental effect on the work unit's productivity. Where appropriate, supervisors shall issue counseling memoranda to affected employees and take appropriate disciplinary action. Where lateness is excessive, supervisors must be proactive and NOT delay in counseling; no supervisor should wait until such time as an automatic lateness penalty category is triggered.

#### Further Information

##### **Per Annum Non-Managerial Employees**

Per annum non-managerial employees arriving more than 5 minutes after their scheduled reporting time are considered late. For exceptions, please refer to the applicable collective bargaining agreement.

##### **Skilled Trade (Prevailing Rate) Employees**

Skilled trades (prevailing rate) employees must be in their work clothes at their designated work locations at their scheduled starting time. Arrival up to two hours after their scheduled reporting time is to be considered a lateness and they are to be docked up to the end of the quarter-hour in which they report. Thereafter, charges to Annual Leave are to be made in half-hour increments.

For such employees represented by Teamsters' Local 237 (other than Maintenance Worker), the first 5 minutes of lateness is not recorded. Thereafter, for arrival up to two hours after their scheduled reporting time they are to be charged Annual Leave on a quarter-hour ( $\frac{1}{4}$ ) basis. Arrival more than two hours after their scheduled reporting time is to be charged to Annual Leave in half-hour increments.

##### **Automatic Lateness Penalties**

Excessive lateness will also result in automatic penalties by appropriate deduction from Annual Leave. The amount of penalty charged is based on the number of months worked, the accumulated number of lateness and the total number of minutes late.



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Lateness penalties shall be applied, as follows:

### PENALTY CATEGORY LATENESS RATES

<b>DC 37 Represented Titles</b>			
	<b>DOUBLE</b>	<b>TRIPLE</b>	<b>QUINTUPLE</b>
<b># months worked</b>	If # of latenesses equals this, then X 2 the total # minutes late:	If # of latenesses equals this, then X3 the total # minutes late:	If # of latenesses equals this, then X5 the total # minutes late:
1	3	4 to 5	6
2	6 to 8	9 to 11	12
3	9 to 12	13 to 17	18
4	12 to 17	18 to 23	24
5	15 to 21	22 to 29	30
6	18 to 26	27 to 35	36
7	21 to 30	31 to 41	42
8	24 to 35	36 to 47	48
9	27 to 39	40 to 53	54
10	30 to 44	45 to 59	60
11	33 to 48	49 to 65	66
12	36 to 53	54 to 70	71

<b>Local 237 Housing Unique, Maintenance Worker and OSA-Represented Titles</b>			
	<b>DOUBLE</b>	<b>TRIPLE</b>	<b>QUINTUPLE</b>
<b># months worked</b>	If # of latenesses equals this, then X2 the total # minutes late:	If # of latenesses equals this, then X3 the total # minutes:	If # of latenesses equals this, then X5 the total # minutes late:
1	3	4 to 5	6
2	6 to 7	8 to 10	11
3	8 to 11	12 to 15	16
4	11 to 15	16 to 20	21
5	13 to 18	19 to 25	26
6	16 to 22	23 to 30	31
7	18 to 26	27 to 35	36
8	21 to 30	31 to 40	41
9	23 to 33	34 to 45	46
10	26 to 37	38 to 50	51



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11	28 to 41	42 to 55	56
12	31 to 45	46 to 60	61

<b>All Other Titles (Except Skilled Trades &amp; Managerial Employees)</b>			
	DOUBLE	TRIPLE	QUINTUPLE
# Months Worked	If # of latenesses equals this, then X2 the total # minutes late:	If # of latenesses equals this, then X3 the total # minutes late:	If # of latenesses equals this, then X5 the total # minutes late:
1	5 to 6	7 to 8	9 or more
2	9 to 12	13 to 16	17
3	13 to 18	19 to 25	26
4	17 to 25	26 to 33	34
5	22 to 31	32 to 42	43
6	26 to 37	38 to 50	51
7	30 to 44	45 to 58	59
8	34 to 50	51 to 67	68
9	39 to 56	57 to 75	76
10	43 to 63	64 to 84	85
11	47 to 69	70 to 92	93
12	51 to 75	76 to 100	101

During the calendar year, if an employee’s latenesses fall into a penalty category, the employee’s Annual Leave shall be withheld until the lateness penalty is satisfied.

At the end of the calendar year, or if the employee is terminated, the penalty amount is deducted from the employee’s Annual Leave. Additionally, if an employee is not in the lateness penalty but has latenesses of 21 minutes or more, then all such latenesses shall be added up and the total lateness shall be deducted from the employee’s Annual Leave in accordance with the Lateness Rate Conversion Charts. For details, please refer to these charts in the annual *HR Memorandum on Year-End Time and Attendance Close-Out* for conversion of minutes to hours and days.



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# 37. Learning & Development

### Overview

NYCHA encourages job-related training and development to enhance an employee's work performance and for career advancement.

### Further Information

#### Learning & Development

NYCHA's Learning & Development division provides a wide range of training programs to improve employees' job skills and to prepare them for new and higher job titles. Some courses are reserved for new hires (pre-service) and others are offered to in-service employees as electives. Attendance for certain courses is mandatory. Training methods will vary, and may include a variety of learning approaches, inclusive of instructor-led and e-learning.

For more information on the application process, please visit the [L&D Welcome Page](#) on the NYCHA Connect for a full listing of [L&D Course Offerings](#). Employees can also talk to their supervisors to obtain additional information about training and to discuss eligibility.

#### New York City Department of Citywide Administrative Services (DCAS)

DCAS also provides centralized training, professional development programs, internships, fellowships and scholarships to the City workforce through the Bureau of Citywide Learning & Development. Approval to participate in these programs must be obtained from the employee's supervisor and NYCHA HR Professional Development and Training. Ordinarily, a department must fully fund the fee charged by DCAS for the course offering. For more information, please visit the following:

- [Citywide Learning & Development - Department of Citywide Administrative Services \(nyc.gov\)](#)

#### Unions

Certain unions also offer remedial education, civil service test preparation, and skill-enhancement classes for their members. Contact the director of the respective union's Education Fund for more information.

#### Seminars

Departments may also arrange for or encourage employee participation in job-related learning through on-site or off-site professional seminars or webinars funded with supervisory approval through their respective budgets. Employees may discuss these opportunities with their supervisors as part of their development plan. Time spent in seminars is generally considered time worked unless the hours fall outside of the employee's assigned work schedule. Travel





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expenses are covered in accordance with NYCHA's business travel policy if approved by the employee's supervisor.



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### 38. Leaves of Absence (Illness)

#### Overview

All requests for Illness Leave of Absence for over 30 days must be submitted to the Director of Human Resources. A leave of absence for illness may count towards your Family Medical Leave Act (FMLA) entitlement. For additional information regarding FMLA leave, refer to the *FMLA Leave Policy*.

#### Further Information

Leave of Absence (LOA) for Illness: Employees must submit a leave of absence request form along with medical documentation on official letterhead stating the prognosis, diagnosis and probable length of the disability to the Human Resources Department. It is not necessary for the employee to provide this documentation to his supervisor. With acceptable medical documentation, illness LOAs may be approved at the discretion of NYCHA for up to one year. Additional leave may be requested as a reasonable accommodation of a disability.

#### **Return to Work After An Illness LOA of 30 days or Less**

All employees who have been on leave for 30 days or less for medical reasons (other than Workers' Compensation) must report directly to their work location. If a supervisor requests medical documentation from an employee returning to work, such documentation should:

- Be dated no earlier than 5 days before presentation.
- Contain a statement that confirms the employee's ability to return to work.
- Provide a return to work date.
- Be presented on official letterhead, providing the health care providers' full name, business address and telephone number.

If the health care providers' note indicates that the employee needs an accommodation of a restricted work schedule in order to return to work, or if the documentation is questionable, the Assistant Director of Records Control must be contacted.

#### **Return to Work After an Illness LOA of More than 30 Days**

Employees returning to work after an illness leave of absence must provide the Records Control Division, Human Resources Department, with medical documentation which:

- Is dated no earlier than 5 days prior to the return to work date.
- Contains a statement that confirms the employee's ability to return to work.



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- Provides a return to work date.
- Is presented on official letterhead providing the health care providers' full name, business address and telephone number.

Employee's returning from FMLA leave will only be required to provide proof of fitness for duty if the employee was notified of this requirement at the time of the FMLA designation.



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### 39. Legal Assistance

#### Overview

Upon request, NYCHA will render appropriate assistance to employees acting within the scope of their public employment who become directly or indirectly involved in any civil action or proceeding. Except as otherwise disclaimed or provided herein, whenever an employee who, in the proper and reasonable performance of their duties to NYCHA, and through no fault of their own, is implicated or otherwise becomes involved in any conduct, activity, or event which subjects them to legal process in any civil action or proceeding, the employee may request legal assistance in connection with such civil action or proceeding in the form of formal representation and/or reasonable legal expense reimbursement. If this request is approved, NYCHA's General Counsel will assign an attorney to provide such legal assistance as may be necessary and appropriate under the circumstances.

In addition, reasonable reimbursement may be provided for any personal property damaged in connection with any conduct, activity or event giving rise to the civil proceeding(s) for which legal assistance has been requested.

#### Further Information

##### Provision of Legal Assistance

NYCHA's provision of legal counsel or representation to its employees in connection with any civil action or proceeding is strictly conditioned upon the following:

- (i) As soon as reasonably practical, but in any event no later than ten (10) days from being served with legal process or being otherwise notified of their involvement in any civil action or proceeding arising out of their employment to NYCHA, an employee seeking counsel or representation must prepare and deliver a written request for legal assistance to the General Counsel. The employee's written request for counsel should include a copy of any summons, complaint, process, notice, demand or pleading that informed the employee of the action or proceeding in question<sup>1</sup>; and
- (ii) An employee whose request for legal assistance has been granted by NYCHA agrees to provide their full cooperation to the General Counsel, and NYCHA's Law Department, in connection with its defense or advocacy of the employee in such action or proceeding, including in the prosecution of any appeals.

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<sup>1</sup> The General Counsel will provide a written response granting or denying an employee's request for counsel within ten (10) business days of receipt of same.



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### **Reimbursement of Adverse Legal Judgments or Settlements**

If an employee's request for legal assistance has been granted by the General Counsel, to the extent a jury verdict, final judgment, award or other adverse determination is entered against the employee, or upon the settlement of the claim, the employee must provide the General Counsel with a copy of such judgment, award or settlement, personally or by certified or registered mail, within thirty (30) days of the date of entry of such judgment, award or settlement. Subject to the Exceptions listed below, to the extent the employee has complied with all applicable provisions of this Legal Assistance policy, NYCHA will pay the amount of any adverse judgment or award, or the amount of any bargained-for settlement, provided the total amount of any such settlement, inclusive of any administrative costs and attorneys' fees, has been reviewed and approved in advance by NYCHA's General Counsel.<sup>2</sup>

### **Conflicts of Interest**

In connection with the General Counsel's preliminary review and assessment of an employee's legal assistance request, an initial inquiry will be made upon receipt of such a request to determine if any conflicts of interest exist as between NYCHA and the employee requesting legal assistance. If, during the course of this initial inquiry, or at any point during the course of investigating or litigating the action or proceeding in question, a potential conflict of interest is found to exist between NYCHA and the employee who has requested legal assistance, the General Counsel shall, within 15 business days of learning of such potential conflict, render a determination as to whether it believes such a conflict does, in fact, exist, along with a recommendation as to how the parties ought to proceed going forward.<sup>3</sup>

To the extent NYCHA determines it is conflicted from representing the employee, and therefore unable to provide the legal assistance requested, the General Counsel shall notify the employee of their right to be represented by private counsel of the employee's choosing. Except where a collective bargaining agreement or applicable law so provides, NYCHA's obligation to indemnify any employee for the fees and expenses accrued by private counsel in connection with any matter for which legal assistance has been sought may be subject to reasonable conditions imposed by the General Counsel.

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<sup>2</sup> Notwithstanding any law to the contrary, any employee who has been subject to a final judgment of personal liability for intentional wrongdoing related to a claim of sexual harassment shall reimburse NYCHA for any payment(s) to a plaintiff for an adjudicated award based on a claim of sexual harassment resulting in a judgment, for their proportionate share of such judgment. Such employee shall personally reimburse NYCHA within ninety (90) days of NYCHA's payment of such award.

<sup>3</sup> During the time in which the General Counsel is determining the existence of any conflict(s), NYCHA will take all necessary steps on behalf of the employee who has sought counsel to avoid entry of a default judgment against the employee.



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As noted directly above, to the extent an employee retains private counsel to negotiate or enter into any settlement of claims against them, NYCHA's duty to indemnify the employee, in whole or in part, shall be conditioned upon the General Counsel's pre-approval of the negotiated settlement amount.

### **Exceptions**

Except as may be required by law, NYCHA makes no promises and assumes no obligations to provide any form of legal assistance, and expressly reserves its right to refuse any employee request for legal assistance – or to withdraw from providing legal assistance after such a request has been granted – where:

- (i) The employee's request for counsel has not been made in accordance with the express terms of this policy;
- (ii) The employee fails or refuses to cooperate in good faith with NYCHA in either their defense or participation in the civil action or proceeding in question;

or

- (iii) the civil action or proceeding in question has been brought by or at the request of NYCHA;

NYCHA is under no obligation to represent, indemnify or save harmless any employee whose intentional wrongdoing or recklessness resulted in the injury or damage that forms the basis of the civil action or proceeding resulted on the part of the employee.

### **Reasonable Reimbursement for Property Damage**

Any employee requesting legal assistance may also seek reasonable reimbursement for any personal property lost, damaged or destroyed as a result of any conduct, activity or event associated with the civil action or proceeding for which legal assistance has been requested.



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### 40. Managerial Time & Leave

#### Overview

Managerial employees do not have a maximum work week and do not necessarily have a fixed or prescribed schedule of work days and hours.

#### Further Information

##### Regular Workweek

The regular work week for managerial employees shall not be less than 5 days per week and not less than 35 hours per week, unless expressly stated otherwise by NYCHA. The work schedule shall be consistent with NYCHA's needs and a managerial employee shall be accountable to their immediate supervisor.

##### Shifting Hours

A managerial employee may shift up to 4 hours per week. As with all scheduling changes, the specifics of such shifts are subject to supervisory approval. Managerial employees who shift in excess of 4 hours in a week must obtain authorization from their Director or other appropriate senior-level superior (depending on the level of the employee involved).

##### Modifying Work Schedules

In establishing and approving managerial work schedules, supervisors need to use reasonable discretion and on occasion can modify an employee's work schedule to take into account unusually long hours worked in a previous period. Such previous period shall generally be within 2 weeks, but no more than 4 weeks of the modification. A modification in work schedule may be granted when an employee has worked excessive hours in response to a specific matter of limited duration and/or has been working excessive hours over a protracted period to complete a major NYCHA endeavor. This may include emergencies which necessitate evening or weekend work, or mandatory attendance at after-hour meetings or events. A modification is not intended to redress accumulated hours worked in the employee's normal course of responsibility.

##### Flex Hours

Any managerial employee wishing to utilize flex hours in order to be excused for an entire regularly scheduled workday (even on a one-time basis) must receive prior approval from their Director or other appropriate senior level staff member (depending on the level of the employee involved). The managerial flex code is to be used to indicate time that is flexed.

Some examples of misuse of flex time include:

- Consistently working between ¼ hour or ½ hour excess daily to accumulate hours to flex in order to complete the 35-hour work week.



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- Taking a shortened lunch period in order to complete a 35-hour work week (*e.g.*, consistently working 9:30 AM to 5 PM for 5 days and indicating a ½ hour lunch each day).
- Flexing time in increments as little as ¼ hour.
- Taking time off and using a combination of flex time and Annual Leave on the same day.
- Working 35 hours in less than 5 days and not charging Annual Leave for the 5th day absence, if there is no indication the managerial employee has worked excessive hours in a previous period and has prior written approval.

### **Recording Time**

Managerial employees have the ability to record their time, as well as request time off directly through the Kronos system. Alternatively, managerial employees have the option of swiping in and out at Kronos time clock. The time sheet must be approved by the managerial employee and submitted to their supervisor on the Monday following the close of the bi-weekly pay period.

### **Meal Allowances**

Managerial employees are not eligible for supper money allowances. They are, however, eligible for reimbursement for meal expenses for authorized out-of-town travel.





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### 41. Meal Periods

#### Overview

Meal periods are for a fixed period of time, generally 30 or 60 minutes or as prescribed by law or an applicable collective bargaining agreement, to be relieved from duty and have an opportunity to eat. To maintain adequate staff coverage at all times, supervisors should schedule the meal periods.

#### Further Information

Generally, employees are fully relieved of duties and their responsibilities during meal periods. For certain exceptions, please consult the appropriate collective bargaining agreement.

Supervisors should schedule meal periods for their subordinates for the prescribed duration within a 2-hour band spanning midway through the work shift, or as otherwise may be prescribed by law.

If employees choose to handle personal business during their meal period, such as shopping, banking or personal appointments, they are advised that such business must be completed within the allotted meal period time. Employees who take longer meal periods than permitted may be subject to disciplinary action.



## Human Resources Manual

### 42. Media

#### Overview

Follow these guidelines if approached by the press or other media with requests for information concerning NYCHA policies and procedures, or other NYCHA matters, an incident involving a NYCHA development or NYCHA personnel, or for access to the scene of an incident at a NYCHA location. Any and all such inquiries should be immediately referred to the Department of Communications (DOC).

#### Further Information

##### Prohibited Communication

If approached by the media, under *no* circumstances is anyone other than NYCHA's Public Information Officer to communicate on behalf of NYCHA with the press or other media without prior written authorization from the Chair's Office.

##### Access to NYCHA Property

NYCHA property is private and access is strictly limited. Under no circumstances should the media be afforded less access to a NYCHA property than that afforded the general public. On the other hand, the media should not be given greater access than the general public, except to the extent their press pass provides them access to incident scenes.

A resident, however, may invite the media into their unit, and NYCHA cannot prevent their entry. In such cases, DOC should be notified immediately.

##### Credentials

If "reporters" do not have press credentials issued by the NYPD, then contact DOC, the Property Management Borough Office, or, if it is after hours, the Emergency Services Department (ESD). The media should not, under any circumstances, be confronted.

Press credentials should clearly state the bearer is "entitled to cross police and fire lines." This right should be honored and access should not be denied. However, this does not include access to interior crime scenes or areas frozen by the NYPD or FDNY for security reasons. If a reporter persists, turn the matter over to the NYPD or FDNY.

NYCHA employees should not interfere with the video recording or the photographing of incidents in public places. Intentional interference such as blocking or obstructing cameras or harassing the photographer is inappropriate and may be unlawful.

