



# Office of Children and Family Services

*"...promoting the safety, permanency and well-being of our children, families, and communities..."*



# EMPLOYEE MANUAL

*Personnel Policies*

*Employee Benefits*

*Staff Conduct*

Sheila J. Poole, Acting Commissioner  
James M. Barron Associate Commissioner, Human Resources

**Fourth Edition**  
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## **FOREWORD FROM THE ACTING COMMISSIONER**

It is my pleasure to welcome you as an employee of the New York State Office of Children and Family Services (OCFS). I am proud of the work we do on behalf of New York State's children, adults, families and communities.

This manual defines your rights and obligations as a State worker and as an employee of OCFS. With the guidance of this manual, we can work together to carry out the Agency's mission in an effective, efficient, and ethical manner.

Public service is a challenging career that involves many responsibilities, benefits and rewards. This manual is intended to provide you with information, guidance and direction performing your duties as an OCFS employee. You are encouraged and expected to seek assistance through your supervisor if you have questions concerning the information contained in the manual.

Please accept my very best wishes as you begin your work here with us at OCFS.

Sincerely,

Sheila J. Poole  
Acting Commissioner

## **INTRODUCTION**

In preparing this manual, we relied upon the New York State laws, rules and regulations, and those of the Department of Civil Service and the Office of the State Comptroller; contractual agreements between the State and certified employee organizations; and OCFS' Policy and Procedures Manual (PPM).

The information contained in this manual is not exhaustive. If you need further clarification of any material contained in this manual or have other questions, please contact your supervisor and/or the Office of Human Resources (OHR). From time to time, OHR will revise and/or reissue the Employee Manual.

You should also be alert to the various OHR Bulletins and informational memorandums that OHR issues periodically. If you have any questions about your salary, benefits, or any of the policies summarized in this manual, we are available to assist you. Please direct your questions to the Director of Personnel, Bureau of Personnel, 52 Washington Street, Room 231 North, Rensselaer, NY 12144, (518) 473-7936.

James M. Barron  
Associate Commissioner  
Office of Human Resources

## PREFACE

**Purpose:** This Employee Manual is compiled to provide you, the OCFS employee, with an overview of the many items that may affect or be of interest to you during your employment. This is not designed to be a comprehensive list of everything that you may encounter or need to know, nor is it the complete explanation of the items that are included. The intent of this manual is to provide you enough information to explain what the heading is and how it may be important. For more detail you should contact your supervisor and/or the Office of Human Resources (OHR) or refer to your union contract (if applicable).

**Rules and Responsibilities:** The Employee Manual summarizes the rules you are required to follow as an OCFS employee. For detailed procedures refer to OCFS and facility policy and procedures and to labor agreements, as appropriate. If you violate any of the rules, you may be subject to disciplinary action. In certain matters, you may be charged with a crime.

You are a representative of the Office of Children and Family Services, so please conduct yourself in a professional, appropriate manner. If there is not a specific rule in a particular situation, use good judgment and do what is best for our residents, co-workers, the public and OCFS. If you have questions about an issue, you should contact your supervisor and/or OHR.

**Legal Sources:** Employee rules are based upon laws, regulations, and agency policies. For access to the laws, regulations, policies or labor agreements you should contact your supervisor, Union representative or the OHR.

**Official Website:** The agency maintains a website (intranet) that provides official information to OCFS employees. The website is accessible to all employees and provides information on agency events and access to the many forms, policies, procedures and bulletins disseminated by the Agency. (<http://ocfs.state.nyenet>)

**Other Sources:** This manual includes references to the OCFS Policy and Procedures Manual (PPM). The PPM is the official collection of guidelines and rules that relate to the many activities and responsibilities in which you and other OCFS employees are engaged. We invite you to review the PPM citations as they are listed. You may access the PPM on the OCFS website.

Some sections of this manual relate to other sections in the manual. Where that connection is important and each may help to clarify the other, we reference the companion section. To avoid confusion with the many other references, we use this lead-in: "EM section xx.x."

**Your Personal Copy:** This is your copy of the Employee Manual. It is your property for as long as you are an employee of OCFS. It is your responsibility to become familiar with and know the content of this manual. Some items may not apply to you now and may become of value later when a change occurs in your life (you get married, have or adopt a child, buy a house) or employment (you are promoted or are reassigned).

Revisions to this manual are issued periodically; you will be notified when revisions are issued. The Employee Manual is also available on-line at the OCFS Human Resources intranet site: <http://ocfs.state.nyenet/admin/ohr/employeemanual.asp>

# LABOR MANAGEMENT RELATIONS

## 1.1... Authorized Employee Representation

a. **Employee Unions:** Relations between the state and its employees are governed by the Public Employee Fair Employment Act, known as the Taylor Law. This law gives public employees the right to organize and enter into collective bargaining. Most OCFS employees are represented by a union.

b. **Bargaining Units:** The Public Employment Relations Board (PERB) has assigned most state jobs to various bargaining units for representation and collective bargaining. Those in OCFS are:

- Administrative Services Unit (ASU)
- Institutional Services Unit (ISU)
- Operational Services Unit (OSU)
- Professional, Scientific and Technical Services Unit (PS&TSU).

There are some employees who are classified as being Managerial or Confidential (M/C). Those employees are not in a bargaining unit.

Occasionally, jobs may be moved from one bargaining unit to another or may be designated as M/C based on function. If you change titles, functions or are promoted, that may change the bargaining unit to which you belong or the position may be designated as M/C.

c. **Unions:** Employees in a bargaining unit have elected a union to be the sole bargaining agent for the employees in that unit. You do not have to belong to the union that represents the bargaining unit. However, you will still have an equivalent amount of union dues deducted from your salary as an “agency shop fee” (these dues also go to the union). The two unions that represent OCFS employees and the bargaining units they represent are:

- The Civil Service Employees Association, Inc. (CSEA) representing Administrative Services Unit (ASU), Institutional Services Unit (ISU) and Operational Services Unit (OSU)
- The Public Employees Federation, AFL-CIO (PEF) representing PS&TSU

d. **M/C Employees:** The Public Employment Relations Board (PERB) has designated certain positions as Managerial or Confidential (M/C). M/C employees include those who, among other things, formulate policy, influence policy, participate in collective bargaining, have a major role in the administration of collective bargaining agreements or a major role in personnel administration and the assistants of those employees. The Taylor Law prohibits M/C employees from belonging to a union. M/C employees may join the Organization of NYS Management Confidential Employees (OMCE). This is a non-union organization that provides for M/C employees, who choose to join, many of the benefits enjoyed by unionized employees, except it may not negotiate terms and conditions of employment. Membership in OMCE is voluntary (Managerial-Confidential Positions PPM 2631.00).

## 1.2... Collective Bargaining Agreements

After collective bargaining, the state and a union enter into a contract, also referred to as a collective bargaining agreement. The agreement for each bargaining unit covers wages, hours, benefits, conditions of employment and many other issues. You will receive a copy of your union’s negotiated agreement when you are appointed. If you have any questions about OCFS rules or the negotiated agreements, contact your supervisor or your union representative.

### **1.3... Prohibition of Strikes**

Strikes and slowdowns by employees or unions are prohibited by the Taylor Law. If you join in any kind of work stoppage, you may be penalized under Section 210 of the Taylor Law; such penalties may include fines of two days' pay for every day you are on strike. You may also be disciplined according to Agency rules.

### **1.4... Discipline and Grievances**

**a. Discipline:** Employee discipline is the imposition of penalties for employee misconduct or incompetence. Such penalties range from issuance of a letter of reprimand to dismissal from state service. The discipline procedures are outlined in the collective bargaining agreements for represented employees and in Section 75 of the Civil Service Law for qualified employees not represented by the unions. Incompetence or acts that constitute a violation of law, rule, regulation, policy or directive may be grounds for disciplinary action.

Alleged acts of employee misconduct or incompetence will be carefully reviewed to determine the most appropriate course of action. Should it be determined that disciplinary action is warranted, the agency will take such action. Generally, disciplinary action should be progressive, meaning that disciplinary action is taken in the event other interventions do not correct employee misconduct or incompetence and penalties are increased if similar problems recur (Employee Discipline PPM 2651.00, Employee Counseling PPM 2652.00). However, at times, the severity of the misconduct or incompetence may justify disciplinary action up to and including seeking dismissal, even if there is no prior relevant history.

**b. Grievances:** Employees may have complaints concerning the conditions of employment. Grievance procedures have been established to address such complaints. The grievance procedures are outlined in the collective bargaining agreements for represented employees and in Executive Order 42 for non-represented employees. The use of e-mail outside of the grievance process to express an employee's complaint concerning conditions of employment is not appropriate. For further information, please contact the Bureau of Labor Relations at (518) 486-4240 (Employee Grievances PPM 2641.00).

## **2. CONDUCT AND ACTIVITIES OF EMPLOYEES**

### **2.1... Personal Conduct**

You are required to conduct yourself in a manner appropriate for an OCFS employee, both on and off the job. The Public Officers Law provides a code of conduct for all state employees. All new employees of OCFS will receive a copy of the Public Officers Law and sign a form acknowledging receipt. New facility employees also will receive and sign for a copy of the "Code of Conduct for Custodians of People with Special Needs." Please read these documents carefully.

### **2.2... Lawful Behavior**

Always behave in a lawful manner. Acts that constitute a violation of law, rule, regulation, policy or directive may be grounds for disciplinary action and/or criminal prosecution. Criminal behavior will not be tolerated by the Office of Children and Family Services.

### **2.3... Reporting of Personal Threats**

OCFS does not condone threats to or intimidation of its employees. If you feel you have been subjected to a threat or that you are being intimidated in the course of executing your official duties,

notify your supervisor as soon as possible. If appropriate, also contact local law enforcement. The OCFS Special Investigations Unit (SIU) should also be apprised of any threats or acts of intimidation and actions taken. Contact Information for the SIU may be found on the OCFS website (Employee Reporting of Personal Threats PPM 2613.00, Workplace Violence Prevention Program PPM 2615.00).

