

New York State  
Department of Labor

Employee  
Handbook



PROTECT – ASSIST – CONNECT

The New York State Department of Labor is an Equal Opportunity Employer/Program.  
Auxiliary aids and services are available upon request to individuals with disabilities.

Please Note:

The Employee Handbook consolidates the former DOL Employee Handbook and the DOL Handbook of Employee Conduct into a single-source document.

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# WELCOME

Welcome to the Department of Labor. We are pleased to have you join our team. As a member of the workforce at the Department of Labor, you will play an integral part in achieving our mission – serving the businesses and working people of New York State.

This Employee Handbook will help introduce you to the department and its mission. It covers the rights, benefits, responsibilities and duties you have as an employee of the State of New York and the Department of Labor. The handbook also helps direct you to other sources for more detailed information on the topics it covers. Use it as a resource to help you do the best job you can for the people we all serve. Again, welcome aboard!

## OUR MISSION

The New York State Department of Labor vigorously enforces state labor laws to provide a level playing field for law-abiding employers. We work aggressively to ensure a fair wage for all workers and protect the safety and health of workers and the public. We assist the unemployed by providing temporary financial assistance, connect job seekers with employers, and build a workforce that helps New York's businesses compete in today's global economy.

The department delivers dozens of services designed to help people find jobs and help employers find workers. The department is proud of these services because we care about the employers who underwrite the state's economy, and we value the workers who make up New York's labor force. Also, we know how important it is to cultivate a workforce for tomorrow. The Department of Labor fulfills this mission through a wide variety of activities that revolve around the needs of employers and workers.

Some of the department's key responsibilities are to:

- ❖ Administer the Unemployment Insurance Program, which provides temporary financial support for those who have lost their jobs through no fault of their own.
- ❖ Provide employment-related information and job search assistance services.
- ❖ Provide training programs and retraining programs for workers displaced by technology change or foreign competition.
- ❖ Enforce regulations designed to minimize hazards in the workplace.
- ❖ Work with the private sector to create job opportunities for the labor force and to meet employer needs for qualified workers.
- ❖ Enforce the State Labor Law to prevent the exploitation of workers, including minors and immigrant workers.
- ❖ Protect the safety of the public on ski tows, amusement rides and in places of public assembly.
- ❖ Regulate the handling of asbestos to protect both workers and the general public.
- ❖ Provide accurate and timely data on present and future economic trends affecting the people of the state;
- ❖ Work as a cooperating agency in the Federal/State labor market information statistical programs.



# DEPARTMENT HISTORY

The New York State Department of Labor is a major arm of state government. It administers the State Labor Law and related laws, rules and regulations. The department's programs affect all residents of New York State, especially the millions of men and women in our labor force. Its programs and services, which benefit labor and business alike, began during the 19<sup>th</sup> Century – triggered by the flood of immigrants and the expansion of factory work.

In 1883, the State of New York created a Bureau of Labor Statistics. Three years later came the Board of Arbitration and the Office of Factory Inspection. The New York State Public Employment Service was established in 1896, under the supervision of the Commissioner of the Bureau of Labor Statistics. In 1901, the State Labor Department was created, incorporating these separate offices.



In 1911, the Triangle Shirtwaist Fire in New York City triggered a national demand by labor unions and other groups for correction of dangerous factory conditions. The resulting legislation to protect workers and the need to enforce these laws contributed toward the missions of the agency.

The Laws of 1914 created a Bureau of Employment within the State Labor Department. This bureau became the New York State Employment Service in 1933 upon affiliation with the U.S. Employment Service, which was established by the Wagner-Peyser Act. The Social Security Act of 1935, a very important part of President Roosevelt's "New Deal" legislation, created the unemployment insurance system in the United States. Its key provisions are now contained in the New York State Labor Law.

On January 1, 1936, the New York State Employment Service merged with unemployment insurance activities into a single department, called the Division of Placement and Unemployment Insurance. This division was re-designated by the State Industrial Commissioner as the Division of Employment on October 1, 1952.

In 1972, the Division of Employment disappeared as a separate entity when the operations and organizations of the State Labor Department and those of the Division of Employment were merged into a fully integrated Department of Labor.

Over the years, the department has expanded to keep pace with social, economic and technological changes that affect labor and industry. The department is always mindful of its mandate to serve and meet the employment needs of the workers of New York State. We constantly strive for excellence in achieving that goal. Our success depends upon a competent, caring and committed workforce, in which each employee is important and must do his or her part.

## DISCLAIMER

This handbook is designed to acquaint you with our department and with policies that will affect your work and give you an initial exposure to department policies. In any progressive organization, changes in policy are necessary from time to time. You should remember that the General Administration (GA) Manual (available on the Intranet) and

other Department of Labor operating manuals are the final references for current information. They take precedence over this handbook.

Also, neither the Department of Labor nor this handbook promise or imply a promise of continued or contractual employment rights. Nothing in this handbook is intended to be, nor should be construed as, a guarantee that employment or any benefit program will be continued for any period of time. Therefore, the provisions of this Employee Handbook with respect to employment may be changed at any time, with or without notice, and do not constitute a contract of employment.

## **GENERAL INFORMATION**

### **Non-Discrimination Policy**

(Cross-reference Reference G.A. Manual 0212)

The Department of Labor and its employees are required to adhere to all Federal and State Laws, Executive Orders, rules and regulations as they relate to non-discrimination. Decisions relating to the recruitment, hiring, appointment, promotion, retention, assignment, training or compensation of any Department of Labor employee must comply with these laws. The department's non-discrimination policy also applies to all services provided to the public. Employees are responsible for reporting known or suspected violations.

Discrimination is prohibited: Several State and Federal laws as well as Governor's Executive Orders (1,6,7,12,19,23,26,28,28.1,33,34,51,66,82,96,99,113,169,180) protect the rights of all individuals to receive equal treatment in employment decisions.

- ❖ The Civil Rights Act of 1964 & 1990 (Title VII).
- ❖ The Veterans Readjustment Act of 1974 (Section 402).
- ❖ The Workforce Investment Act of 1998 (Section 188).
- ❖ The Age Discrimination Act of 1975.
- ❖ Americans with Disabilities Act of 1990 (Title I & Title V).
- ❖ The Equal Pay Act of 1963.
- ❖ The New York State Human Rights Law (Section 296).

State & Federal laws can be found at the following web site: <http://intranet-home/deod/statefedlaws.htm>

New York State Governor's Executive Orders can be found at the following web site: [http://www.ny.gov/governor/executive\\_orders/index.html](http://www.ny.gov/governor/executive_orders/index.html)

### **Responsibilities of a Public Employee**

Employees must conduct themselves in a professional manner at all times. This includes such personal habits as dress and grooming. Clothing should be businesslike, clean, neat and appropriate. Employees must treat their customers in a professional and courteous manner, respecting the privacy of those customers at all times. They must follow all policies and procedures of DOL, as well as all other laws, rules and regulations that apply to public employment. In addition, employees must:

- ❖ Familiarize themselves with the DOL Employee Handbook, the Public Officers Law and any other statutory provisions, rules or standards required of their specific work unit.
- ❖ Avoid any actual or perceived conflict of interest. Inform supervisor of any outside activities that are, or could be perceived as, a conflict with their official duties for the Department of Labor.
- ❖ Avoid any misconduct.
- ❖ Inform their supervisor immediately of any improper attempts to influence them to violate their work-related responsibilities.
- ❖ Report any observations, knowledge or information about apparent criminal activities, serious staff misconduct, fraud, waste or corruption to the DOL Office of Special Investigations at (518) 457-7012.

## **Standards of Conduct**

Department of Labor employees, as well as all State employees, are subject to the provisions of the New York State Public Officers Law, which governs the accountability of public employees. Employees must ensure all relationships with customers are kept on a strictly professional basis. The services employees provide are vital to the citizens of New York and the work they do is open to the scrutiny of customers, taxpayers, the press, other government agencies and department employees. Consequently, both as public employees and because of the sensitive nature of the work performed by the Department of Labor, its employees must conform to the highest standards of ethical behavior and proper conduct in the discharge of their official duties.

The Oath of Office, which employees sign upon appointment, is required of all public employees by the State Constitution. It imposes a special responsibility on employees with respect to the proper discharge of their duties. As a public employee, you share the obligation to deliver efficient government services, and to avoid waste and misuse of state resources.

## **Code of Ethics – Section 73 and 74 of the Public Officers Law**

In accepting employment with the State of New York, all employees and officers sign a statement that they have received, read, and will conform to the provisions of the Code of Ethics. This required statement informs you that as a public employee you are bound by legal restrictions with respect to certain outside activities and interests. It also constitutes your promise to follow a pattern of behavior in your job that will reflect favorably upon yourself, the Department of Labor and the State government.

The State Code of Ethics requires that State employees will not engage in conduct that may give the impression that they are influenced or affected in any way in the proper performance of their duties or to engage in acts that violate the public's trust. Depending upon your salary level or the position you hold, you may be required to file an annual financial disclosure statement with the Commission on Public Integrity.

As an employee of the Department of Labor, you should know about key parts of the Public Officers Law (see the Summary of Ethics Code in Appendix I). The Public Officers Law is the source of most State ethics laws. The actual law is more complex and there are some exceptions. The New York State Commission on Public Integrity

(see Appendix I for contact information) can provide further detail and address any questions you may have.

The topics covered by the State Code of Ethics are very important and indicate how the department expects you to conduct yourself as an employee. This handbook, the appendix, and all other materials and online resources provided upon appointment, should be carefully read. Any questions regarding these rules should be directed to your supervisor for clarification. Misconduct by an employee may result in disciplinary action up to and including dismissal from employment.

## **Office of Special Investigations**

The Department of Labor Office of Special Investigations is designed to help DOL management improve the effectiveness, efficiency, and economy of agency operations. It is also charged with preventing, detecting, and investigating fraud, waste and abuse in DOL programs. The DOL Office of Special Investigations reports directly to and represents the Commissioner of Labor. All employees must cooperate fully and provide information within specified timeframes, upon request by the DOL Office of Special Investigations during an audit or investigation.

All employees should understand that investigations are conducted with the necessary degree of confidentiality. When circumstances permit, the program manager will be advised that the Office of Special Investigations is conducting an investigation in his/her program area.

Employees who have knowledge of violations of:

- ❖ Law or department policy or operating procedures;
- ❖ Conduct that could be characterized as fraud, waste, corruption, or abuse;
- ❖ Knowledge that may involve threats to employees, facilities, or State officials;

should report them directly to the Office of Special Investigations, State Campus, Building 12, Room 573, Albany, New York 12240 [Telephone (518) 457-7012]. Any employee who is reporting criminal activity or misconduct will have his/her identity kept confidential, if they so request. It is the policy of DOL that no employee will be subject to reprisal for reporting such instances.

## **Employee Indemnification**

Within the limits prescribed by the Public Officers Law, employees can expect to be afforded legal representation, indemnified and not be held financially responsible for any court judgment related to an act or omission that occurred while acting within the scope of their employment, except where an employee was acting in an intentionally wrongful or reckless manner.

## **Internal Controls**

(Cross-reference: G.A. Manual 0219)

Internal Controls are integrated into all department activities. They consist of various measures to assure that department operations are effective and efficient. The

information provided in the handbook reflects policies and procedures that incorporate internal controls.

Examples of internal controls include: supervision; computer passwords; logs to track transactions; separation of duties in money-handling; written procedures; training activities; and rules for use and protection of department equipment, supplies, and information.

The Department of Labor is committed to strong internal controls and has established an Internal Control unit to help the department meet its internal control goals. In addition, the NYS Internal Control Act of 1987 requires the department to regularly review the effectiveness of its internal controls and to inform employees of their importance.

All employees must take internal controls seriously, follow internal controls in place, and report internal control weaknesses to their supervisor.

## **Personal or Other Non-Business Activity During Work Hours**

Employees may occasionally need to attend to personal matters during the workday. These matters cannot interfere with the proper conduct of official agency business. Brief, local calls of a personal nature may be permitted. Long distance calls of a personal nature are not permitted under any circumstances.

Do not visit with department employees on other than official business except on breaks or lunch periods. We discourage employees from having friends and/or relatives visit them at the workplace. Do not bring children to the parent's work-site as an alternative to normal childcare arrangements.

Non-business activities are prohibited. Examples include, but are not limited to, gambling, recreational betting, and sale of consumer products.

## **Speeches, Articles and Honoraria**

(Cross-reference: G.A. Manual 0604)

No employee may accept an invitation to deliver a speech or write an article or paper on the work of the department without approval of his or her supervisor, who in turn, must obtain clearance from the Communications Office.