##### Residents

NYCHA employees may **not** stop reporters from talking to residents at an incident scene.



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These guidelines are not intended to prohibit NYCHA employees from commenting on a matter of public concern. If an employee wishes to comment on a matter of public concern, they must do so on their own time. An employee may not use NYCHA resources to contact the press or to make comments. An employee must make it clear to the interviewer that they are not expressing the official views, policies or information of NYCHA. Under no circumstances shall an employee discuss confidential information, including but not limited to matters related to non-final agency policies and procedures, NYCHA employees, or NYCHA residents. Any employee who violates these procedures will be subject to appropriate disciplinary action.

Employees who need assistance handling the media should call DOC at 212-306-3322, or if it is after office hours, contact the Emergency Service Department (ESD) at 718-707-5900, or the local Property Management Borough Office.



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### 43. Military Duty

#### Overview

New York State provides that every employee is entitled to leave with pay for ordered duty as a member of the organized militia, reserve forces, or reserve components of the armed forces. Payment for such absences shall not exceed a total of 22 work days or a maximum of 30 calendar days in any one calendar year, or in any one continuous period of absence, whichever is greater.

#### Further Information

##### Eligibility

Employees are entitled to leave for military duty if they are called to perform involuntary service in a uniformed service for any one of the following:

- Active duty
- Training
- Weekend drills
- Summer camp
- Fitness-for-duty examinations

##### Notification

Generally, employees must notify their supervisors in advance:

- When they need leave by submitting a *Leave of Absence Form* with a copy of their official military orders signed by the Unit Commander for submission to the Human Resources Department, Records Control Division.
- In addition, employees should submit:
  - 6 weeks in advance of service, a quarterly schedule of drills (i.e., January to March and the like) signed by the Unit Commander.
  - A written request signed by the Unit Commander only, if later there is to be a deviation from the submitted schedule of drills.
  - A drill attendance record and/or pay voucher signed by the Unit Commander only, in order for paid leave to be authorized.



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However, in the event circumstances make it impossible or unreasonable for employees to provide the above information, then the *Leave of Absence Form* would be accepted without further documentation.

### **Application for Reemployment**

Employees returning from military duty must apply for reemployment within the applicable time periods specified in the chapter covering *Military Leave*.

### **Proof of Satisfactory Service**

The returning employee must provide a certificate indicating that their active duty has been satisfactorily completed. Military service leading to a discharge or release from active duty that is “honorable,” “general,” or “under honorable conditions” is considered to meet the satisfactory requirement.



## Human Resources Manual

### 44. Military Leave

#### Overview

Employees are allowed a leave of absence to serve in one of the following uniformed services:

- The National Guard
- The full-time or reserve components of the Army, Navy, Marine Corps, Air Force or Coast Guard
- The commissioned corps of the Public Health Services
- Any other category of uniformed services named by the President during a war or national emergency

#### Further Information

##### Length of Military Leave

The combined length of an employee's military leaves may not exceed five years from the first day of military service.

##### Benefits

Generally, employees on military leave are entitled to participate in any rights and benefits not based on seniority (*e.g.*, medical benefits) that are available to employees who are on non-military leaves of absence. Employees are required to pay for these rights and benefits only to the same extent that those on other leaves of absence are required to pay. Special Federal rules apply to NYCHA-sponsored health benefits.

##### Application for Reemployment

Employees returning from military leave must apply for reemployment within the following applicable time periods:

If an employee returns from:	Then the employee must:	And NYCHA will reemploy the employee in:
Annual training or weekend duty as a reservist or member of the National Guard	report to work at the beginning of the first scheduled work day after such training	The same or higher position.
90 days or less of active duty as a reservist or member of the National Guard	submit an application for reemployment within 31 days after completing service	The position the employee would have held if leave not taken, if qualified



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Less than 31 days service	report to work at the beginning of the first scheduled work day that falls 8 hours after returning home	The position the employee would have held if leave had not been taken.
30 to 90 days of service	submit an application for reemployment within 14 days after completing service	-- The position the employee would have held if continuously employed if qualified, or -- the employee's pre-service position if not qualified.
91 to 180 days of service	submit an application for reemployment within 14 days after completing service	-- The same or higher position had they remained continuously employed if qualified, or -- the employee's pre-service position if not qualified.
181 or more days of service	submit an application for reemployment within 90 days after completing service	The position the employee would have held if remained continuously employed or a position of equivalent seniority, status and pay.

### **Proof of Satisfactory Service**

The returning employee must provide a certificate indicating that their active duty has been satisfactorily completed. Military service leading to a discharge or release from active duty that is "honorable," "general," or "under honorable conditions" is considered to meet the satisfactory requirement.



## Human Resources Manual

### 45. Minors

#### Overview

This section addresses the employment of individuals between the ages of 14 and 18 (minors).

#### Further Information

##### Working Papers

All individuals under the age of 18 must have valid working permits or working papers from the NYC Department of Education before NYCHA can offer them employment.

##### Hours When School Is In Session:

When school is in session, hours are restricted, as follows:

When The Minor:	The Minor May <u>Not</u> Work:
14 or 15 years of age <sup>1</sup>	<ul style="list-style-type: none"><li>○ More than 3 hours on any school day;</li><li>○ More than 8 hours during any non-school day;</li><li>○ More than 18 hours a week; or</li><li>○ More than 6 days in any week.</li><li>○ Before 7a.m. or after 7p.m. on any day, except from June 1-Labor Day when the hours extend to 9p.m.</li></ul>
16 or 17 years of age	<ul style="list-style-type: none"><li>○ More than 4 hours on days preceding school days (i.e., Mon.; Tues.; Wed.; Thurs.<sup>2</sup>); 8 hours on Fri., Sat. Sun. and Holidays;</li><li>○ More than 28 hours a week;</li><li>○ More than 6 days in any week;</li><li>○ Before 6 a.m. or after 10 p.m.<sup>3</sup></li></ul>

<sup>1</sup> Students enrolled in an approved work/study program may work 3 hours on a school day, 23 hours in any one week.

<sup>2</sup> Students enrolled in an approved Cooperative Education Program (Program) may work up to 6 hours on a day preceding a school day other than a Sunday or Holiday, as long as the hours are in conjunction with the Program.

<sup>3</sup> Or until 12 Midnight with written parental and educational authorities' consent on a day preceding a school day and until 12 Midnight on a day preceding a non-school day with written parental consent.





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### Hours When School is Not In Session

When school is **not** in session (and during vacations if closed for the entire calendar week), hours are restricted as follows:

When The Minor Is:	The Minor May <u>Not</u> Work:
14 or 15 years of age	<ul style="list-style-type: none"><li>○ More than 8 hours a day;</li><li>○ More than 6 days a week;</li><li>○ More than 40 hours a week; or</li><li>○ Before 7 a.m. or after 9 p.m. from June 21<sup>st</sup> through Labor Day.</li></ul>
16 or 17 years of age	<ul style="list-style-type: none"><li>○ More than 8 hours a day;</li><li>○ More than 6 days a week;</li><li>○ More than 48 hours a week; or</li><li>○ Before 6 a.m. after Midnight.</li></ul>

### Minors Not Attending School

When The Minor Is:	The Minor May <u>Not</u> Work:
16 or 17 years of age	<ul style="list-style-type: none"><li>○ More than 8 hours a day;</li><li>○ More than 6 days a week;</li><li>○ More than 48 hours a week; or</li><li>○ Before 6 a.m. after Midnight.</li></ul>

### Prohibited Activities

Employees under the age of 18 may not engage in activities that involve some exposure to the risk of danger or injury to the health or safety of the minor employee. The health and welfare of minor employees must be a primary consideration when assigning tasks to such minor employees. The following are examples of prohibited activities:

When The Minor Is:	The Minor May <u>Not</u> :
Under 16 years of age	<ul style="list-style-type: none"><li>○ Paint or exterior clean in connection with the maintenance of a building or structure,</li><li>○ Operate machinery that washes, grinds, cuts, slices, presses or mixes,</li><li>○ Use any other machinery unless all moving parts (other than keys, levers or handles) are guarded in order to prevent any part of the person, clothing from touching the machinery.</li></ul>



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When The Minor Is:	The Minor May <u>Not</u> :
Under 18 years of age	<ul style="list-style-type: none"> <li>○ Care for or operate a freight elevator or passenger elevator (minors aged 17 may operate automatic push-button control elevators),</li> <li>○ Operate or use any emery, tripoli, rouge, corundum, stone, silicon carbide or any abrasive or emery polishing or buffing wheel,</li> <li>○ Adjust belts to machinery,</li> <li>○ Clean, oil or wipe machinery,</li> <li>○ Pack paints, dry colors or red or white leads,</li> <li>○ Prepare any compositions in which dangerous or poisonous acids are used,</li> <li>○ Operate steam boilers,</li> <li>○ Help on a motor vehicle, or</li> <li>○ Assist in any occupation involved in:               <ul style="list-style-type: none"> <li>○ Construction work, including wrecking, demolition, roofing or excavation operations and painting or exterior cleaning of buildings or structures from an elevated surface,</li> <li>○ The operation of a power-driven woodworking, meal-forming, metal-punching, metal-shearing machines, circular saws, band saws, guillotine shears, or power driven hoisting apparatus,</li> <li>○ The manufacture of brick, tile and kindred products, or</li> <li>○ Exposure to silica or other harmful products.</li> </ul> </li> </ul>

For updates and further information, please see the NYS Department of Labor website on [“Permitted Working Hours For Minors Under 18 Years of Age.”](#)



## Human Resources Manual

### 46. Nursing

#### Overview

NYCHA must provide a designated Lactation Room for employees and implement a Lactation Room Accommodation Policy consistent with federal, state, and local law.

#### Further Information

Absent undue hardship, NYCHA must accommodate those employees needing to express breast milk. As an employer, NYCHA must provide reasonable time, no fewer than 20 minutes, for an employee to express breast milk and may not limit the amount of time that an individual can use to express milk unless the employer can demonstrate that the time needed presents an undue hardship to the employer. Breaks of 20 minutes or fewer will be paid leave. Breaks of more than 20 minutes will not be paid.

A “Lactation Room” is defined as “a sanitary place, other than a restroom, that can be used to express milk shielded from view and free from intrusion by coworkers and the public; and that includes at minimum an electrical outlet, a chair, a surface on which to place a breast pump, and other personal items, and nearby access to running water.” Supervisors must ensure that the Lactation Room is in reasonable proximity to the employee’s work area and must also provide the employee with the ability to use a refrigerator suitable for breast milk storage that is in reasonable proximity to such employee’s work area.

An entirely new room devoted to lactation breaks does not necessarily have to be built. The use of an existing multi-purpose room is permissible provided that the room is reserved only for lactation during the time an employee is using it for that purpose.

An employee who wishes to express milk at their usual workstation shall be permitted to do this regardless of whether a co-worker, client, or customer expresses discomfort. No employee shall discriminate in any way against an employee who chooses to express breast milk in the workplace.

The Lactation Room Accommodation Policy and Procedure is as follows:

- **Requests:** An employee may submit a request for a Lactation Room either verbally or by written memorandum or email to the requesting employee’s supervisor.
- **Responses:** The requesting employee’s supervisor must respond to the request for a Lactation Room within a reasonable amount of time, not to exceed five business days. Supervisors should respond to these requests in writing.



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- **Priority:** When two or more individuals need to use the Lactation Room at the same time, NYCHA's reasonable accommodation coordinator will determine which employee receives preference. NYCHA's reasonable accommodation coordinator can be reached at (212) 306-3996.
- **Timing:** Supervisors shall provide reasonable break time for a requesting employee to express breast milk pursuant to section 206-c of the NYS labor law. As described above, employees must receive breaks of no less than twenty minutes to express breast milk.
- **Exceptions:** If the request for a Lactation Room poses an undue hardship on the management of the location to which the employee is assigned, then the supervisor shall engage in good faith in a cooperative dialogue with the employee, which shall include exploration of the existence and feasibility of alternative accommodations, and which shall not be conducted with obstruction or undue delay or in any way to intimidate or deter the employee from requesting or receiving Lactation Room access.
- **Notification:** Supervisors must ensure that dedicated Lactation Room(s) is/are labelled as such or otherwise provide notice to employees that use of the room(s) is/are given preference for use as a Lactation Room. Supervisors must also ensure that this policy is conspicuously posted at their locations where employees normally congregate, such as timeclocks and lunchrooms.
- **Complaints:** Employees may report Complaints to NYCHA's Reasonable Accommodation Coordinator at (212) 306-3996.
- **Discrimination and Retaliation Prohibited:** NYCHA may not discriminate or retaliate against any employees who exercise their rights under this section. Employees who believe they have been subject to discrimination or retaliation may file a complaint. Information on where to file a complaint is set forth in the chapter in this manual on "Retaliation."

For further guidance on this topic, supervisors may contact the Human Resources Reasonable Accommodation Coordinator at (212) 306-3996.

### Period of Eligibility and Documentation

An employee shall provide notice when time for expressing breast milk is no longer required. In no event is the benefit available beyond 3 years from the date of birth of the child.

Employees are not entitled to absent themselves from their work areas for this purpose without prior approval. Prior approval should normally be obtained at the time the initial arrangements are made and a schedule is agreed upon. When an employee needs to change a previously agreed upon schedule, the employee must obtain approval to do so.



## Human Resources Manual

### **Coverage During Breaks**

Employees may be required to postpone a scheduled time to express breast milk for a brief period of time if they cannot be spared.

### **Length of Breaks**

Time required to express breast milk includes the time required for the nursing mother to reach and return from the location identified by NYCHA for expressing breast milk.

The amount of time needed to express breast milk may vary and there is no set limit on the number of breaks provided per day. They must, however, be reasonable and approved by NYCHA.

This benefit may not be denied because of difficulty in arranging time or location.



## Human Resources Manual

### 47. Notarizations

#### Overview

Generally, there shall be at least one Notary Public or Commissioner of Deeds in each NYCHA Department and in each development. If a Department Director deems it necessary, additional Notaries may be appointed. However, the total number of employees in each development appointed in either title shall generally not exceed two.

Since appointments as Commissioner of Deeds are processed in a shorter time than Notaries Public, such commission may be secured for developments where immediate service is necessary. However, where time will permit the appointment of a Notary Public, application shall not be made for a Commissioner of Deeds.

#### Further Information

##### Definition

###### ***Notary Public***

Statewide powers, generally, to administer oaths and affirmations, to take affidavits and depositions, to receive and certify in writing acknowledgments or proofs of deeds, mortgages, powers of attorney, and other instruments.

###### ***Commissioner of Deeds***

Authority within the City of New York to take acknowledgments or proof of the execution of a written instrument and to administer oaths.

##### Qualifications

###### ***Notary Public***

- Civil Service employee
- 21 years of age
- Citizen of the United States
- Resident of the State of New York for at least one year.

###### ***Commissioner of Deeds***

- (As for Notary Public immediately above, with the additional requirement of New York City residence).



## Human Resources Manual

### Selection Process

#### ***Request for Approval of Original Appointment***

Assistant Directors/Property Managers shall make requests for selection of employees as Notaries Public or Commissioner of Deeds by completing and submitting *Form 015.009* to their Department Director/Borough Property Management Director for approval. The signed approval shall then be forwarded back to the requesting location.

However, where a Property Manager has determined the need for a second Notary at the development, such request shall be submitted to the Borough Property Management Office with supporting justification for approval.

#### ***Renewal of Appointment***

To obtain approval for renewal applications, follow instructions noted in above for Request for Approval of Original Appointment. Applicants may secure renewal applications from the Department of State for Notaries Public or the City Clerk for Commissioner of Deeds.



## Human Resources Manual

# 48. Organization Structure

### Overview

The Human Resources Department maintains records depicting the organizational structure of NYCHA. The organizational structure explains the relationship between all NYCHA positions.

NYCHA reserves the sole right to change its organizational structure in whole or in part in order to meet its business needs.

### Further Information

Functional organizational charts reflecting positions from the senior management to the departmental deputy director level or equivalent are published on NYCHA Connect. Approved new, modified or updated charts will be published on a continuous basis as soon as they are available. The charts are in a hierarchical design; line authority flows from the top downward. Line authority refers to the power of a person in management to control and direct subordinates that are directly under them.

#### Primary Structure

Formal departmental organizational charts are prepared by the Department Director and the respective Executive Vice President and reviewed by Human Resources and the Chief Administrative Officer for propriety. These serve as a primary structure for conducting ordinary business. No employee may determine by themselves to whom they report to in the organizational structure. Similarly, only a higher-level supervisor may specify to a lower-level supervisor their span of supervision and their subordinates. If an employee is uncertain about the reporting relationship, they should consult with their immediate supervisor through the normal chain of command for clarification.

#### Alternate Structures

Regardless of the formal organizational structure, employees may be also assigned to serve on various committees, task forces, or other interdisciplinary work groups or teams that may span across agencies, departments, divisions or other work units and that may involve alternate roles and reporting relationships. Such assignments may be either on a standing, temporary or project basis. An example of such an alternate organizational structure is the Incident Command System (ICS), designed to address NYCHA emergencies or planned events, and which is a modular design adapted to and constructed in response to the particular incident.

#### Authority

Line authority flows from the top downward in the organization. Generally, employees report to only one immediate supervisor at a time; however, exceptions may apply. An employee must ordinarily follow the commands of their superior(s) in the respective organizational structures in





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which the employee serves. Failure to do so may be considered insubordination and an act of misconduct subject to disciplinary action.

### **Insubordination**

The term “insubordination” is commonly considered to be the willful disobedience of a legitimate order from a superior. Such may be a wilful disregard of express or implied directions of the supervisor and refusal to obey reasonable orders. Insubordination may also involve disrespectful behavior towards a supervisor that goes beyond mere refusal to perform the work, including undercutting the supervisor’s authority.

Ordinarily, employees are advised to comply now and to grieve later an order of a supervisor that they disagree with, unless the order clearly places the employee or others in danger, i.e., compliance would involve an unusual or abnormal safety and health hazard. It may not necessarily be a reasonable refusal of an employee to perform work in imminently dangerous situations if measures can first be taken to mitigate such conditions, such as referencing and following safety protocols and the wearing of personal protective equipment in order to perform the assigned work properly and safely. **For protocols in this area, please see the “Make It Safe” program in the chapter herein on *Safety*.**

For clarity, supervisors are advised to:

- Make clear who is a supervisor, and thus authorized to issue orders to the employee;
- Not issue orders that are too vague or stated in uncertain terms as to imply a request rather than an order;
- Where practical, offer an explanation for their orders;
- Ask the employee if they understand and accept the order;
- Make known to the employee their expectations and the consequences of refusal;
- Specify if there is latitude given to the employee on how the work is to be completed;
- Consider legitimate practical reasons for failure to comply, such as a lack of parts or other delays that may be beyond the employee’s control, as well as the employee’s ability to perform the order and the time allotted to complete it.