#### **2.4... Non-Discrimination**

OCFS does not tolerate unlawful discriminatory practices. It is unlawful for OCFS to refuse to hire, to discharge, or to discriminate against an individual in terms of compensation or in terms, conditions, or privileges of employment on the basis of a person's race, creed/religion, color, age, sex, sexual orientation, national origin, marital status, mental or physical disability, military status, gender identity, domestic violence victim status, or predisposing genetic characteristics. Pursuant to NY Human Rights law (HRL) §296.15 and §296.16 and NY Correction Law Article 23-A, it may be unlawful to refuse to hire, to terminate, or to take an adverse employment action against an individual on the basis of prior conviction records or prior arrests(Criminal History Screening-Employees/Candidates PPM 2026.03). OCFS does not tolerate retaliation by an employer against an employee who, in good faith, opposes any unlawful discriminatory practice. Further information related to unlawful discriminatory practices can be found in NY HRL §296 and the Governor's Handbook for Employees of New York State Agencies, which can be accessed at: [http://www.goer.ny.gov/Employee\\_Resources/employee\\_handbook/2011Employee\\_Handbook.pdf](http://www.goer.ny.gov/Employee_Resources/employee_handbook/2011Employee_Handbook.pdf). You are not to discriminate against other persons in the course of your work.

#### **2.5... Compliance with Orders**

OCFS employees are required to follow the general rule of "work now, grieve later." If your supervisor gives you an order, carry out that order promptly and correctly to the best of your ability. Afterwards, if necessary, you may appeal through the applicable grievance procedure (Employee Grievances PPM 2641.00).

#### **2.6... Communications**

Always communicate with those whom we serve and with whom you work in a professional, courteous, respectful and cooperative manner. This directive applies to written, electronic, and oral communication.

#### **2.7... Personal Appearance**

When you report to work, you are expected to have proper hygiene and appropriate dress for your job. If you are required to appear in public or meet with the public, in your capacity as an employee of the Agency, you must be dressed according to what is proper for your specific assignment. Questions as to the propriety of dress should be addressed to your supervisor.

#### **2.8... Affiliations**

You may not join or affiliate yourself with any organization, or body if your membership would interfere with the impartial and effective performance of your duties as an OCFS employee. You must not engage in affiliations which violate the Public Officers Law. If you have a question regarding a particular activity or affiliation, please contact your supervisor, the Office of Human Resources or the OCFS Ethics Officer. This Manual is not intended to limit, impact or affect an employee's rights under the Taylor Law (Community Organizations PPM 2053.00, Outside Employment/Activities PPM 2048.00).

## **2.9... Alcoholic Beverages**

You must not consume or possess alcoholic beverages while on duty in state facilities, vehicles, offices, or on any OCFS property and never report for duty impaired (Employee Drug and Alcohol Testing PPM 2611.02, Drug and Alcohol Testing and Misuse Prevention for Employees Covered by the Federal Omnibus Transportation Act of 1991 PPM 2611.03).

## **2.10... Controlled and Illegal Substances**

Whether you are on or off duty, employees must not use, possess, distribute or sell illegal drugs. Illegal drugs, controlled substances and all medications, including those considered “over the counter,” are considered contraband within all OCFS facilities. All OCFS employees, wishing to enter any OCFS facility with a prescribed controlled substance or any type of medication must be so authorized by the Facility Director or person acting in that capacity. Medications will be stored in a secure location, as designated by the Facility Director.

If an employee is prescribed a controlled substance/medication, they will be expected to perform their duties unimpaired by the medication. Employees subject to the Federal Omnibus Transportation Act of 1991 are prohibited from remaining on duty while taking a prescription medication that may render them unfit for safety-sensitive duty.

## **2.11... Drug/Alcohol Testing**

**a. Agency Drug/Alcohol Control:** All OCFS employees are potentially subject to drug/alcohol testing when required by law or based on reasonable suspicion that:

- You have reported to duty with sufficient signs and symptoms to suspect recent alcohol or drug use;
- You have used alcohol or drugs while on duty; or
- You are in possession of or distributing drugs on or off duty.

If the test proves positive, you may be subject to disciplinary action. Any drug/alcohol testing done without reasonable suspicion will be done only if required by law or as a result of a disciplinary settlement agreement.

**b. Federally Required Drug/Alcohol Testing:** Under federal law, if you operate certain commercial-type vehicles in the course of your duties, you are subject to drug and alcohol testing under the following circumstances:

- Pre-employment/pre-duty assignment;
- After some vehicle accidents;
- Under reasonable suspicion;
- At random; and
- Upon return to work or duty, in certain cases.

(Medical Examination for Employees PPM 2049.00, Employee Drug and Alcohol Testing PPM 2611.02, Drug and Alcohol Testing and Misuse Prevention for Employees Covered by the Federal Omnibus Transportation Act of 1991 PPM 2611.03).

## **2.12... Gifts, Gratuities, and Lobbying by Outside Parties**

**a. Gratuities from, or on Behalf of, Individuals We Serve:** Do not accept money or gifts from, or on behalf of, individuals that we serve.

**b. Gifts:** The Public Officers Law and relevant regulations governs the acceptance of gifts. Specific questions about gifts can be directed to the OCFS Agency Ethics Officer or the Joint Commission on Public Ethics (JCOPE). However, to avoid any potential questions about conflicts of interest, or the appearance of a conflict of interest, you should not solicit, offer or accept any gift related to your OCFS employment, regardless of value (Acceptance of Gifts PPM 2069.00).

**c. Gratuities Related to Your Employment:** As a state employee, you may not accept gratuities or tips for services that are part of your official duties.

**d. Acceptable Reimbursement from Outside Sources:** Under some circumstances, state regulations permit reimbursement from an outside source for travel expenses for services related to state employment. Before an employee may accept this form of reimbursement, approval must be obtained in writing from the OCFS Agency Ethics Officer (Third Party Reimbursement of Expenses and Acceptance of Honoraria PPM 2614.00).

**e. Honoraria:** An honorarium is any payment, fee or compensation in the form of an award or gratuity that is given to a state employee for services not related to official state duties. Examples include: compensation for giving a speech, writing an article or attending a meeting. Before you may accept the honorarium, you must have approval from OCFS [and in some cases, the Joint Commission on Public Ethics (JCOPE), which will be based on the Public Officers Law, relevant regulations, and OCFS Policy. Requests to accept honoraria must be submitted in writing to your supervisor who will forward the request as outlined in the policy, (Third Party Reimbursement of Expenses and Acceptance of Honoraria PPM 2614.00), with an explanation of both your duties and the activity for which you have been offered the honoraria. OCFS is required to file an Annual Report of Honoraria received with the Joint Commission on Public Ethics (JCOPE).

**Note:** Wages or fees earned from outside employment are **not** honoraria. See EM sections 2.12d and 2.13, below regarding outside employment.

**f. Contact by Contractors:** Executive Order #127, issued by the Governor on June 6, 2003, requires that all state agency staff obtain information on persons and organizations that contact OCFS staff seeking to influence decisions concerning awarding State contracts. Within OCFS, the Bureau of Contract Management is responsible for gathering and maintaining records of such contacts. If a staff member is contacted by an outside person or organization and the purpose of that contact could reasonably be considered an attempt to influence the awarding of a contract with OCFS, information should be obtained about the identity of the person making the contact with staff and who the person represents. There are forms available through the Bureau of Contract Management that set forth the information staff should seek to obtain from any outside person who makes such a contact. Any questions regarding this requirement imposed by Executive Order #127 should be submitted to Counsel's Office and the Bureau of Contract Management.

## **2.13... Outside Activities and Employment**

All OCFS employees must comply with applicable laws, regulations, policies and directives concerning outside employment or voluntary activity, including self-employment, board membership and related activities. Before you take on any outside employment or activities, notify your supervisor and obtain written permission. Filing the required form (OCFS-2029) Request for Approval of Outside Employment/Activity and obtaining permission is required annually. Approval is based on your ability to perform your OCFS duties and whether your outside activities involve any conflict of interest. Permission for outside employment/activity may be withdrawn if such employment/activity interferes with your OCFS job, or if the outside employment/activity creates a conflict of interest or the appearance of a conflict of interest. Employees designated as "Policymakers" also need to obtain approval from JCOPE for outside employment when the compensation exceeds a specified level, or to engage in other outside activities, regardless of

compensation. If you are not sure if you are designated as a Policymaker, contact the Bureau of Personnel. (Personal Business During Work Hours PPM 2041.00, Community Organizations PPM 2053.00 and Outside Employment/Activity/Nepotism, PPM 2048.00).

## **2.14... Financial Disclosure**

As a state employee, you must file an Annual Statement of Financial Disclosure if:

- You earn a salary greater than the job rate of SG-24; or
- You are designated by OCFS as a Policymaker.

By law, the Annual Statement of Financial Disclosure must be filed by May 15th of every year. New employees who fall into the categories above must file within 30 days of appointment. JCOPE may grant an exemption under certain circumstances only to employees who have not been designated as Policymakers. JCOPE may also grant extensions to filing deadlines. Forms may be obtained from JCOPE or its website [www.jcope.ny.gov](http://www.jcope.ny.gov). You also can file online at [www.jcope.ny.gov](http://www.jcope.ny.gov). (Financial Disclosure PPM 2067.00).

## **2.15... Policymakers**

**a. Designation:** JCOPE requires each state agency to designate certain employees as Policymakers according to JCOPE guidelines. The Public Officers Law, Executive Law and relevant regulations place certain restrictions on policymakers to avoid a conflict of interest or the appearance of a conflict.

**b. Outside Activities:** If you are a Policymaker, you must obtain OCFS and JCOPE approval before you undertake any of the following activities:

- Holding public office;
- Serving on the Board of Directors for any for-profit corporation or institution; or
- Engaging in any other public or private sector employment in which you are anticipated to earn more than a specified amount annually.

This approval, as outlined in EM Section 2.13 above, is obtained by completing form OCFS-2029 (Request for Approval of Extra Employment/Activity) and, starting with your supervisor/Bureau Head, obtaining the required OCFS approvals. Once that is completed, as a Policymaker you must then obtain approval from JCOPE. The OCFS Agency Ethics Officer will assist in this process.

**c. For Profit Organizations:** You will need approval from both OCFS and JCOPE if you serve as an officer or director of any for-profit corporation or institution. Consult the OCFS Agency Ethics Officer for guidance and limitations concerning outside activities for Policymakers before agreeing to serve in any capacity.

**d. Political Parties:** The Public Officers Law and relevant regulations prohibit Policymakers from holding positions as officers of a political party or political organization (Political Activities PPM 2401.00).