The State Commission on Public Integrity, in Part 930 of its Rules, has defined the term "honorarium" and imposed extensive regulations governing the acceptance of honoraria (including travel expense reimbursement) by State employees. In broad terms, an employee may accept an honorarium for services rendered that are not related to the employee's official duties, unless the honorarium is offered by an individual or organization that:

- ❖ Is regulated by, regularly negotiates with, or appears before the Department of Labor; or
- ❖ Lobbies or attempts to influence legislation or regulations governing activities of the Department of Labor; or

- ❖ Is engaged in litigation against the Department of Labor or the employee in his or her official capacity; or
- ❖ Has applied for funds from the Department of Labor.

In addition, to be acceptable, the honorarium must not involve State personnel, equipment and time (including the employee's) and the State must not have to pay any of the expenses involved.

Employees may request prior approval to receive an honorarium or they may choose to report once a year the source, date and amount of any honoraria received and the nature of the activity for which each honorarium was received. Send the request for prior approval or annual report made to the Associate Commissioner for Human Resources. Make annual reports by April 1.

In view of the complexity of the regulations governing receipt of honoraria and travel reimbursement by other than the Department of Labor, we suggest that employees in these situations seek the guidance of the Human Resources Division (Personnel or Employee Relations offices.)

## **Political and Election Campaign Activities**

(Cross-reference: G.A. Manual 0602)



We encourage employees to participate in the political process. However, there must be a clear separation between their political activities and the performance of duties as State employees. You must not conduct political activities on paid State time. In addition, State equipment, vehicles and office space are only for official business.

The New York State Civil Service Law, Section 107, contains additional restrictions. In brief, it prohibits:

- ❖ Any action that would result in either an advantage or disadvantage to an employee in the civil service, based upon the employee's political opinions, affiliations, contributions, or non-contributions.
- ❖ The use of an employee's official position to coerce political action or interfere with an election.
- ❖ Any inquiry about the political affiliation of an employee in the civil service as a test for holding office.
- ❖ Use of an employee's official position to influence or compel the payment of or promise to pay a political assessment, subscription or contribution and prohibits such activity from taking place on any premises occupied by governmental purposes.
- ❖ The use for political purposes of authority or anticipated authority over confirmation, promotion, removal or change in salary of public employees. Sections 17-156 of the State Election Law impose criminal sanctions for such prohibited activities.

Employees whose principal employment is in connection with an activity that is financed in whole or in part by Federal loans or grants are also subject to limitations on their political activity by the Federal Hatch Act (Volume 5, USC, Section 1501). Most of the Department of Labor's activities are primarily federally funded and, therefore, the Hatch Act covers most employees. The Hatch Act prohibits these activities:

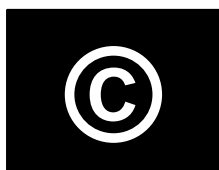
- ❖ The use of official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office [Section 1502(a)(1)].
- ❖ Direct or indirect coercion, or attempted coercion, of a State or local officer or employee to pay, lend, or contribute anything of value to a party committee, organization, agency, or person for political purposes [Section 1502(a)(3)].
- ❖ Being a candidate for office in a partisan election [Section 1502(a)(3)], but can be a candidate for a non-partisan election (Section 1503).

Public employees also have the right to:

- ❖ Serve as an officer of a political party; a member of a National, State or local committee of a political party; or an officer or member of a committee of a partisan political club. State officers and employees in policy-making positions are prohibited by Part 932 of the State Commission on Public Integrity regulations from serving as an officer of a political party or political organization including district leader or member of a national committee of a political party.
- ❖ Organize or reorganize a political party, organization, or political club.
- ❖ Take an active part in managing the political campaign of a partisan candidate for public office or political party office.
- ❖ Solicit votes in support of, or in opposition to, partisan candidates for public office or political party office.
- ❖ Act as recorder, watcher, challenger, or similar officer of the polls on behalf of a political party or partisan candidate.
- ❖ Drive voters to the polls on behalf of a political party or partisan candidate.
- ❖ Endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature, or similar materials.
- ❖ Serve as a delegate, alternate, or proxy to a political party convention.
- ❖ Address a convention, caucus rally, or similar gathering of a political party in support of, or in opposition to, a partisan candidate for public office or political party officer.
- ❖ Initiate or circulate a partisan nominating petition.

## Works Made for Hire

Works made for hire are works prepared by employees within the scope of their employment. The Department of Labor is considered the author and is regarded as the initial owner of copyright unless there has been an agreement to the contrary.



## Copyright Restrictions

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, the making of photocopies of copyrighted material may be done. One of

these specified conditions is that the photocopy is not to be used for any purpose other than private study, scholarship or research. The Department of Labor does not authorize the use of photocopying equipment that would violate the copyright laws.

## **INFORMATION, INQUIRIES AND RECORDS**

### **Litigation**

All contacts regarding department litigation should be reported to the Counsel's Office. This includes requests for documents and information.

### **Confidentiality Requirement**

State law requires that "No officer or employee of a State agency should disclose information acquired by him in the course of his official duties nor use such information to further personal interests."

### **Information Security**

As part of their job duties, employees often work with confidential and/or sensitive information concerning the department's customers, the public, the government, and their fellow public employees. All employees must take appropriate precautions to protect the confidentiality and integrity of the information to which they have access. Confidential information must be secured and out of sight when it is not in use. Paper, computer tapes, floppy disks and CDs containing sensitive information must be physically destroyed, shredded or securely overwritten when no longer needed. Employees should also be vigilant about ensuring security when discussing confidential information in a public area.

Employees are assigned individual user IDs and are required to create passwords. Sharing passwords with anyone, including a supervisor, is against State and DOL policy. Employees are responsible for all work done under their user ID and must change their password immediately if they think someone else knows it.

Employees are reminded that department equipment is to be used for department purposes only. When using DOL computer resources or systems, there is no right to personal privacy. Employees should log off their machines each day, not turn them off.

Any information security incidents should be reported to your supervisor and the Information Security Office (518) 457-3813 immediately.

For more information on policies, latest viruses and exploits, incident-reporting procedures, cyber alerts, information security-related sites and best practices, go to the Information Security Office web site on the Intranet.

<http://intranet-home/internal-security>

### **News Media Inquiries**

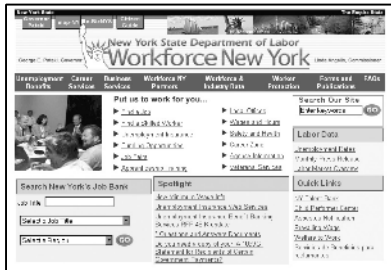
All newspaper, magazine, wire service, radio and television media requests for information, interviews or comments must go to the Office of Communications, Room 586, (518) 457-5519 in Albany. This assures the efficient and accurate dissemination of



information. You may refer general information requests to the department web site [www.labor.state.ny.us](http://www.labor.state.ny.us).

Send all media requests for photographs or videotaping within department offices, to the Office of Communications.

The Office of Communications and the commissioner must approve all news releases distributed by the department.



## Web Page Content

All significant changes and/or additions to pages on the department's Intranet and Internet pages should be coordinated through the Office of Communications before posting.

## FOIL Requests for Department Records

The New York State Freedom of Information Law (FOIL) addresses the public's right to know about the processes of government including the records maintained by the department. It specifically prohibits unwarranted invasions of privacy. The department makes every effort to protect employee privacy. The Records Access Officer, within Counsel's Office, makes the final determination about what must be released in response to a request.

## Inquiries for Personal Information, Policies or Statements

The Personal Privacy Protection Law requires the department to protect its employees against unwarranted disclosure of information. In response to inquiries, the department will normally not release information about you beyond name, title, grade, gross annual salary and the general duties of your position unless you give written permission, except to law enforcement or governmental regulatory authorities or in response to proper subpoena or court order. Department of Labor policy requires all inquiries about employees to be referred to the Personnel Office for response.

## Managing and Handling Department Records

Most department records are maintained within program areas or stored in electronic format. Some department records require retention beyond the storage capacity of the program units. We store those according to established procedures in either the Menands facility, or the contracted confidential records storage site, which is coordinated through the Menands facility. Regardless of format or location, all department records must be accessed, transferred, and handled by only authorized employees in the course of their job duties and only in a secure and confidential manner.

# EMPLOYEE ORGANIZATION & NEGOTIATING UNITS

The Taylor Law or Public Employees Fair Employment Act of 1967 (Civil Service Law, Sections 200-214) guarantees public employees the right to organize and be represented by an organization in collective negotiations with employers. The law requires public employers to recognize employee organizations and to enter into collective negotiations in the determination of terms and conditions of employment. The Public Employment Relations Board (PERB) was established to resolve disputes concerning employee representation, study problem areas, and provide mediation and fact-finding services. In addition, there are Labor/Management committees that meet on a regular basis to discuss matters of mutual importance to employees and management.

*The majority of employees are placed in a negotiating unit for the purpose of collective negotiations under the Taylor Law.*

The majority of State employees are placed in a negotiating unit for the purpose of collective negotiations under the Taylor Law. Employees in each negotiating unit have one certified employee organization to represent them. Portions of the department's bulletin boards have been set aside for these organizations' posting purposes. The Taylor Law prohibits certain groups of employees from being represented; they are designated as Management/Confidential (MC).

At the time of your appointment, you were informed of your negotiating unit and given a copy of the negotiating agreement for your negotiating unit. You should familiarize yourself with the agreement. Consult a representative of the employee organization, if you have any questions concerning the agreement that applies to your negotiating unit.

Participating in certain employee benefit programs, such as prescription, vision and dental insurance coverage, is based on your negotiating unit or MC designation. You should be certain you understand the benefits available to you and apply promptly for any coverage you wish to obtain.

If you are promoted or transferred to another position, your negotiating unit may change. This, in turn, may have an impact on your benefits, union dues or agency shop fees and your compensation. Contact the Personnel Office if you have any questions concerning the impact of change in negotiating unit or benefits available to you.

<b>Unit</b>	<b>Represented by</b>
Administrative Services (ASU)	Civil Service Employees Association, AFSCME
Operational Services (OSU)	Civil Service Employees Association, AFSCME
Professional, Scientific and Technical Services (PS&T)	Public Employees' Federation, AFL-CIO
Security Services	Council 82, AFSCME, AFL-CIO, NYSCOPBA

# JOB CLASSIFICATION SYSTEM

## Jurisdictional Classes

Under Civil Service Law, New York State jobs are classified by title, placed in a jurisdictional class and allocated to a salary grade level. Within each salary grade level, there is a hiring rate (minimum) and a job rate (maximum). Entry-level salaries (hiring rates) and the highest potential salaries (job rates) for each grade level are the result of negotiations between the State and public employee unions for represented employees and are determined by the State for Management/Confidential employees. In all grade levels, movement from hiring rate to job rate results from performance advances that are based on periodic employee performance evaluation.

NYS job titles fall into four jurisdictional classifications: competitive, non-competitive, exempt and labor. Jurisdictional classifications can affect many things, including eligibility for promotional examinations and transfers. The majority of positions in DOL are in the competitive class.

In the **Competitive** class, permanent appointments are generally made from Civil Service lists, based on the results of competitive examinations that measure the knowledge, skills and abilities required for the job. The examinations are Open-Competitive (open to all qualified persons); Promotional (open only to qualified New York State government employees) or Transitional (open to permanently-appointed clerical employees to compete for appointment to entry-level professional positions). These examinations result in eligible lists containing the names of candidates who passed the tests and are ranked in the order of their test scores. From that group of candidates, the agency interviews and selects a candidate, using the “rule of three”, which means that appointments must be made from among the three highest ranking eligible candidates willing to accept the position.

In the non-competitive, exempt and labor classes, no competitive examinations are required for appointment. Appointees to **non-competitive** class positions, however, must meet the qualifications established for those jobs by the NYS Department of Civil Service.

The **exempt** class is primarily for executive or other policy-making positions. Exempt class positions do not have the same Civil Service protections as competitive class positions.

The **labor** class consists of positions requiring manual labor and usually has no minimum experience qualifications, other than demonstrated ability to perform the work.

## Job Title and Description

The job title of each classified position in State service is determined by its duties. Persons in positions with similar duties generally have the same job title and grade. You are entitled to a description of the activities, tasks, requirements and any special working conditions that relate to your job. Be sure to ask your supervisor for a job description.

## Types of Appointments

The Department of Labor is an Equal Employment Opportunity/Affirmative Action employer. Appointments to any position in this department are made on the basis of merit without regard to race, religion, national origin, gender, age, disability or sexual preference.

There are four basic types of appointment to New York State service: permanent, contingent-permanent, provisional, and temporary.

Permanent appointments are generally made to positions that are permanently established and currently vacant. A **permanent** appointment to a competitive position is made by selection, pursuant to the Civil Service Law, from among the highest-ranking, interested eligible list candidates or by transfer of a qualified state employee.

Permanent appointments require a probationary period. Employees in non-competitive and labor class positions may also be appointed on a permanent basis and must also serve a probationary period. Permanent employees in the competitive class are eligible to compete for promotion, and have retention and re-employment rights during layoff.