## Human Resources Manual

### 49. Organizations

#### Overview

Employees shall have the right to form and join bona fide employee organizations.

#### Further Information

##### **Employee Organizations Identified By Name, Or Otherwise, With NYCHA**

All employee organizations, identified by name, or otherwise, with NYCHA, including social, educational, and fraternal organizations, shall register with the Director of Human Resources. Public solicitation or fund-raising by such employee organizations among residents, merchants and business establishments, among vendors or contractors doing business with NYCHA, or the public at large, is prohibited. Prior to undertaking fund-raising activities, such employee organizations shall obtain permission therefor from the Director of Human Resources and the Conflicts of Interest unit. The financial records of all such employee organizations shall be subject to review and audit by the NYCHA. The registration referred to above may be revoked by NYCHA for improper activities after notice to the organization.

It shall be incumbent upon any future organizations to register within thirty (30) days. *Employee Organization Registration, NYCHA Form 015.033*, shall be submitted by the organization to the Human Resources Department for approval by the Director of Human Resources.

##### **Posting**

Employee groups may post material concerning their organization on bulletin boards specifically provided for this purpose. Each piece of material that is posted shall be signed by a representative of the organization and shall be approved in advance by the Chief Information Officer, or designee, and the Director of Human Resources.

##### **Organizing Activity**

Employees are not permitted to engage in any organizational activity during the hours regularly designated as the working hours of NYCHA. This shall be construed as prohibiting organizational meetings, campaigns, elections or membership drives during working hours. Nothing in this section, however, shall be construed as prohibiting duly appointed representatives of the employees from conferring with the officials of NYCHA concerning disputes or grievances during working hours without deduction or penalty for loss of time from work, provided, however, the conference has been arranged in accordance with the procedure for releasing employees with pay.



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### **Meetings**

Employee organizations are not permitted to hold meetings on NYCHA premises at any time, except as provided for in these Rules and Regulations.

### **Conferences**

Committees of each employee organization may meet with the Director of Human Resources after written application. This application shall state the subjects to be discussed at the conference and shall be in the Director's hands not less than 2 days before the date of the desired conference.



## Human Resources Manual

### 50. Overtime

#### Overview

Employees shall not remain on NYCHA premises nor perform any work before or after their scheduled working hours or on a scheduled day off unless expressly authorized to do so by a supervisor. When work beyond the normally scheduled hours is authorized, credit varies based on employees' respective collective bargaining agreement (CBA). For additional information regarding overtime, employees should reference their respective CBA.

All overtime requires prior supervisory approval.

Not all employees are entitled to receive overtime credit. Managerial and certain non-managerial positions are not entitled to overtime credit.

#### Further Information

##### Approval

All overtime must be approved in advance by the appropriate supervisor, or manager or a designated representative. *At no time should an employee make the decision on their own to remain on NYCHA premises and/or work beyond their scheduled hours. Employees who do so without authorization may be subject to disciplinary action.*

##### Assignment

Generally, where need is determined by management, opportunity for overtime is given to the employee responsible for the task during the regular workday.

##### Requirement

Employees, as a condition of employment, are expected to work overtime when required. NYCHA may mandate that an employee work overtime.

##### Meal Allowance

In accordance with the terms of their respective CBA, employees may be eligible for a meal allowance if overtime is worked.

##### Limitations

Management may set caps on the amount that any individual employee may be authorized to work overtime.



## Human Resources Manual

### 51. Paid Family Leave

#### Overview

Represented employees may be eligible for Paid Family Leave (PFL) under the terms of their Collective Bargaining Agreement.

#### Further Information

PFL is an employee-funded insurance policy that provides job protected paid time off to bond with a newly born, adopted or fostered child; to care for a family member with a serious health condition including preparation and recovery from surgery related to organ or tissue donation; or to assist loved ones when a family member is deployed in a foreign country on active military service.

#### General Provisions

##### *Eligibility*

- Full time employees who work a regular schedule of 20 hours or more per week are eligible for PFL after 26 consecutive weeks of employment commencing with the employee's City start date.
- Part-time employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days which need not be consecutive commencing with the employee's City start date.

Once eligibility requirements are met, an employee remains eligible until employment is terminated with the City of New York or if the employee moves to a non-eligible title.

##### ***Eligible employees may be entitled to benefits for leave taken from work for the following qualifying events:***

- To participate in providing care, including physical or psychological care for a family member of the employee made necessary by a serious health condition of the family member.
- For the employee to bond with the employee's child:
  - ❖ During the first 12 months after the child's birth
  - ❖ During the first 12 months after the placement of the child for adoption or foster care; or
  - ❖ Before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.



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- Due to any qualifying exigency pursuant to Family and Medical Leave Act (FMLA), arising out of active duty or an impending call or order to active duty in the Armed Forces of the United States for the spouse, domestic partner, child or parent of the employee.

### ***No employee shall be entitled to PFL benefits:***

- For any disability intentionally caused by the employee to another or resulting from the employee's illegal act.
- For any day of family leave during which the employee performed work for NYCHA for remuneration or profit.
- For any family leave commencing *before* the employee becomes eligible for PFL benefits.
- For any disability of the employee.

### ***Payroll Deductions***

The Paid Family Leave benefit is paid through payroll deductions. These rates are set by September 1<sup>st</sup> of the preceding year by the New York State Superintendent of Financial Services pursuant to Workers' Compensation Law 209(3)(b) and Insurance Law § 4235(n)(1).

Refer to the Paid Family Leave website [www.paidfamilyleave.ny.gov](http://www.paidfamilyleave.ny.gov) for the latest information on rates.

Eligible employees will see the deductions in their paychecks.

Employees that do not expect to work for NYCHA for the minimum amount of time required for eligibility may opt out of PFL by completing the *Employee Opt-Out of Paid Family Leave Benefits (PFL-Waiver)* form. A waiver of PFL benefits may be granted when:

- An employee's work schedule is 20 hours or more per week and will not work for 26 consecutive weeks or
- An employee's work schedule is less than 20 hours per week and will not work 175 days in a 52-consecutive week period.

Human Resources will confirm that the employee will be employed for less than the minimum amount of time required for eligibility.



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### ***Paid Family Leave Usage***

- PFL may be taken consecutively or intermittently in full day increments. Any changes to an employee's work schedule require prior verification by the Human Resources Department.
- Employees *cannot* simultaneously receive pay from annual leave balances and PFL benefits. If an employee receives pay from annual balances for leave qualifying for PFL, the leave taken will count towards the entitlement.
- Employees that use annual/sick leave balances during the PFL period will accrue annual/sick leave during the PFL period in accordance with the applicable leave regulations. Employees will not be credited with the annual/sick leave time accrued while on PFL until employee returns from PFL.
- If an employee chooses not to use annual/sick leave balances during the PFL period and therefore on unpaid leave, the employee will not accrue any annual/sick leave balances during that period.
- Leave under the Family and Medical Leave Act (FMLA) shall run concurrently with PFL, if the employee is eligible for FMLA for the same reason for which PFL is taken. The employee must be notified if eligible for both PFL and FMLA.
- If an employee requests leave for a PFL qualifying purpose but does not request to use PFL, the leave will automatically be designated as PFL.
- If leave to bond with the employee's child is interrupted or ceased as a result of the child(ren) no longer being under the care of the eligible employee, the employee must immediately notify the Human Resources Department and end their PFL benefits.
- Group Health Insurance must be maintained for employees on PFL on the same terms as if the employee had continued to work. If the employee contributes to their health insurance cost, the employee must continue to pay their portion of the premium cost while on PFL.

### ***How To Apply for Benefits***

If the need for PFL is foreseeable, the employee should request leave at least 30 calendar days before the leave begins by submitting a *NYCHA Leave of Absence Request Form* to their Department Director. If the need for leave is not foreseeable (e.g., a medical emergency), then the employee must provide the form as soon as practicable.

In either case, along with the *Leave of Absence Request Form*, the employee must complete and submit the following documentation for the appropriate type of leave to their supervisor for submission to Human Resources at [pfl@nycha.nyc.gov](mailto:pfl@nycha.nyc.gov).



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If PFL is to bond with newly born, adopted or fostered child, complete *Applying for Paid Family Leave - Bonding* and submit supporting documentation as follows

- For birth of a child
  - ✓ Birth certificate or voluntary acknowledgement of paternity or court order of filiation or
  - ✓ Documentation of pregnancy or birth from a health care provider including the parents name and due date and documentation verifying the parent's relationship with the birth mother or child.

- For Foster Care

Letter of placement issued by county or city department of social services or local voluntary agency. If a parent is not named on the documentation, must also submit documentation verifying relationship to the parent named in the foster care placement.

- For Adoption

Legal evidence of adoption process. If a parent is not named in legal document must also submit documents verifying the relationship to the parent named in the document.

- If the PFL is to care for a family member with a serious health condition, the family member's health care provider must complete the *Applying for Paid Family Leave-Care for Family Member*. The PFL package must be submitted to the insurance carrier within 30 days of the first date of the PFL.
- If the PFL is for Military related leave, Complete the *Applying for Paid Family Leave – Military* form and attach copy of Military duty papers as well as other documentation supporting the reason for the leave (copy of meeting notice, or other meeting documentation, ceremony details, rest and recuperation orders, etc.)

Within 3 business days of receiving the completed package, Human Resources must complete and return the form to the insurance carrier for processing and provide a copy to the employee for their record. The insurance carrier must pay or deny the request within 18 calendar days of receiving the completed request.

### ***Return To Work from PFL***

An employee who returns from PFL must be restored to their previous position or to an equivalent position. An equivalent position is a position in the same civil service title which has the same pay, benefits and working conditions (including the same worksite or a





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geographically proximate worksite). A geographically proximate worksite is one that does not involve significant increase in commuting distance or time. If the employee is denied restoration or other benefits, NYCHA must be able to show that the employee would not have continued to be employed or to have received the benefits if the employee had been continuously employed during the leave period.

If an employee would like to return to work from PFL earlier than initially requested or would like to extend the PFL, the employee must submit the request to Human Resources for verification. Once verification is obtained, the employee must notify the insurance carrier of the change in schedule. The insurance carrier will contact Human Resources to confirm this information.

### ***Termination of PFL***

If employment is terminated or if the employee moves to a non-eligible title, Human Resources must notify the insurance carrier that benefits are to be terminated.

### **Definitions**

“Average *Weekly Wage*” for the purpose of computing the PFL benefit, the amount determined by dividing either the total wages of the employee in the employment of their last covered employer for the eight weeks or portion thereof that the employee was in such employment immediately preceding and including their last day worked prior to the first day of PFL or the total wages for the last eight weeks or portion thereof immediately preceding and excluding the week in which PFL began, whichever is the higher amount; by the number of weeks or portion thereof of such employment.

“*Care*” means physical, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services.

The employee must be in close and continuing proximity to the care recipient (i.e. present at the same location as the family member requiring care during the majority of the leave requested). Travel necessitated for securing medication or to arrange care for the family member or other such deviations determined to be reasonably related to providing care shall satisfy this definition.

“*Child*” means a biological adopted or foster child or stepchild of the eligible employee or their domestic partner; legal ward of the employee or a child for whom the employee stands in loco parentis. A child must either be under the age of 18 or incapable of self-care because of mental or physical disability.

“*Contingency Operation*” is a military operation that is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military



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actions, operations or hostilities against an enemy of the United States or against an opposing military force.

*“Domestic Partner”* means domestic partner as defined in Section 4 of the Workers’ Compensation Law.

*“Eligible employee”* means an employee who is represented by DC37 and is either full-time working a regular schedule of 20 hours or more per week for 26 weeks or part-time working a regular schedule of less than 20 hours per week for 175 days, which need not be consecutive.

*“Family Leave”* means any leave taken by an employee from work

to participate in providing care including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member; or

to bond with the employee’s child during the first twelve months after the child’s birth or first 12 months after the placement of the child for adoption or foster care with the employee; or

because of any qualifying exigency as interpreted under the family and medical leave act, 29 U.S.C.S. § 2612(a)(1)(e) and 29 C.F.R. § 825.126(a)(1)-(8), arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

*“Family Member”* means a child, parent, grandparent, grandchild, spouse or domestic partner as defined herein.

*“Grandchild”* means a child of the employee’s child.

*“Grandparent”* means a parent of the employee’s parent.

*“Health Care Provider”* includes Physician, Physician Assistant, Chiropractor, Dentist, Physical Therapist, Nurse Practitioner, Registered Professional Nurse, Podiatrist, Optometrist, Psychologist, Clinical Social Worker, Occupational Therapist, Midwife, Mental Health Practitioner, Speech-language Pathologist, Audiologist.

*“Military Active Duty”* or *“Call to Active Duty Status”* means (1) in the case of a member of the Regular Armed Forces, deployment to a foreign country and (2) in case of a member of the Reserve components of the Armed Forces during deployment in a foreign country under a call or order to active duty or notification of an impending call or order to active duty in support of a military operation defined as a contingency operation.



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“*Parent*” means biological, foster or adoptive parent, a parent-in-law, a stepparent, a legal guardian or other person who stood in loco parentis to the employee when the employee was a child.

“*Qualifying Event*” means the birth of a child(ren), the formal adoption of child(ren) under the age of 18, the placement of child(ren) under the age of 18 in foster care, or to care for a child incapable of self-care because of mental or physical disability; caring for a close relative with a serious health condition; or assist loved ones when a family member is deployed in a foreign country on active military service. If the qualifying event is the placement of a child with an eligible employee for foster care, the eligible employee uses PFL during that qualifying event and such placement subsequently becomes an adoption of that same child by the same employee, the adoption will not be considered a qualifying event and the eligible employee will not be entitled to additional PFL for the adoption.

“*Serious Health Condition*” means an illness, injury, impairment or physical or mental condition including transplantation preparation and recovery from surgery related to organ or tissue donation that involves inpatient care in a hospital, hospice or residential health care facility, continuing treatment or continuing supervision by a health care provider. Continuing supervision by a health care provider includes a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective where the family member is under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

### Other Conditions

#### 1. Dispute Resolution

Informal Resolution - The employee and insurance carrier shall make every effort to informally resolve a denial of PFL benefits.

Arbitration - In the event an informal resolution is unsuccessful, any party may seek a formal resolution through arbitration. Any claim-related dispute, including eligibility, benefit rate and duration of family leave is subject to arbitration pursuant to procedures promulgated or approved by the New York State Chair of the Workers’ Compensation Board. Awards are made in writing and are final and binding on the parties in the case subject to Article 75 of the Civil Practice Law and Rules.

2. The employee is responsible for any overpayment made from the insurance carrier to the employee.
3. NYCHA is strictly prohibited from discriminating or retaliating against an employee for requesting or taking Paid Family Leave.



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4. Contact the insurance carrier directly for additional information or questions regarding Paid Family Leave.

For further information regarding PFL, please refer to memo# 10-2019 located on the NYCHA Connect Forms and Reference Library.



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### 52. Paid Parental Leave (Managerial and Original Jurisdiction)

#### Overview

Effective May 1, 2017, employees serving in positions designated as Managerial or in the Original Jurisdiction can receive up to 30 work days of Paid Parental Leave (PPL). Paid Parental Leave is defined as a leave of absence upon the birth of a child(ren) to an eligible employee (biological parent) or the placement of a child with an eligible employee for adoption or foster care (“qualifying event”), to provide child care for a custodial child, and excludes other types of family leave.

#### Further Information

##### Definitions

The following definitions shall apply:

- Child(ren)

“Child(ren)” means a biological, adopted or foster child of the eligible employee. For the purposes of PPL a child must be under the age of 18.

- Eligible employee

“Eligible employee” means an employee who is covered by the Pay Plan for Management Employees and employees serving in a title or position in the Original Jurisdiction (OJ). Ineligible employees are those who do not meet the preceding criteria; or are in a title that does not accrue annual leave.

- Parent

“Parent” means the person identified on the child(ren)’s birth certificate, adoption certificate or certified copy of a foreign adoption order that has been registered in New York State, or certified copies of initial and continuing family court orders of foster care placement. If the child subject of a qualifying event is parented by, adopted by, or placed in foster care with two eligible employees, both employees may seek to use parental leave.

- Qualifying Event

“Qualifying Event” means the birth of a child(ren), the formal adoption of child(ren) under the age of 18 or the placement of child(ren) under the age of 18 in foster care, that takes place on or after May 1, 2017. Eligible employees are entitled to PPL for one qualifying event per child.



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- ❖ In the cases of multiple births, all children are treated as one qualifying event.
- ❖ In the cases of multiple children being adopted or placed under foster care, all children being adopted or placed in foster care on the same day are treated as one qualifying event.
- ❖ In the case of multiple qualifying events for the same child by the same employee, the eligible employee will be entitled to only one instance of PPL. For example, if the qualifying event is the placement of child with an eligible employee for foster care, and such placement subsequently becomes an adoption of that same child by the same employee, the adoption will not be considered a qualifying event and the eligible employee will only be entitled to one PPL.

### General Provisions

Eligible employees are entitled to up to 30 work days (6 weeks) of PPL.

The PPL must be used within 60 workdays after the first day of usage. The PPL can be used intermittently in units of at least one hour. Any portion of the 30 workdays not taken within the 60-day work period is forfeited.

The PPL must be used within 120 workdays after the qualifying event.

PPL may be used without using accrued annual leave. Employees will accrue annual leave during the PPL period. However, the employee will not be credited with the annual leave time accrued until the employee has returned to work for one month from the PPL or such other approved leave.

If the PPL is interrupted or ceased as a result of the child(ren) no longer being under the care of the eligible employee, the employee must immediately notify the Human Resources Department and end their PPL. Eligible employees may take a childcare leave and any other applicable leave benefits in accordance with existing rules and policies.

Employees who receive PPL partially or in whole must return to work for at least six months at the end of the PPL or any period of approved paid or unpaid leave that continues after the PPL. If the employee does not return to work or does not return for 6 months, any payments made for PPL must be returned to and are recoverable by the New York City Housing Authority.

Eligible employees may use PPL once per rolling 12-month period which is measured backwards from the date the employee begins using PPL. Each additional qualifying event beyond the rolling 12-month period will result in a new PPL entitlement.



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For part-time eligible employees, the 30 work days will be pro-rated based on the employee's regular schedule.

An employee who returns from PPL must be restored to their previous position or to an equivalent position. An equivalent position is a position in the same civil service title which has the same pay, benefits and working conditions (including the same worksite or a geographically proximate worksite). A geographically proximate worksite is one that does not involve a significant increase in commuting distance or time. An employee may be denied restoration or other benefits, if the employee would not have continued to be employed or to receive the benefits, had the employee been continuously employed during the leave period.

