ATTENTION: SSEU LOCAL 371 MEMBERS

LONGEVITY DIFFERENTIAL

CASEWORKER SERIES

FRAUD INVESTIGATOR SERIES

AFTER 1 YEAR

AFTER 3 YEARS

AFTER 5 YEARS

AFTER 7 1/2 YEARS

REACCURRING INCREMENT PAYMENT (RIP)

AFTER 10 YEARS

CITY LONGEVITY

AFTER 15 YEARS OF CITY SERVICE

ALL PAYMENTS REFLECTED OVER A ONE YEAR PERIOD

(ALSO PENSIONABLE)

WHAT IS 6.1.9?

The Personnel Rules of the City allow an agency with the approval of the City Personnel Director to change an employee's title under certain conditions.

The specific rule states that "...any permanent employee in the competitive class, who meets all of the requirements for a competitive exam, shall be eligible for participation in a non-competitive exam in a different **position classification**, provided that such employee is holding a position in a **similar grade**".

In this rule, the word position classification means title, and a position in a similar grade, means that it cannot be a promotion.

Rule 6.1.9 only applies to permanent employees who seek to go from one competitive class title to another competitive class title.

To be 6.1.9'd, the employee must meet the following conditions:

- The employee must be permanent in a competitive class title (does not apply to non-competitives or labor class employees)
- The employee must meet all of the open-competitive requirements for the title.
- No preferred list or department promotion list exists for the title.
- The employee agrees to the transfer.
- The position is not in a direct line of promotion from the employee's current position.
- The minimum salary of the title or assignment level to which the employee wishes to be transferred, is not greater than the maximum of the title or level that the employee is currently serving in.
- The employee is not transferring to a management title.
- If the employee is being transferred to another agency, the head of that agency agrees to the transfer.
- The change in the title is not considered a promotion.

Probationary period for 6.1.9:

Normally, under the 6.1.9 Rule, when an employee's title is changed, the employee is subject to a probationary period, unless they are notified by DCAS that it is waived. (In many cases, it is waived). But, if probation is not waived, the employee must resign his/her previous position, and, therefore, does not receive a leave of absence.

However, because of a negotiated change in the citywide contract, 6.1.9'd employees in titles/agencies covered by the Citywide Contract and the Personnel Rules of the City, have the right to return to their former position, if they do not pass their probation. They are given a leave of absence from their previous title/agency and can return to it if they do not pass their probation.

Prepared by the Department of Research and Negotiations, District Council 37, AFSCME, AFL-CIO for the DC 37 Civil Service Committee.

PERSONNEL SERVICES BULLETINS (PSBs)

200-4

Subject: Termination of employees who are absent without leave

Supersedes: Personnel Policy and Procedure No. 783-87

Source: City Personnel Director Rule 6.4.3; Civil Service Law Section 75

Date: March 21, 1997

I. Background

City Personnel Director Rule 6.4.3 provides that if an employee is absent without leave (AWOL) for a period of twenty consecutive work days and fails to communicate with his/her employing agency in a manner prescribed by that agency, then such an absence shall be considered a resignation unless the appointing officer accepts an explanation. The rule also provides an employee absent without leave who is covered by Section 75 of the Civil Service Law is entitled to certain disciplinary rights. Section 75 applies to permanent, competitive class employees. It may also apply, under limited circumstances, to employees serving in positions in other classes of the classified service. In addition, employees not covered by Section 75 may be entitled to disciplinary rights under their collective bargaining agreements.

II. Procedure

A. Employees Not Covered by Section 75 of the Civil Service Law

1. The agency shall send the employee written notification that he/she is deemed to have resigned effective the first day of the absence, unless the employee offers an explanation for his/her unauthorized absence that is acceptable to the appointing officer.

2. The agency shall state the basis for the determination in the letter and enclose a copy of City Personnel Director Rule 6.4.3.

3. Such absence shall constitute a cause for action against an employee who is entitled to disciplinary appeal rights by virtue of a collective bargaining agreement. In such cases, follow the procedure set forth in the agreement.

B. Employees Covered by Section 75 of the Civil Service Law

1. The Agency Disciplinary Advocate shall commence proceedings subject to the provisions of Section 75 of the Civil Service Law.

2. Employees can be deemed to have resigned only after the notice and hearing provisions contained in Section 75 of the Civil Service Law.

3. Employees who are in titles covered by collective bargaining agreements may choose to go under the disciplinary procedures provided therein. In such case they must waive their rights under Section 75.