A **contingent-permanent** appointment is made to a position in which the permanent incumbent is on leave of absence. Contingent permanent appointments are made in the same manner as permanent appointments and provide an employee with the same promotion and transfer rights as a permanent appointment. However, a contingent permanent appointee may be displaced if the permanent employee returns to the position.

A **temporary** appointment may be made to a position that is non-permanent in nature or to a permanent position that is temporarily vacant. Temporary employees have no retention rights in the position to which they are appointed and may be displaced when the temporary position expires, the permanent incumbent returns or the vacancy becomes permanent and must be filled on a permanent basis.

A **provisional** appointment is made to a vacant or temporarily vacant competitive class position for which there is no eligible list. Employees must meet the minimum qualifications for the position, but have no retention rights in the item to which they are provisionally appointed. Provisional appointees are terminated when an eligible list for that title is established, unless they are reachable under the rule of three to receive a permanent appointment.

Some entry-level positions require that the appointee serve a traineeship, which may last one to three years. A trainee appointment allows an appointee to be trained on the job before acquiring full permanent status. Upon satisfactory completion of the traineeship, appointees are entitled to permanent journey-level status, without further testing, in the position for which the appointment was made.

Hourly appointments are made to enable the department to meet sudden increases in workloads. These are non-permanent appointments that have no retention rights and employees are paid only for the hours that they actually work.

## Announcements and Applications

The New York State Department of Civil Service issues an announcement for each open-competitive, transitional, and promotion examination, stating the minimum qualifications for the position and other related information, such as procedures for applying to take the examination. A Civil Service examination link is included on the department's Intranet web page. Employees may also directly access the department of Civil Service web site at [www.cs.state.ny.us](http://www.cs.state.ny.us). Candidates for these examinations must submit completed applications to the Department of Civil Service, which demonstrate that they meet the minimum qualifications described in the examination announcement. Employees may also choose to subscribe to the free e-mail notification service maintained by the Department of Civil Service. This notification service provides e-mail alerts when new examination announcements become available.

*Employees may also directly access the Department of Civil Service website at [www.cs.state.ny.us](http://www.cs.state.ny.us).*

## Scope of Examinations

(Cross-reference: G.A. Manual 0610)

The examination you take may be an oral, written, performance test, a rating of education and experience or a combination of these. Examinations are generally prepared and administered by the Department of Civil Service. The content of the exam varies depending on the grade level, the degree and type of skill, and knowledge required by the position.

## Veterans' Credits



If you are a qualified veteran and you receive a passing grade on an examination, you may be eligible to receive veterans' credits. Veterans' points will be added to your score *if you claimed those credits on your examination application*. Veterans' credits may only be used once for a state or municipal civil service job. The term "veteran" means a member of the Armed Forces of the United States, who served on active duty during periods of war or hostilities. The veteran must have been honorably discharged from service or released under honorable circumstances. For inclusive dates of such periods of war or hostilities, refer to G.A. Manual Item 0611, Preference in Appointment and Retention. The term "disabled veteran" means a veteran who has at least a 10% service-related disability certified by the U.S. Veterans' Administration. The disability must exist at the time such preference is claimed.

Veterans are allowed either five additional points on one State Civil Service open-competitive examination or 2 ½ points on one promotion examination. Disabled veterans are allowed either 10 additional points on one Civil Service open-competitive examination or 5 points on one promotion examination. Employees claiming veterans' credits will be required to provide documentation prior to appointment.

The additional points may be used by a veteran to obtain only one permanent appointment from either an open-competitive list or a promotion list. A veteran must apply for these credits on each examination application when filing for the examination.

## **Seniority Credits**

(Cross-reference: G.A. 0610)

As you continue in State service, you acquire seniority which may add points to your passing score in promotion examinations as set forth on each examination announcement. Seniority is generally credited at the rate of one credit for each five year period (or fraction thereof) excluding the first year of service.

## **Inability to Attend an Examination**

(Cross-reference: G.A. Manual 0610)

If you are unable to attend an examination because of legitimate reasons that can be verified, you may be permitted to take the exam on another day designated by the Department of Civil Service. In emergency cases, you should contact Civil Service as soon as possible, but no later than the Monday following the test date. Such requests are evaluated by the Civil Service Department on a case-by-case basis.

## **Eligible Lists**

Eligible lists are established by the Department of Civil Service and include successful candidates ranked based on their final examination ratings, including seniority and veteran credits. These lists are important to you in terms of job promotion because the majority of positions in the competitive class are filled from appropriate eligible lists.

If your name appears on an eligible list for a specific position, you may receive a canvass letter to determine your interest in a vacancy at a particular location. If you decline a position offered to you, your name may be removed from the list. Your reason for declining may have an effect on your being considered for future vacancies. Refer to the canvass letter you receive for the consequence of each type of declination. Failure to respond to a canvass letter may adversely affect your status on the list. If you have any questions regarding a canvass letter, you may contact the Personnel Office.

## **Job Postings**

Job Vacancy Announcements afford employees an opportunity to request consideration for transfer, reassignment or provisional appointment (if eligible) to position vacancies within the Department. Vacancies are posted on the department Intranet web page and circulated throughout the agency.

# EQUAL OPPORTUNITY

## Definition of Equal Opportunity

Equal Opportunity is the right of any individual to pursue a job opportunity free from discrimination. The individual is chosen based on merit and skills. The skills are measured by factors such as the experience, ability, education, and training required to perform the job without regard to race, color, religion, gender, age, political affiliation, national origin, disability, marital status, sexual orientation, veteran status, or arrest record. Equal Opportunity achieves fair practices in all aspects of the work environment by assessing merit through clearly-defined, job-related criteria, so that the best applicant gets the job. All decisions are rendered without bias to social or cultural backgrounds of the employees. Training and development are accessible to all employees. Grievance and complaint procedures are available to all employees and are handled in a confidential and equitable manner.

*Employees may directly access the Division of Equal Opportunity Development (DEOD) web site at <http://intranet-home/deod/index.htm>.*

## Affirmative Action

(NYS Executive Order 6)

The Department of Labor is committed to providing equal opportunity to all people without regard to race, color, religion, gender, age, political affiliation, national origin, disability, marital status, sexual orientation, veteran status and arrest record. The department acts affirmatively to develop avenues of entry and mobility for minorities, women, individuals having disabilities and veterans. The Department of Labor's Affirmative Action Policy governs all DOL employment policies, practices and actions including - but not limited to - recruitment, employment, disciplinary actions, rate of pay or other compensation, advancement, reclassification, reallocation, promotion, demotion and all employee benefits. The Director of Division of Equal Opportunity Development is responsible for the day-to-day implementation of necessary programs and policies outlined in this Affirmative Action Policy.

### Definition of Affirmative Action:

Affirmative Action is a system designed to remedy past discrimination in hiring practices and to eliminate current or future discrimination.

## Individuals with Disabilities

(Cross-reference Reference: G.A. Manual 0252)

The American with Disabilities Act (ADA) establishes a comprehensive civil rights statute which guarantees people with disabilities equal access to public and private sector employment opportunities, public services and accommodations, including transportation and telecommunications.

A person with a disability is defined as someone who:

- ❖ Has a physical or mental impairment that substantially limits one or more major life activities.
- ❖ Has a record of such impairment.
- ❖ Is regarded as having such an impairment.

No qualified individual with a disability shall, on the basis of the disability, be excluded from participation in, or be denied the benefits of, the services, programs, or activities of a public entity.

## Reasonable Accommodations

(Cross-reference Reference: G.A. Manual 0253)



The Department of Labor promotes equal opportunity to ensure that qualified individuals with disabilities are given the opportunity to perform their duties. Depending on the circumstances, a reasonable accommodation may result in the following: modifying work schedules, modifying or ordering new equipment, providing interpreters, or support services, physical changes in the work site, or restructuring of jobs. Requests for reasonable accommodations are made to the Division of Equal Opportunity Development and are kept completely confidential during the review process.

## Sexual Harassment

(Cross-reference: G.A. Manual 0250)

It is the policy of the Department of Labor (DOL) that all employees experience a work environment free from all forms of discrimination, including sexual harassment. Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- ❖ Submission to the conduct is either explicitly or implicitly a condition of an individual's employment.
- ❖ Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- ❖ The conduct has the purpose or effect of unreasonably interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

No employee should be subject to sexual harassment and sexual harassment will not be tolerated. Employees are prohibited from engaging in any conduct that may reasonably be considered sexual harassment. In addition, all supervisory and managerial employees are prohibited from knowingly allowing such behavior to continue. When instances of sexual harassment come to light, supervisory and managerial employees are required to take immediate action to remedy the situation. All complaints of sexual harassment in DOL will be investigated by the Division of Equal Opportunity Development (DEOD) and promptly resolved. Depending upon the severity



of the incident, the Employee Relations Office may also perform an investigation resulting in notices of discipline. If the sexual harassment involves touching or threats, the harassment should also be reported to the DOL Special Investigations.

Further detail may be found in DOL's publication, *Sexual Harassment Prevention: A Guide for Employees*, which may be obtained from the Division of Equal Opportunity Development (DEOD).

## **AIDS**

It is the policy of the Department of Labor to provide a supportive environment for any employee afflicted with Acquired Immune Deficiency Syndrome (AIDS) and to extend to that individual the care and concern appropriate to any disabled employee. Employees having AIDS, AIDS Related Complex (ARC) or evidence of Human Immunodeficiency (HIV) infection will be judged solely on their ability to perform the essential duties of their assignment in a safe and responsible manner. We emphasize that the overriding responsibility of managers and supervisors, when dealing with any disabled employee, shall be the employee's right to confidentiality.

The paramount issue with serving the disabled is the individual's ability to work. Persons with AIDS may differ in their readiness and capacity to work and should be treated like all other disabled employees. Consultation with supervisory staff should be held and disclosure made only in limited circumstances and only with the employee's consent.

## **Complaints of Discrimination**

(Cross-reference: G.A. Manual 0211.1)

Any person who believes that either he or she, or any specific class of individuals has been or is being subjected to discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, belief, or beneficiary's citizenship/status as a lawfully-admitted immigrant authorized to work in the United States, may file a complaint.

For further information on the complaint process, you may contact the Director of the Division of Equal Opportunity Development (DEOD) or DEOD's staff at the New York State Department of Labor, Division of Equal Opportunity Development, State Office Campus, Building 12, Room 540, Albany, New York 12240. Information is also posted on DEOD's web site at: <http://intranet-home/deod/index.htm>.

No person shall be discharged, intimidated, retaliated against, threatened, or coerced for having filed a discrimination complaint.

# **ON THE JOB**

## **Employee Orientation**

Your orientation to the department takes place at several levels. When you report for work, you will receive an employment orientation that includes an explanation of many of the terms and conditions of your employment, including benefits. We will help you complete the many forms required to initiate your employment. You will receive the

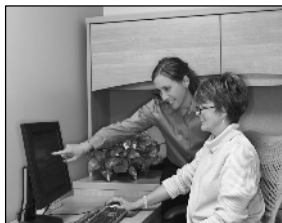
contract booklet for your bargaining unit (if you are a union-represented employee) and any other information that describes benefit programs.

When you report to your work site, supervisors will generally conduct a unit orientation. During this phase, you will meet your co-workers and your supervisor will explain the responsibilities of your new job. Your supervisor will describe the functions of your unit and explain how it relates to the organizational structure of the department, including supervisory relationships.

Your supervisor can also help you become acquainted with your unit's procedures and regulations including such things as work hours and time records policies, lunch breaks, telephone usage, travel, mail, and safety and emergency procedures.

Shortly after you begin, you will attend a department orientation program conducted by Human Resources Management's Office of Staff and Organizational Development (OSOD) in a session at a central location. In small offices, the manager may provide the orientation on an individual basis. This part of your orientation can include in-person and audio-visual presentations on New York State Government, the functions and programs of the Department of Labor, equal opportunity, information security, internal controls, fringe benefits, career development and your union. The presentation could also be video-conferenced throughout New York State on an as-needed basis or delivered in whole or in part through a computerized program. You will have the opportunity to meet your union representative and get information on the benefits of union membership.

For a successful orientation, it is important that you participate fully by raising issues, asking questions and carefully reviewing the material provided for you.



### **Supervisor Responsibilities**

Supervision can be informally defined as "getting work done through others." Supervisors have the important responsibility of ensuring that work gets done while State agency rules, regulations, and policies are fairly and equitably applied to all employees within their work units. Supervisors are management's representatives who must balance organizational needs with employee rights on a daily basis. This is an essential and often difficult role.

Supervisors also have a responsibility to inform their employees about how they are performing. When performance or behavior problems arise, a supervisor should discuss and deal with them as soon as possible after the incident.