### **Requesting Paid Parental Leave**

If the need for PPL is foreseeable, the employee should request leave at least 30 calendar days in advance by submitting a request for *Paid Parental Leave Form*. To request the form, contact the Human Resources Department. If the need for leave is not foreseeable, the employee must provide the form as soon as practicable but within 15 calendar days. In either case, along with the *Paid Parental Leave Request Form*, the employee must submit the following appropriate documentation to support the qualifying event:

- Birth certificate listing the eligible employee as a parent.
- A certified copy of an adoption order listing the eligible employee as a parent.
- A certified copy of a foreign adoption order that has been registered in New York State and lists the eligible employee as a parent.
- A certificate of adoption or adoption decree listing the eligible employee as a parent.
- Certified copies of initial and continuing family court orders of foster care placement naming the eligible employee as foster parent.

Eligible employees must sign an acknowledgement that indicates they are seeking to use PPL for the birth of a child to the eligible employee (i.e. a biological child born into the care and custody of the employee) or the placement of a child with the eligible employee for adoption or foster care. Where the qualifying event is the placement of a child with the eligible employee for adoption or foster care, the eligible employee will also have to certify that should the adoption or foster care placement cease during the PPL period, the employee will immediately notify the Human Resources Department. If a child ceases to remain in the employee's care during PPL, the employee shall notify the Human Resources Department and either return to work or apply to use other leave as appropriate.



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### 53. Paychecks

#### Overview

Paychecks are issued bi-weekly on a Thursday, in accordance with a schedule. For holidays that fall on a Thursday that would otherwise be a pay day, paychecks will be issued on the Wednesday immediately preceding such day.

In view of NYCHA's commitment to the environment and the benefits of the City's "Go Green" and "Go Paperless" initiatives, NYCHA encourages employees to use direct deposit if available, and to access their pay information using the New York City Automated Personnel System (NYCAPS) – Employee Self Service (ESS).

#### Further Information

##### **Biweekly Paycheck Calculation (annualized salary employees)**

To calculate, the employee's annual salary is multiplied by 14 (days in a bi-weekly pay cycle) and then divided by 365 (days in a calendar year).

##### **Direct Deposit**

Employees have the option of joining Direct Deposit by filling out *NYCHA Form 124.154* or signing up through ESS. NYCHA will deposit checks directly into an employee's bank account each pay day. Automatic deposits will become effective as soon as administratively possible.

##### **Employee Receipt of Paycheck or Advice**

NYCHA employees may view their pay stub online through NYCAPS – ESS. Employees who have accepted the default "No Print" pay stub suppression in NYCAPS – ESS are not required to sign the Paycheck Distribution Control Report. Employees who have elected to continue receiving their paper pay stub are required to sign the Paycheck Distribution Control Report to indicate receipt of their paycheck or advice.

Employees are not to sign for a paycheck or advice other than their own without written authorization. If an employee is unable to sign for their own paycheck or advice, *NYCHA Form 124.157, Paycheck/Advice Release Authorization*, must be completed to authorize NYCHA to release the paycheck or advice to the designee.

##### **Undistributed Paychecks/Advices**

All locations must complete *NYCHA Form 124.159 Undistributed Paycheck/Advice Explanation*, in order to provide an explanation for each undistributed paycheck and advice. Paychecks and advices that are not promptly distributed must be returned directly to the Treasury Department, Check Distribution Window, 90 Church Street, 6<sup>th</sup> Floor, by way of hand delivery,





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no later than the next payroll pick-up. Under no circumstances should the location mail a paycheck or advice to any employee who did not report to work on a pay day.

### **Payroll Deductions**

NYCHA is required to deduct certain federal, state and other taxes from each paycheck. Additionally, NYCHA will make deductions from a paycheck as authorized by the employee for benefits (retirement/insurance). Employees should complete the necessary paperwork authorizing these deductions. Should an employee request changes in their deductions or give authorization to make other types of deductions, this should be requested in writing on the appropriate forms and signed by the employee. If a pay period ends in a new year, but the majority of the work week was in the previous year, taxes will be deducted based on the new year's tax requirements in accordance with federal law.

### **Garnishments/Levies**

If the IRS or a court of law obtains a garnishment/levy on an employee's earnings, NYCHA is required by law to deduct the necessary payment. The employee will be notified. Garnishments may be limited by State law.

### **Pay Suspension/Pay Docks**

Employees with questions or concerns regarding pay suspensions, discrepancies or pay docks on their paycheck or advice must direct all correspondence to their Timekeeper. The Timekeeper refers to the copy of *NYCHA Form 015.041, Action on Paycheck*, that they maintain on file. If the discrepancy cannot be ascertained through the information provided on this form, the Timekeeper brings the discrepancy to the attention of their supervisor. If the supervisor is unable to determine the cause of the action, then the Payroll Division should be notified.



## Human Resources Manual

### 54. Performance Management

#### Overview

Performance evaluations benefit employees and NYCHA by promoting communication related to the performance of job duties, achieving goals and objectives, and meeting established targets. Formal and informal performance evaluations acknowledge employees' efforts and communicate expectations. NYCHA generally requires that annual performance evaluations be issued to review job duties, job performance, and job goals as well as to recognize achievement, outline NYCHA expectations, and plan strategies for continued employee development.

#### Further Information

##### Coaching

Coaching is a tool that can provide employees with guidance and support, training and development, and assists in building the employee's knowledge and skill. Coaching also supplements formal training and includes instruction that supports the employee's efforts to move to the next level in their position.

The following steps should be followed to coach an employee:

- Describe how the employee's performance can be strengthened,
- Determine whether issues exist that limit the employee's ability to perform the task or assignment,
- Demonstrate or explain how the task or assignment can be performed, and
- Check-in with the employee regularly.

##### Counseling

Counseling is a tool to be utilized when employees have not performed their job satisfactorily or met expectations and coaching is not successful. Counseling sessions should be delivered privately, conducted in an objective manner and the tone should not be adversarial. During a counseling session, the supervisor should explain the purpose for the discussion, identify specific behavior or performance issues and review the objective documentation or poor performance with the employee. Ideally, at the counseling session the supervisor and the employee should be able to identify a solution to the problem and a means by which improvement can be measured.



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### **Informal Reviews**

Informal performance reviews should be held regularly (e.g., weekly), so that the employee and supervisor can exchange feedback on an on-going basis and make adjustments as necessary, without having to wait for a fixed time to have such discussions.

### **Formal Reviews**

A formal review is to be administered for employees only in accordance with the specific process approved for their position, if any. It is a valuable and important appointment for both the employee and supervisor and should ordinarily be conducted in a confidential manner. Not all employees are covered under a formal performance evaluation plan. Moreover, plans approved for one group may differ from those approved for another. For advice as to whether a given position is covered by a particular evaluation process, and the applicable details of administering such process, please consult with the Assistant Director of Human Resources for Performance Management.

### ***When the Performance Evaluation Should Be Conducted***

Formal performance evaluations should be given to each employee in accordance with the frequency that is provided for in the approved plan for their position, if any. For example, managerial positions covered under the Managerial Performance Evaluation (MPE) plan have performance evaluations, goal setting and a development plan administered on a calendar year cycle, with at least a mid-year progress check-in, though more frequent check points are encouraged. Generally, employees during the first year of their employment should be reviewed quarterly in writing.

Employees covered under an approved evaluation program who have been promoted or transferred should ordinarily receive an evaluation from the previous supervisor before the promotion or transfer takes place, with goals and objectives to be completed by the new supervisor.

### ***Preparing the Evaluation Form***

Generally, the supervisor should complete prior to the meeting a written evaluation form to be reviewed with the employee. Completing the form accurately and honestly is critical.

### ***Meeting with the Employee***

The performance evaluation meeting should be scheduled with an employee well in advance, with plenty of time allowed for discussion. The meeting should take place in a quiet location, free from interruption and which provides for confidentiality.

### ***Employee Comments***

Employees must have the opportunity to respond to the reviewer's comments or to discuss any other concerns they may want to bring to the attention of NYCHA.



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### ***Signing the Performance Evaluation Form***

When completed, the performance evaluation must be signed by the employee and the reviewer. The completed, signed, and dated form should be submitted to Human Resources' Records Control Division through the approved means to be filed in the employee's folder.



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# 55. Personnel Board

### Overview

The NYCHA Personnel Board was established to review and decide personnel matters requiring collaborative deliberation and decision making.

### Further Information

#### Organization

The NYCHA Personnel Board consists of the NYCHA Chair or, at their option, a Member of NYCHA designated by the Chair, who acts as Chair of the Personnel Board; in addition to the Chief Operating Officer; and the Corporate Secretary. Each member of the Personnel Board has one vote. Each member of the Personnel Board may from time to time delegate their powers and duties. Such delegation is to be in writing and filed in the office of the Corporate Secretary. In the absence of any member of the Personnel Board and their delegate, the NYCHA Chair may designate an alternate to serve in their place. A total of 2 members shall constitute a quorum and the action or decision of any 2 members will be deemed to be the action or decision of the Personnel Board.

The Personnel Board may act either by the action of its members at meetings duly convened, or, at the option of the Chair, by the separate, individual action of its members upon written memorandum submitted to all members of the Personnel Board and approved by 2 or more members.

The Director of Human Resources acts as Secretary of the Personnel Board and is responsible for the preparation of the agenda, the recording of actions, the preparation and distribution of minutes, and the execution of the recommendations of the Personnel Board.

The Personnel Board delegates to the Director of Human Resources the authority to grant leaves of absence without pay for:

- Illness up to a maximum of 1 year based upon medical certification.
- Other-than illness, for periods of 30 consecutive calendar days or less without submission of such requests to the Personnel Board.

#### Meetings

The Personnel Board meets at the written or oral call of the Chair, or, in their absence, of the Chief Operating Officer, at such time and place as may be fixed by them.



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### **Jurisdiction**

In addition to the jurisdiction of the Personnel Board set forth in any NYCHA resolution, the Personnel Board has jurisdiction over the following:

- Approval of requests for leave of absence without pay for other than medically certified illness for periods in excess of 30 consecutive calendar days made by any employee of NYCHA.
- Waivers of any of the Personnel Rules adopted by NYCHA or any of the regulations, practices, and procedures issued to implement such Personnel Rules whenever:
  - the strict application of the Personnel Rules, regulations, practices, and procedures to a particular employee would result in undue hardship;
  - the strict application of the Personnel Rules, regulations, practices, and procedures would conflict with the intent of the Rules.
  - equitable considerations make it necessary or desirable to waive the Personnel Rules, regulations, practices, and procedures.
- Any such other matters as may be assigned to it by the Chair.



## Human Resources Manual

# 56. Political Activities

### Overview

Employees' political activities are restricted, to ensure that the influence of partisan politics in government institutions is limited and to protect employees from perceived pressure from political parties to work on political campaigns or give political contributions. These restrictions are primarily concerned with candidacy or support for candidates in partisan elections and attempt to ensure that NYCHA's impartiality and integrity are not compromised.

### Further Information

#### Types of Elections

The various types of elections are the following:

##### ***Elective Public Office***

Any office which is voted upon at a primary, special or general election but does not include political party office. This prohibition does not prohibit an employee from being a candidate in a non-partisan election.

##### ***Non-partisan Election***

Any election where none of the candidates up for nomination or election represent a political party whose candidate received a substantial number of votes at the last Presidential election.

##### ***Partisan Election***

An election whereby any candidate is to be nominated or elected as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, but does not include any office or position within a political party or affiliated organization. (Examples of political parties that received votes in the last Presidential election are the Democratic, Republican, Libertarian and Green Parties). As such, a partisan election is one in which **any** candidate is to be nominated or elected as representing a political party. An election is partisan even if only one candidate represents a political party and the others do not.

#### Permissible Activities

When an activity is conducted outside an employee's working hours and off NYCHA's premises, and when the employee is acting on their own, without any identification of the employee with NYCHA, either as representing NYCHA or as acting in their official position with NYCHA, then they may:



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- Assist in voter registration drives and express opinions about candidates and issues. (Voter registration activities on NYCHA premises and involving NYCHA personnel are permitted only with the prior written approval of the Chairperson of NYCHA, and must be strictly non-partisan).
- Sign nominating petitions, participate in partisan political campaigns, and contribute funds to a candidate or a political organization.
- Attend political fund-raising, political rallies and meetings.
- Campaign with reference to constitutional amendments, municipal ordinances, or any other matter to be determined by a referendum vote.
- Make campaign speeches, distribute campaign literature, and display partisan political posters, stickers or insignia.
- Perform work for or hold office in a political club or organization.
- Campaign as a candidate in a non-partisan election as defined above (e.g., accept and serve in an appointed position on a Community Board).

### **Prohibited Activities**

An employee may:

- NOT use their office or position with NYCHA, or the authority, power or influence that is associated with their office or position, to interfere with or affect the result of an election or nomination for public office.
- NOT use work time, resources, facilities, or letterhead for volunteer political activities. This includes making phone calls or sending faxes, mail, email or other electronic correspondence at the office.
- NOT use or knowingly permit anyone to use, their official NYCHA title or position in connection with any campaign activity (e.g., fund raising, dinners, rallies, etc.).
- NOT directly or indirectly, coerce or attempt to coerce, command or advise any other NYCHA employee or any employee of the State or New York City to pay, lend or contribute services or anything of value to a political party, committee, organization, agency or person for political purposes.
- NOT directly or indirectly request any subordinate NYCHA employee to participate in a political campaign or pay any political assessment subscription or contribution.
- NOT be a candidate for elective public office in a partisan election.





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- If the employee is a high-level employee charged with substantial policy discretion (*e.g.*, Members of the Board, Chief Operating Officer, Executive Vice President(s), Directors, Program Directors, and other managers in charge of any major office, division, bureau or unit of NYCHA), NOT ask anyone to make any political contribution for any candidate (including the employee) for any elected New York City office, or for any elected New York City official who is a candidate for any elective office.

### **Consequences for Engaging in Prohibited Activities**

Employees must resign from their NYCHA employment prior to engaging in a prohibited activity. If an employee fails or refuses to resign when required, NYCHA may initiate disciplinary action or take other actions, as appropriate, to terminate that employment.

In addition to disciplinary action and/or loss of employment, employees who engage in prohibited activities may also be subject to additional penalties, such as a fine of up to \$10,000 per violation for each violation of the Conflict of Interest Law.

### **Reporting Violations**

If an employee becomes aware of or suspects a violation, they are required to report the information to Human Resources and the Conflicts of Interest Board.

### **Additional Information**

An employee who has questions about these restrictions should contact the Law Department at (212) 306-4000.



## Human Resources Manual

### 57. Pregnancy

#### Overview

The New York City Human Rights Law (“NYCHRL”), Title 8 of the Administrative Code of the City of New York, requires NYCHA to reasonably accommodate pregnant employees. The law prohibits employers from discriminating against employees on the basis of pregnancy, childbirth, or a related medical condition, provided that such employee’s pregnancy, childbirth, or related medical condition is known by the employer.

#### Further Information

Pregnant women and those recovering from childbirth are protected from illegal discrimination under the New York City Human Rights Law. The New York City Commission on Human Rights' Pregnancy and Employment Rights poster, updated in 2017, provides a concise summary of protections against illegal firing or other actions for pregnant women under the NYCHRL.

Reasonable accommodations may include the following:

- Bathroom breaks
- Breaks to facilitate increased water intake
- Periodic rest for those who stand for long periods of time
- Medical leave (paid or unpaid depending on Annual Leave balances)
- Assistance with manual labor
- A private, clean space and breaks for expressing breast milk (for additional details, please see the chapter on “Nursing”)
- Other accommodations that enable the employee to perform the essential functions of their job as long as they do not result in undue hardship to the employer

Please click [here](#) to see a copy of the poster.

If you have any questions regarding your rights under the amended NYCHRL, please contact Human Resources at (212) 306-8000 or DEO at (212) 306-4468. If you believe that you have been discriminated against in this area, you may call 311 or contact <http://www1.nyc.gov/311>.



## Human Resources Manual

### 58. Privacy

#### Overview

The expectations of privacy that employees may have will vary depending on the nature of the privacy sought and the situational context.

#### Further Information

##### Information Privacy

All NYCHA employees, consultants, and contractors/vendors must protect the confidentiality of Personally Identifiable Information (“PII”) NYCHA obtains from employees, public housing residents/applicants, Section 8 participants/applicants, and third parties, such as employers, contractors/vendors, and government agencies. PII includes names, addresses, telephone numbers, e-mail addresses, emergency contact information, EEO data, social security numbers, date of birth, employment eligibility data, benefits plan enrollment information, which may include dependent personal information, and school/college or certification credentials.

Refer to NYCHA’s *Privacy Policy, SP 002:12:1*, for a detailed explanation of the responsibilities of NYCHA employees in maintaining the confidentiality of PII.

Violations of the Privacy Policy may result in disciplinary action up to and including discharge.

Consult the Law Department’s Public Information Unit for guidance regarding subpoenas or court documents seeking PII.

Employees may expect no right to privacy of any writing, photograph, audio, video, or other material or information posted, shared or otherwise appearing in social media, television, radio, websites, blogs, the press, or any other media, by or about them that violates the NYCHA General Regulations of Behavior or any NYCHA rule or regulation.

##### Physical Space Privacy

The workspace assigned to an employee, or that which they are occupying or their personal possessions are stored, in or on NYCHA owned, operated or managed property, whether fixed or mobile, including drawers, lockers, overhead bins, shelves, and motor vehicles, is NYCHA property and subject to inspection and/or search for work-related purposes, and when NYCHA reasonably suspects employee misconduct. Accordingly, employees should not have any expectation of privacy with respect to such workspace.



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For expectations of employees who are nursing mothers in regard to the expression of breast milk, please see the chapter herein on “Nursing.”



## Human Resources Manual

### 59. Probation

#### Overview

The purpose of probation is to evaluate and assess the employee's competency and conduct when appointed or promoted to ensure suitability. Human Resources administers NYCHA's probation system. Supervisors and location managers are responsible for assessment of employee competency and conduct, and for providing regular feedback, guidance and instruction to employees. During the probationary period supervisors and location managers are also responsible for the timely completion and submission of probation forms.

Employees serve probation periods in accordance with the law, Department of Citywide Administrative Services (DCAS) rules and regulations, collective bargaining agreements, and NYCHA rules and regulations.

#### Further Information

Probation periods begin on the first day the employee actually works in the title. The length of the probation period is extended by the number of workdays the employee was absent and did not actually perform the duties of the position. Time served for military duty by employees during their probation periods is credited toward completion of the probation.