C. Agency Responsibilities

Agencies are to ensure that all of their employees are informed, preferably in writing, of the manner in which absences are required to be reported to the agency, and are to take appropriate action, as above, when employees fail to comply.

What is the difference between leave without pay, and absence without leave?

Leave without pay (LWOP) is considered approved leave. If employee requests time off and the request is approved, but the employee does not have accrued leave to cover the approved absence, leave without pay is appropriate. As a general rule, employees who wish to take more time off than they have in their vacation/holiday/compensatory time balances should not be approved for LWOP.

Absence without Leave (AWOL) is an absence that is not approved. AWOL is a violation of Civil Service Commission Rule XIII and is cause for disciplinary action.

PERSONNEL SERVICES BULLETINS (PSBs)

440-15

Subject: Leave to Undertake Breast and Prostate Cancer screenings

Source: Civil Service Law § 159-b
Civil Service Law §159-c
Laws of 2016, Chapters 74 and 96

Date: January 27, 2017

I. INTRODUCTION

City of New York employees are entitled to excused leave to undertake a screening for breast cancer and/or prostate cancer.

Chapter 96 of the Laws of 2016 was enacted on July 21, 2016, amending Civil Service Law § 159-c to include New York City's employees among public employees entitled to take excused leave for prostate cancer screenings, effective July 21, 2016.

Chapter 74 of the Laws of 2016 was enacted on June 12, 2016, amending Civil Service Law §159-b to include employees of the City of New York among public employees who are entitled to receive excused leave for breast cancer screenings, effective September 25, 2016.

These provisions permit employees to take a paid leave of absence for a sufficient period of time, not to exceed four (4) hours on an annual basis, to undertake a screening for breast cancer and/or prostate cancer. The entire period of the leave is excused leave, not to be charged against any other leave that the employee is entitled to receive.

Breast cancer and prostate cancer screenings are not mandatory or essential for everyone. Employees are strongly encouraged to consult with their medical provider for information regarding these screenings and review the benefits and risks associated with breast and prostate cancer screenings. Medical providers consider other possible risk factors to help guide if, when, and how often to screen.

II. DEFINITIONS

"Eligible employee" means an employee who is employed by the City of New York and works a regular schedule including Managers and employees serving in Uniform titles.

"Excused leave" means a paid leave of absence to include travel time to and from an applicable screening facility.

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KEY AMENDMENTS TO TAYLOR LAW (CIVIL SERVICE LAW) IN RECENTLY ENACTED STATE BUDGET

Civil Service Law Section 208(1) – "A public employer shall extend to an employee organization certified or recognized pursuant to this article the following rights: (b) to membership dues deduction, upon presentation of dues deduction authorization cards signed by individual employees. A public employer shall commence making such deductions as soon as practicable, but in no case later than thirty days after receiving proof of a signed dues deduction authorization card; and such dues shall be transmitted to the certified or recognized employee organization within thirty days of the deduction. A public employer shall accept a signed authorization to deduct from the salary of a public employee an amount for the payment of his or her dues in any format permitted by article three of the state technology law. **The right to such membership dues deduction shall remain in full force and effect until: (i) an individual employee revokes membership in the employee organization in writing in accordance with the terms of the signed authorization**..." (Emphasis provided)

Civil Service Law Section 209-a(2) "Improper employee organization practices. It shall be an improper practice for an employee organization or its agents deliberately (a) to interfere with, ~~restrain or coerce public employees in the exercise of the rights granted in section two hundred~~ two, or to cause, or attempt to cause, a public employer to do so **provided, however, that an employee organization does not interfere with, restrain or coerce public employees when it limits its services to and representation of non-members in accordance with this subdivision**; (b) to refuse to negotiate collectively in good faith with a public employer, provided it is the duly recognized or certified representative of the employees of such employer; or (c) to breach its duty of fair representation to public employees under this article. **Notwithstanding any law, rule or regulation to the contrary, an employee organization's duty of fair representation to a public employee it represents but who is not a member of the employee organization shall be limited to the negotiation or enforcement of the terms of an agreement with the public employer. No provision of this article shall be construed to require an employee organization to provide representation to a non-member (i) during questioning by the employer,(ii) in statutory or administrative proceedings or to enforce statutory or regulatory rights, or (iii) in any stage of a grievance, arbitration or other contractual process concerning the evaluation or discipline of a public employee where the non-member is permitted to proceed without the employee organization and be represented by his or her own advocate. Nor shall any provision of this article prohibit an employee organization from providing legal, economic or job-related services or benefits beyond those provided in the agreement with a public employer only to its members.**" (Emphasis provided)