In addition to employee responsibilities, supervisors are to:

- ❖ Be knowledgeable about all DOL policies and procedures. They are to actively support and demonstrate, through example, compliance with all applicable laws, rules and regulations related to their work. They are to familiarize themselves with the DOL General Administration (GA) Manual so that they can answer employees' specific questions on a given subject. They should be knowledgeable about whom to contact for clarification on these policies and procedures.
- ❖ Advise employees of their responsibilities as they relate to the Code of Ethics and Conflict of Interest policies. Supervisors should contact the Ethics Officer for

guidance if they are unsure if an employee's outside employment or activity might be in conflict.

- ❖ Be available to employees to answer any work-related questions. They are encouraged to coach or mentor employees in developing their skills and abilities to the employee's fullest potential. Supervisors are to address work performance deficiencies immediately. They may recommend additional training to build employee skills including training through OSOD resources. Supervisors should contact Employee Relations for guidance when dealing with employee behavior or misconduct.
- ❖ Refer employees to an EAP Coordinator if they suspect drug or alcohol abuse by an employee. Supervisors should only deal with work performance issues and not try to deal with any underlying causes. When no improvement is found after speaking to an employee, or if an employee is suspected of being under the influence while on duty, supervisors should contact Employee Relations for guidance.
- ❖ Report any criminal activities, fraud, waste, or corruption to the DOL Office of Special Investigations.

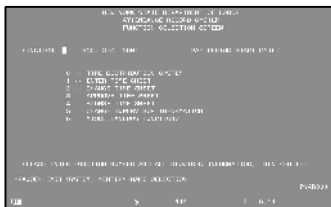
DOL will take administrative action, up to and including disciplinary procedures as provided by law and negotiated agreements, for violations of the standards and guidelines set forth in this handbook.

## Attendance

Employee attendance is governed by the rules and regulations of the Civil Service Commission. You are expected to begin work on time, observe designated times for lunch and remain at your work location engaged in work activity until the end of your workday.

Your supervisor must approve any foreseen absence, in advance. Unforeseen illness and other emergency absences must be reported to your supervisor by phone as soon as possible, but not later than two hours after the start of your normal workday. Approval or disapproval for use of leave credits will be made upon review of the circumstances after your return. Not all emergency absences will be automatically approved. Approval depends upon several factors including workload, prior attendance history and subsequent verification of the reason for, and necessity of, the absence.

Your record of attendance, prompt reporting to work and prudent use of sick leave credits will have an important bearing on your future with the department.



## Record Keeping

You are required to maintain an accurate record of your daily attendance at work. This record serves as the basis for payment of your salary and for accrual of various leave credits to which you are entitled. Timely completion is necessary in order to receive your check on schedule. You are expected to update your time and attendance record on a daily basis in the Attendance Record on-line system, PYAR.

Your time and attendance record is a legal document. Your approval of your time record at the close of each pay period certifies that the information contained in the record is

accurate. False entries are a serious infraction and will result in disciplinary action. If you are a supervisor, you are responsible for ensuring the accuracy of time records for employees under your supervision.

If you have questions on the Attendance Record on-line system, PYAR, consult the Terminal Operator's Manual or ask your supervisor.

## **Work Schedule**

(Cross-reference: G.A. Manual 0690)

The regular workweek of the department consists of 37-1/2 hours per week or five 7-1/2 hour days from Thursday through Wednesday with Saturday and Sunday off. Standard business hours are 9:00 A.M. to 5:00 P.M. in Central Headquarters, State Office Campus, Bldg. 12, Albany. Employment Service Centers and One-Stop Career Centers have core hours of 8:30 A.M. to 5:00 P.M., augmented by extended hours of service to meet the needs of the customers and the local community.

The department has initiated an Alternative Work Schedule Program (AWS). The intent of AWS is to enable the department to provide quality service and to meet the needs of its customers – both external and internal - by more flexible deployment of the workforce. Its utilization, in appropriate circumstances, may enable employees to be offered non-traditional working hours or schedules, provided the work schedule selected is consistent with the operational needs of the department. Such schedules may include shared items, modified hours, and compressed workweeks or pay periods. In addition, the Voluntary Reduction in Work Schedule (VRWS) program, which allows certain employees to trade income for time off, may be available under an employee's contract or benefit package. AWS schedules are always subject to denial, cancellation or change consistent with operating needs. For more detailed information regarding this flexible schedule, ask your supervisor to contact the Personnel Office, (518) 457-1020.

## **Overtime**

Authorized overtime is only scheduled when necessary. No employee may work overtime without prior and explicit supervisory approval. All PS&T employees below grade 23 and most other employees below Grade 23 are also eligible for paid overtime. For exceptions, see Section 0691 of the G.A. Manual. Employees at Grade 23 and above are not eligible to earn and be compensated for overtime worked. When necessary, you may be required to work beyond your normal workday or workweek, regardless of your eligibility to earn overtime pay. Eligible employees will be compensated at a rate of time and one-half for time worked in excess of 40 hours per week. The 2 1/2 hours between 37 1/2 and 40 is not paid but results in compensatory overtime leave. Payment for overtime will generally be made as soon as possible after you have earned it. Supervisors and employees share the responsibility for submitting appropriate forms for payment in a timely manner.

## **Tardiness**

(Cross-reference: G.A. Manual 0693)

As an important member of a work team, you are expected to be at your assigned workstation at the start of each workday and immediately after both your 15-minute rest

periods and your designated lunch period. Under certain conditions, small amounts of tardiness will not incur penalties against leave credits. However, this should not be misunderstood to mean that such tardiness is acceptable or permissible. All tardiness is unacceptable. Repeated tardiness will be discussed with you by your supervisor and may result in discipline if uncorrected.



## **Rest Periods**

(Cross-reference: G.A. Manual 0690)

Rest periods (breaks) may be scheduled at your supervisor's discretion according to the workload of your office. Breaks are for 15 continuous minutes and are permitted twice a day.

Employees are expected to adhere to this time limit. Breaks may not be broken into smaller amounts or utilized to lengthen the lunch period or shorten the workday.

Rest periods are a privilege, not an employee right, and can be cancelled if necessitated by work requirements or if an employee abuses the privilege. There are no extra breaks allowed for smokers.

The cafeteria, vending machine areas and break rooms are appropriate places to take breaks. Employees may stay in their general work area during breaks providing it does not interfere with the workflow in the office.

## **Drugs and Alcohol in the Workplace**

The policy of the Department of Labor is that employees who engage in the unlawful distribution, sale or attempted sale, possession, or purchase of controlled substances while at the workplace or while performing in a work-related capacity will be subject to criminal, civil and disciplinary penalties. Such illegal acts, even if engaged in off-duty, may result in disciplinary action.

State policy also prohibits on-the-job use or impairment from alcohol or controlled substances. An employee may be required to undergo a confidential medical examination to ascertain the cause of impairment or disability when there is a "reasonable suspicion", based on specific, reliable observations, that such impairment or disability is a result of the use of alcohol or a controlled substance. If alcohol or controlled substance use or impairment is found to exist, the appointing authority will determine the appropriate course of action, which may include disciplinary action, referral to the Employee Assistance Program, or the use of disability leave procedures. Supervisors who suspect that an employee may be under the influence of alcohol or other drugs should contact the Employee Relations Office immediately. Employees suspected of drug or alcohol use should not be allowed to leave the office until it has been determined that they are capable of or have obtained safe transport home.

Online supervisory training regarding a - drug and alcohol - free workplace is available through the GOER's Online Learning Center at:

**[www.goer.state.ny.us/train/onlinelearning/DFW/intro.html](http://www.goer.state.ny.us/train/onlinelearning/DFW/intro.html)**.



## **Smoking Policy**

The New York State Clean Indoor Air Act was amended by the Legislature, took effect on July 24, 2003. The law requires every employer in the state to provide smoke-free work areas for all state employees in the workplace. Accordingly, smoking is prohibited in any indoor work area. Indoor work area shall mean a room, hallway, stairway, bathroom, office, State car, garage, or any other area with a roof or other ceiling enclosure in which State

employees may be required to work, occupy or frequent. All cafeterias and lunchrooms must be designated non-smoking areas. Smoking rooms are no longer authorized. There will be no exceptions. Smoking is prohibited on porches or landings with a roof, leading into or out of a building. Questions about the smoking policy should be directed to the Employee Relations office.



## **Public Relations and Personal Appearance**

Good public relations and projecting a positive image of the department are important and are the responsibility of all employees. Each employee is required to deal fairly, courteously, and professionally with all persons with whom the employee comes into contact in the course of performing his or her official duties.

Employees are expected to present a neat, clean, well-groomed, business-like appearance. Dress is to be in accordance with generally accepted business standards and in a manner appropriate to their assignments. Should questions arise as to the propriety of dress, supervisors should discuss the matter with their employees. This is particularly important in work situations that involve contact with our customers. If you have any questions about appropriateness of dress, please contact the Office of Employee Relations.

## **Personal History File**

(Cross-reference: G.A. Manual 0676)

The Personnel Office is responsible for maintaining the official Personal History Files (PHF) for all employees. There is only one official file maintained for each employee and the contents of your official PHF are secured and confidential.

Each file contains information regarding your employment status, payroll documents, memoranda and documents relating to job performance, including probationary reports and performance evaluations, records and letters of recognition for special accomplishments or exceptional achievement, counseling memoranda, disciplinary records, health insurance and other benefit application forms, official correspondence to you regarding your work history and an employment application or resume.

Employees may review their PHF by submitting a written request to the Director of Personnel. Refer to your union contract or contact the Personnel Office for more information.

# WORK PERFORMANCE

## Probation

(Cross-reference: G.A. Manual 0617)

Permanent and contingent permanent appointees must serve a probationary period. This period offers you an opportunity to learn the fundamentals of your job and allows your supervisor a chance to evaluate your conduct and ability to perform the job, including such factors as quality and quantity of work, ability to take direction and work with others, attendance and need for training. The length of your probationary period depends upon your job title.

The Personnel Office will inform you of the length of your probationary term in your letter of appointment. Periodic reports regarding your performance may be completed by your supervisor, reviewed with you and filed with the Personnel Office.

It is the policy of the Department of Labor that satisfactory completions of probationary periods continue to the maximum period permitted by the Civil Service Law to permit full evaluation of the employee's performance based on the complete range of assigned duties. In some situations and with adequate supervisory justification, satisfactory completion may be permitted earlier. (At time of initial transfer, the Director of Personnel may waive the probationary period entirely, in certain cases.)

Probationers who are not performing satisfactorily may be terminated at any time after eight weeks of employment. Maximum periods of probation may be extended based on absences during the probationary period.

## Performance Evaluation Program

The goal of the Performance Evaluation Program is to provide a communication tool for managers that will improve employee performance and job satisfaction. The evaluation process encourages open communication between supervisors and subordinates. The evaluation process is critical to a clear understanding of the specific tasks assigned and the performance expectations that supervisors have of their employees. Employee participation and input into the performance program tasks and standards ensures that employees will know what their performance will be rated on. Supervisors will rate employees' performance at the end of the rating period. Employees will have an opportunity to respond to supervisory comments, which will become a part of the evaluation for that rating period.

Employees have a right to appeal unsatisfactory ratings only. Employees should refer to their specific union contract or contact Personnel for more information on how to appeal an unsatisfactory rating.

## SOLVING PROBLEMS

Communication with your supervisor is the most effective way to reach an early resolution to work-related issues. If you have an issue, you should first discuss it with your immediate supervisor at the earliest possible moment. In this way, the matter may

be resolved before it becomes a problem. Department management is committed to resolving problems at the lowest possible level, whenever they occur.

## **Grievance Procedures**

(Cross-reference: G.A. Manual 0673)

If you have a specific problem or disagreement concerning the established terms and conditions of your employment that cannot be resolved by your immediate supervisor or administrative chain of command, you may file a grievance. You may file a contract or non-contract grievance. Formal grievance procedures are described in all contract booklets. The various grievance procedures have specific procedural steps, include time limits and describe methods of representation. Consult your union representative or the Employee Relations Office for forms or more details on the grievance process. M/C employees may file grievances in accordance with the procedures established under the Governor's Executive Order No. 42, a copy of which may be found on the Governor's Office of Employee Relations website: [www.goer.state.ny.us](http://www.goer.state.ny.us).

## **Insubordination**

Insubordination is the intentional or willful refusal to obey the instructions or orders of a supervisor. The common forms of insubordination are refusals to accept work assignments, to perform work in the manner and time frames directed, to remain for overtime work or to comply with an operational order. Insubordination may be aggravated by other factors, such as defiant or insolent demeanor or by refusing an order in front of others. Supervisors bear the responsibility for ensuring that employees understand they have been given a directive. Employees are then expected to comply with orders, even though they may disagree with the supervisor. The principle of 'work now, grieve later' applies in these situations. Insubordination is considered a very serious act of misconduct and cause for discipline.