#### Competitive Class

Employees appointed from a civil service list to a Competitive Class title must successfully complete a probationary period prior to the attainment of disciplinary due process rights in such title. Permanent competitive employees must also serve probation when they are promoted to another title, unless waived by NYCHA in accordance with DCAS rules and regulations.

Employees serving on a provisional basis in a Competitive Class title serve a one-year probation period. However, employees serving provisionally in a title do not attain due process rights in the title.

#### Non-Competitive / Labor Class

Employees serving in Non-Competitive or Labor Class titles serve a probation period in accordance with civil service law and their collective bargaining agreement.

For employees in these classes who may be eligible for disciplinary due process rights, probation may also be included as a term in a conference settlement as part of a disciplinary proceeding. Terms of the probation are determined by the conference settlement.

An employee reinstated from a collectively bargained recall list or who is rehired must serve another probation period, unless waived.



## Human Resources Manual

### Credit for Serving Probation Periods

#### ***Competitive Class Credit***

Competitive class employees who have served provisionally in a promotional title within the same occupational group in NYCHA for a continuous period of at least one year, and such service was immediately prior to being promoted from a promotional civil service list into that promotional title, are not required to serve a probationary period when appointed from such promotional civil service list unless the assignment changes.

#### ***Assignment to a Higher Level Within the Same Title***

Employees who are assigned to a higher level within the same title are not required to serve a probationary period in the higher level if they passed the probationary period in the lower level of the same title.

### **Termination or Demotion of Probationers**

Probationers may be terminated or demoted (if applicable) from their position at any time during their probationary period. Consult the Employee Relations Division for guidance on any minimum periods or conditions that may apply.

### **Probation Extensions**

An extension of an employee's probationary period may be requested if the employee's services are questionable and extenuating circumstances appear to warrant additional time in which to properly evaluate the employee's work performance and/or time and attendance.

Supervisors must contact Employee Relations at least four weeks prior to the expiration of the probationary period for guidance on requesting a probationary extension. If extension is appropriate, the supervisor will request that the employee complete *Employee Consent to Extension of Probation Period (NYCHA Form 015.176)*. This agreement to extend the probation period must be signed by the employee at least three weeks prior to the end of the regular probation period. The supervisor must attach a cover memo to the form, explaining the extenuating circumstances that support the extension of probation.

The supervisor must forward the extension request to the department director who must then send it to the Employee Relations Division no later than two weeks before the end of the probation period. If the Director of Human Resources approves the request, it must then be forwarded to DCAS for approval.

The Employee Relations Division will notify the supervisor in writing whether or not the request for extension has been approved by DCAS. A request to demote, if applicable, or terminate an employee may be submitted, according to the above procedure, any time during the extended probation period.



## Human Resources Manual

# 60. Probation Rating Forms

### Overview

Supervisors, or designated probation liaisons, receive notice to complete quarterly probation forms via email from the Employee Relations Division. Instructions are provided for timely completion and submission of forms. Additional emails will be sent to the supervisors or designated liaisons and department directors in the event the forms are not submitted timely and as required.

### Further Information

#### Completing the Probation Form

Probationary period rating forms are to be prepared for employees by their supervisors on a quarterly basis. Employees must sign these reports to signify that they have received them. Signing the form does not necessarily mean that the employee accepts the rating. If an employee refuses to sign, another supervisor must witness the refusal, sign and date the report, noting the refusal.

- All completed forms with an overall rating of “Satisfactory” must be scanned in a timely manner to: [ProbationHR@nycha.nyc.gov](mailto:ProbationHR@nycha.nyc.gov);
- All completed forms with an overall rating of “Unsatisfactory” must be scanned in a timely manner to: [UnsatisfactoryProbationHR@nycha.nyc.gov](mailto:UnsatisfactoryProbationHR@nycha.nyc.gov).

They are then placed in the employee’s official employee folder.

#### Unsatisfactory Job Performance Ratings

Supervisors should seek guidance from Employee Relations anytime an employee receives an unsatisfactory overall rating. Generally, if an employee receives an unsatisfactory overall rating for two or more consecutive quarters or for the final quarter, demotion (if applicable) or termination must be considered and discussed with Employee Relations.

To request demotion or termination, a memo, along with supporting documentation, must be submitted to the Department Director for approval. The request must include:

- specific facts and dates related to the employee’s unsatisfactory work, misconduct and/or time and attendance problem;
- a description of all actions taken to try to correct the problem, including copies of prior quarterly ratings and counseling memos; and



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- if it is a time and attendance issue, the Kronos Time Detail Report and print outs reflecting the specific problem (e.g., latenesses, excessive leave usage, AWOLs, etc.) must be attached

The Department Director should then forward the request with the attached documentation along with their recommendation to demote (if applicable) or terminate the employee to the Director of Human Resources for approval at least two weeks prior to the end of the employee's probation period.





## Human Resources Manual

# 61. Recognition

### Overview

NYCHA seeks to commend employees for heroism and bravery exhibited in the course of duty. In addition, NYCHA may recognize employees through various means for outstanding performance, significant contributions and achievements, extensive service or other reasons. Such recognition is typically made in partnership with various stakeholder groups.

### Further Information

#### Heroism

To expedite consideration of recommendations for awards of heroism, such recommendations should be forwarded within one month of the incident to the Director of Human Resources. After a check of the employee's record and after review and approval, complete information regarding the reported incident shall be submitted by the Department Director to the Director of Human Resources.

The Assistant Director of Employee Relations shall review all reports. If approved, a recommendation for an award shall be sent to the Director of Human Resources and the appropriate Department Director. The Director of Human Resources and the Department Director shall review the report and recommendation. If approved, the report and joint recommendation shall be forwarded to the Personnel Board for final determination.

#### *Criteria:*

Employees may be given commendations and/or awards for acts above and beyond the call of duty based upon the following guidelines:

- A letter of commendation may be awarded for an act beyond the normal call of duty.
- A cash award may be given for one of the following reasons, the amount to be determined commensurate with the act involved:
  - An act of outstanding bravery, handled with resourcefulness and following required safety protocols, where there was great risk of personal danger, possible property loss, danger to life of others.
  - An act of bravery where there was great risk of personal danger.
  - An act where there was some risk of personal danger.



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### **Other Programs**

NYCHA, together with employee certified representatives, participates in the Quality of Work Life Program's Employee Recognition Committee. This committee works collaboratively to identify employees who meet various criteria for recognition.

For additional information concerning employee recognition programs and the eligibility criteria therefor, please consult the Assistant Director for Employee Relations.



## Human Resources Manual

# 62. Recording Work Hours

### Overview

Employees are personally responsible for accurately recording their arrival and departure time on a daily basis. Falsifying time records or swiping in or out for another employee is a major offense that can result in disciplinary action up to and including termination of employment.

### Further Information

#### Recording Time By Swiping

Most employees record actual arrival for and departure from work by swiping their ID card at a Kronos time clock at their assigned work location (“home” location). When employees are assigned to work at multiple locations, they are required to swipe in upon arrival at each location and swipe out upon leaving each location.

In order to expedite swiping out at scheduled quitting time, supervisors may permit employees serving in clerical and administrative positions to swipe out no more than 5 minutes early depending on the number of employees using the clock. Employees, however, must remain at their work location until quitting time.

#### Kronos Employee Self Service

Managerial employees and certain other employees have the ability to record their time, as well as request time off directly through the Kronos system. Alternatively, employees have the option of swiping in and out at the Kronos clock.

#### Leaving Worksite for Personal Business

When it is necessary to leave work for personal business during work hours, employees must:

- Complete and submit a Leave of Absence Request or Time Off Request to their immediate supervisor and obtain approval;
- Swipe out or record in Kronos when they leave; and
- Swipe in or record in Kronos when they return.

#### Skilled Trades (Prevailing Rate) Employees

Quitting Time: Actual work is to cease no more than five (5) minutes prior to the official quitting time for the meal period and the end of the shift. Such employees being terminated from service are to be permitted to stop work one-half (1/2) hour before the final quitting time in order to allow them to collect and pack their tools, etc.



## Human Resources Manual

### **Managerial Employees**

For information concerning the recording of work hours for managerial employees, please see the section on “Managerial Time and Leave.”



## Human Resources Manual

### 63. References / Recommendations

#### Overview

Providing information regarding current or former employees is a sensitive issue. Employees should not provide work references or work-related information to anyone. Employees must refer all requests for work references or for any work-related information on current or former employees to Human Resources.

#### Further Information

##### **Employee Requests for Written or Verbal Recommendation**

A supervisor should not give a departing employee a written or oral recommendation, including a positive recommendation. If an employee requests such a recommendation, the supervisor must refer the employee to Human Resources.

##### **Third-Party Requests for Job Reference**

If a supervisor is contacted by a third party and is requested to provide a job reference for a former employee, the supervisor should refer the third party to Human Resources.

##### **Information to be Provided**

Human Resources may verify only the following information relative to current or former employees:

- Employment Dates
- Titles
- Positions Held

##### **Salary History**

Human Resources will not provide salary information regarding a current or former employee without the express written consent of the employee. For employment verifications, including income verification, see the HR Manual chapter entitled Verification of Employment.

##### **Work-Related Information**

Requests for work-related information which includes verifications of employment, medical inquiries, financial inquiries, and other information on an employee are handled in accordance with the policy outlined above.



## Human Resources Manual

### 64. Religious Observance

#### Overview

NYCHA provides employees with several flexible work schedules designed to accommodate their religious observance.

#### Further Information

In order to maintain scheduling consistency, employees must submit their requests annually selecting from one of the following schedules:

##### **For Seven-Hour Employees Only:**

###### ***Option 1***

Take ½ hour lunch Monday through Thursday and leave 2 hours earlier on Friday with no lunch.

###### ***Option 2***

Take ½ hour lunch Monday through Friday and leave 2½ hours earlier on Friday.

###### ***Option 3***

Arrive ½ hour earlier Monday through Thursday and leave 2 hours earlier on Friday with no lunch.

###### ***Option 5***

Work ½ hour later Monday through Thursday and leave 2 hours earlier on Friday with no lunch.

##### **For Seven and Eight-Hour Employees:**

###### ***Option 4***

Arrive ½ hour earlier Monday through Friday. Leave 2½ hours earlier on Friday with a lunch period.

###### ***Option 6***

Arrive 1 hour earlier on a specific day of the week and leave 1 hour earlier on Friday with a lunch period. Note: The day upon which an employee selects to arrive 1 hour earlier must be consistent throughout the religious observance period.



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### ***Option 7***

Work 1 hour later on a specific day of the week and leave 1 hour earlier on Friday with a lunch period. Note: The day upon which an employee selects to leave 1 hour later must be consistent throughout the religious observance period.

Employees who wish to be placed on a religious observance schedule must submit their requested schedule to their supervisor. The supervisor must submit the employee's request including their recommendation, the employee's title, regularly scheduled work hours, the option selected (and if needed, the specific day the employee will arrive early or work late) and the period the adjusted schedule will be in effect. All adjusted schedules must end on or before daylight savings time. The supervisor should send the documentation to Human Resources Records Control Division.



## Human Resources Manual

# 65. Representation

### Overview

Positions may be represented by an exclusive collective bargaining representative certified by the New York City Board of Certification (BCB), unless such positions are designated as Managerial within the meaning of §201 of the New York State Civil Service Law (CSL), as may be amended from time to time, or have not been so certified.

### Further Information

#### Represented

Commonly referred to as “unionized,” represented positions are positions that are exclusively represented by a certified collective bargaining unit. Employees who serve in these positions enjoy collective bargaining rights under the New York City Collective Bargaining Law (NYCCBL) and by collective bargaining agreement.

NYCHA may by written agreement voluntarily recognize a union as the exclusive collective bargaining representative of certain positions. Such voluntary recognition will continue unless nullified by a BCB decision or grant of exclusive certification to another collective bargaining unit.

Employees in represented titles may refrain from joining the union.

#### Confidential

Employees may be designated as “Confidential” only if they serve in special positions that would otherwise be represented but which assist and act in a confidential capacity to employees serving in Managerial positions as defined by §201 of the CSL.

#### Original Jurisdiction

The term refers to a position that has not been certified to a collective bargaining unit by the BCB or has not been designated as Managerial pursuant to a BCB decision.





## Human Resources Manual

### 66. Retaliation

#### Overview

NYCHA will not take any adverse personnel actions against any individual for reporting or providing information relating to allegations of:

- discrimination;
- sexual harassment;
- requests for reasonable accommodation;
- workplace safety (including workplace violence);
- violations of federal and state wage laws;
- FMLA leave;
- filing a Workers’ Compensation claim;
- violations of the collective bargaining law; or
- criminal activity (whistle blowing).

NYCHA prohibits retaliation against an employee who files a complaint, or testifies, assists, or participates in any enforcement proceedings.

#### Further Information

To report what you believe to be retaliation:

Type:	Where to Report at NYCHA:	Where to Report Externally*
Discrimination; Sexual Harassment; Requests for Reasonable Accommodation	❖ Department of Equal Opportunity 250 Broadway, 3rd Floor New York, NY 10007 212-306-4468	❖ U.S. Equal Employment Opportunity Commission 33 Whitehall Street, 5th Fl New York, NY 10004 800-669-4000 ❖ New York State Division of Human Rights One Fordham Plaza, 4th Fl Bronx, NY 10458 718-741-8400



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		<ul style="list-style-type: none"> <li>❖ New York City Commission on Human Rights 40 Rector Street, 10th Fl New York, NY 10006 212-306-7450</li> </ul>
Workplace Safety	<ul style="list-style-type: none"> <li>❖ Office of Safety and Security 90 Church Street, 9th Floor New York, NY 10007 212-306-8800</li> </ul>	<ul style="list-style-type: none"> <li>❖ New York State Department of Labor 75 Varick Street, 7th Floor New York, NY 10013 212-775-3548</li> </ul>
Violations of Federal and State Wage laws; FMLA leave; Filing a Workers' Compensation claim; Violations of the Collective Bargaining law	<ul style="list-style-type: none"> <li>❖ Human Resources Department 90 Church Street, 5th Floor New York, NY 10007 212-306-8000</li> </ul>	<ul style="list-style-type: none"> <li>❖ U.S. Department of Labor 26 Federal Plaza, Room 3700 New York, NY 10278 212-264-8185</li> <li>❖ New York State Department of Labor 75 Varick Street, 7th Floor New York, NY 10013 212-775-3548</li> <li>❖ New York City Office of Collective Bargaining 40 Rector Street, 7th Floor New York, NY 10006 212-306-7160</li> </ul>
Criminal Activity	<ul style="list-style-type: none"> <li>❖ Office of the Inspector General 250 Broadway, 8th Floor New York, NY 10007 212-306-3355</li> </ul>	<ul style="list-style-type: none"> <li>❖ U.S. Attorney's Office 1 St. Andrews Plaza New York City, NY 10007 212-637-2200</li> <li>❖ Office of the Attorney General The Capitol Albany, NY 12224-0341 800-771-7755</li> <li>❖ New York County District Attorney's Office One Hogan Place, New York, NY 10013 212-335-9000</li> </ul>

*\*This list is not exhaustive*

If it is determined that inappropriate conduct has been committed by an employee, NYCHA will take such action as is appropriate under the circumstances. Such action may range from counseling to termination.



## Human Resources Manual

### 67. Right To Know & Understand

#### Overview

For their own safety, employees have the right to know and understand about any hazardous materials present in the workplace. As a result, NYCHA will provide upon request required information regarding any hazardous materials or mixtures present in any location during the prior year.

#### Further Information

##### Rights

NYCHA employees have a right to information about the substances with which they work. With this information, workers learn of health risks and ways to minimize their exposure. The rights of NYCHA employees include:

- The right to work with labeled containers which identify their chemical contents.
- The right to obtain a copy of the Right-to-Know Survey of hazardous substances in their workplace.
- The right to get Hazardous Substance Fact Sheets and Material Safety Data Sheets (MSDS) about chemicals they may be exposed to or potentially exposed to from their employer.
- The right to education and training about hazardous chemicals in the workplace. This training must be given by NYCHA on paid time.
- The right to refuse to work with a substance if NYCHA has not given them the information they requested in writing within five working days. During that time, employees should call the NYC Department of Health and Mental Hygiene **BEFORE** they refuse to work with the substance.

##### MSDS

NYCHA obtains and maintains a copy of the MSDS for each hazardous substance or mixture in the work place. Chemicals without an MSDS cannot be accepted even on a trial basis.

Employees and former employees will have unhindered access to MSDSs for each hazardous substance or mixture to which they might be exposed. To review a MSDS, employees should visit the "[Find MSDS](#)" portal or contact Safe NYCHA via the Office of Safety and Security at (212) 306-8800.



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### **Information**

NYCHA will furnish to employees, former employees and/or their representatives any of the lists or survey forms and any MSDS within five days of a request. Information will be provided at no expense to the employee unless the employee requested the same information in the last year.

### **Posting**

A list of all hazardous substances found on NYCHA premises and all environmental hazards emitted or discharged will be posted at all times.



## Human Resources Manual

# 68. Safety

### Overview

SafeNYCHA, the NYCHA Safety program, was established to develop and implement strategies and initiatives that would significantly reduce workplace injuries. Only through the joint commitment of management and employees can workplace accidents and injuries be reduced or eliminated.

NYCHA has adopted the following four principles for its safety program:

- Employee safety is the primary consideration whenever a task is planned or performed.
- All employees are responsible and accountable for taking the necessary action to provide a safe workplace.
- All employees are accountable for identifying hazards in the workplace. Employees have the right and responsibility to communicate the nature of hazards and ideas for eliminating such hazards.
- Collaboration with all stakeholders is critical to achieving a safe workplace.

### Further Information

#### Employees Responsibility

In order to provide a safe and healthy work environment, NYCHA requires employees to take all reasonable precautions by complying with the established safety standards at each location.

All employees must be thoroughly familiar with their safety responsibilities, strive to follow safety practices at all times, and act proactively to prevent accidents and injuries. For example, employees should only use equipment in a safe manner. Certain equipment should only be used after proper training.

Employees are encouraged to make recommendations to improve safety in the workplace to their supervisors or to the Office of Safety and Security at (212) 306-8800.

#### Safety Committee

SafeNYCHA is also the term used for the interdepartmental team that assesses workplace conditions, identifies hazards and develops corrective action plans to rectify them. SafeNYCHA maintains valuable information for employees on its intranet site. For updates on safety issues, employees are encouraged to visit [SafeNYCHA](#) at <http://connect/SAFE>.