## **2.16... Political Activity**

Many OCFS positions, both policymaking and non-policy making, are paid from, at least in part, by federal funds. The Hatch Act (5 USC§1501er seq., as amended by the Hatch Act Modernization Act of 2012, Public Law 112-230) is a federal law that places restrictions on certain political activity of state employees. An OCFS employee who plans to run for public office must submit an OCFS-2029 (Request for Approval of Outside Employment/Activity) to his or her supervisor, prior to

engaging in any campaign activities, giving a description of the office for which the employee intends to be a candidate and whether it is a partisan election (i.e. whether different political parties are involved). OCFS employees who have been designated as "Policymakers" must also obtain JCOPE approval prior to campaigning.

State employees whose positions are fully funded by federal funds (including grants and loans) are prohibited from running for partisan political office (Note: If you are uncertain whether your position is fully federally funded, check with the OCFS Office of Budget Management.) Please note that if your position is covered by the Hatch Act, applicable restrictions on running in a partisan election continue to apply while you are on any type of leave (paid or unpaid). If you are covered by the Hatch Act prohibitions, and wish to run for partisan elective office, you must first resign from your OCFS position.

Both the Hatch Act and NYS Civil Service Law §107 prohibit all OCFS employees, regardless of whether your position is funded in whole or part with federal funds, from using their authority or position as a state employee to:

1. Interfere or affect the outcome of any election or nomination for office; or
2. Coerce, attempt to coerce or command any state employee or official to contribute, pay or lend anything of value to any person or entity for political purposes, or vote a certain way in any election.

### **2.17... Report of Work-Related Summons**

Report in writing to your supervisor and to the Counsel's Office as soon as you receive a summons or subpoena in a matter related to your work for OCFS.

### **2.18... Illegal Activities**

If anyone contacts you or attempts to contact you or any other OCFS employee for an illegal purpose, report this contact or attempted contact to your immediate supervisor or to his/her supervisor, as necessary (Reporting Crimes PPM 1810.00).

### **2.19... Report of Arrest**

If you are arrested, you must notify the facility director/office head as soon as possible but no later than 24 hours after any arrest by completing form OCFS-0335 (Report of Arrest). If you are unable to notify the facility director/office head personally, you must designate someone to notify them in your place. You have a duty to report an arrest even if you are on leave status such as extended sick leave, workers' compensation leave or suspension without pay. Failure to report an arrest may lead to disciplinary action and/or termination of employment. You are required to keep the facility director/office head informed as the case develops. If the charge is disposed of, report the results to your supervisor within five (5) working days. You are required to report the disposition of the charges to the facility director/office head. (Criminal Charges Against OCFS Employees PPM 2099.00).

### **2.20... Change of Contact Information**

Keep the Agency informed of changes to your current mailing address, place of residence, legal name, and primary contact telephone number. Any changes must be made on form OCFS-4571 (Request to Change Name and/or Address) and given immediately to your supervisor and the Bureau of Personnel (Employee Change of Name PPM 2331.00, Employee Change of Address PPM 2341.00).

## **3. DEALINGS WITH YOUTH**

### **3.1... No Tolerance**

It is the policy of the Office of Children and Family Services to not tolerate behavior which results in any unnecessary, inappropriate or excessive use of force.

### **3.2... Child Abuse Reporting**

Employees and volunteers of residential facilities and any other direct child care worker must report or cause a report to be made when, in their professional or official capacity, they have reasonable cause to suspect that a child is abused or neglected. Failure to report may result in being found guilty of a misdemeanor. New York State law and OCFS policy prohibit institutional employers from imposing any pre-conditions on mandated reporters or requiring prior approval for making a call to the NYS Justice Center for the Protection of People with Special Needs (Justice Center). The telephone number of the New York State Vulnerable Persons Central Register (VPCR) is 1-855-373-2122.

If you are not a mandated reporter, you are encouraged to report or cause a report to be made when you have reasonable cause to suspect that a child is abused or neglected in an OCFS residential facility or facility that is licensed/certified by OCFS. It is not necessary for an employee to be sure that a child is abused or neglected for a report to be required. You also must call the New York State Vulnerable Persons Central Register (VPCR) at (855) 373-2122.

Definitions of child abuse and the procedures for mandated reporters are described in state law, Agency policy and directives. It is your responsibility to be aware of these procedures and to carry them out when necessary (Child Abuse and Neglect Reporting in OCFS Programs Operating Pursuant to Article 19-G of the Executive Law PPM 3456.00).

### **3.3... Physical Restraint of Youth in Custody**

OCFS is committed to creating environments where youth are not subject to unnecessary or unauthorized restraint. OCFS authorizes the use of physical restraint for the reasons stated in Crisis Management and Physical Restraint PPM 3247.12 and Use of Physical Restraint PPM3247.13 when all other appropriate pro-active, non-physical behavior management techniques have been tried and have failed.

Only trained staff are permitted to employ restraint techniques by utilizing the least amount of force necessary to maintain the safety of staff and youth, which poses the minimum risk of injury to youth and for the minimum amount of time necessary to stabilize the youth or situation.

### **3.4... Special Favors to Youth in Custody**

Do not give special favors to youth in OCFS custody, such as food, equipment, electronics, appliances, clothing, activity privileges, or any other privileges that are not common to all residents or not part of an official program of behavioral incentive awards.

### **3.5... Personal Sales or Exchange with Youth in Custody**

Do not sell, exchange, or transfer any goods or services with youth currently placed with or sentenced to an OCFS facility. Do not offer personal loans, gifts of money, or property. You are prohibited from buying or receiving any goods or services from these youth except as part of an authorized program or activity such as an arts and craft fair, bake goods sale, etc.

### **3.6... Unauthorized Contacts with Youth**

Your behavior with current and former OCFS youth must be beyond reproach and you must maintain appropriate interpersonal boundaries in dealing with youth. This also pertains to your dealings with any former OCFS youth, or any youth's visitor, friend, or relative. Sexual contact with OCFS youth as defined by Section 130.00 of the Penal Law is a crime. Sexual contact between staff and current or former OCFS youth is strictly prohibited.

### **3.7... Unauthorized Deliveries for Youth**

Never permit unauthorized deliveries to, or messages or transactions between youth in OCFS custody. There are specific guidelines and policies that govern the receipt of mail, packages and any transactions by youth. OCFS staff must abide by these policies and guidelines (Resident Mail PPM 3422.00, Visits to Youth at DJJOY Facilities PPM 3455.00, Residents' Allowances PPM 3435.00).

## **4. FITNESS FOR DUTY**

### **4.1... Fitness for duty**

You must be fit to perform all the essential functions of your position. This includes mandatory overtime when required. Persons with disabilities may qualify for reasonable accommodation. Request for reasonable accommodation should be made to the Office of Equal Opportunity and Diversity Development (Reasonable Accommodation PPM 2153.00).

### **4.2... Fitness Determination**

**a. Examinations:** Under certain circumstances you may be required to undergo a medical examination to determine your physical or psychological fitness for duty. There will be no cost to you for such examinations, and the time is not charged to your leave accruals. You may be subject to disciplinary action if you refuse to undergo an examination when you are directed to do so (Medical Examinations for Employees PPM 2049.00)

**b. Contagious diseases:** The Agency follows "universal precautions" to minimize the risk of spreading or contracting contagious diseases. If you are at risk of exposure to Hepatitis B, you will be offered a vaccine at state expense. If you have been exposed, you will be referred for treatment. Certain OCFS staff and youth are routinely tested for tuberculosis. You will be advised by your supervisor if you are part of this group (Tuberculosis Testing for Employees PPM 2049.01, Hep B – Staff at Risk Policy PPM 3243.41, Exposure Control Plan PPM 3243.45).

### **4.3... Alertness**

Remain alert on the job for your own safety and for the safety and well-being of youth and staff. Stay vigilant about what is happening around you so you can respond to situations without delay.

## **5. AGENCY RECORDS AND STATEMENTS**

### **5.1... Confidentiality of Information and Security of Records**

**a. Disclosure of Confidential Information:** Section 74.3c of the New York State Public Officers Law provides that: "No officer or employee of a state agency should disclose confidential

information acquired by him in the course of his official duties nor use such information to further his personal interests.” If you violate this law, you could be punished by fine, suspension or discharge.

**b. Authorized Exchange of Agency Information:** Information from the files of OCFS may be furnished only to authorized persons or agencies, and only in accordance with established regulations. If you have any questions about divulging OCFS information, consult your supervisor or OCFS Counsel’s Office.

## **5.2... Information about Youth in Custody or Individuals Who Were Previously in Custody**

**a. Confidentiality:** You may not keep to yourself any information you receive from youth in custody or their families, friends or other sources — even if these persons tell you that they do not want you to share this information with anyone else. This information must be shared with those individuals responsible for the youth’s care. Information, files and records regarding the youth and family we serve must be held confidential and not disclosed to anyone not involved in the provision of services to the youth and families unless authorized by law. If you have any questions on disclosure of information, please consult with your supervisor or OCFS Counsel’s Office.

**b. Medical Information:** Confidential AIDS or HIV information is protected by law. When you receive information that a resident does or does not have AIDS or HIV infection, or may have been tested for HIV, or may have had sexual contact with AIDS/HIV sources, keep this information confidential and share it only with the facility director or chief medical staff person in the facility unless you are instructed otherwise. All medical information should be treated in a confidential manner (OCFS HIPAA Security PPM 1901.00).

**c. Non-OCFS Information Requests:** If you get a request from someone outside the Agency for information about an individual you must reply: “I am not authorized to discuss whether this individual was ever known to the Office of Children and Family Services.” Turn that request over to your supervisor. The request will be evaluated and may be referred to the OCFS Counsel’s Office for final decision.

**d. Inquiries about youth from parents and others:** If parents or other individuals representing the youth ask about his/her progress or welfare, you must be authorized by the facility director/office head before you may discuss these matters directly with the parents or other representatives such as law guardians and affiliated social workers. You may also contact the Counsel’s Office for guidance.

**e. Need to know:** As an employee, you may have access to information about individuals only if your job requires it. Your supervisor will decide if you need access to information, and to what degree. When you are given access to information, you must safeguard it. You may share it with other employees only if they need such information in the performance of their duties. Ask your supervisor if you are not sure whether such employees need the information.

**f. Security of records:** If you are working with or have custody of individual records, you are responsible for safeguarding them so that the confidentiality of those records is maintained. Records may be shared only with other employees or agencies in accordance with law and OCFS regulations.

## **5.3... Personnel Information**

**a. Personnel Records:** Unless you are authorized by the Director of Personnel, you may not have access to the personnel records of any OCFS employee. If you are working with any employee records, do not allow any unauthorized persons to have access. Make sure that any personnel files

entrusted to you are properly safeguarded. When personnel files are not under direct observation or supervision, they must be kept locked.