## **Counseling and Discipline**

Counseling is a positive tool for supervisors to use when dealing with employees who are having difficulty meeting DOL's expectations with respect to performance, conduct and/or attendance. Counseling is a face-to-face discussion between a supervisor and an employee to discuss problem areas and identify what is expected of the employee, what corrective action is required, and how it will be accomplished. If the counseling process does not produce the desired result and the employee continues to fall short of expectations, formal discipline may be pursued.

Although counseling normally precedes formal discipline, it is not a requirement. Serious infractions may result in immediate formal discipline. Depending upon the gravity of the situation, immediate suspension may also be appropriate.

Disciplinary penalties may be imposed against employees who are found guilty of misconduct or incompetence. The disciplinary procedure is detailed in the contract for your negotiating unit (Article 33 for CSEA and PEF, Article 8 for Council 82 and NYSCOPBA). If you are designated as a Management/Confidential employee,



disciplinary proceedings are covered under the provisions of Sections 75 and 76 of the Civil Service Law.

Temporary, hourly and provisional employees who have no permanent status have no tenure protection and are not covered by the formal disciplinary procedures described above. Their services may be discontinued at any time. The services of permanent employees on probation may also be discontinued without resort to the formal disciplinary process as well.

## **CHANGES IN YOUR JOB**

Job changes generally come about through promotion, transfer or reassignment to another position. They may also occur through a change in organization or a reassignment of functions.

### **Reassignments**

Employee reassignments involve a change, without further examination, of an employee from one position to a position in the same title, grade and salary within the Department of Labor. An employee can initiate reassignments. If approved, the employee continues to serve in the same job title but assumes a different work assignment. Agency initiated reassignments due to operating needs or other work-related criteria do not require employee consent. A reassignment may result in change in supervisor, office, hours of work or work location, duties or other changes.

Factors to be considered in reassignments are the eligibility of the employee, the availability of vacancies, the needs of the department and in some cases the relative seniority of other employees who are either requesting or being considered for reassignment. Before making a final decision to seek a reassignment, consult with the Personnel Office.

### **Transfers**

Transfers apply only to employees who have permanent competitive status. A transfer is the permanent appointment without further competitive examination of an employee who is permanent in one position to a different (title) position within the same agency or to a position with another agency. Transfers may be made between titles based on an employee's ability to qualify for a different title because of his or her training and experience.

Certain criteria must be met for a transfer to occur. The employee must meet the qualifications of the new position and both the agency and the employee must consent to the transfer. The Civil Service Department designates the titles between which transfer is permitted. Employees transferring into a position usually have to serve a probationary period. The transferred employee may return to the original position upon reasonable notice at any time during this period. Transferring from one agency to another can affect your promotional rights and opportunities and your status on current eligible lists. A transfer may also change your negotiating unit resulting in changes to your salary, insurance coverage, membership dues or fees, and other terms and conditions of employment. Before committing yourself to a transfer, you should be fully aware of all ramifications of a transfer. It is best to contact the Personnel Office, (518)

457-1020, for details about transfer opportunities and for information on how transfers may affect your promotional opportunities.

## **Promotions**

Vacancies above the entrance level are filled, whenever possible, by the promotion of permanent employees. You may be eligible for promotion either within the Department of Labor or to positions in other departments. To take a departmental promotion examination, you must be a permanent Department of Labor employee and meet the minimum qualifications as set forth in the promotion examination announcement. For interdepartmental promotions, when a title exists in more than one department, any current, permanent State employee who has the necessary minimum qualifications may compete.

## **Resignation**

Employees who consider resigning are encouraged to discuss that decision with their supervisor and/or the Personnel Office. When an employee finds it necessary to resign from a position, written notice should be given to the supervisor and the Personnel Office at least two weeks prior to the last day of work. A resignation letter must contain the effective date of the resignation and your signature. Once a resignation has been submitted, it may only be rescinded with the approval of the Director of Personnel.

## **Reinstatement**

Employees who resign from permanent positions and ask to be rehired within one year of the date they left the payroll may be reinstated in the same job title without examination and at no loss of salary. Reinstatement is not mandatory and is at the discretion of the Department. Employees may also be reinstated to a position to which they were eligible for transfer at the time of resignation. Upon agency request, individuals who have been separated from state service for more than one year may be reinstated upon approval of the Civil Service Commission if it serves the interests of the State.

If you are reinstated, you must serve a probationary period similar to that required of a new employee in that position.

## **Layoff Preferred Lists and Reemployment Rosters**

Should a reduction in work force affect you, you will be given reasonable notice prior to being separated and a copy of *Information for Employees Separated from State Service* published by the Department of Civil Service.

This brochure provides information about the layoff process, preferred list and reemployment opportunities provided to permanent employees who may be affected by the abolition of positions. It also describes basic information about employee rights and where to get more information.

In the event of a reduction in force, you may also have options other than layoff, such as accepting reassignment to another geographic location or to a lower grade level position. The Personnel Office will contact you to inform you fully about your rights and opportunities.

In addition to these rights, the Personnel Office will assist you in identifying alternative employment opportunities and will provide other placement services, such as assisting you in preparing your resume and organizing your job search.

The order of layoff is governed by Civil Service law and made in inverse order of seniority by title. Eligible veterans are accorded two and one-half years of additional seniority for retention purposes. Eligible disabled veterans are accorded five years of additional seniority. Both disabled and non-disabled veterans must submit proof of their status to the Personnel Office in order to certify their eligibility for retention purposes. Your supervisor or the Personnel Office will be able to explain what documents you need. In layoff situations, blind employees have absolute preference in retention. Temporary and provisional employees have no retention rights.

## **Unemployment Insurance**

Under the provisions of New York State law, you may also be eligible to receive unemployment insurance benefits should you be separated from New York State service, through no fault of your own, and meet the earnings qualifications.

For more information, contact the Unemployment Insurance Division or go online to <http://www.labor.state.ny.us>.

## **LUMP SUM PAYMENTS**

### **Transfer to another Department in New York State**

If you are appointed, promoted or transferred to another State agency, you will be paid for overtime credits not liquidated by the date the change becomes effective. In most cases, all other credits will be transferred with you to the new agency.

### **Separation from State Service**

At the time of separation or retirement from State service, you or your beneficiary (should you die) will be compensated in cash for overtime credits not in excess of 225 hours accrued and unused as of the date of separation. You will also be compensated in cash for vacation credits not in excess of 225 hours accrued and unused as of the date of separation. If you resign, however, the department requires that you submit written notice of your resignation at least 14 calendar days prior to your last day of work as a condition for such payment. There is no provision for the payment of unused sick leave, personal leave or holiday accruals. Also, except for retirements, accruals cannot be used after the last day of work. If you have a lag pay balance, that balance will also be paid upon separation or retirement.

### **Military Duty**

If you are on leave from your position because of entry into the Armed Forces of the United States for active duty (other than for training), you may elect to receive compensation in cash for accrued and unused vacation and overtime credits not in excess of 225 hours each, as of the last date on which your name appears on the payroll.

## **Longevity Payment**

You may be eligible, based on your negotiated contract, for a lump sum payment for longevity in your title. Refer to your contract booklet or contact the Personnel Office.

## **Retirement from State Service**

When you retire, unused sick leave credits may be applied to payment of future health insurance premiums equal to the value of unused sick leave (up to 200 days) at the time of retirement. Unused sick leave may also be used to add to your creditable time in State service when computing your total length of service for retirement purposes.

# **BENEFITS**

As a State employee, you are entitled to many benefits. You may be eligible for enrollment in the Retirement System, the Deferred Compensation Program, Flex Spending (which includes a Dependent Care Advantage Account and a Health Care Spending Account), the Employee Assistance Program, Tuition Reimbursement, Health Insurance and Life Works.

## **LEAVE BENEFITS**

### **Employee Leave Policies**

Because of the many variations between bargaining units in attendance and leave provisions, and because leave benefits may change as new collective agreements are negotiated, you are referred for specifics to your employee organization contract, to the Personnel Office and to the General Administration (GA) Manual. General information applicable to most full-time annual salaried Department employees follows. (Part-time and per diem employees should contact the Personnel Office for details.)

### **Holidays**

(Cross-reference: G.A. Manual 0690)

Our offices are usually closed on the following public holidays:

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

At present, Lincoln's Birthday and Election Day are designated as 'floating' holidays. The State may designate up to two of the twelve public holidays a year as 'floating' holidays. State offices are not closed on floating holidays. On these holidays, employees receive credit for the 7 1/2 hours normally worked, to be used on a date of the employee's choice, subject to supervisory approval, within one year of the date it is earned.

When a holiday falls on a Saturday, full-time employees are credited with a day of holiday leave. However, when a holiday occurs on a Sunday, it is observed on the following Monday.

Management/Confidential employees at salary grade 23 and above, who are directed to work on a holiday, will receive holiday leave. All other employees receive holiday pay unless they waive such entitlement and elect to receive holiday leave instead.

Employees eligible to receive holiday pay, who wish to receive holiday leave instead, must notify personnel during the annual open period. Announcements of such open periods are made routinely.

Management/Confidential employees may also file a waiver of holiday pay at time of appointment to State service. Waivers that have been filed may be revoked only during the open period.



## **Annual Leave (Vacation)**

Generally, as a new employee joining State service, you will earn 13 days of annual leave your first year of employment. You will accrue no annual leave during your first six months. Instead, you will be credited with 48 hours and 45 minutes (6 1/2 workdays) of vacation upon completion of 13 bi-weekly pay periods (26 weeks). Thereafter, you will be credited with 3 3/4 hours each bi-weekly pay period. In addition, on each of your first seven anniversary dates, you will earn one additional 'bonus' vacation day for each year of service. Upon completion of seven years of service, you will begin earning vacation credits at a rate of 5 3/4 hours for each biweekly pay period.

Part-time employees accrue vacation on a prorated basis. Your employment status (full-time or part-time) controls the amount of time accrued. Hourly and per diem employees are not eligible to earn leave credits until completion of 19 bi-weekly qualifying pay periods.

A maximum of 40 days (300 hours) of vacation credits may be accumulated. Employees designated as Management/Confidential may exceed 40 days during the calendar year, but must be at, or below, the 40-day limit by January 1. Employees designated as Professional, Scientific and Technical and those represented by CSEA may exceed 40 days until March 31, but must be at, or below, the 40-day limit by April 1. NYSCOPA employees may exceed the 40-day limit only if a request for time off is denied. NYSCOPA Employees must be at or below the 40-day maximum by October 1.

Supervisors normally advise employees when they reach 225 hours and arrange for them to schedule some vacation. However, it is the responsibility of employees to be aware of their leave balances and not to place themselves in the position in which leave credits are lost because too high a balance is carried close to the December 31/ March 31 deadlines. Supervisors are not required to approve an untimely leave request solely because an employee will otherwise lose credits. If an employee leaves State service, he/she will be paid for up to 30 days (225 hours) of accumulated vacation.

Additional vacation credit is granted to employees who are represented by the Administrative Services Unit and have 15 or more years of continuous State service. Additional vacation credit is granted to employees having 20 or more years of continuous State service who are represented by the Operational Services Unit, Professional,

Scientific & Technical Unit or who are designated Management/Confidential. See appropriate contract or M/C Handbook for further details.

In order to earn annual leave, you must be in full-pay status for at least seven working days during each bi-weekly pay period. Annual leave credits cannot be used during the pay period in which they are earned. Annual leave may be taken at the mutual convenience of the employee and the supervisor, but its use requires prior approval. Employees may not use vacation accruals in less than 15-minute segments.

## **Personal Leave**

All annual salaried employees are provided with five days of paid leave per year for personal reasons. Employees in less than full-time status receive prorated amounts of personal leave.

Personal leave is credited on the first day of employment and on each anniversary date thereafter. Anniversary dates may change due to an unpaid leave of absence on an anniversary date. Personal leave cannot be carried over year to year. Unused balances are forfeited on the employee's anniversary date.

This leave is granted to cover absences for personal business, including religious observance, without charge to vacation or other credits. You are not required to give a reason for using personal leave if this leave is requested and approved in advance. Requests to use personal leave without prior approval may require a reason to be given. Personal leave used in conjunction with, or as an employee's vacation, is subject to the same conditions that govern vacation. Every effort is made to allow personal leave on the days and hours requested, provided it does not interfere with the efficient conduct of Department business.

## **Part-time, Per Diem and Hourly Employees**

If you work part-time and are compensated on an annual salary basis, you are eligible to earn and accumulate vacation, sick and personal leave credits on a prorated basis. You must work on a fixed schedule of at least half time (37 1/2 hours bi-weekly) or work a fixed number of hours five days per week in order to accrue leave credits on a prorated basis. If you are compensated on a per diem or hourly basis, you may be eligible to earn and accumulate vacation, sick and personal leave credits on a pro-rated basis. You must be employed on a fixed schedule of at least half time on a continuous basis for at least 19 bi-weekly payroll periods without a break in service exceeding one full payroll period, to qualify for this benefit.