#### Safety Leadership

In order to promote safety, supervisors are encouraged to adopt the following key habits:



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- Lead by example (*e.g.*, wearing safety gear when required)
- Encourage employees to comply with safety standards
- Communicate safety standards during employee meetings
- Listen to feedback from employees about safety and share the information with SafeNYCHA

### **“Make It Safe” Program**

If employees feel unsafe with the work to which they are assigned, they can within certain limitations stop work or decline to perform an assigned task without fear of reprisal. The “Make It Safe” program protects all NYCHA staff from any retaliation if they exercise this limited right to stop work. For more information, please contact the Office of Safety and Security at (212) 306-8800 or [SafeNYCHA@nycha.nyc.gov](mailto:SafeNYCHA@nycha.nyc.gov).

### **Retaliation Prohibited**

NYCHA prohibits retaliation against any employee who reports a violation of the safety standards or assists in the investigation of a violation of the safety standards.

### **Reporting**

Please contact the Office of Safety and Security (OFSS) regarding all of your safety or security concerns. OFSS operates a Security Command Center staffed 24 hours a day, 7 days a week. To advise OFSS of a concern, report an issue, or seek guidance on handling a safety or security problem, please call (212) 306-8800. You may remain anonymous to express a concern or report an issue. However, OFSS will need specifics regarding the safety or security issue, as well as the location or department.

Another way to report your concerns or questions is by sending an e-mail to [SafeNYCHA@nycha.nyc.gov](mailto:SafeNYCHA@nycha.nyc.gov).



## Human Resources Manual

### 69. Self Service

#### Overview

Employee Self Service (ESS) is an online tool within the New York City Automated Personnel System (NYCAPS) that allows employees to update and review their personal, salary, tax and benefits information 24 hours a day, 7 days a week, and apply for jobs within NYCHA and other City agencies, either at work or at home.

#### Further Information

The following activities can be completed within ESS:

##### Personal Information

- Change your name; home address; emergency contact; phone number; gender; ethnic group
- View personal profile data, such as date of birth; original hire date; military status; personal email address (if you've provided the information)

##### Tax & Payroll Information

- Elect to receive/not receive a bi-weekly pay stub
- View and print pay stubs
- View, enroll in, and update Direct Deposit information
- View pay detail and deduction history
- View and print W-2 and 1127 tax statements
- View and update tax withholdings

##### Job Application

NYCHA utilizes NYCAPS for "eHire," an automated job recruitment, application and hiring system. This system:

- Simplifies the job application process for employees and external candidates
- Enables employees to search, view and apply for jobs at NYCHA and other City agencies through the NYC Jobs portal in the existing NYCAPS ESS system

Applying for job openings online allows:



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- Convenient 24-hour access to job postings from work or home
- The ability to upload résumés and cover letters electronically
- Immediate online viewing of available positions and acknowledgement of applications; and
- The ability to store and update applicant information for future job applications

### Access

To log-in to and access ESS:

- From work:
  - For employees who have access to the NYCHA Intranet Portal, go to HR (top of the page), then select “MY PAY (NYCAPS ESS)”
  - All other employees can go to: <http://cityshare.nycnet/ess>

Your User ID is the same as your seven-digit Reference Number found on your pay stub.

- From home:
  - Log in through the internet at [www.nyc.gov/ess](http://www.nyc.gov/ess). Then, follow the steps above.

### Assistance

If you need help navigating through NYCAPS/ESS, you can refer to the login guide on the NYCHA Intranet Portal. There is also a dynamic help tool within the application. After you log in, click the “Help” link in the top right corner.

If you need further assistance to help you with ESS access, call HR at 212-306-8000 or email at [huserid@nychanyc.gov](mailto:huserid@nychanyc.gov).





## Human Resources Manual

# 70. Separation from Employment

### Overview

Voluntary separation occurs when an employee resigns or retires on their own initiative. Involuntary separation occurs when NYCHA has made a determination to terminate the employment relationship. This can arise from an employee's conduct, lack of work or other circumstances. In the event of involuntary termination, NYCHA will honor the contractual and statutory rights of the employee impacted.

### Further Information

#### Terminal Leave

Terminal leave is the amount of unused Annual Leave (including Sick Leave, where applicable) as of the employee's last day of work for which they may be paid upon separation from service. The maximum number of Terminal Leave days payable will be calculated from the last day present at your job. Terminal Leave is granted for faithful and satisfactory performance of duty and may be cancelled or reduced by the Chair or Chief Operating Officer for unsatisfactory performance.

- Non-managerial employees may be paid for their unused Annual Leave at the rate of 1 day for each month of continuous service up to a maximum of 72 days of unused Annual Leave.
- Managerial employees are paid for unused Annual Leave at the rate of 1 work day of unused Annual Leave for each month of continuous service with NYCHA and/or City, up to a maximum of 120 days for 10 years of service, plus one-half the remaining unused Annual Leave (at 10 or more years of service).

The total Terminal Leave and Bonus Retirement Leave payable shall be reduced to reflect the number of Annual Leave days charged in the 12 months preceding the last day of work prior to separation that exceed the Annual Leave earned during such period. This offset may be waived by the Personnel Board in the case such excess use of Annual Leave is caused by catastrophic illness. In all cases, however, the total cannot exceed the base salary that was earned (or would have been earned) by such managerial in the 12 months preceding the last day of work prior to separation.

Managerial Employees and non-managerial employees can either choose a lump sum or bi-weekly payments. Based on this selection you will be paid in one of the following manners:



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- Lump Sum Payment: One check will be issued for the remaining balance of unused Annual Leave entitlement. Health insurance and welfare fund coverage will be terminated effective your last day paid if leaving NYCHA and city service and not retiring. Non-managerial employees electing to receive a lump sum payment are not eligible to have their lump sum payment used for contribution to the New York City Deferred Compensation Plan.
- Bi-Weekly Payment: Payments will be issued each pay day in the method in which you have received your regular pay, i.e., direct deposit or paper check, until your unused Annual Leave entitlement is exhausted. Health insurance and welfare fund coverage will be terminated on the last day paid if you are leaving NYCHA and City service and not retiring. In addition, taxes and all other applicable deductions, e.g., deferred compensation, pension, etc., will continue through the issuance of your final paycheck.
- Managerial employees electing to receive bi-weekly payments for their Terminal Leave and/or Bonus Retirement Leave, are no longer considered to be active employees after the last day of work. This is due to the fact that they are no longer on the job but are simply being paid for Terminal Leave and/or Bonus Retirement Leave. As such, they are not entitled to any current or retroactive salary or cost of living increase(s) that might be approved for NYCHA Managerial employees during such period. In addition, Managerial employees will not be entitled to payment for holidays occurring during the payment period.

### **Bonus Retirement Leave**

Bonus Retirement Leave is over and above any terminal leave to which a retiree may be eligible.

For Local 237 represented titles it shall consist of three calendar days for every year of city service when such service exceeds 10 years. All other employees must complete 10 years NYCHA service for entitlement.

For every additional two months of service beyond 10 years, the leave is prorated at one-half day. Only time in full pay status shall be included in the bonus retirement leave computation. Prior city service will not be credited for bonus retirement leave if there is more than a year break in city service.

In lieu of bonus retirement leave, employees may receive half their Annual Leave balance that is not included in their terminal leave up to a maximum of 100 days.

Where so stipulated in a Union contract or Authority resolution, Bonus Retirement Leave shall be granted automatically. Where an employee is not covered by such stipulation, the Authority in its discretion may grant Bonus Retirement Leave.



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### **Equipment**

All NYCHA-issued equipment must be returned to your supervisor prior to your last day of work.

### **Final Paycheck**

Final paychecks are mailed to separated employees.

If a location receives a paycheck for an employee after their last day of work, the location shall return the check to the Treasury Department, 90 Church Street, 6<sup>th</sup> Floor. Checks may not be forwarded to the separated employee.

### **Financial Disclosure**

Some employees separating from NYCHA or City service are required to file financial disclosure form(s) with the N.Y.C. Conflicts of Interest Board (COIB) and the N.Y.C. Department of Investigation (DOI) before receiving payment for any unused annual terminal leave and/or bonus retirement.

### **Resignation**

A *Resignation Form (NYCHA Form 15.027)* must be completed and submitted to your supervisor at least 2 weeks prior to your last day of work.

Employees should carefully consider all consequences before making a decision to voluntarily leave service. Employees who are not permanent in title and who do not possess property rights to the title may not necessarily be returned to service upon their request.

### **Retirement**

If you plan to retire you should make an appointment with NYCHA's Retirement Counselor, 90 Church Street, 5<sup>th</sup> floor, approximately three months before retirement. You can schedule an appointment by calling HR at (212) 306-8000.

Even if you are not eligible to retire, we recommend that all separating employees who are members of the New York City Employees Retirement System (NYCERS) contact NYCERS to set up an individual consultation session regarding their rights as members with respect to retirement, deferring, vesting and other pension options. You may contact NYCERS' Call Center at (347) 643-3000.



## Human Resources Manual

# 71. Sexual Harassment

### Overview

NYCHA seeks to ensure that all employees are able to enjoy an atmosphere free from sexual harassment as well as any inappropriate, unprofessional or unwelcome behavior of a sexual nature by NYCHA employees or others working at a NYCHA-owned or operated location, including interns, consultants and contractors. All NYCHA employees as well as others who work at NYCHA-owned or operated locations should familiarize themselves with the guidelines herein so they will understand what type of conduct is prohibited, and know the remedies available to employees who experience sexual harassment.

Sexual harassment is a form of employment discrimination based on gender and is prohibited by law. NYCHA will not tolerate sexual harassment in the workplace.

The United States Equal Employment Opportunity Commission defines sexual harassment as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when:

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

Sexual harassment may include a broad range of subtle and not-so-subtle behaviors. Examples of such behavior, which are by no means exhaustive, include:

- unwanted sexual advances;
- subtle or overt pressure for sexual favors;
- sexual jokes;
- unwanted flirtations, innuendoes, advances or propositions;
- verbal abuse of a sexual nature;
- graphic commentary about an individual's body, sexual prowess or sexual deficiencies;



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- leering, whistling, touching, pinching, assault, coerced sexual acts, or suggestive, insulting or obscene comments or gestures; and
- the display in the workplace of sexually suggestive objects or pictures including through the use of e-mail communications.

These types of behaviors are prohibited both in the actual workplace and in any location that can reasonably be regarded as an extension of the workplace, such as at an off-site NYCHA-sanctioned function.

The requirements herein are not meant to interfere with voluntary social relationships between individuals in the workplace, but do prohibit those actions and behaviors that are unwanted and unwelcome and/or which create an intimidating, offensive, or hostile work environment.

Any manager or supervisor who receives a complaint of sexual harassment or becomes aware of sexually harassing conduct **must** immediately report this information to the Department of Equal Opportunity (DEO). Supervisors are not to engage in any independent investigation of the complaint. Failure to comply with these requirements may result in disciplinary action against the manager or supervisor.

### Further Information

#### Complaints / Assistance

If you believe that you, a co-worker or a job applicant is a victim of sexual harassment, you should immediately report the conduct to the NYCHA Department of Equal Opportunity, Office of Employment & Fair Housing Investigations (OEFHI) located at 250 Broadway, 3rd Floor, New York, New York, Monday through Friday from 8:30 AM to 5:00 PM. The OEFHI personnel listed below are available to provide employee assistance.

DEO OEFHI	(212) 306-4468
DEO Facsimile	(212) 306-4439
TTY (Hearing Impaired)	(212) 306-4845

An employee or job applicant may file an internal complaint of discrimination with DEO anytime within one year of the date the incident occurred. A NYCHA employee or job applicant may electronically file a *NYCHA Complaint of Alleged Discrimination (NYCHA Form 036.025)*. OEFHI personnel will meet with any employee who seeks to file a complaint to ascertain whether the complaint involves an allegation of employment discrimination prior to commencing a formal investigation.



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An employee may report sexual harassment to DEO without revealing their identity by telephoning or writing to any of the OEFHI personnel listed above. In cases where DEO receives an anonymous complaint, DEO will review and investigate the anonymous complaint, to the extent possible, and recommend corrective action where appropriate to remedy any unlawful sexual harassment in the workplace or conduct in violation of these requirements.

DEO understands that these matters can be extremely sensitive and will keep employee and applicant complaints and communications in strict confidence, except when disclosure is required by law, or is needed to complete an investigation. This means that information obtained from a person who seeks assistance from DEO will not be discussed with other personnel except as necessary to investigate or resolve the complaint.

All complaints filed by employees and applicants for employment will be impartially and fairly investigated. The complainant and named respondent(s) to the complaint of sexual harassment will receive written notification that a complaint has been filed with DEO, and all parties will be provided with an opportunity to respond.

All persons interviewed in the course of an investigation shall have the right to be accompanied by an appropriate representative of their choosing, who shall not participate in the interview process. Advance notice shall be given to DEO.

These requirements prohibit retaliation against an employee who:

- Uses the DEO internal complaint procedures; or
- Files a complaint with any governmental human rights agency;
- Commences litigation under applicable anti-discrimination laws
- Provides information related to, or assists in, the investigation of internal complaints of discrimination and/or harassment, or for voicing opposition to unlawful discrimination.

Retaliation or discriminatory harassment is unlawful and will be cause for disciplinary action and subject the perpetrator to liability under law.

At the conclusion of the investigation, DEO will provide written notification of its findings to the complainant and respondent. DEO will also provide the Directors of the complainant and respondent's respective departments with written notification of DEO's findings along with any recommendation for corrective action where appropriate. DEO may recommend corrective action, including disciplinary action, with respect to persons whom it finds to have engaged in unlawful discrimination, violated NYCHA policies, or engaged in unprofessional or inappropriate conduct.



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Employees found to be in violation of this policy and/or laws prohibiting sexual harassment and/or retaliation may be subject to appropriate disciplinary action and/or liability under law.

Any employee who wants further information, or requires assistance in identifying sexually harassing behavior and ways to prevent and respond to sexual harassment, should contact the Department of Equal Opportunity at the address or telephone number listed above.



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### 72. Smoking

#### Overview

In accordance with regulations promulgated by the U.S. Department of Housing and Urban Development, the New York City Smoke Free Air Act, and the New York State Clean Indoor Air Act, NYCHA is fully committed to maintaining a smoke-free environment. It is also in the best interest of our employees and residents to have a smoke-free environment in NYCHA's facilities (*i.e.*, all indoor areas in all developments, Borough Offices, Central Office locations, and other field locations, as well as areas outside public housing buildings). The use of any tobacco product such as a cigarette, cigar, pipe, water pipe or smokeless tobacco shall be prohibited anywhere on NYCHA's premises, unless there are legally designated areas on the premises.

The term "smoking" is inclusive of "vaping" and use of e-cigarettes or other non-medicinal electronic and/or mechanical inhalant and exhalant devices that could potentially be harmful and/or disruptive of work duties or compromise safety.

#### Further Information

##### **Prohibited in All Indoor Locations**

Smoking is prohibited in all indoor areas (e.g., all common areas and apartments in public housing buildings, private offices, work stations, employee lounges and restrooms, conference rooms, classrooms, employee cafeterias, gymnasiums, auditoriums, libraries, storage equipment rooms, elevators, stairways, hallways, lobbies, porches, balconies, fire escapes, laundry rooms, management offices, Tenant Association space, Resident Watch space, community centers, day care centers, workshops and building equipment rooms).

NYCHA is not required or permitted to provide a smoking break room for employees.

##### **Prohibited in NYCHA-owned or Leased Vehicles**

Smoking is prohibited in NYCHA-owned or leased vehicles at all times, even if the only occupant is the driver.

##### **Prohibited at Certain Outdoor Locations**

Smoking is prohibited within 25 feet of public housing buildings or within NYCHA's property boundary if it is less than 25 feet from a public housing building (e.g., if a city sidewalk or street is less than 25 feet from a public housing building). Smoking is also prohibited in outdoor playgrounds and outdoor areas used by any child day care centers.

##### **Enforcement**

NYCHA supervisors must make reasonable efforts to prevent smoking. Employees found violating NYCHA's Smoking Policy may be subject to disciplinary action.





## Human Resources Manual

### **Complaints**

Employees may report violations to the New York City Department of Health and Mental Hygiene for action by submitting to them the [\*Smoke-Free Air Act Complaint Form\*](#).

### **Information**

For more information call (518) 402-7600 or (800) 458-1158.

### **Quitting**

If you smoke and want to quit, you can either call the New York State Smokers' Quit Line at 1-866-NY-QUITS (1-866-697-8487), for free information, or visit [www.nysmokefree.com](http://www.nysmokefree.com); or visit the Office of Labor Relations (OLR) website for information on the [ESCAPE](#) program for City employees.

### **Retaliation Prohibited**

Retaliation against employees and applicants for employment who assert their rights under these requirements is prohibited.



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### 73. Verification of Employment

#### Overview

NYCHA provides employment verifications when requested by certain external organizations. Information provided to these organizations may include: employment status, salary history, and periods of service. In order to protect employees' personal information, only Human Resources is authorized to verify employment.

#### Further Information

##### Verification Requests

These may be made in regard to, but not necessarily limited to, the following:

- Employment references
- All wage verifications
- Mortgage applications
- Credit card applications
- Disability claims from unions
- Private insurance claims
- Motor vehicle no-fault insurance claims (NF-6 form)
- Immigration Office I-796C, Notice of Action – provided upon request to employees seeking to sponsor a relative to immigrate to the United States
- Release letters – permits other city agencies to hire NYCHA employees

##### Authorization to Verify

Only Human Resources may fulfill verification of employment requests. Employees may not verify their own requests. Employees may not ask their supervisors, co-workers, subordinates or others employed by NYCHA to verify their employment, orally or in writing.

##### Submission of Requests

Employees who need verification of employment should utilize the NYCAPS Employee Self Service (ESS) system. For assistance on how to access this system, contact HR at (212) 306-8000. If the request cannot be fulfilled through ESS, the request must then be directed to HR for fulfillment.



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### 74. Weather / Traffic Conditions / Emergencies

#### Overview

NYCHA provides service to its residents 24 hours a day, 7 days a week. For this reason, NYCHA employees are required to report to work during their regularly scheduled work hours despite varying weather or traffic conditions or unexpected or unusual events. Generally, weather and traffic conditions are not a reason for absencing yourself from work and will not be considered a reason to approve unplanned leave. It is critical that all employees, especially those who provide direct services to NYCHA residents, have plans in place to address personal and family needs so that they are able to report to work.

#### Further Information

##### Declared Weather or Other Emergency

In the event of a declared weather or other emergency in the five boroughs of New York City, NYCHA will make reasonable attempts to post instructions on its internet site at [www1.nyc.gov/nycha](http://www1.nyc.gov/nycha) and employees should be guided by those announcements.