**b. Electronic data:** If you are responsible for any computer data, files or hardware, you are subject to the same confidentiality security standards that apply to all Agency information on individuals we serve, employees or programs. You have the added responsibility of maintaining computer and network security. Safeguard your computer security passwords and those of other staff. Do not allow unauthorized persons to have access to the computer system. Willful breach of computer security can be grounds for disciplinary action (see also EM Section 14.1b and 14.6), (Telecommunication and Computer Use PPM 1900.00).

#### **5.4... Falsification of Records**

Never make a false report or statement in the line of duty. Report to your supervisor any person who makes a false entry in an official record. This prohibition includes facility sign-in logs, time records (including LATS), travel reports, and any other agency related documents.

#### **5.5... Records Filing and Storage**

When your supervisor instructs you to write a report or file a form, you must do so promptly and accurately, using the proper forms and procedures. Records must be filed and stored properly so that they can be reasonably accessed. The state sets standards for long-term storage of different types of records. You should consult your supervisor and the Counsel's Office before disposing of records.

#### **5.6... Contact with News Media**

If you are contacted by the news media, refer all questions and requests to the Public Information Office at (518) 402-3130. The Director of Public Information must approve any response to the media, and any response is generally provided by that Office (News Media Requests for Information PPM 1802.00).

## **6. PERSONNEL TRANSACTIONS**

Personnel transactions in the Agency are carried out in accordance with Civil Service Law and other laws and rules concerning employment.

### **6.1.... Screening**

All candidates for OCFS employment are subject to the following pre-hiring screening, dependent upon work location as follows:

All candidates:

- Child abuse
- Fingerprinting
- Criminal history review
- References and credential checks

Additional screening for facility candidates only:

- Staff Exclusion List
- Physical and agility examination for selected candidates for Youth Division Aide 4
- Code of Conduct

Making a false statement on your employment application is a fraudulent act. If you are later found to have made false statements on your employment application, your employment may be terminated (Verification of Credentials/References PPM 2021.03, Employee Screening for Child Abuse and Maltreatment PPM 2021.04, Criminal History Screening – Employees/Candidates PPM 2026.03, Credentials for Health Professionals PPM 3243.08).

## 6.2... Employment Categories

There are four classes of positions in the State Civil Service system.

**a. Competitive:** Competitive tests form the process for screening applicants for these positions. Appointments are made from eligible lists developed by scores achieved on the competitive tests or via transfer from another permanent competitive position.

**b. Non-competitive:** The positions do not require competitive examination; appointments require specific training and experience.

**c. Labor Class:** These positions do not require competitive examination; appointments are based on vocational experience and/or ability to do the job.

**d. Exempt Class:** Appointments for these positions must have executive approval.

The majority of positions in OCFS are either competitive or non-competitive.

## 6.3... Appointments

There are four types of appointments to state positions that apply to the employment categories above: permanent, contingent-permanent, provisional and temporary.

**a. Permanent:** A permanent appointment is made to a position that is expected to be filled for an indefinite period and where the person to be appointed has fulfilled all of the requirements to hold the position.

**b. Contingent-permanent:** A person appointed on a contingent-permanent basis has fulfilled all the requirements to hold the position, but another employee has permanent rights to the job and is not serving in it. The permanent employee has the right to return to the job if necessary. If the original permanent employee returns, the contingent-permanent employee may be removed from the job.

**c. Provisional:** A provisional appointment is made to a competitive job (see EM Section 6.2a) for which the examination has not yet been given and there is no viable eligible list. To become permanent, the provisional appointee must take and pass the examination and be high enough on the eligible list to be appointed. A provisional employee has no special job retention or layoff rights to that position.

**d. Short-term temporary:** A temporary appointment is made when a short-term need exists. A temporary employee has no special job retention or layoff rights.

**e. Long-term temporary:** For long-term temporary appointments — generally for up to six months — OCFS must appoint from an eligible list, if one exists. Accepting a temporary job does not affect your standing on an eligible list. You still will be canvassed for available permanent positions where you are reachable on lists.

(Job Vacancy Hiring Process PPM 2022.00, Canvassing Eligible Lists PPM 2023.00, External Recruiting PPM 2024.00, Interviewing Candidates PPM 2025.00).

## 6.4... Civil Service Examinations

Civil Service examinations fall into the following categories: promotional, open competitive or transitional.

**a. Promotional:** Exams are open to qualified employees of state agencies and are generally given for positions above the entry level. Promotional examinations may be specific to OCFS or include many agencies as an Inter-Departmental Promotion Examination (IDP) when the title exists in multiple agencies. You are encouraged to take as many of these exams as you are qualified for.

**b. Open competitive:** These exams are open to all qualified individuals in the general public. Open competitive exams are usually given for entry-level jobs, but they are sometimes given in conjunction with promotional exams when there are not enough qualified promotional candidates for positions above the entry level.

**c. Transitional:** These examinations are a mix of promotion and open-competitive and provide an opportunity for permanent state employees to transition from clerical/support positions to entry level professional positions for which open-competitive examinations are usually given. While not given frequently, the examinations require permanent competitive status in order to qualify to take the test. The resulting eligible list may be used at the same time as the open-competitive list.

## 6.5... Probationary Periods

Any time you receive a permanent appointment, whether it is a first appointment for you or a promotion, you will be on probation for a specified period of time following your appointment. During this probationary period, your supervisors will carefully observe your performance. Probationary terms are as follows:

<u>Type of Appointment</u>	<u>Length of Probation</u>
Original Appointments	26 to 52 Weeks
Promotion/Transfer G13 and Below	8 to 26 Weeks
Promotion/Transfer G14 and Above	12 to 52 Weeks
Traineeships	Length of the traineeship

There are exceptions to the above rules for Teachers, Vocational Instructors, Youth Division Aides and Research Scientists. You will be given specific information regarding probation when appointed to one of these titles (Probationary Periods PPM 2111.00).

**a. Length of probation periods:** The length of your probationary period depends on your title and the way you were appointed to it. A first appointment, a transfer and a promotion all have different probationary periods. It is the policy of OCFS that all probationary periods utilize the maximum time permitted (Probation Periods for YDA 2, 3, 4 PPM 2111-02, Probation Periods PPM 2111-00, 2111-03 Probation Periods for OCFS Research Scientist Titles).

**b. Probationary evaluations:** Your supervisor will prepare written probationary reports at designated intervals during your probationary period. These reports will contain an evaluation of your performance and progress. Your supervisor will give you a copy of the report and will discuss it with you. This is an opportunity for you to discuss your job duties and job performance with your supervisor.

**c. Dismissal while on probation:** You can receive a probationary dismissal from your supervisor at any time following the eighth week of your probationary period. Contact the Bureau of Personnel for information concerning probationary periods.

## **6.6... Performance Evaluations**

Your work performance will be evaluated by your supervisor every year. At the beginning of your evaluation period, you will have an opportunity to discuss your job tasks and expectations with your supervisor. You can get additional information on the performance evaluation program from the Bureau of Personnel.

## **6.7... Reassignment**

A reassignment occurs when you move from one work location to another. You can ask to be reassigned or you may be reassigned to another facility, office or unit within OCFS in accordance with OCFS policy and procedures.

## **6.8... Reductions in Force**

Any reductions in OCFS' permanent work force, such as layoffs, demotions or relocations will be carried out in accordance with Civil Service Law.

## **6.9... Resignation**

If you want to resign from a position with OCFS, you should discuss the matter with your supervisor or the Bureau of Personnel. Bureau of Personnel staff can advise you about your rights and benefits under Civil Service Law. You are required to give your supervisor at least two weeks written notice if you wish to resign. If you do not, the Agency is not obligated to pay you for your accumulated vacation credits that would otherwise be due to you on separation from state service (Resignation PPM 2091.00).

## **6.10... Reinstatement**

Subject to certain restrictions, a permanent competitive employee who resigned from the Agency may apply to be reinstated to state service. A reinstatement can be made to a vacant position at the same grade level in the same title or to a title at a lower grade level in the series or to a position to which transfer was appropriate. Reinstatements to entry-level positions and to interdepartmental titles can be made to any state agency. Upon reinstatement, you are subject to the same probationary period that applies to a new appointment to the position. For questions about reinstatements, consult the Bureau of Personnel.

## **6.11... Reimbursement for Travel and Moving Expenses**

When a geographical change in the location of your principal place of employment occurs as a result of your promotion, transfer or reassignment for the convenience of the state or for positions for which a shortage of qualified candidates exists, you may become eligible for reimbursement for travel and moving expenses incurred in transporting yourself, your family and household goods to the new home. To be eligible, you must be an OCFS employee with permanent status in a full-time position.

Reimbursement will not be payable in the case of temporary transfers or reassignments, including assignments made for training purposes. Moving expenses for transfers or reassignments requested by employees are not reimbursable (Reimbursement for Travel and Moving Expenses PPM 2029.00).

# **7. ATTENDANCE RULES**

As an OCFS employee, your attendance is governed by one or more of the following:

- Civil Service Time and Attendance Rules;
- Attendance Rules for Teachers;
- Negotiated bargaining agreements; and
- Agency policies and procedures.

### **7.1... Basic Work Schedule**

**a. *Workweek:*** Depending on job title, the basic workweek for full time employees of the Agency is either 37.5 or 40 hours, excluding lunch breaks. Your supervisor will advise you of your schedule and working hours (Workday PPM 2046.00).

**b. *Itinerary:*** On a time table established by the supervisor, employees are expected to provide the supervisor with their schedule for the following week. The schedule should reflect approved requests for time off (i.e., doctor's appointments, vacations, etc.) and any known occasions requiring absence from their work station (i.e., meetings, travel, etc.). Unexpected, unscheduled non-work-related absences or delays should be handled in accordance with established call-in procedures. The itinerary for staff who travel frequently to OCFS facilities or offices should be recorded in sufficient detail to account for travel and note the destination. For visits to other agencies or organizations the schedule should include a contact name and telephone number. Supervisors/managers are responsible for maintaining an accurate accounting of each staff member (Staff Itineraries and Whereabouts Notification PPM 2046.03).

**c. *Calendar:*** The official calendar of OCFS is that provided by and accessible through Microsoft Outlook. You must note meetings and other events concerning your attendance and location on this calendar. You also should provide your supervisor and others (as needed and appropriate) access to at least view your calendar. In some cases, you and your supervisor may determine that other specific people should be given permission to also modify your calendar.