## **Sick Leave**

(Cross-reference: G.A. Manual 0651)

Accrued sick leave provides you with protection against loss of income if you are unable to work because of illness or disability. At retirement, unused sick leave credits provide extra service credit and help defray the cost of retiree health insurance.

Employees earn sick leave each biweekly pay period if they are in full pay status for seven out of ten days in a biweekly pay period. The rate at which employees earn sick

leave depends on whether or not the employee participates in the Income Protection Plan (IPP). IPP is only available to M/C employees. (*For more information on the IPP, contact the Personnel office*).

If you are unable to report to work because of illness, you must call your supervisor within two hours after the start of your regular work schedule and give the reason for your absence. If the supervisor is unavailable, the employee should call back or speak to the next level supervisor. A message left with a co-worker is not valid notification. Failure to call in may be considered unauthorized leave and could result in loss of pay or disciplinary action. Acknowledgement of your call to report your absence by your supervisor is not an automatic approval of leave.

Medical documentation is required for employees who are absent for more than five consecutive days. It may also be required when an employee fails or refuses to satisfactorily explain his/her absence; or when the pattern of sick leave use gives rise to a reasonable suspicion of sick leave abuse.

If medical documentation is required, and the employee desires to keep the nature of this information confidential, he/she may elect to send documentation directly to Personnel, who will ensure its confidentiality. The Director of Personnel, or his/her designee, will inform the supervisor of the legitimacy of the absence without revealing the nature of the medical condition.

On occasion, it may be necessary to refer an employee to the Department of Civil Service, Employee Health Service for an independent evaluation of a health condition. This may be done when there is concern over the employee's ability to perform the full responsibilities of the job, or to substantiate an individual's use of sick leave accruals. If there is a need to have an employee evaluated, it will be done at no expense to the employee.

### **Sick Leave at Half Pay**

(Cross-reference: G.A. Manual 0651)

Sick leave at half pay may be authorized, with acceptable medical documentation, to permanent employees with at least one cumulative year of state service, who are unable to work because of illness and have exhausted all available leave credits. This leave is earned at the rate of one payroll period for each six months of service.

Sick leave at half pay is not available to Management Confidential employees who are enrolled in the Income Protection Program (IPP).

### **Sick Leave Without Pay**

(Cross-reference: G.A. Manual 0651)

Sick leave without pay may be granted, with acceptable medical documentation. Employees requesting sick leave without pay may, in some cases, be allowed such leave without exhausting all leave credits completely.

## **Military Leave**

State employees who are active military reservists or members of the National Guard will be granted *leaves of absence* for ordered military service. Employees requesting military leave must provide their supervisors with a copy of their military orders. Employees who are activated should contact the Personnel Office as soon as possible to ensure that all available benefits are explained. Supervisors must submit a copy of the military orders to the Personnel Office.

State employees are covered under New York State Military Law and Federal Military Law. Employees entering active military service are entitled to a *leave of absence without pay* and may also receive payments for vacation or overtime credits previously accumulated. Supervisors must submit a copy of the military orders to the Personnel Office.

## **Maternity Leave**

(Cross-reference: G.A. Manual 0651)

Disabilities arising from pregnancy or childbirth, which cause employees to be absent from the job, are covered under regular sick leave and sick leave at half pay. The period of pregnancy-related disability is normally considered not to extend beyond four weeks before and six weeks after childbirth for uncomplicated pregnancies. Acceptable medical documentation is required.

## **Child Care Leave**



Employees, without regard to gender, are entitled to leave without pay for childcare for up to 7 months following the date of actual delivery/adoption. In certain cases where the child is hospitalized immediately after birth or at some time within a year after birth, the 7-month period of leave without pay may be interrupted until the child is released from hospitalized care. If both parents are State employees, each parent is entitled to leave for childcare, one parent at a time, for one continuous period, not to exceed a combined total of 7 months of leave, which may not extend beyond 7 months from the actual date of delivery/adoption.

## **Family and Medical Leave Act (FMLA)**

(Cross-reference: G.A. Manual 0658 & 1012)

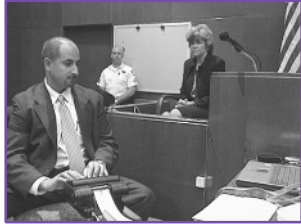
The Family and Medical Leave Act (FMLA) provides qualified employees leave for up to 12 weeks in a 12-month period. FMLA is intended to balance the demands of the workplace with the needs of families. By providing workers faced with family obligations or serious family or personal illnesses with reasonable amounts of leave, the FMLA encourages stability in the family and productivity in the workplace.

FMLA gives eligible New York State employees the right to take unpaid leave, or paid leave charged to appropriate leave credits, for a period of up to 12 work weeks in a calendar year due to:



- ❖ The birth of a child or the placement of a child from adoption or foster care.
- ❖ The employee's need to care for a family member (child, spouse or parent) with a serious health condition.
- ❖ The employee's own serious health condition which makes the employee unable to do his or her job.

Employees are also entitled to continuation of health and certain other insurances, provided the employee pays his or her share of the premium during this period of leave. For more information on FMLA, contact the Personnel Office.



## Leave for Jury Duty and Court Attendance

If you are called for jury duty or subpoenaed as a witness before a court or judicial body, you are entitled to leave with pay without charge to leave credits. If you are a party to the action in question, leave with pay does not apply and you must charge the appropriate leave credits.

The leave will cover the time required for court attendance and necessary travel. When your presence is not required in court, you are required to report to work. Documentation from the court or judicial body must be submitted to the Personnel Office for all periods of absence. The documentation must include the dates and times you were required to be in court.

## Workers' Compensation Leave

(Cross-reference: G.A. Manual 0705)

If you are injured on the job or become ill as a result of your job, you may be eligible for Workers' Compensation leave. The injury should be reported to your supervisor immediately so that the proper reports can be made to the Personnel Office in a timely manner. You must also call the **Accident Reporting System (ARS)** as soon as possible at **1-888-800-0029**.

## Other Leaves of Absence with Pay

Some other types of leave with full pay are:

- ❖ Bone marrow and/or organ donation.
- ❖ Breast cancer and prostate cancer screening.
- ❖ Civil Service examinations and interviews under certain circumstances.
- ❖ Tardiness for duly authorized volunteer firefighters, ambulance squad members, and enrolled Civil Defense and Civil Air Patrol volunteers who report late for work because of an emergency.
- ❖ Professional examinations in regard to professional licensing or certification (PS&T or M/C employees only).
- ❖ Professional conferences (PS&T or M/C employees only).
- ❖ Employee organization leave.
- ❖ Blood donations at Red Cross centers.
- ❖ Red Cross volunteers.
- ❖ Department-sponsored events.

## Other Leaves of Absence without Pay

You may apply for a leave of absence without pay through your immediate supervisor, who will forward your request for consideration to the Personnel Office.

Requests for leave without pay will be considered for:

- ❖ Education.
- ❖ Change in employment within State service.
- ❖ Personal reasons.

## HEALTH BENEFITS

### Health Insurance

(Cross-reference: G.A. Manual 0710)

New York State offers a comprehensive health insurance program for all employees who work at least half-time (50%). The State pays a substantial portion of the premiums and the employee pays the balance through payroll deductions. There are two options available under the New York State Government Employee Health Insurance Program (NYSHIP). One option is the Empire Plan, which is a State-sponsored comprehensive health insurance plan. The other option is a Health Maintenance Organization (HMO) that offers coverage in your area. Coverage and costs vary depending on the option selected and contract negotiating unit the employee belongs to. In addition, employees should read the health insurance provisions provided in their labor contract agreement.

Each calendar year, a health insurance transfer period is offered. During this period, employees have the opportunity to change their health insurance carrier, coverage status (individual versus family), opt in or out of the pre-tax contributions program, or voluntarily cancel their coverage. This is the only time of the year when these changes can be made without a qualifying event (i.e., marriage, divorce, birth of a child, etc.).

The Personnel Office provides employees with the costs and services provided by each carrier in order to make an informed decision. This information can also be found online at [www.cs.state.ny.us/ebd](http://www.cs.state.ny.us/ebd).



### CSEA Employee Benefits

As a result of collective bargaining between New York State and employee representatives, an employee benefit fund has been established by CSEA. This employee benefit fund provides non-contributory dental insurance and optical coverage. Employees should contact their union representative for details concerning these benefits. Additional insurance programs that can be purchased include life, accident and sickness, disability, automobile and homeowners insurance.

### Management/Confidential, PS&T, and NYSCOPBA Benefits

Management/Confidential, PS&T, and NYSCOPBA also have dental and optical coverage provided by the State. Details concerning these benefits can be obtained from the Health Benefits Unit in the Personnel Office. Additional insurance programs that can

be purchased may include life, accident and sickness, disability, automobile and homeowners insurance. These programs may be available through PEF or the Organization of NYS Management Confidential Employees (OMCE).

## **Prescription Drug Coverage**

Prescription drug coverage is a part of the New York State Health Insurance Program (NYSHIP) for CSEA, M/C, PS&T and NYSCOPBA employees. Individuals must participate in the Health Insurance Program in order to be eligible for the prescription drug coverage.

## **Income Protection Plan**

(Cross-reference: G.A. Manual 0655)

The Income Protection Plan (IPP) is a benefit that offers eligible M/C employees a sick leave accrual system combined with a short and long-term disability protection plan. Eligible employees, on the payroll prior to January 1, 1986 are given the option of enrolling in the IPP or continuing their 13 day sick leave accrual system and eligibility for sick leave at half pay. The IPP is a mandatory plan for M/C employees hired on or after January 1, 1986. The plan offers eight days of sick leave accruals each year along with short and long-term disability protection. The short-term disability component provides 50% of gross salary for up to six months; the long-term disability component provides for up to 60% of gross salary throughout the end of disability, age 65 or death. Employees must exhaust their sick leave accruals prior to receiving any insurance benefits, but are not required to use other leave credits.

Employees should call the Personnel Office or reference the Handbook for Management/Confidential Employees at [www.goer.state.ny.us/mc/handbook](http://www.goer.state.ny.us/mc/handbook) for further information.

# **RETIREMENT BENEFITS**

## **NYS Employee's Retirement System**

(Cross-reference: GA Manual sections 0715)

The main purpose of the New York State Retirement System is to provide a secure retirement income for public employees. All permanent, full-time employees must join the Retirement System. Temporary, provisional, part-time and seasonal employees have the option of joining the Retirement System; regardless of the option chosen, all employees must have Social Security deducted.

The Retirement System is administered by the Office of the State Comptroller for all state employees. Benefits are determined by formula and vary based on when the employee joined the Retirement System and the number of years of service the member has accrued.

The Employees' Retirement System currently consists of four membership tiers:

<b>Tier I -</b>	Joined prior to <b>July 1, 1973</b>
<b>Tier II -</b>	Joined between <b>July 1, 1973 – July 26, 1976</b>
<b>Tier III -</b>	Joined between <b>July 27, 1976 – August 31, 1983</b>
<b>Tier IV -</b>	Joined between <b>September 1, 1983 – Present</b>

Employees who joined the Retirement System prior to July 27, 1976, (Tier I and II) are not required to make contributions to the Retirement System. For employees who joined after that date (Tier III and IV), the contribution is 3% of your salary. This amount is automatically deducted from your paycheck for a period of 10 years. Employees may not withdraw from membership in the Retirement System once they have joined except upon separation from State service.

## **Retirement Information**

The New York State Retirement System has consultants that provide counseling to public employees contemplating retirement. Employees in the Retirement System may also obtain a loan against their contribution account. For detailed information regarding loan eligibility, service credit or other retirement issues, you may go to the New York State Office of the State Comptroller site on the Internet found at: [www.osc.state.ny.us/retire/members](http://www.osc.state.ny.us/retire/members). You may also obtain additional information by calling (518) 474-7736 or 1-866-805-0990 or by writing to the New York State and Local Retirement Systems, 110 State Street, Albany, NY 12244. Employees considering retirement are strongly encouraged to contact the NYS Retirement System approximately 6-9 months prior to anticipated retirement date.

## **Vested Rights**

All members are vested in the NYS Retirement System after five years of credited member service and are eligible for a service retirement benefit. For members with more than five but less than ten years of credited service who leave public employment, you have the choice of remaining a vested member of the retirement system or withdrawing your contributions. If you choose to remain in the retirement system, your contributions will continue to earn five percent interest until you retire. However, if you withdraw your contributions, your membership in the Retirement System ceases and you forfeit your vested status.

To be eligible for an ordinary disability benefit, you must have at least ten years of credited service. You must also have at least ten years of credited service to be able to continue health insurance coverage as a New York State retiree.

## **Crediting Other Service**

As a member of the New York State Employees' Retirement System, you may transfer with no break in service from one State agency to another or to any other public employer who participates in the New York State Employees' Retirement System and will maintain continuous coverage in the system.

If you are a member of the New York State Employees' Retirement System and leave State service but return in less than seven years, you may still be considered a member

of the Retirement System and have your previous service credited as long as you have not withdrawn your contributions.