##### Employees Who Provide Essential Services

When a government office or agency declares an emergency and directs essential personnel to report to work, all employees who provide essential NYCHA services must report to work. Employees who provide essential NYCHA services will not be excused and will be approved for leave during a declared emergency only if the leave were approved in writing before the emergency.

If an employee is unable to report to work during any of the above situations due to a personal emergency or illness, leave may be granted consistent with NYCHA's Time and Leave rules and regulations only at the discretion of the Department Director or their designee. Consistent with NYCHA's Time and Leave rules and regulations, documentation may be required to support the request.

If a declaration of emergency expressly requires certain classes of employees to remain home, the Human Resources Department will follow up at an appropriate time with instructions on how the absence will be charged under that emergency.



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### 75. Work Hours

#### Overview

Generally, the standard work week requires full-time non-managerial employees to work either 35 or 40 hours per week as determined by an employee's title and applicable collective bargaining agreement (CBA). Most employees work 5 days per week for 7 or 8 hours per day, exclusive of a daily unpaid meal period.

Employees will be notified of their specific work schedule when hired or upon change of assignment. NYCHA may change work schedules to address NYCHA's business needs.

#### Further Information

##### Summer Work Schedule

If provided by a CBA, employees assigned to certain field locations that do not have air conditioning may be eligible to work according to a summer work schedule. Employees with less than 12 consecutive months of service with NYCHA measured from their most recent date of hire are never eligible for a summer work schedule. Employees who are credited with 12 months of continuous service between July 1 and August 31 will be included in the summer work schedule on their anniversary date. Generally, summer work schedules are in effect from July 1 through Labor Day.

##### Central Office Flex-Time

Working flex-time is a privilege for Central Office employees. When granted, supervisors assign employees a targeted reporting time within the reporting band taking into consideration the needs of the work unit and the preferences of the employees. Employees may report to work within the reporting band from 8:00 to 10:00 a.m. and not be considered "late." Employees who arrive to work after their reporting time but before 10:00 a.m. must work an equivalent time at the end of the day to make up for the lost time. An employee may also begin work earlier than their targeted reporting time (but not before 8:00 a.m.) and leave an equivalent time earlier than their usual departure time. If an employee needs to report to work significantly outside their targeted reporting time, the supervisor should be notified in advance, if possible.

- Reporting Band: Employees must report to work between the reporting band of 8:00 a.m. and 10:00 a.m. and leave between 4:00 and 6:00 p.m.
- Targeted Reporting Time: The time within the reporting band at or about which employees are expected to regularly and consistently report to work.
- Core Hours: Employees must work between the core hours of 10:00 a.m. and 4:00 p.m.



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- Removal from Flex-time: When flextime has been approved, an employee can remain on the flextime schedule as long as they remain in the same work unit, the needs of the work unit do not change and the flex-time schedule does not have an adverse impact on the work unit. Employees will be notified if circumstances require a change in the flextime schedule.

Employees who do not regularly meet their targeted reporting times will be notified of this shortcoming and advised that they may be removed from flex-time if they do not regularly meet their targeted reporting time. If an employee continues to fail to meet this responsibility, the supervisor will submit a request to the Director of Human Resources to remove the employee from flex-time. After review and consultation, the Director of Human Resources may require that the employee work a fixed schedule.

### **Alternative Work Schedules:**

Alternative work schedules may be available where approved by Human Resources. For additional information, employees should consult with their Department Director who in turn will consult with the Human Resources Department.



## Human Resources Manual

# 76. Workers' Compensation

### Overview

NYCHA makes every effort to provide a safe work environment for its employees. Therefore, all accidents, injuries and exposures to hazardous substances that occur while on the job must be reported even if medical care was not administered or leave was not taken because of the incident.

NYCHA's claims are administered through a third-party administrator, i.e., the Risk Management Planning Group, Inc. (RMPG). Any inquiries regarding the status of Workers' Compensation claims should be directed to NYCHA's Workers' Compensation Administrator.

### Further Information

#### Reporting Work-Related Illnesses or Injuries

When employees experience work-related illnesses or injuries, they must report the illnesses or injuries to their supervisor. As soon as the supervisor is notified of an employee's work-related illness/injury, the supervisor must:

- complete through the Movaris (Trintech) system a *NYCHA Workers' Compensation Claim And Accident Report*; and
- call RMPG's Claims Service Center at (866) 949-9399 within 24 hours after they were notified of the employee's illness/injury.

The supervisor should also file a copy of the report in the work location's Occupational Safety Hazardous Act (OSHA) file and ensure that the timekeeper updates the Kronos records immediately.

#### Processing Workers' Compensation Claims

Within 2 weeks of filing the claim, the Workers' Compensation Unit will notify the employee by mail of their scheduled interview to discuss the claim. If an employee returns to work within 5 days of lost time, they must call the Workers' Compensation Unit to cancel the interview.

#### Questionable Claims

If a Property Manager/Division Chief questions an employee's claim, they must prepare a memorandum with detailed information as to why the claim should be investigated. They shall send a request for an investigation to the Human Resources Department's Assistant Director of Records Control Division.



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### Assault Claims

#### ***Employees Assaulted During Working Hours***

An employee who is physically injured and rendered physically disabled because of an assault which occurred during working hours and while on duty may be eligible to receive an assault grant which entitles them to a leave of absence with pay for up to 18 months.

However, the employee must meet certain criteria including, but not limited to, the Workers' Compensation claim being deemed compensable by NYCHA's workers' compensation administrator. If approved, the leave time will not be deducted from the employee's annual leave bank during the assault grant period.

#### ***Reporting the Assault***

The supervisor must forward a copy of the Police Report and a memo describing the incident to the employee's director. The memorandum must include the following information:

##### *1st Paragraph*

The supervisor must describe the incident, i.e., What happened? When did it happen? How did it happen? Was it during working hours? and, Was the employee working at their assigned area when the incident occurred?

##### *2nd Paragraph*

Investigation of the incident, i.e., evidence from the employee and witnesses (e.g., other staff members, residents, etc.). Document in detail what happened (e.g., Did the employee know the perpetrator(s)? Did the employee provoke the altercation?). The supervisor should also state their understanding as to what happened; and, include signed statements from the witnesses.

##### *3rd Paragraph*

Supervisor's Recommendation. The supervisor must recommend either approval or denial of the assault grant.

##### *Review by the Department Director*

The director shall review the memorandum and indicate whether or not (s)he concurs with the supervisor's recommendation. All documentation is then sent to the Human Resources Department Workers' Compensation Unit for necessary action.

##### *Resolution by the Director of Human Resources*

The Director of Human Resources will conduct a thorough and comprehensive review of the submitted documentation. The director will determine whether the employee will be entitled to the assault grant.



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### **Injured Employee's Change in Status – The C-11 Form**

The C-11 Form (“Employer’s Report of Injured Employee’s Change in Status Resulting from Injury”) must be completed by the supervisor when:

- An employee returns to work following the injury;
- A recurrence occurs (an employee becomes disabled from a previous injury, supported by medical documentation); if the workers’ compensation administrator determines that the claim is for a new injury and separate from the one being claimed, the location will be directed to process the claim accordingly.
- An employee returns to work from the recurrence; or
- Intermittent absence (if an employee has seen a physician on the date of absence).

*Note:* The C-11 Form does **not** have to be completed if an employee who has returned to work is absent for the day without a doctor’s appointment.

Upon completion of the C-11 Form, the supervisor shall distribute the document as follows:

- Copy to Human Resources Workers’ Compensation Unit; and
- Copy to the work location employee folder.

### **Employee Returns To Work – Review of Medical Documentation:**

When an employee reports to work following a Workers’ Compensation Leave of Absence, they must submit medical documentation dated within 5 days of the return to work date that clearly indicates they are fit to return to work. Based on Human Resources Department review, if the medical documentation is not sufficient, the employee will be instructed to get an updated or more complete medical note before being allowed to return to work.

#### ***Field Locations***

An employee assigned to a field location must submit original medical documentation to their Borough Office. The Borough Property Management Office will fax the medical documentation to the Records Control Division (212-306-5124) and will be notified when the employee is cleared to return to work. The Employment Division will contact the Borough Property Management Office and assign the employee to a work location.

#### ***Non-Field Locations***

Employees assigned to a central office location must report to the Human Resources Records Control Division at 90 Church St., 5th floor.





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### **Time And Attendance For Workers' Compensation:**

Proration means that proportional rates of Annual Leave time are charged to an employee's leave balance. All employees are charged 30% of their Annual Leave balances for the first six months of absence provided they have:

- Sufficient accrued Annual Leave time; and
- The compensation case was accepted and disability payments were issued.

*Note:* Proration rates are subject to change. Proration charts are listed in the *NYCHA Manual for Kronos Timekeeping*.

- Absence for the First Five Days - An employee will be excused on the day that the injury/illness occurred. The next five workdays of absence due to a Workers' Compensation Claim are subject to proration.
- Absence for Six or More Days - The workers' compensation examiner will charge from the sixth day of absence on, day for day, against the employee's accrued Annual Leave time and post them as "HR Workers' Comp W-Pay" in Kronos. Once an employee's accrued Annual Leave balance has been exhausted, they will be placed on pay suspension. However, once the employee's claim has been accepted by the Workers' Compensation Administrator and they are receiving disability payments, NYCHA will restore in Kronos the portion of the Annual Leave that is not subject to pro-ration.
- Accrual of Annual Leave - An employee continues to accumulate Annual Leave time while receiving the benefit of proration. However, the accrued time is held until the employee has returned to work for one full month.
- Absence for Medical Examinations - An employee will be excused when NYCHA or its workers' compensation administrator requests that they undergo a medical examination. An employee will not be excused when scheduled to appear for a hearing before the Workers' Compensation Board.
- Intermittent Lost Time - Employees will **not** receive the benefit of proration for recurring absences of fewer than 5 consecutive business days. Instead, time will be charged against their Annual Leave. Timekeepers must post these absences as "Sick" in Kronos.

### **Disability Payments**

- Financial Information – NYCHA's workers' compensation administrator determines the status of each claim and the scheduled rate of the disability payment. This is based on the employee's gross weekly earnings for the 52 weeks immediately preceding the date of the accident.



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- Disability Payments for Teamsters' Housing Unique and Prevailing Rate Titles - In accordance with corresponding collective bargaining agreements, the total net pay received by the affected employee for the period of line-of-duty disability from both workers' compensation payments and NYCHA pay shall be no higher than the employee's normal net pay from NYCHA immediately preceding the line-of-duty disability.
- Disability Payments for Intermittent Lost Time - Employees may keep their disability payments issued by the Workers' Compensation Board and/or an insurance carrier for intermittent lost time.

### **Transitional Return-To-Work Program:**

The Transitional Return to Work ("TRTW") Program is for employees with on-the-job injuries/occupational diseases who are receiving Workers Compensation benefits, and are able to return to work on a full-time basis with a temporary transitional assignment not to exceed six (6) months. The goals of the TRTW Program are to:

- Accelerate the employee's ability to return-to-work by focusing on the employee's post injury capabilities. Under the program, the employee is provided temporary transitional assignments that take into consideration physical limitations and skills and address the physical and environmental factors in the workplace that otherwise hinder the return-to-work process. Physical limitations are determined and documented by a physician completing a Physician's Assessment of Functional Abilities Form ("PAFA").
- Facilitate the employee's transition from temporary or modified job assignment back to their full-time regular work duties.
- Increase productivity by decreasing the number of lost workdays.
- Increase employee morale and motivation to return to and remain at work.

The Human Resources Department ("HR") Workers' Compensation ("WC") Unit sends injured employees a WC benefits package that includes a blank PAFA.

### **The Physician or injured employee submits a completed PAFA form to WC Unit**

- The completed PAFA form is reviewed by the WC Unit to determine if the employee is eligible to return to work. If the PAFA indicates that the employee is:
  - Not able to return to work, the employee remains out on workers compensation accordingly.
  - Able to return to work with no restrictions, the employee is reassigned to their regular assignment.



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- Able to return to work with restrictions, HR will contact the employee's Department Director or designee to determine the availability of a transitional duty assignment that the employee will perform and where the employee will be assigned. When it is appropriate, HR may reach out to other Departments to identify a transitional assignment.
- Return to Work with Restrictions
  - Human Resources will prepare a job offer letter notifying the employee of their transitional assignment, return to work date and approved period of participation in the program.
  - On the date the employee is scheduled to return to work, HR contacts the assigned location to confirm the employee's return. Once confirmed, HR files the C11 form with the WC Board and forwards a copy to NYCHA's third party Workers' Compensation Administrator.
  - Two weeks following the employee's return, the WC Unit follows-up with the employee and the supervisor to inquire about the status of the employee's transitional assignment.
  - Two weeks before participation in TRTW is scheduled to expire, HR reminds the TRTW Employee Participant that a completed PAFA must be obtained. HR will forward a blank PAFA form instructing the employee to follow-up with their treating physician to complete the form and return it to HR via email or fax at 212-306-5124. This continues every 45 days for six (6) months or until the employee returns to work to full duty with no restriction, whichever comes first.
    - ❖ In the event that the completed PAFA indicates that the participant still is unable to return-to-work without any restrictions, the participant remains in the program and will be notified in writing of the extension period. The new PAFA must show progress in the employee's medical capabilities.
    - ❖ If the PAFA indicates that the employee is unable to work, then HR will notify the employee and the location supervisor that they are placed on WC leave. HR will file a C-11 form with the WC Board and forward a copy to the Workers' Compensation Administrator.
  - Thirty (30) calendar days before the six (6) month expiration of the enrollment in the program, HR will advise the employee to submit a completed PAFA or medical note regarding their fitness to return to work. If the medical provider indicates that the employee is:



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- ❖ **Able** to return, the employee will be assigned to a vacancy in their title based on the needs of NYCHA.
- ❖ **Unable** to return to full duty capacity, the employee will be removed from the TRTW program and placed on a workers' compensation leave until able to return to work without restrictions. HR will file a C-11 form with the WC Board and forward a copy to the Workers' Compensation Administrator.
- Removal from TRTW Program - HR may remove the employee from the TRTW program before six months if the employee cannot perform the duties of the transitional assignment, is not progressing medically and/or sustains a new injury.



## Human Resources Manual

# 77. Workplace Violence

### Overview

NYCHA is committed to the safety and security of employees, residents, program participants, contractors and visitors. Accordingly, NYCHA does not tolerate occurrences or threats of violent or abusive behavior, or retaliatory actions in the workplace, by or against any employee, resident, program participant, contractor or visitor, under any circumstances. Objectionable behavior which includes, but is not limited to physical or verbal expressions of hostility towards others, threats made against an employee, resident, program participant, contractor or visitor, gestures and any remarks intended to provoke hostilities, shall not be tolerated.

Under New York State Penal Law §120.05, assault against a NYCHA worker is an automatic class D violent felony offense, when:

- With intent to prevent an employee of NYCHA from performing their lawful duties while located on housing development grounds, real property, or a building owned, managed, or operated by NYCHA, the assailant causes physical injury to such employee; or
- With intent to cause physical injury to an employee of NYCHA performing their lawful duties while located on housing development grounds, real property, or a building owned, managed, or operated by NYCHA, the assailant causes physical injury to such employee.

This includes employee-on-employee assault.

Any employees who engage in assault, violent and/or abusive behavior in the workplace may be subject to criminal prosecution, immediate suspension and/or disciplinary action, including termination of employment.

All NYCHA employees are to act promptly in accordance with these requirements in response to occurrences or threats of violent, abusive or objectionable behavior, in the workplace, including threats that they have witnessed, received, or have been told that another person has witnessed or received.

### Further Information

#### Definitions

##### ***Workplace Violence***

Workplace violence is any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of their employment, including, but not limited to:



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- Attempt or threaten, whether verbal or physical, to inflict physical injury upon an employee.
- Any intentional display of force which would give a person reason to fear or expect bodily harm.
- Intentional or wrongful physical contact with a person without their consent that causes some injury.
- Stalking an employee with intent of causing fear or material harm to the physical safety and health of an employee with such stalking has arisen through and in the course of employment.
- Verbal attacks, which can be threats that are either: veiled, conditional, or direct; they may also take the forms of harassment, bullying or emotional abuse.

### **Types of Workplace Violence**

There are categories of workplace violence.

#### ***Perpetrated by Strangers***

Violent acts by persons who have no other connection with the workplace but enter to commit robbery or other crime.

#### ***Perpetrated by Customers***

Violence directed at employees by two types of external customers:

##### *Residents*

Violent acts by conventional or Section 8 recipients.

##### *Business Relations*

Violence caused by persons having business relationships with NYCHA; this includes violence by persons being regulated, served by or having official business with NYCHA.

#### ***Perpetrated by Co-Workers***

Violence committed against an employer by a current or former employee.

#### ***Perpetrated Because of a Personal Relationship***

Violence caused by someone who does not work for NYCHA, but has a personal relationship with an employee. This may include domestic violence situations and is usually caused by an acquaintance or family member while the employee is at work. Take for example, an abusive spouse or domestic partner who follows the victim into the workplace.



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### **Risk Factors**

Risk factors are “situations in the workplace or workplaces that might place employees at risk of occupational assaults and homicides.” Risk factors are categorized by type of workplace setting. These include but are not limited to work locations where:

- employees perform duties during late night/early morning hours.
- there are only a small number of employees.
- employees have historically engaged in hostile or aggressive behavior towards co-workers.

Through its risk evaluation, NYCHA has identified three categories of risk factors based upon work location. These categories are working in:

- facilities that provide services.
- the field among the public.
- housing developments.

### **Control Measures**

NYCHA has implemented such controls to minimize the risk of workplace violence (*e.g.*, barrier glass, locks, door release devices, electronic access control, panic buttons, security cameras, the use of tier 1 and tier 2 radios, etc.).

### **Retaliation**

In accordance with the New York State Labor Law, Article 2 §27-b, retaliation is defined as the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

NYCHA will not take retaliatory action against an employee or representative of employees who:

- Files a complaint citing a serious violation of a workplace violence protection program;
- Requests an inspection by the Department of Labor (DOL) claiming a violation or danger exists; or
- Accompanies a DOL inspector and a NYCHA representative on an inspection.

### **Employee Assistance**

Regardless of an employee’s position within NYCHA, they share a responsibility with others to prevent workplace violence. It is each employee’s responsibility to recognize problems and seek



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solutions. NYCHA offers help in identifying problems and finding solutions through the New York City Employee Assistance Program (NYC/EAP). For additional information about the EAP, see the *Employee Assistance Program Policy*.

### **Employee Responsibilities**

In order to prevent workplace violence employees must:

- Act professionally, not exchange words, and maintain calm when confronted or provoked.
- Retreat rather than engage in a potential workplace violence situation.
- Notify their supervisor and the Office of Safety and Security if they:
  - Become aware of any potential workplace violence situation;
  - Witness imminent or actual workplace violence incident(s); or
  - Are the victims of workplace violence, whether verbal or physical.