**d. *Hours of Work:*** You must be present for duty during all hours you are scheduled to work unless you have obtained approval from your supervisor to charge appropriate leave credits. An unapproved absence at any time is unauthorized and may result in a payroll deduction and/or administrative/disciplinary action (Tardiness PPM 2045.00, Absenteeism Control PPM 2045.01, Workday PPM 2046.00).

**e. *Beginning the Workday/Shift:*** You must put in a complete workday. Any change in normal work schedule, including late arrival or early departure, can be authorized only by your supervisor. If you fail to follow the approved work schedule, you could be subject to a payroll deduction and/or disciplinary action.

**f. *Unscheduled Absences:*** Because you are an integral part of the OCFS workforce, your presence is important. You are expected to schedule leave in advance whenever possible (see EM section 7.4e). When this is not possible, you must call your supervisor or a designated alternate, if your supervisor is unavailable, as soon as you know that you will be delayed or absent. If you are a shift employee you must call at least one hour prior to the scheduled start of your shift. If you do not work on a shift you must call no later than two hours after the scheduled start of your workday. Only if you are unable to call, should you designate someone to call on your behalf. The call-in procedures for FMLA must follow the policy as stated above. If the absence/delay is related to an approved FMLA-covered reason, you must say so and indicate whether you wish to use leave accruals, and if so, which accruals should be charged. Without proper notification or prior approval, you may be placed on leave without pay for the actual work time lost (Absenteeism Control PPM 2045.01).

**g. Lunch Time:** Duty-free lunch periods for employees are normally one-half hour in duration. Your supervisor must approve the time when you take your lunch break in order to provide adequate staff coverage. Your supervisor may ask you on occasion to work through your lunch period. In return for working through lunch, Agency policy allows you to take comparable time off or to apply the time worked to additional pay at appropriate rates (Working Through Lunch or Meal Periods PPM 2046.01).

Youth Division Aides and certain designated employees are assigned duty during lunch periods. This is reflected in the hours of their workday (Meal Period for Residential Program Employees PPM 3247.07).

## **7.2... Time Records**

OCFS policy requires you to record the time you worked per pay period. Your supervisor will show you how to fill out your time record and when to file it, or you will be trained on how to use the electronic Leave Accrual Tracking System (LATS). If your job title and negotiating unit make you exempt from filing daily time records showing actual hours worked, you still have to keep time records of your daily absences and leave credits earned and used. Your supervisor must sign your time or approve the electronic submission record to certify attendance and eligibility for salary. Paper records must be submitted to the Bureau of Personnel immediately after the end of the reporting period and LATS time records must be submitted at the end of each bi-weekly pay period (Time Record Processing PPM 2040.00).

## **7.3... Tardiness**

You are tardy when you arrive after your scheduled start time for any reason. **Your supervisor will decide if your tardiness can be charged against your leave accruals.** If your supervisor approves, tardiness must be charged against leave accruals. Tardiness will be charged in units of no less than one-quarter (1/4) hour. If leave charges are not allowed, you will not be paid for the time lost when you were tardy. The lost time will be leave without pay.

If you show a persistent pattern of tardiness, you may be subject to **administrative/disciplinary action** (Tardiness PPM 2045.00).

Tardiness or absence may be excused by the Commissioner, **with authorization from the Governor**, for disturbances such as a breakdown in public transportation, severe storms or floods, or similar uncontrollable conditions affecting a group of employees (Suspension of Attendance Rules Due to Extraordinary Circumstances or Weather PPM 2068.00).

## **7.4... Vacation**

**a. Vacation Leave Accruals:** If you are a full-time employee with six months of continuous service (13 pay periods), you will be credited with six and one-half days of vacation. Thereafter, you earn and accumulate vacation credits at the rate of one-half day per pay period until you have completed seven years of continuous service. Your rate of vacation accumulation will change at that time. Part-time employees may be eligible for prorated vacation accruals. Consult your labor agreement or the M/C Employee Handbook for additional information.

Employees who work a school calendar year do not accrue vacation leave, but they are entitled to time off during the normal school vacation.

**b. Eligibility to Earn Vacation Credits:** You will earn vacation credit for any biweekly pay period provided you are in full pay status at least seven workdays during the two week period.

**c. Accumulating Vacation Days:** If you are covered by a bargaining unit agreement, you may accumulate more than 40 days of vacation credit during the fiscal year according to standards specified by your bargaining unit. You must reduce your vacation credits to no more than 40 days by April 1 of each year. Credits in excess of 40 days will be lost at that time.

M/C employees may accumulate vacation in excess of 40 days as long as all accruals exceeding 40 days are liquidated prior to the beginning of business on January 1 of each year.

Your vacation leave continues to accrue as long as you are in state service and is transferable if you change jobs. Upon separation from state service, you will be paid for up to 30 days of accumulated vacation credit.

**d. Minimum Time Units:** Vacation credits must be used in units of one quarter (1/4) hour or more.

**e. Prior Supervisory Approval:** Before you can charge vacation time or personal time, you must have permission from your supervisor. (Annual Leave PPM 2062.00).

### 7.5... Sick Leave

**a. Definition:** Sick leave is an approved absence with pay caused by the illness or physical disability of the employee. Sick leave may also be used for scheduled medical or dental appointments with advanced supervisory approval (Sick Leave and Sick Leave with Half Pay PPM 2061.00).

**b. Leave for Bereavement or Family Illness:** Employees are allowed to charge absences from work in the event of death or illness in the employee's family against accrued sick leave credits up to a maximum of 15 days per year. Family is defined in the bargaining unit agreements.

**c. Accumulating Sick Leave:** The rate of accumulation and the number of credits that you can accumulate is explained in your contract for your bargaining unit or your M/C Employee Handbook.

**d. Notification:** If your illness or the illness of a family member causes you to be absent from work or delayed in arriving, as specified previously in EM section 7.1f Unscheduled Absences, you must call your supervisor at least one hour prior to the start of your workday if you are a shift employee and within two hours of the start of your workday if you are not a shift employee (Absenteeism Control PPM 2045.01).

**e. Minimum Time Units:** Sick leave credits must be used in units of one quarter (1/4) hour or more.

**f. Proof of Illness:** If there is a question about the extent of your illness or that of a family member, your supervisor may require that you give satisfactory proof of illness before you can charge time against accumulated sick leave credits. Your supervisor may require certification from medical or physical practitioners.

Working with the Bureau of Personnel, your supervisor also may require an examination by a state-designated physician, proof of hospitalization or any other reasonable documentation before allowing charges to sick leave accruals. Generally, absences of four days or less do not require medical documentation. However, if you have a history of sick leave abuse or your supervisor has identified patterns which suggest abuse of the use of sick leave credits (consistent use of such credits on Friday afternoons, Monday mornings and before/after holidays and vacations), documentation may be required for absences of four days or less. Subject to terms of your contract, satisfactory proof will consist of a signed certification on a health practitioner's stationery or prescription blank, including all of the following:

- A statement that you were not able to work during the time period for which sick leave credits are claimed; and
- A prognosis and an estimated date of return to work.

Your supervisor may require that you produce the original signed health practitioner's certification of illness. If there is a question about the extent of your illness, your supervisor may request the Bureau of Personnel to schedule you to be examined, at OCFS expense, by Employee Health Services of the New York State Department of Civil Service.

**g. Alternate Notification:** You may, as an alternative, present medical documentation to the Director of Personnel or his/her designee rather than directly to your supervisor. The Director of Personnel will review the appropriateness of the medical documentation and verify its receipt to your supervisor.

**h. Proof of Ability to Resume Work:** If you have been absent because of personal illness, OCFS can require you to be examined before returning to work at no charge to you. The purpose of this examination is to determine if you have recovered sufficiently to be able to perform your job duties, and/ or to make sure that your return to duty will not jeopardize your health or the health of others. If you are on Family Medical Leave, it is necessary for your supervisor to consult with the Bureau of Personnel in order to refer you to the Employee Health Service. (Medical Examination for Employees PPM 2049.00, Sick Leave and Sick Leave with Half Pay PPM 2061.00).

**i. Transfer Rights of Sick Leave:** When you are transferred to another state job, your accumulated sick leave credits are transferred with you.

**j. Retirement Credit for Sick Leave:** Upon retirement, you may apply up to a maximum of 200 days of unused sick leave toward both health insurance premiums and retirement service credit.

**k. Sick Leave at Half Pay:** If you are a permanent employee with at least one year of service, have no sick leave credits available and you need to charge such leave, you may be eligible for sick leave at half pay. Management Confidential employees with Income Protection Plan (IPP) coverage are not eligible for sick leave at half pay. Eligible employees earn one pay period of sick leave at half pay for every six months of full-time service (Sick Leave and Sick Leave with Half Pay PPM 2061.00).

**l. Donated Leave:** If you have used all of your sick leave credits, there is a provision for sick leave credits to be donated. The Bureau of Personnel may be asked to request OCFS employees to donate leave credits to you. Employees who donate give up vacation leave, which is given to you as an equal amount of sick leave credits. (See Frequently Asked Questions (FAQ) located in the Human Resources section on the OCFS Intranet for further details).

**m. Family and Medical Leave Act (FMLA):** This federal law requires OCFS to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months.

Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement of a child with the employee for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform his/her job;
- For military caregiver leave; or

- For qualifying military exigency leave.

An employee may be paid during FMLA leave by charging appropriate leave accruals. If one of the above requires you to be late for work or absent, see EM section 7.1f for appropriate call-in notification. (Family and Medical Leave PPM 2072.00)

### 7.6... Personal Leave

**a. Definition:** Personal leave is leave with pay for personal matters. The amount of personal leave credits to which you are entitled is determined by the appropriate contract.

**b. Personal Leave Credits:** You are credited with personal leave on the day you are appointed to state service. Thereafter, you are credited with personal leave each year on this anniversary date. Personal leave does not accumulate from year to year. On your anniversary date, any unused credits disappear and you are given new credits. Employees in Institution Teacher positions are credited with personal leave on the first of September of each year. Any personal leave credit remaining unused on the day before your anniversary date is canceled. Unused personal leave is not liquidated in cash at the time of separation, retirement or death.

**c. Use of Personal Leave:** To the greatest degree possible, use of personal leave must be approved in advance by your supervisor.

**d. Transfer Rights for Personal Leave:** If you are appointed, promoted, or transferred to another department or agency, your unused personal leave is transferred with you. The anniversary date for purposes of crediting personal leave remains the same.