If you return to State service after a break of more than seven years but were not previously vested, you must join the Retirement System again as a new member. If you then complete seven years of service and want credit for your previous service, you may apply to the Retirement System and make payments to buy back your previous service.

If you want to receive credit for service with other New York State Retirement Systems, or after a break in service of more than seven years, you must contact the Retirement System directly for information.

### **Accidental Disability Retirement Allowance**

If you become permanently disabled and are unable to perform your job as a result of an accident on the job, you may be eligible for an accidental disability benefit. Contact the Retirement System for more information about this benefit.

### **Ordinary Disability Retirement Allowance**

If you become permanently disabled but not as a result of a job-related accident, you may be eligible for an ordinary disability retirement allowance provided you have at least ten years of credited service. The amount of this benefit will depend upon your length of service. Contact the Retirement System for more information about this benefit.

### **Death Benefit for Out-of-Service Vested Members**

As a vested member of the New York State Retirement System, the law allows payment of a death benefit to the beneficiaries of members who have left State service and have at least ten years of service credit but die prior to retirement eligibility. This benefit is 50% of the amount of the ordinary death benefit that covered the member during employment.

### **Accidental Death Benefit**

If you should die as a result of an accident during the performance of your job duties, and a death benefit is paid pursuant to the Workers' Compensation Law, your beneficiary may be eligible for accidental death/tuition benefit. Dependent children may be eligible for tuition benefits to attend any of the State University colleges. M/C employees whose survivor(s) receive full payment pursuant to the Federal Public Safety Officers Act of 1976 are not eligible for this accidental death payment.

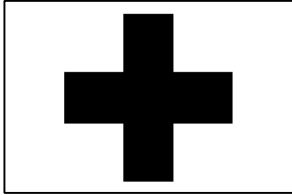
### **Survivor's Benefit Program**

The Survivor's Benefit Program provides a financial protection benefit to the beneficiary of a deceased employee who has limited or no coverage under the Ordinary Death Benefit Program administered by the Employees' Retirement System. It provides benefits to beneficiaries of certain qualified retirees and provides for a lump sum payment if the Retirement System to which an active employee belongs pays an

accidental death benefit. Benefits available under the program may vary depending on your negotiating unit or Management/Confidential status.

This is a summary plan description and not a substitute for the Retirement and Social Security Law itself. More detailed information may be obtained from the Personnel Office or from the New York State Employees' Retirement System.

## **OTHER EMPLOYEE BENEFITS**



### **Blood Program**

Time off for blood donation is granted for department-sponsored bloodmobiles and for donations at certain other department-approved donation sites. Interested employees are encouraged to donate.

Time off without charge to leave credits is permitted to cover the time needed to get to the donation site, go through the donation process and return to the work site. If you plan to donate at other than a department-sponsored bloodmobile, be sure to seek supervisory approval. For further information, you may contact the Blood Program Coordinator in the Personnel Office.

### **Employee Assistance Program**

The Employee Assistance Program is a joint labor/management program created to provide assistance to New York State employees and their family members who may be experiencing personal problems that could affect their work performance or their overall well being. The program is voluntary and confidential. Department of Labor EAP Coordinators provide assessment and referral services. The Department of Labor's EAP Coordinators are located at various locations throughout the State. Refer to the department's Intranet web page for information about an EAP coordinator located near you. If you would like more information about this program, please contact the Employee Relations Office (518) 457-6651.

### **Direct Deposit**

Employees who wish to participate in the Direct Deposit Program must forward a completed Direct Deposit of Salary Enrollment form (AC-2772) to the Payroll Unit.

If you do participate, your check will be automatically deposited into a checking or savings account once the Office of the State Comptroller and the New York Automated Clearing House (NYACH) has processed the transaction. You will receive a Statement of Salary and Deductions stub on payday. The deposit will be your net check amount (the amount after your regular deduction for taxes, union dues, insurance, etc.).

The AC-2772, Direct Deposit of Salary Enrollment form, is available on the Department's Intranet home page. Upon completion of the form, it should be forwarded to the Administrative Finance Bureau, Payroll Unit.

## **Credit Unions**

Membership in a credit union is open to many employees in the State. Through the credit union, you are offered many banking services. A minimum payroll deduction amount and a small membership fee are usually required. Ask your supervisor, or contact the Personnel Office directly for information about the credit union that serves your location.

## **Moving Expenses**

Employees who are transferred, reassigned or promoted permanently to a position in a different geographic location for the convenience of the State (minimum distance change of 35 miles) may be eligible for reimbursement for moving and travel expenses. Temporary transfers or those made at the employee's request are not covered.

## **Travel Expenses**

Prior to traveling on State business, employees must obtain approval from their supervisor and division office or bureau head. This is done through completion of a travel order. The department encourages the use of the Citibank Visa corporate card. All employees that travel at least once a year should apply to obtain a Citibank Visa. Travel funds may be advanced up to \$400 for meals and lodging on an exception basis only.

Upon completion of travel, employees submit a voucher to receive reimbursement for legitimate expenses incurred.

## **Leave Donation Program**

(Cross-reference: GA Manual 0659)

The Leave Donation Program permits employees to donate vacation credits (annual leave) to eligible co-workers who, because of long-term illness, have exhausted their leave accruals and would otherwise be subject to a severe loss of income during a continuing absence from work. This program may vary based on current negotiating unit contract provisions. For more information regarding eligibility to receive or donate vacation credits, contact the Personnel Office.

# **PAYMENT FOR YOUR SERVICES**

## **Payday**

(Cross-reference: G.A. Manual 0682)

Payday occurs every other Wednesday. If you have started work on the first day of a payroll period (Thursday), you will receive your first paycheck four weeks after your first day of work. That paycheck will be for your first two weeks of work. Your first five paychecks will have a deduction of one day's pay in each check. That five-day lag will be carried on your records and paid to you when you terminate your employment with the State.

In order to avoid delays in the payment of payroll checks, it is important that time and attendance records be updated in a timely fashion. Delays can also occur for other reasons. It is, therefore, important that the following situations be avoided:

- ❖ Insufficient/inappropriate leave credits exist to cover absences.
- ❖ Absences are not approved by your supervisor.
- ❖ A travel advance exists for which you have not provided sufficient justification.

## **Salary Deductions**

Mandatory deductions will be made from your paycheck for the following purposes:

- ❖ Withholding taxes — Deductions will be made in accordance with Federal, State and, if applicable, New York City and City of Yonkers income tax laws.
- ❖ Retirement Contributions— All permanent, full-time employees must join the New York State Retirement System. Depending on when you joined State service, deductions for your retirement account may be made. See Retirement Benefits, page 39.
- ❖ Social Security — Deductions are made in accordance with Federal law and are mandatory for all employees.
- ❖ Medicare Tax — This is the portion of the Social Security deduction that provides for Medicare coverage.
- ❖ Dues for Employee Organizations — All employees who are members of an employee organization have dues deducted. Other employees who are in the bargaining unit but who are non-members must have “agency shop fees” deducted. The amount depends on the negotiated agreement.

Voluntary deductions from your salary may be arranged for the following purposes:

- ❖ Health insurance premiums.
- ❖ U.S. Savings Bonds.
- ❖ Premiums on disability or life insurance, homeowner’s insurance or auto insurance policies offered by employee organizations or the State.
- ❖ Contributions to State Employees Federated Appeal (SEFA).
- ❖ Repayment of loans made against your retirement fund account.
- ❖ Credit union deductions.
- ❖ Certain obligations to the State such as student education loans, national defense or national direct student loans owed to Higher Education Services Corporation.
- ❖ Individual Retirement Accounts (IRA) offered by employee organizations or the State.
- ❖ Flex Spending Account Program.
- ❖ Direct deposit to your bank.
- ❖ Deferred compensation account.

Contact the Administrative Finance Payroll Unit for more information on optional deductions. By law, all paychecks are subject to garnishee or levy against wages made pursuant to court order.

Salary deductions are noted in various items in the G.A. Manual. For more detailed information, see the index of the manual for specific references.





## **Salary Records & Questions Regarding Your Paychecks**

(Cross-reference: G.A. Manual 0681 and 0682)

Your salary check stub is for your personal records. It lists your salary and all deductions. It also lists the ending date of the pay period covered by the check, and the date of the check. Review it carefully for accuracy. Ask questions about any entry you do not understand. If you have specific questions regarding your paycheck, ask your supervisor or contact the Administrative Finance Payroll Unit. If your check is lost or stolen, report this information immediately to the Administrative Finance, Payroll Unit. If you believe that an error has been made in computation of your salary rate, contact the Personnel Office.

Withholding tax statements (Form W-2) showing total salary paid and taxes withheld during the previous calendar year are distributed to all employees on or before January 31 of each year.

After the close of each fiscal year (March 31), you will receive a statement of your retirement account from the Employees' Retirement System.

## **WORKING SAFELY**

### **Safety**

The Department of Labor is committed to protecting your health and safety on the job. Under the Public Employee Safety and Health (PESH) Act, we are responsible for ensuring that you follow safety procedures and that your workplace is free of recognized hazards. You can help by immediately reporting unsafe situations or potential health and safety concerns to your supervisor and by following identified safety rules.

Under the State's Right-to-Know Law, your employer must inform you of potential hazards if your job requires you to work with chemicals or other substances that could adversely affect your health and you will be given information that would enable you to use toxic substances safely.

### **Fire and Evacuation Plan**

Each work site has a fire and evacuation plan. Review this plan as you begin your assignment, identifying the exits and method for reporting a fire. Your fire marshal is available to answer any questions you may have. Your supervisor can provide you with the name of your fire marshal.

### **Issuance of Safety Equipment to Employees**

The department provides certain staff members with personal protective equipment required under Federal and State regulations for use in public and private workplaces around the State. Employees are required to use, maintain and properly care for issued personal protective equipment.

### **Annual Physicals for Certain Employees**

The department provides annual physical examinations when required by Federal and

State regulations to ensure capability of doing work assignments. Some newly hired employees (like certain Division of Safety and Health employees) must take a Civil Service agility examination.

## **Nurse Stations in Building 12 and Hudson Street**

Employee Health Service Stations are located in Building 12 and Hudson Street, where the Civil Service Department provides the services of a registered nurse. If situated in one of these locations, it is recommended that you visit the Nurse as soon as you begin working to establish a health history file. This is important to you since the Employee Health Service Nurse is able to assist you if you are in need of first aid, health guidance or routine health care. DOL employees in other locations may have access to non-DOL health facilities.

## **Work Environment**

It is the policy of the department to provide a safe and efficient Video Display Terminal (VDT) workstation for employees whose duties normally include significant periods of time operating a VDT and provide specific guidelines regarding problems relating to improper illumination, glare control, office environment, electrical safety, VDT work routine interruptions, and workstation design. This policy applies to all employees who operate VDT equipment for periods of four hours or more per day.

VDT work routine interruptions will be provided to VDT operators. The VDT work routine interruptions will consist of a ten-minute period off the VDT machine after 50 minutes of continuous work on a VDT. Employees will be given alternate tasks to perform during VDT work routine interruptions.

Supervisors should contact the following offices for work environment issues or questions on:

- ❖ VDT equipment and acquisition - Administrative Finance Bureau, Purchase Office (518) 457-1392.
- ❖ Temperature, humidity, electrical, acoustics and lighting – Administrative Finance Bureau, Property Office (518) 457-2560.
- ❖ Computer network or other data processing failures or problems – Information Technology, Network Support Center, 1-800-697-1323.

## **CAREER DEVELOPMENT**



### **Policy**

Training is a management responsibility at all levels and in all units. The Office of Staff and Organizational Development (OSOD) assists this process through in-service training programs and arrangements for: attendance at multi-state training; State-sponsored training; Federal Civil Service training; special

seminars; specifically designed contract training; CSEA, PEF and Council 82 negotiated training; and other opportunities appropriate for the development of Department personnel.

## **Courses and Training**

(Cross-reference: G.A. Manual 0720)

Many courses are offered at the Office of Staff and Organizational Development (OSOD) centers located in Albany, New York City, Syracuse, Rochester and Buffalo. The Training Office in Albany also offers a self-study multi-media lab for staff who prefer self-paced training. If attendance at external training classes, conferences and seminars is appropriate, prior approval must be obtained using the established approval process via the Asset Management System.

As you continue to work within State service, you may be interested in increasing your job skills and furthering development of your career. You will find a number of opportunities for professional enrichment available. A variety of training courses may be offered as a result of contract negotiations between New York State and the various unions representing New York State employees. These offerings appear under such acronyms as PSTP (Public Service Training Program) and LEAP (Labor Education Action Program). Courses are designed to address both specific and unique training needs to help employees improve their performance in their current jobs and assist them in achieving their career goals. Contact OSOD or your union representative for detailed course information.