### **Warning Signs**

The following are possible warning signs of workplace violence:

- Decreases in work performance level.
- Increases in the frequency or intensity of inappropriate behavior or conduct.
- Attitudinal or behavioral changes, such as arguing often or uttering insults about others.
- Inappropriate or frequent complaints or negative talk about family issues.
- Frequent references to stress factors in their life.

### **Employee's Role in Prevention**

All employees are obligated to follow the procedures that govern the workplace and help to prevent violence. All employees are also accountable for their actions and should understand that workplace violence may happen. Furthermore, all employees should be in control of their own behavior, under all circumstances.

#### ***Choosing Your Own Behavior***

- Be responsible for your own actions.
- Do not get provoked into an argument.
- Acknowledge other people's emotions and do not be triggered by them.





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- Practice effective communication skills.

### ***Developing Effective Communication Skills***

- Minimize the risk of potential violence.
- Enable a person to give and receive accurate verbal and nonverbal messages.
- Involve awareness of, and appropriate responses to, the feeling of others.

### ***Minimizing Violent Acts***

- Recognize warning signs that may lead to violence.
- Know the policies, procedures, and work-environment arrangements developed to control the risks to workers.
- Know the proper use of security systems.
- Know how to report all incidents, including threats and verbal abuse.
- Know how to defuse hostility and resolve conflicts or threatening situations.
- Know how to manage stress.

### ***Approaches to Handling Violence***

- Protect yourselves and others.
- Do not escalate the problem.
- Get help.
- Evacuate the area.
- Be alert and calm.
- Observe the perpetrator's nonverbal message.
- Listen very carefully.

### **Resources and References**

Below are valuable resources and references.

<b>WORKPLACE VIOLENCE RESOURCES AND REFERENCES</b>	
Office of Safety and Security	212-306-8800
New York City Employee Assistance Program EAP	250 Broadway, 28 <sup>th</sup> Floor New York, NY 10007



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	212-306-7660   <a href="mailto:eap@olr.nyc.gov">eap@olr.nyc.gov</a>
<b>AVAILABLE PRINTED MATERIAL</b>	
Workplace Violence Program	Contact the Office of Safety and Security
New York City Housing Authority Standard Procedure 001:97:2	Found on the NYCHA Employee Portal Forms and Reference Library



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### 78. Welfare Funds

#### Overview

In addition to health benefits, union welfare funds may provide additional or supplemental benefits (*e.g.*, dental coverage, prescription drug coverage, short-term disability, legal services, personal counseling, eye care / vision coverage, life insurance, and education benefits). In most cases, coverage is based on title and regular weekly hours. The benefit packages provided by the various union welfare funds differ and are not necessarily all the same.

#### Further Information

For additional information about eligibility and terms and conditions of coverage, employees should contact their respective fund administrator at the applicable union welfare fund office.

## CROSS REFERENCE GUIDE

<b><u>SUBJECT</u></b>	.....	<b><u>REFERENCE</u></b>
Access – Single-Sex Facilities	.....	Equal Employment Opportunity
Accrual	.....	Annual Leave Anticipated Leave Nursing Workers’ Compensation
Alcohol	.....	Alcohol and Substance Abuse Employee Assistance General Regulations of Behavior
Advanced Leave	.....	Anticipated Leave
Alienage	.....	Equal Employment Opportunity
Age	.....	Equal Employment Opportunity Minors
Anxiety	.....	Employee Assistance
Arbitration	.....	Grievances
Arrest	.....	Equal Employment Opportunity General Regulations of Behavior
Attire	.....	Appearance (Personal)
Authority	.....	Organization Structure
Automobile	.....	Car Usage (Personal)
AWOL	.....	Attendance
Awards	.....	Recognition
Beneficiary	.....	Benefits
Bereavement Leave	.....	Excusals
Breast Cancer	.....	Cancer Screening
Breast Feeding	.....	Nursing
Business Ownership	.....	Conflicts of Interest
Cellular Phones	.....	Electronic Devices (Personal)
Characteristic (Genetic)	.....	Equal Employment Opportunity
Charges (Annual Leave)	.....	Annual Leave Cancer Screening Employee Representatives Excusals Lateness Nursing Separation From Employment Weather / Traffic Conditions / Emergencies Workers’ Compensation
Charges (Disciplinary)	.....	Discipline Equal Employment Opportunity Fitness for Duty

**SUBJECT****REFERENCE**

Children	.....	Childcare Leave Children in the Workplace Minors
Citizenship	.....	Equal Employment Opportunity
Civil Service	.....	Appointments (Competitive Class) Classification
Civil Service Examinations	.....	Excusals
Citywide Titles	.....	Collective Bargaining Agreements
Cleanliness	.....	Appearance (Personal)
Color	.....	Equal Employment Opportunity
Commendations	.....	Recognition
Competitive Class	.....	Classification
Computers	.....	Communications and Business Systems General Regulations of Behavior
Conference Hearings	.....	Discipline
Confidential Information	.....	Privacy Conflicts of Interest
Consent Determinations	.....	Collective Bargaining Agreements
Controlled Substance	.....	Alcohol & Substance Abuse General Regulations of Behavior
Consultants	.....	Contractors
Contract Filer	.....	Financial Disclosure
Contracts (Union)	.....	Collective Bargaining Agreements
Contracts (Vendor)	.....	Contractors
Conviction	.....	Equal Employment Opportunity General Regulations of Behavior
Counseling (Personal)	.....	Employee Assistance
Counseling (Performance/Conduct)	.....	Discipline
Counseling Memorandum	.....	Discipline
CWA, Local 1180	.....	Collective Bargaining Representatives
Danger	.....	Discipline Fitness for Duty General Regulations of Behavior Minors Organization Structure Recognition Safety Workplace Violence
Death	.....	Benefits Excusals General Regulations of Behavior
DC 37, AFSCME	.....	Collective Bargaining Representatives
Dental	.....	Welfare Funds
Depression	.....	Employee Assistance

**SUBJECT****REFERENCE**

Disability	.....	Equal Employment Opportunity Family and Medical Leave Act Fitness for Duty Leaves of Absence (Illness) Verification of Employment Welfare Funds
Discharge		Classification Equal Employment Opportunity Fitness for Duty Privacy Retaliation
Discrimination	.....	Equal Employment Opportunity
Disputes	.....	Grievances Workplace Violence
Disruptive Behavior	.....	Fitness for Duty
Doctor's Note / Supporting Documentation	.....	Annual Leave Childcare Leave Excusals Family and Medical Leave Act Leaves of Absence (Illness)
Domestic Partnership	.....	Excusals
Domestic Violence	.....	Equal Employment Opportunity Workplace Violence
Dress	.....	Appearance (Personal)
Drugs	.....	Alcohol and Substance Abuse Employee Assistance General Regulations of Behavior
Drunkenness	.....	Alcohol & Substance Abuse Fitness for Duty
Due Process Proceedings	.....	Discipline
Duties	.....	Job Descriptions
Elections (Benefits)	.....	Benefits
Elections (Political)	.....	Excusals
Email	.....	Communications and Business Systems General Regulations of Behavior Self Service
Emergencies	.....	Annual Leave Attendance Car Usage (Personal) Excusals Family and Medical Leave Act (FMLA) Folders (Employee) General Regulations of Behavior Job Descriptions

**SUBJECT****REFERENCE**

		Privacy
		Self Service
		Weather / Traffic Conditions / Emergencies
Evaluations	.....	Equal Employment Opportunity
		Performance Management
		Folders (Employee)
Eyecare	.....	Welfare Funds
Family	.....	Children in the Workplace
		Excusals
		Family and Medical Leave Act (FMLA)
		Minors
Flex Time		Work Hours
Gambling	.....	General Regulations of Behavior
Genetic Characteristic Predisposition	.....	Equal Employment Opportunity
Gender	.....	Equal Employment Opportunity
General Trial	.....	Discipline
Gifts	.....	Conflicts of Interest
Grace Period	.....	Annual Leave
		Recording Work Hours
Gratuities	.....	Conflicts of Interest
Grievances	.....	Excusals
		Grievances
Hazard(s)	.....	Organization Structure
		Right to Know & Understand
		Safety
		Workers' Compensation
Health Insurance	.....	Benefits
Hiring	.....	Equal Employment Opportunity
		Folders (Employee)
		Probation
		Self Service
Housing Unique Titles	.....	Collective Bargaining Agreements
Hygiene	.....	Appearance (Personal)
Incapacity (Physical / Mental)	.....	Fitness For Duty
Incompetence	.....	Discipline
Indemnification	.....	Legal Assistance
Injury (On the Job)	.....	Excusals
		Workers' Compensation
Instructional Memorandum	.....	Discipline
Insubordination	.....	Fitness for Duty
		Organization Structure
Intoxication	.....	Alcohol & Substance Abuse
		Fitness for Duty
Involuntary Leave	.....	Annual Leave

**SUBJECT****REFERENCE**

Job Descriptions	.....	Classification/Competitive Class/Appointments General Regulations of Behavior Grievances Job Descriptions
Jury Duty	.....	Excusals
Labor Agreement	.....	Collective Bargaining Agreement
Labor Class	.....	Classification
Lactation	.....	Nursing
Lateness	.....	Attendance Lateness
Light Duty/Transitional Duty	.....	Workers' Compensation
Lines of Authority	.....	Organization Structure
Local Hearing	.....	Discipline
Lunch (Meal Period)	.....	Work Hours Breaks
Maternity Leave	.....	Childcare Leave
Mammography	.....	Cancer Screening
Marital Status	.....	Equal Employment Opportunity
Medical Documentation	.....	Annual Leave Cancer Screening Childcare Leave Excusals Family and Medical Leave Act Leaves of Absence (Illness) Personnel Board Workers' Compensation
Medical Examinations	.....	Fitness For Duty Workers' Compensation
Mental Illness		Fitness For Duty
Military		Equal Employment Opportunity Military Duty Military Leave
Misconduct	.....	Discipline Fitness for Duty Organization Structure Probation Rating Forms
Moonlighting	.....	Conflicts of Interest
National Origin	.....	Equal Employment Opportunity
Non Competitive Class	.....	Classification
OSA	.....	Collective Bargaining Representatives
Parental Leave	.....	Paid Parental Leave
Partnership Status	.....	Equal Employment Opportunity
Paternity Leave	.....	Childcare Leave



<b><u>SUBJECT</u></b>		<b><u>REFERENCE</u></b>
Pay docks	.....	Attendance Cancer Screening Holidays Paychecks
Penalty	.....	Discipline General Regulations of Behavior Lateness
Pension	.....	Benefits Classification/Competitive
Permanent	.....	Class/Appointments
Personally Identifying Information	.....	Privacy
Personal Issues	.....	Employee Assistance
Political Activities	.....	Conflicts of Interest Political Activities
Post-Employment Activity	.....	Conflicts of Interest
Prescriptions	.....	Alcohol & Substance Abuse Welfare Funds
Pre-Trial Suspensions	.....	Discipline
Prevailing Rate Titles	.....	Collective Bargaining Agreements Grievances
Privacy	.....	Communication and Business Systems
Probation	.....	Appointments (Competitive Class) Discipline Probation Probation Reports
Progressive Discipline	.....	Discipline
Promotion	.....	Conflicts of Interest Equal Employment Opportunity Excusals Performance Management Folders (Employee) Probation
Prostate Examination	.....	Cancer Screening Classification/Competitive
Provisional	.....	Class/Appointments
Quit Time	.....	Recording Work Hours
Race	.....	Equal Employment Opportunity
Recognition (Employee)	.....	Folders (Employee) Recognition
Recognition (Union)	.....	Representation
Relief	.....	Breaks Work Hours
Reasonable Accommodation	.....	Equal Employment Opportunity Pregnancy Retaliation

**SUBJECT**

**REFERENCE**

Rehires	.....	Annual Leave Classification/Competitive Class/Appointments
Reinstatements	.....	Excusals Conflicts of Interest General Regulations of Behavior
Relatives	.....	Equal Employment Opportunity Alcohol and Substance Abuse Equal Employment Opportunity Political Activities Retaliation Sexual Harassment Smoking
Religion	.....	Safety Workplace Violence
Reporting (Violations)	.....	Workers' Compensation Attendance Lateness Weather / Traffic Conditions / Emergencies Work Hours
Reporting (Safety)	.....	Excusals Collective Bargaining Representatives
Reporting (Injuries)	.....	Discipline
Reporting To Work	.....	Job Description Equal Employment Opportunity Retaliation Safety Sexual Harassment Smoking Workplace Violence
Representatives (Employee)	.....	Benefits
Reprimand	.....	Appearance (Personal) General Regulations of Behavior
Responsibilities	.....	Minors Recognition Right to Know & Understand Workers' Compensation Workplace Violence
Retaliation	.....	Conflicts of Interest General Regulations of Behavior
Retirement	.....	Collective Bargaining Agreements Grievances Holidays
Revealing Clothing	.....	Equal Employment Opportunity
Risk	.....	Annual Leave
Second Job (Moonlighting)	.....	
Section 220 Titles	.....	
Sexual Orientation	.....	
Sick Day	.....	

**SUBJECT****REFERENCE**

Single-Sex Facilities	.....	Equal Employment Opportunity
Skilled Trades (Prevailing Rate)	.....	Care Usage (Personal)
		General Regulations of Behavior
		Holidays
Stalking	.....	Equal Employment Opportunity
		Workplace Violence
Stress	.....	Employee Assistance
Substance Abuse	.....	Alcohol & Substance Abuse
		Employee Assistance
		General Regulations of Behavior
Summer Work Schedule		Work Hours
Supporting Documentation (Leave)	.....	Annual Leave
		Cancer Screening
		Childcare Leave
		Excusals
		Family and Medical Leave Act
		Leaves of Absence (Illness)
		Workers' Compensation
Supporting Documentation (Performance)	.....	Discipline
		Probation Rating Forms
Suspensions (Work/Pay)	.....	Discipline
		Financial Disclosure
		Fitness for Duty
		Paychecks
		Workers' Compensation
		Workplace Violence
Suspensions (Licenses)	.....	General Regulations of Behavior
Teamsters' Local 237	.....	Collective Bargaining Representatives
		Classification/Competitive
Temporary	.....	Class/Appointments
Terminal Leave	.....	Annual Leave
		Separation From Employment
Termination	.....	Discipline
Termination Report	.....	Financial Disclosure
Testifying	.....	Excusals
Theft	.....	Discipline
Time Off	.....	Annual Leave
		Excusals
		Managerial Time and Leave
		Recording Work Hours
Tips (Gratuities)	.....	Conflicts of Interest
Title Specifications	.....	Classification
		General Regulations of Behavior
		Grievances
		Job Description

**SUBJECT**

Unemployment Status .....  
Unions .....  
Unit Agreements .....  
Unsatisfactory (Performance/Conduct) .....  
  
Vacation .....  
Vendors .....  
Veterans' Organizations .....  
Violence .....  
  
Volunteers .....  
Voting .....  
Weapons .....  
Witnesses (Court) .....  
Witnesses (Disciplinary Proceeding) .....  
Witnesses (Probation Report) .....  
Witnesses (Testifying) .....  
Witnesses (Injuries) .....  
Witnesses (Violations) .....

**REFERENCE**

Equal Employment Opportunity  
Collective Bargaining Representatives  
Collective Bargaining Agreements  
Annual Leave  
Fitness for Duty  
Probation Rating Forms  
Annual Leave  
Contractors  
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Probation Rating Forms  
Excusals  
Workers' Compensation  
Alcohol and Substance Abuse  
Fitness For Duty  
Workplace Violence

## REVIEW/REVISION HISTORY PAGE

<b>Review/ Revision</b>	<b>Review/ Revision Date</b>	<b>Sections Amended</b>
1.	12/1/2015	<i>HR Manual updated and consolidated into one manual</i>
2.	9/15/2016	<i>24. Equal Employment Opportunity</i>
3.	9/15/2016	<i>53. Pregnancy</i>
4.	9/15/2016	<i>Cross Reference Guide</i>
5.	9/1/2018	<i>6. Benefits</i>
6.	9/1/2018	<i>10. Cancer Screening</i>
7.	9/1/2018	<i>12. Childcare Leave</i>
8.	9/1/2018	<i>16. Collective Bargaining Representatives</i>
9.	9/1/2018	<i>24. Equal Employment Opportunities</i>
10.	9/1/2018	<i>30. General Regulations of Behavior</i>
11.	9/1/2018	<i>36. Learning and Development (formerly Professional Development and Training). Section renamed and relocated in alphabetical order.</i>
12.	9/1/2018	<i>Section numbers updated beginning with Section 36</i>
13.	9/1/2018	<i>37. Leaves of Absence (Illness)</i>
14.	9/1/2018	<i>Added Section 50. Paid Parental Leave (Managerial and Original Jurisdiction.</i>
15.	9/1/2018	<i>55. Pregnancy</i>
16.	9/1/2018	<i>63. Representation</i>
17.	9/1/2018	<i>68. Separation from Employment</i>
18.	9/1/2018	<i>70. Smoking</i>
19.	9/1/2018	<i>Cross Reference Guide</i>
20.	9/1/2018	<i>Added Review/Revision History Page</i>
21.	10/15/2019	<i>Added Section 18. Conferences and Events</i>
22.	10/15/2019	<i>Section numbers updated beginning with Section 18 through 77</i>
23.	10/15/2019	<i>25. Equal Employment Opportunity</i>
24.	10/15/2019	<i>31. General Regulations of Behavior</i>
25.	10/15/2019	<i>46. Nursing</i>
26.	10/15/2019	<i>Added Section 51. Paid Family Leave</i>
27.	10/18/2019	<i>Revised to use gender neutral pronouns</i>
28.	3/18/2020	<i>Revised to replace “badges” with “shields” to align with updates made to Standard Procedure 002:05:1, Issuance and Use of NYCHA Shields</i>
29.	6/28/2022	<i>Introduction</i>
30.	6/28/2022	<i>Revised to replace “General Manager” with “Chief Operating Officer”</i>
31.	6/28/2022	<i>12. Childcare Leave</i>
32.	6/28/2022	<i>19. Conflicts of Interest</i>
33.	6/28/2022	<i>33. Holidays</i>
34.	6/28/2022	<i>39. Legal Assistance</i>
35.	6/28/2022	<i>63. References / Recommendations</i>
36.	6/28/2022	<i>70. Separation from Employment</i>

37.	4/7/2023	<i>Updated hyperlinks in Sections 6, 20, and 37. Minor revision – no change to policy or process.</i>
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