**e. Minimum Time Units:** Personal leave must be used in units of one quarter-hour (.25) or more. (Personal Leave PPM 2063.00)

### 7.7... Holidays

**a. Holiday Leave:** As part of the negotiated labor contracts, the state has designated holidays that can be taken as leave days without charge to leave accruals. You will be informed of all holidays each year by memo from the OCFS Bureau of Personnel. If you are an eligible employee required to work on an official holiday, you have two choices:

- Pay for holiday worked. You can get additional compensation for each holiday worked; or
- Time off for holiday worked. You are entitled to a day off for each holiday worked. If you select an additional day off in lieu of holiday pay, you must notify the Time and Attendance Unit in writing that you are waiving cash compensation. This waiver may be executed or revoked annually between April 1 and May 15. When a holiday falls on your regular day off or, for shift employees, on your "pass day," you will be allowed another day off if you are eligible for holiday time. Holiday leave credits are not available for use until the beginning of business on the day after the holiday on which they were earned. The use of holiday leave credits is subject to the prior approval of your supervisor. Credits may be charged in one quarter-hour (.25) units. Some bargaining units have time limits for the use of holiday leave credits. At separation from state service, you will not be paid for unused holiday accruals (Holidays PPM 2044.00).

**b. Floating Holidays:** The Department of Civil Service has designated certain holidays that are not taken on a fixed date. The holiday remains a state workday, with all operations open. Subject to prior supervisory approval, employees who are eligible for holiday leave, as in the second option above, may take holiday leave on any workday within twelve months of the floating holiday. Floating holidays do not accrue beyond the 12-month period and, at separation from state service, you will

not be paid for unused floating holiday accruals. Credits may be charged in one quarter-hour (.25) units.

### **7.8... Overtime**

**a. Definition:** Time in excess of a work week is overtime for “eligible” employees who have worked in excess of 40 hours during a Thursday through Wednesday work week. For eligible employees scheduled to work 37.5 hours per work week, time worked in excess of 37.5 but not more than 40 hours is credited as non-compensatory overtime. Non-compensatory overtime is treated as any other leave. You must request in advance from your supervisor to use these accruals. Non-compensatory overtime should be used within the fiscal year it is earned, but must be used by the end of the next fiscal year. Note: The New York State fiscal year runs from April 1 to March 31.

Paid overtime starts at 40 hours. Eligible employees will receive paid overtime at a rate equal to 1.5 times their hourly rate of pay for time worked in excess of 40 hours (Overtime PPM 2043.00).

**b. Eligibility for overtime:** Overtime must be approved by your supervisor and is only permitted when unusual circumstances make it necessary. Any overtime worked shall be compensated. Certain titles cannot earn overtime credits. You can be directed to work overtime whether or not you are eligible for overtime compensation. Information on overtime as it pertains to your position may be obtained from your supervisor and/or the Bureau of Personnel.

### **7.9... Leave for Extraordinary Weather Conditions**

**a. Maintenance of Work and Operations:** You are expected to make all reasonable attempts to get to and remain at work to carry out your assigned duties regardless of weather.

**b. Declaration of a State of Emergency:** In rare circumstances, the Governor may declare a State of Emergency (typically associated with weather conditions).

**c. Excused Tardiness and Absences (No Charge to Accruals):** Employees may be eligible for excused time for tardiness and absences (without charge to accruals), if authorized by the Governor’s Office of Employee Relations (GOER). These excused absences are usually weather related.

**d. Approved Early Departures (With Charge to Accruals):** With supervisory approval, you are allowed to charge appropriate accruals if you are impacted by severe weather conditions.

**e. Full Day’s Absence:** If you are absent for a full day because of severe weather conditions, you must charge this absence to appropriate leave credits, including personal leave. In rare circumstances, the Civil Service Commission may later suspend the attendance rules to excuse such absences without charge to leave credits. If attendance rules are not officially suspended by the Civil Service Commission, the leave charge stands (Suspension of Attendance Rules Due to Extraordinary Circumstances or Weather PPM 2068.00).

### **7.10... Workers’ Compensation**

**a. Purpose:** Workers’ Compensation provides some financial protection against medical expenses and loss of salary as the result of an occupational accident, injury or disease. You should immediately inform your supervisor if you have an accident on the job. Next you should file an Accident Report with your supervisor, who will then file a report with the Bureau of Personnel. You must also call the accident into the Accident Reporting System at 1-888-800-0029 (Workers’ Compensation PPM 2064.00).

**b. Definitions:** Compensable injuries and diseases are defined in the Workers' Compensation Law. You have to provide medical proof of the extent of your injury or disease and its current condition.

**c. Initial Charges to Leave:** If you are temporarily absent from duty because of an occupational injury or disease, you must first charge leave until the State Insurance Fund (SIF) accepts the Workers' Compensation claim. Depending upon your bargaining unit you must charge the first five (5) days of absence against accrued leave or sick leave at half pay. Once this period is complete and you have not returned to work, OCFS puts you on leave without pay; your salary is paid by SIF. The process for M/C employees is a bit different. M/C employees should consult the M/C Employee Handbook or contact the Personnel office for more information.

Upon approval of the Workers' Compensation Board, some portion of the accruals may be returned to you. The number of days restored depends upon your bargaining unit and the number of days you were absent because of the occupational injury or disease.

**d. Use of Leave:** Under Section 71 of the Civil Service Law, total leave, including time at full pay, partial pay or leave without pay, shall not ordinarily be for more than one year; however leave may be granted for up to two years if the absence is as a result of being assaulted during the performance of your duties. This includes any time during which the employee draws vacation, sick or other leave credits.

### **7.11... Maternity & Child Rearing Leave**

Leave for pregnancy or child rearing may be granted to employees, subject to New York State Attendance Rules and the Federal Family and Medical Leave Act (Maternity and Child Rearing Leave PPM 2071.00, Family and Medical Leave PPM 2072.00).

**a. Sick Leave Around Delivery:** If you are medically disabled because of pregnancy, you can request to be on sick leave. Sick leave is routinely allowed for the four weeks prior to delivery and the six weeks following it. A doctor's certificate is required for verification. An employee can establish her disability due to pregnancy by submitting a physician's statement describing her condition and anticipated date of delivery. During this ten week period, any type of leave accruals may be charged. If all your leave accruals are exhausted, you may be eligible for sick leave at half pay consistent with the appropriate collective bargaining agreement or Civil Service Law. Consult the Bureau of Personnel for details and procedures.

**b. Sick Leave Not Around Delivery:** If you must charge maternity-related sick leave for any time prior to four weeks before your expected delivery date, you will need a doctor's certificate that states you are unable to work due to the pregnancy. Sick leave charged for any time six weeks or more after actual delivery also will need a doctor's certificate that verifies your inability to work due to medical reasons. Once this form of sick leave is approved, you can charge sick leave or sick leave with half pay.

**c. Child Rearing Leave:** Any employee may receive a leave of absence for child rearing purposes following childbirth or adoption. The maximum period of guaranteed child rearing leave, both paid and unpaid, is seven months. Normally, this is leave without pay. However you may request charging leave with pay for child rearing purposes, using any accrued leave credits except sick leave.

### **7.12... Leave of Absence**

**a. Eligibility:** Upon request, a permanent employee will be granted a leave of absence as specified by Civil Service statutes. These include:

- Maternity and child rearing leave; and

- Leave of absence to accept an interdepartmental or intradepartmental promotion or transfer. Time granted for these leaves varies and is regulated by law and/or labor agreements.

**b. Discretionary Leave of Absence:** Leave not provided by statute may be granted at the discretion of the Agency Commissioner (Maternity and Child Rearing Leave PPM 2071.00, Leave without Pay PPM 2073.00).

### **7.13... Military Leave**

Under section 242 of the New York State Military Law, employees are entitled to military leave, with pay, for 30 calendar days, or 22 work days, whichever is greater, in any calendar year or continuous period of absence. Following exhaustion of the leave provided under section 242, employees activated on or after September 11, 2001 are now entitled under the Attendance Rules and Memoranda of Understanding to an additional 30 calendar days or 22 working days of military leave at full pay. Additional provisions related to military service may be specified from time to time by the Department of Civil Service (Family and Medical Leave PPM 2072.00, Paid Leave for Military Service PPM 2074.01).

### **7.14... Other Leaves**

**a. Jury Duty:** If you receive a notice to appear for jury duty, you must show the jury notice to your supervisor prior to your absence. You are expected to take advantage of any telephone notification arrangements offered by the court. Under standby telephone jury notification, you report to work until you are telephoned to appear in court. You shall be granted a leave of absence with pay at no charge against leave credits for time actually spent in court or the jury panel room, plus travel time. At completion of jury duty or the court appearance, you must get a statement from the Clerk of the Court indicating the number of days and hours served and submit this to your supervisor (Leave for Jury Duty PPM 2077.00).

**b. Witness Subpoena:** If you are required to appear in court in your official capacity as an employee of the Office of Children and Family Services, either as a party or a subpoenaed witness, you are appearing in duty status and are not required to charge leave.

If you are served a witness subpoena or other Order (unrelated to your official capacity as an employee of the Office of Children and Family Services) and you are a party (a plaintiff or defendant) to the action, you are NEITHER in duty status NOR entitled to leave with pay. You must notify your supervisor prior to your absence and you must appropriately charge your accruals (annual or personal leave).

If you are receiving a fee for testifying in court as an expert witness (unrelated to your official capacity as an employee of the Office of Children and Family Services), you are NOT entitled to leave with pay and you must notify your supervisor and charge appropriate leave accruals for your absence (See 2.12C, 2.12E & 2.13).

If you are an overtime ineligible employee, holding a position designated as overtime ineligible, you may be granted a leave of absence with pay with no charge against leave credits on proof of necessity of jury service or appearance as a witness pursuant to subpoena or other order of a court or body for any period(s) of less than a workweek, regardless of whether such employee is a party to the action. You must notify your supervisor prior to your absence and you must appropriately charge your accruals (annual or personal leave).

If you are receiving a fee for testifying in court as an expert witness (unrelated to your official capacity as an employee of the Office of Children and Family Services), you are NOT entitled to

leave with pay and you must notify your supervisor and charge appropriate leave accruals for your absence (See 2.12C, 2.12E & 2.13).

If you are offered a fee to testify in court in your official capacity, see the section of this manual concerning honoraria.