You may seek out further training to advance your career or to improve your present job performances and the skills you bring to it. The Department of Labor offers regular opportunities to improve your job competency through extra training, but the ultimate responsibility for career development is your own. Your supervisor, the Office of Staff and Organizational Development and your union representative are the best sources of information about these educational benefits.

In some of the cases described below, the department may request or require you to participate in an educational or training activity. However, in other instances you are free to choose and must take the initiative to enroll in, or seek admission to, courses and programs and receive the financial and other forms of assistance that may be available. Some promotional opportunities have specific educational requirements (such as a high school diploma or equivalent, associate's degree, bachelor's degree or master's degree). OSOD regularly announces these opportunities on the department's Intranet. For information on any staff development program or activity, contact OSOD at (518) 457-7442.

## **Conferences and Seminars**

You may wish to participate in professional conferences and seminars designed to contribute to personal development and job competence. However, your supervisor's approval will be required for attendance at such functions held during work hours. If you attend such activities, you are encouraged to share this learning experience with your colleagues since very often subjects explored are of interest and value to others in the Department. You may be reimbursed by your bargaining unit's tuition reimbursement

program if this program is currently available. You may explore this option with your union or M/C tuition reimbursement programs. For further information, contact OSOD.

## **Professional Organizations**

Active membership in business, professional or community service organizations can help you expand the scope of your experience by providing opportunity for interaction with other individuals in your career field. These organizations, such as the International Association of Workforce Personnel (IAWP), offer a unique learning opportunity by encouraging the sharing of issues and viewpoints encountered in the fields of administration and management. They can also be additional sources of professional development opportunities.

## **Web Based E-Learning**

Web-based E-learning is a catalog of training courses located on the Internet. It is available to all employees of the Department of Labor provided you have your supervisor's permission to participate. These courses allow you to improve your skills at your own pace and can be accessed from your work or home computer any time of the day or night. Our catalog of web-based E-learning has over 3,000, courses including but not limited to: Business skills, IT End-User, IT Professional, Environmental Safety & Health, Workplace skills, Financial Services and Self-Improvement. If you are interested in obtaining a web-based E-learning slot, you may request it by sending an e-mail to OSOD with your supervisor's permission to participate.

## **Learning Resource Library**

The department also offers a variety of learning resources that include videotapes, audiotapes and books. These resources are available through OSOD for both individual and group study. Workgroups are encouraged to use these tools to improve job performance.

# **SECURITY AND PERSONAL SAFETY**

## **Access Swipe Cards (Entry and Access)**

At many locations, department employees and vendors receive with State identification cards. In some locations, in addition to identifying the holder, the cards are used to gain access to department offices. Security and access to department offices varies by location – your supervisor will instruct you on access to your specific location. The identification cards are the property of the department of Labor and are to be used only while on duty and transacting official department business. When an employee leaves the department or a vendor concludes their business with the department, the identification card must be returned to the Personnel Office in Building 12, Room 561.

## **Weapons, Explosives and Toxic Materials**

The possession of firearms or other dangerous weapons on the job is strictly forbidden. This applies to all DOL facilities, including leased premises and those under OGS control, and applies to all employees including those on duty in the field and those assigned to non-DOL premises (except by police officers, designated Postal Service officials, custom officers, authorized express carrier companies and members of the US

Armed Forces on official duty status; the latter includes the organized militia of the State of New York). In addition, the carrying of any instrument capable of causing personal injury, if the carrier's obvious intent is to use it in such fashion, is prohibited. Any object, which reasonably appears capable of housing or enclosing a dangerous weapon, may be prohibited unless an adequate inspection of the object indicates otherwise.

The storage, transportation, or use of dangerous substances (which are any flammable, explosive, corrosive, oxidizing, poisonous, compressed, radioactive, or otherwise dangerous liquid, solid or gas) must be in accordance with the manufacturers' safety data sheets and any standard practices, guidelines or rules. Radioactive materials must be stored, used and transported in accord with all applicable State and Federal statutes, rules, regulations or other governing directives. Special authorization for storage, transportation or use shall be required for any hazardous materials that may pose a risk to the health and safety of persons or property. The Facility Manager or his/her designee reserves the right to order the removal of any hazardous or radioactive materials at the cost of the State agency, person or entity responsible for such materials.

## **Mail Handling – General**

1. Each department location should have practical and effective mail safety procedures in place.
2. The objectives of an office's emergency mail-handling procedures include identifying and containing hazards, reducing their spread and preventing exposure.
3. Emergency mail-handling procedures should be incorporated in an office's emergency and evacuation plans and all employees should be made aware of the procedures.

## **Personal Safety**

- ❖ Keep emergency numbers of police and security by your phone.
- ❖ When you are alone in your office after hours, lock your office door, stay close to a phone and do not wander into other parts of the building. Try to schedule your overtime work when others are working late and leave with someone else.
- ❖ When riding the elevator during off-hours, if security is present, let them know you are coming down. Check elevator for suspicious people, stay near the controls. Get off if someone suspicious gets on. If attacked, hit alarm and as many floor buttons as possible.
- ❖ When going to your transportation and security is present, ask to be escorted. If there is no guard on-duty, ask the Police or Sheriff's Department.
- ❖ Lock your car when leaving it. Before entering your car, look on the floor and in the back seat. Have your key ready when going to your car.
- ❖ Park under lights when possible and report any lights not working.

## **Reporting of Suspicious Substances, Activities or People**

Any employee who identifies an individual or substance that may have the appearance of being suspicious should notify his or her supervisor. The supervisor should then immediately call the Office of Special Investigations at (518) 457-7012 and prepare a fully detailed description of the incident utilizing Form GA 51, Unusual Incident Report.

# MISCELLANEOUS

## Bulletin Boards

(Cross-reference: G.A. Manual 0345)

Official bulletin boards are located in the elevator lobbies throughout the Albany Headquarters or other prominent areas in the department. Information posted on these boards will consist of official notices and posters of general interest. They may also contain information that affects all employees including safety issues or examination or training opportunities. For Building 12, the Property Office must approve postings on these bulletin boards in advance. For all other DOL locations, advance approval must be obtained from the office manager.

## State Equipment and Supplies

It is the responsibility of all employees to safeguard State equipment and supplies. All property issued to an employee must be returned when that employee leaves the department. Supervisors are responsible for assuring that their subordinates observe this policy. Employees are accountable for the proper care and use of State Property made available to them.

## Unsolicited Material

Occasionally, employees may receive material from private companies and/or individuals at their work location. Questions concerning this type of material should be referred to your supervisor or the Personnel Office. Any employee benefits program or policy, developed by the department and/or the State, will be clearly identified. All other private offerings, such as insurance plans or retirement plans, must be discussed with representatives outside the office and not during office hours.

## Departmental News

The department no longer has a formal employee newsletter. Instead, information about departmental programs and initiatives, events, staff changes and retirements is published on the department Intranet. Employees may submit ideas and photographs to the Office of Communications for consideration.



## State Employees Federated Appeal (SEFA)

Department employees are encouraged to participate in the State's United Way affiliated campaign. This program allows staff to make donations to worthy organizations within their communities. SEFA offers payroll deduction and employees may pledge their donations to specific organizations.

## Employee Suggestion Program

The Department of Labor and New York State welcome suggestions relating to their activities from employees and retired employees. The Employee Suggestion Program offers you the opportunity to receive recognition or financial rewards for suggestions that improve the economy or efficiency of Department operations. We encourage

employees to share ideas that will save money or improve efficiency by submitting the suggestion on ESP 607, Employee Suggestion Form, directly to the Department of Civil Service. Suggestion forms are available on the Intranet.

### **Quality of Work-Life Committees**

The Department of Labor has created several Quality of Work-Life Committees throughout the State. The intent of these committees is to foster teamwork among managers and employees. This joint venture will boost morale and will create an environment that encourages employee recommendations for improving customer service to the citizens of New York State. The committees are voluntary and complement the labor/management process

# APPENDIX 1

## Summary of Code of Ethics

As an employee of the New York State Department of Labor, you should know about these key parts of the Public Officers Law.

The Code of Ethics specifically prohibits the following:

- Gifts. Recent amendments to the Public Officers Law have removed the \$75 limit that used to apply to gifts. The law now states that no employee shall solicit, accept or receive any gift having more than a nominal value under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her in the performance of his or her official duties, or was intended as a reward for any official action taken on his or her part. [POL §73(5)]

In some cases an employee may not even receive a gift of nominal value if receipt of such gift could be deemed to be in substantial conflict with the proper discharge of his or her duties in the public interest. [POL §74(2)]

- Conflicts of Interest. You may not have any interest or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of your public duties. [POL §74(2)]
- Confidential Information. You may not disclose confidential State information or use it for your personal interests. [POL §74(3)(b)(c)]
- Misuse of Office. You may not use your official position to secure unwarranted privileges or exemptions for yourself or others. [POL §74(3)(d)]
- Appearance of Impropriety. You may not do anything that would give the public a reasonable basis to think that anyone can improperly influence you in your official duties by reason of kinship, rank, position or influence. [POL §74(3)(f)]
- Violation of Trust. You must not raise public suspicion that you are acting in violation of your public trust. [POL §74(3)(h)]
- Dealing With Yourself or Your Company. You may not engage in any transaction as an agent for the State with any business entity in which you have a financial interest that might tend to conflict with the proper discharge of your official duties. Instead, you should excuse yourself and ask someone else to do the State task. [POL §74(3)(e)]



- **Post-Employment Two-Year Ban.** For two years after you leave public employment with the Department of Labor, you may not appear before the Department of Labor or receive pay for services in a matter pending before it. [POL §73(8)(a)(i)]
- **Post-Employment Lifetime Ban.** After you leave public employment, you may not appear before any State agency or receive pay for services in a matter on which you personally worked for the State. [POL §73(8)(a)(ii)]
- **Matters Before State Agencies.** Except in your official duties, in a ministerial matter, or for a union, you may not be paid for any appearance or services in a matter before a State agency in connection with: (a) the purchase, sale, rental or lease of real property, goods or services or a contract; (b) rate-making; (c) the adoption or repeal of a regulation; (d) loans or grants; (e) licensing; or (f) public utility franchises. [POL §73(7)]
- **Communications With State Agencies.** If your private association, firm or company is appearing or rendering services before a State agency in connection with: (a) the purchase, sale, rental or lease of real property, goods or services or a contract; (b) rate-making; (c) the adoption or repeal of a regulation; (d) loans or grants; (e) licensing; or (f) public utility franchises, then you may not orally communicate about the merits of the matter with anyone at the agency concerned with the matter. [POL §73(12)]
- **Sales to State Agencies.** Neither you, your firm, nor a corporation of which you control at least 10% of the stock, may sell goods or services worth more than \$25 to a State agency unless it is pursuant to a contract or award let after public notice and competitive bidding. [POL §73(4)]
- **Sales to Regulated Entities.** Neither you, your firm, nor a corporation controlled by you may sell goods or services to any person, firm or company which is licensed by or whose rates are fixed by the Department of Labor. [POL §74(3)(i)]
- **Investments.** You may not make personal investments in enterprises which might be directly involved in decisions to be made by you. [POL §74(3)(g)]
- **Honoraria and Travel Reimbursement.** You may not accept honoraria or official travel reimbursement without prior approval by your agency or the Ethics Commission. If the donor does business with the Department of Labor, you probably cannot accept such payments. [19 NYCRR §930]
- **Outside Activities.** You may not take a job that would impair your official independence or create a conflict of any sort with your ability to carry out your duties, for example, with a vendor seeking a contract that you must review, or a company seeking a permit on which you must make a recommendation. [POL §74(3)(a)].

If you are a paid policymaker, you may not engage in any outside activity for more than \$1,000 per year without prior Department of Labor approval, or for more than \$4,000 per year without prior Ethics Commission approval. [19 NYCRR §932.3]

- Political Activities. If you are a policymaker, you may not serve as an officer of any political party or organization, or as a member of any political party committee. [19 NYCRR §932.2]
- Contingent Fees. You may not be paid for services where your fee is dependent or contingent on State agency action. [POL §73(2)]
- Court of Claims. You may not be paid for services in or out of court against the State's interest in the Court of Claims. [POL §73(3)]
- Financial Disclosure. If the Department of Labor has designated you as a policymaker, or if you earn over the SG-24 rate and have not received an exemption, then you must file an annual financial disclosure statement with the Ethics Commission by May 15. If you begin public employment after May 15 of any year and must file, you must do so within thirty days of joining State service. [POL §73-a(2)]

Any questions regarding these rules should be directed to the department's Ethics Officer.

You may also contact the NYS Commission on Public Integrity at 518-408-3976 or visit [www.nysethics.com](http://www.nysethics.com), or write them at [ethics@dos.state.ny.us](mailto:ethics@dos.state.ny.us) or at 540 Broadway, Albany, New York 12207. All inquiries are confidential, and are protected from Freedom-of-Information Law requests, pursuant to Executive Law §94(17).