**c. Civil Service Opportunities:** You are entitled to leave without charge to credits in order to seek job opportunities under the Civil Service system as long as you inform your supervisor in advance. For example, you do not have to charge leave accruals for:

- Civil Service exams - that is, taking any New York State Civil Service promotion or open competitive examination for a state position (including written, oral, physical and performance examinations). Excused time is limited to the time necessary to travel to the exam site, take the examination, and return to your job location. Employees must provide a copy of the exam admission notice to their supervisor immediately upon receipt.
- Job interviews as a result of being on a list - that is, being interviewed for a position when your name is on an eligible list for state positions (Leave for Job Interviews PPM 2076.00).
- Promotional interviews - that is, being interviewed for an interdepartmental or departmental promotion (Leave for Job Interviews PPM 2076.00).
- Transfer interviews - that is, being interviewed for an interdepartmental or departmental transfer where you are invited to be interviewed (Leave for Job Interviews PPM 2076.00).

**d. Quarantine:** If you are not ill yourself, but you are required to remain absent because of quarantine, the absence shall be allowed without charge against accruals. You must arrange for a written statement to be sent from the attending physician or local health office to your supervisor. The medical statement must state the reason for your absence. Before you return to duty, you may be required to submit a written statement from the local health officer to certify that your return to duty will not jeopardize the health of youth or other employees.

## **7.15... Drawing Earned Credits Upon Separation from State Service or Entry into the Armed Forces**

**a. Separation from State Service:** At the time of separation from state service, you, your estate or beneficiaries shall be compensated in cash for unused vacation and overtime credits not to exceed thirty (30) days in each category. The leave credits must be verified by the Bureau of Personnel, and must still be valid at the time of separation. If you resign, you must give written notice to your supervisor at least two weeks prior to the last day of work, or else payment for your accruals may be denied (Resignation PPM 2091.00).

**b. Payment for accruals upon entry into Armed Forces:** The Department of Civil Service Attendance Rules govern the ability of state employees to be paid for accruals upon entry in the Armed Forces. According to Attendance Rule 23.2 (non M/C) and 30.2 (M/C rules), "An employee on leave from his position on account of his entry into the Armed Forces of the United States for active duty (other than for training) as defined by Title 10 of the United States Code, may elect to receive compensation in cash for vacation and overtime credits not in excess of 30 days in each category accrued and unused as of the last date on which his name appeared on the State payroll."

## **8. PAYROLL RULES**

### **8.1... Salary**

Annual salaries for most positions in state service are based on a compensation plan for different pay grades. The compensation plan is established for all, except Management/Confidential,

employees by negotiated agreement between the state and the various unions. Because of this, titles with the same pay grade represented by different unions may have different salaries. Each pay grade has a minimum and maximum salary level. The minimum is known as the “hiring rate” and the maximum the “job rate.”

### **8.2... Performance/Increment Advance**

Your salary progresses from hiring rate to job rate by “performance/increment advances.” You may be eligible to receive a performance/increment advance payment if you have been in the grade long enough and if you have not received an unsatisfactory performance evaluation.

### **8.3... Longevity**

After reaching the maximum of the salary grade, you may be eligible for longevity payments. These payments are based on your years of service at the job rate of a pay grade. Longevity is either an annual lump sum payment or a salary increase depending upon your position. You can get additional information about longevity payments from the OCFS payroll office.

### **8.4... Lag Payroll**

Full-time and part-time annual salaried employees will normally wait four weeks after beginning work to receive their first paycheck. Per Diem employees will normally wait six weeks. After that, you will be paid every two weeks for time worked during the period ending two weeks before the date of your paycheck. If you leave state service, you will be paid two weeks later for services rendered in your final two week period.

### **8.5... Payroll Deductions**

Deductions can be taken from your paycheck for several reasons. Some deductions are mandatory, such as federal, state and New York City withholding tax, Social Security and agency shop fees. You can arrange for certain voluntary payroll deductions, such as:

- U.S. Savings Bonds through payroll deductions;
- Insurance premiums for group life, accident and health insurance;
- Dues for unions;
- Contributions to the State Employees Federated Appeal (SEFA);
- Deposits or loan payments to an Employees Credit Union; and
- Deferred compensation.

The Bureau of Personnel can give you information on the broad range of available programs and show you how to set up a voluntary payroll deduction plan for these purposes.

### **8.6... Shift Differential**

If you are in a nursing title in selected geographic areas, and you regularly work four or more hours between 4:00 p.m. and 8:00 a.m. (excluding overtime), you may be eligible for an additional payment known as a shift differential payment. Check with your supervisor to see if shift differential payments apply to you.

### **8.7... Inconvenience Pay**

If you are a full-time employee who is assigned to work four or more hours between 6:00 p.m. and 6:00 a.m. (excluding overtime), you may be eligible to receive inconvenience pay. Inconvenience pay is either full or intermittent depending on the number of regularly scheduled qualifying work shifts during the biweekly pay period. Check with your supervisor to see if this applies to you.

## **8.8... Hazardous Duty Pay**

Certain OCFS staff in secure facilities, except Youth Division Aides, may be eligible for hazardous duty pay, depending on their job assignment. Contact the Bureau of Personnel to determine if you are entitled to this payment.

# **9. EMPLOYEE BENEFITS**

## **9.1... Health Insurance**

New York State offers a comprehensive health insurance program for its employees and their families. There are several health plans to choose from. Booklets explaining the different plans are available from the Bureau of Personnel or from your facility business office. While enrollment is optional, you must be employed at least half-time to be eligible. There is an annual opportunity to change your health insurance carrier.

## **9.2... Dental Insurance**

Dental insurance is available to eligible employees. Details regarding dental coverage are available from the Bureau of Personnel or your facility business office.

## **9.3... Life, Accidental Death and Dismemberment Insurance**

Group Life, Accidental Death and Dismemberment, Dependent Life and other forms of insurance are available to employees. Details regarding these plans for Management/Confidential employees may be obtained from the Bureau of Personnel or OMCE (see 1.1d). If you are represented by a union, contact that organization for options concerning insurance.

## **9.4... Retirement**

**a. Mandatory Enrollment:** As a full-time permanent state employee, you must join the New York State Employees' Retirement System (ERS). Membership is optional if you are a temporary or part-time (less than 50 percent) employee.

**b. Retirement Age and Benefits:** The minimum retirement age and the payment benefits depend on the "tier" to which you belong in the retirement system. The tier is based on the year you became a member of the ERS. There is no mandatory retirement age. Retirement system booklets are available from the Bureau of Personnel.

**c. Retirement Planning Seminars:** The New York State Retirement system periodically schedules Retirement Planning Seminars for employees who are within five years of retiring. For more information, please contact the Bureau of Personnel.

**d. Survivors Benefit Program:** This program is a supplement to the death benefit payable by the Employee Retirement System (ERS). It offers assistance to your beneficiaries if they do not qualify for a death benefit equal to at least half of your annual salary. If you work at least 20 hours per week, you become eligible 90 days after you begin working. If you are not a member of the ERS, you should contact the Bureau of Personnel to complete a Designation of Beneficiary card.

## **9.5... Other Benefits from the ERS**

For information regarding Disability Retirement, Death Benefits, Survivors Benefits or any other information regarding your retirement rights or options, contact the New York State Employees' Retirement System at (518) 474-7736.

### **9.6... Social Security**

All employees are automatically covered by Social Security. The employee and the state each pay a percentage of the cost of Social Security coverage.

### **9.7... Medicare**

It is essential that you and your spouse enroll at age 65 in Medicare for both hospitalization (Part A) and medical (Part B) insurance. This applies whether you are an employee or a retiree. When you retire, benefits under the Health Insurance Plan will be reduced on reaching the age of 65 whether or not you have enrolled under Medicare. Therefore, it is in your interest to make sure that you are covered by Medicare to help make up for the difference in health plan coverage.

To guard against loss of benefits, you should apply to the Social Security Administration for enrollment at least three months before reaching age 65. You should also notify the Bureau of Personnel when your spouse reaches the age of 65 so the health insurance deduction will be reduced.

## **9.8... Unemployment Insurance**

If you become unemployed, you may be eligible for unemployment insurance. The local office of the New York State Employment Service can give you more information regarding eligibility requirements and unemployment benefits.

## **9.9... Training Courses**

Direct Care employees are required to attend and successfully pass Basic Academy Training; (five weeks residential, one week on the job training) before they are assigned to work with youth. Selected Direct Service staff may also receive portions of Basic Academy Training. Before coming to the Training Academy, all Direct Care employees are required to have 16 hours of facility orientation, plus eight hours of observation on all three shifts, a total of 40 hours of New Employee Orientation Program (NEOP). Training centers exist throughout the state, where OCFS provides ongoing training on job-related topics to managers, supervisors, and Direct Care/Direct Service employees. Employee organizations and the M/C association may offer college level courses and workshops to staff for career development. Training announcements are circulated electronically to all OCFS employees who have access to emails. These announcements are also posted on facility and office bulletin boards, and are available from facility/office training coordinators and from the Bureau of Training (Staff Training PPM 2800.00, Training Requirements for DJJOY PPM 2801.00).

## **9.10... Tuition Reimbursement Program**

When funds are available, employee organizations may reimburse expenses for your academic coursework which furthers your education and enhances your career development. Contact your facility training coordinator, the Bureau of Training or your union representative for further information.

## **9.11... Employee Suggestion Program**

The New York State Department of Civil Service administers an Employee Suggestion Program in all New York State agencies. Any New York State employee or retiree can participate and may receive recognition or a financial award for submitting ideas for workplace improvements that result in cost-savings or efficiency to State operations. Suggestions may be sent directly to the Department of Civil Service at: [www.cs.ny.gov/guidelines.cfm](http://www.cs.ny.gov/guidelines.cfm).

# **10. EMPLOYEE ASSISTANCE PROGRAM**

## **10.1... Purpose**

OCFS, CSEA and PEF jointly administer an Employee Assistance Program (EAP). Unresolved personal problems can have a negative effect on your job performance. Before that happens, you can turn to EAP for assistance in getting appropriate professional services to resolve personal problems including alcohol or drug abuse, family or marital troubles, legal or financial difficulties, and health, medical or behavioral problems (Employee Assistance Program PPM 2383.00).

## **10.2... EAP Availability**

Employee Assistance Program services are available to all OCFS employees and their families. This service also covers OCFS retirees. The list of EAP Coordinators is available on the OCFS website and you may contact this service (toll-free) by telephone at (800) 822-0244 on a 24 hour/seven days per week basis for assessment and referral purposes.

### **10.3... Participation**

Program participation is voluntary and confidential. The job security and promotional opportunities of any employee who seeks assistance will not be jeopardized. No information obtained from or about an employee as a result of participation in the program shall be made available or be used for any purpose by either management or labor without the signed consent of the employee. In accordance with Federal regulations (42 CFR Part 2), clinical information is kept in separate, locked files marked "Confidential Patient Information."

## **11. AFFIRMATIVE ACTION POLICY**

### **11.1... Principles**

The Agency follows the principles of equal employment opportunity and affirmative action in all personnel policy and procedures. The Agency seeks to employ qualified staff and to provide equal opportunities for the advancement and training of employees in a manner which will not unlawfully discriminate against any person because of a person's race, creed/religion, color, age, sex, sexual orientation, national origin, marital status, mental or physical disability, military status, gender identity, domestic violence victim status, or predisposing genetic characteristics, (See EM Section 2.4). Employees may view the guidelines followed by OCFS, contained in "A handbook for employees of New York State Agencies" located on the Equal Opportunity and Diversity Development (EODD) webpage at <http://ocfs.state.nyenet/eodd> or on the Governor's Office of Employee Relations' website at:

[http://www.goer.ny.gov/Employee\\_Resources/employee\\_handbook/2011Employee\\_Handbook.pdf](http://www.goer.ny.gov/Employee_Resources/employee_handbook/2011Employee_Handbook.pdf)

### **11.2... Primary Responsibility**

The Agency's Office of Equal Opportunity and Diversity Development (OEODD) is responsible for the implementation of the Agency's Affirmative Action Plan and for the establishment of effective affirmative action programs within the Agency. OEODD develops programs to:

- Eliminate unjust, exclusionary employment practices and policies;
- Enable the advancement of qualified minorities, women, people who have disabling conditions and veterans;
- Establish career ladders and other programs to encourage upward mobility for employees otherwise restricted to lower levels; and,
- Create mechanisms for resolution of human rights problems of discrimination, consistent with Agency policy and state and federal laws.

### **11.3... Availability**

The Office of Equal Opportunity and Diversity Development is located at:

New York State Office of Children and Family Services  
52 Washington Street, Room 205 South  
Rensselaer, New York 12214  
(518) 474-3715

Copies of complaint procedures can be obtained at the above location. The Agency's Affirmative Action Plan is available through your facility director/office head.

## **12. DISCRIMINATION**

### **12.1... Policy**

OCFS has adopted the Governor's discrimination prevention policies as set forth in the New York State Equal Employment Opportunity Handbook for Employees of New York State Agencies (Handbook). Employees may view the Handbook on OCFS' Equal Opportunity and Diversity Development (EODD) webpage at <http://ocfs.state.nyenet/eodd> or on the Governor's Office of Employee Relations' website at:

[http://www.goer.ny.gov/Employee\\_Resources/employee\\_handbook/2011Employee\\_Handbook.pdf](http://www.goer.ny.gov/Employee_Resources/employee_handbook/2011Employee_Handbook.pdf).

### **12.2... Reporting**

Employees who believe that discrimination has occurred have certain rights under the law and have various administrative and legal remedies available to them. If an employee of OCFS believes that he or she is a victim of discrimination or has knowledge of acts of discrimination towards another employee, he or she should promptly report such information in confidence, to the Office of Equal Opportunity and Diversity Development, located at:

NYS Office of Children and Family Services  
52 Washington Street, Room 205 South  
Rensselaer, New York 12144  
(518) 474-3715

An employee may also report any acts of unlawful discrimination to his or her immediate supervisor or to the Bureau of Personnel. If the immediate supervisor is the subject of the unlawful discrimination, then the report should be made to the next level supervisor. OCFS will undertake a prompt and complete investigation of the complaint and take effective remedial action to abate any unlawful discrimination (Discrimination Prevention PPM 2082.00).

## **13. REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES**

Discrimination against qualified persons who have disabling conditions and who can perform the essential functions of a position is prohibited.

Qualified persons who have disabling conditions may be entitled to a reasonable accommodation. A reasonable accommodation is an adjustment to the job or work environment that enables a qualified person with a disability to perform the essential functions of the position. Reasonable accommodations may include, but are not limited to, alternative work schedules, rearrangement of office furniture, providing adaptive equipment, or other architectural modifications.

If you believe you require a reasonable accommodation to perform your job, please call the Office of Equal Opportunity and Diversity Development for assistance (Reasonable Accommodations PPM 2153.00).

For additional information, employees may view the Handbook on OCFS' Equal Opportunity and Diversity Development (EODD) webpage at <http://ocfs.state.nyenet/eodd> or on the Governor's Office of Employee Relations' website at:

[http://www.goer.ny.gov/Employee\\_Resources/employee\\_handbook/2011Employee\\_Handbook.pdf](http://www.goer.ny.gov/Employee_Resources/employee_handbook/2011Employee_Handbook.pdf).

## 14. EQUIPMENT AND SUPPLIES

### 14.1... Agency Equipment and Supplies

All state equipment and supplies, including office supplies, heat, electricity and water, are to be carefully conserved in all offices and facilities. Do not use more supplies or materials than you need.

**a. Care of State Property:** You may face disciplinary action and/or be required to make restitution for any Agency property issued to you that is damaged, lost or stolen if it is determined that you were negligent and that you did not take proper care of state property.

**b. Use of State Equipment:** Typewriters, computers, word processors, copier machines, fax machines, software and any other state-owned equipment are to be used for official business use only and in accordance with OCFS PPM 1905.00, Information Technology Resource Acceptable Use.

**c. Use of State Supplies:** State supplies, such as food, office supplies or fuel, must be used only for authorized purposes. You may not use state supplies for personal use or for any purpose not related to your employment.

**d. Return of Issued Items:** If you are issued any type of electronic equipment, forms, records, books, memoranda, identification cards, credit cards, handcuffs or any other property of the Agency, these items must be returned when you leave your employment with the Agency. The Agency will issue a receipt upon request.

**e. Confidentiality of Information:** The following notice pertains to all OCFS Exchange/Outlook Users: Warning: The Office of Children and Family Services (OCFS) computer system (the "system") is the property of the State of New York and the data accessed through it may be deemed confidential by the State of New York, OCFS, other state agencies participating in the system and the local agencies granted access to the system by the state. Access to this system is limited to authorized persons and entities. Access to data maintained by other governmental agencies also may be available through the system. Access to such data also is limited to authorized persons and entities. Some of the data in the system is confidential. Unauthorized access to the system, or unauthorized release of any data accessible through the system, may result in civil liability and/or criminal prosecution. If you suspect unauthorized activity has or is occurring, or if you have questions as to what is authorized, you should email the OCFS Acceptable Use Committee at the following address: [acceptable.use@ocfs.ny.gov](mailto:acceptable.use@ocfs.ny.gov). You have no right to, nor should you expect privacy in any information you enter or receive through the system. Your use of this system constitutes your express consent for the state and other authorized persons and entities to access, intercept, read, forward, copy or reuse any material you enter into or receive through the system for any authorized purpose.

### 14.2... OCFS Identification

Do not misrepresent your official status to any person, official agency, bureau or legally constituted public body.

**a. Approved Identification:** For official Agency use, the only official identification is the OCFS ID card which will be issued to you after you start your job. This ID card must be carried when on duty and used only on Agency business. In home office and in certain other locations, you may be

required to wear ID tags or cards in accordance with Agency or facility policy (Photo Identification Cards PPM 2032.00).

**b. Official Use of ID Material:** ID tags or cards, automobile parking permits, and other property issued to you are for use only on official business. If you lose any of these items, report the loss in writing immediately to the facility director/office head.

**c. Use of Badge Not Issued by OCFS:** Use of any badge or other identification identifying an individual as an OCFS employee or officer of any kind which is not issued by OCFS or another law enforcement agency is prohibited and may result in disciplinary action.

#### **14.3... Stationery**

Official stationery of the Agency shall be used for official business only.

#### **14.4... Business Travel**

All business travel must be approved in advance by your supervisor and higher levels of management in accordance with Agency policy. If you are in ongoing travel status, you should submit your expense accounts on a semi-monthly basis. The Business Services Center (BSC) provides guidance and training to all employees and their supervisors on travel guidelines, using the Statewide Financial System (SFS), and provides assistance for the SFS, travel policies, guidelines and reimbursement rates. In addition, the BSC audits and approves (or denies/rejects) expense reports. The BSC website includes services provided by the BSC as well as travel and expense forms. Website: <https://bsc.ogs.ny.gov>; Phone: (518) 457-4272; Email: [BSC@ogs.ny.gov](mailto:BSC@ogs.ny.gov)

#### **14.5... State Vehicles**

State-owned vehicles shall be used only for official state business. If you are assigned to operate a state-owned vehicle, you must be legally licensed for the type of vehicle assigned.

**a. Safety:** You will be responsible for the safe and legal operation of the vehicle. Any traffic tickets or fines issued or received by you as a result of operating a state vehicle, are your responsibility. The vehicle must be operated safely and legally, with strict regard for the safety of all passengers. Employees shall not exceed the legal speed limit, or utilize a handheld electronic device while operating a state vehicle (Driver Safety PPM 2020.00).

**b. Vehicle Accidents:** In the event that you are involved in an accident involving a state vehicle, call the local police department, your supervisor and report the incident as soon as possible to the Office of Management Services. Contact information may be located via the OCFS website.

**c. Federal Drug/Alcohol Testing:** If you operate certain commercial-type vehicles, you are subject to drug and alcohol testing requirements as per federal law (Drug-Alcohol Testing and Misuse Prevention for Employees Covered by the Federal Omnibus Transportation Act of 1991 PPM 2611.03).

**d. State Vehicle Usage Record:** Each employee must maintain a complete record of travel on the OCFS-4413, State Vehicle Usage Record. This document is kept in each vehicle. You must document each time the vehicle is used including mileage and how much fuel was put in the vehicle and your legible signature must be on the accompanying line for documentation and audit purposes.

**e. Personal Vehicle Use:** A personal vehicle may be used for state business purposes when a state vehicle or common carrier is not available, is not cost effective or is otherwise not appropriate

(for example, there is a need to transport voluminous files or documents and use of a state vehicle or common carrier is not practical).

## **14.6... Use of Telephones and Computer Services**

**a. Telecommunications and Computer Services:** (including Internet and Email services) provided by the state to employees (including contract staff and temporary employees) of OCFS are for the efficient exchange of information and the completion of assigned responsibilities related to OCFS' purposes (Telecommunication and Computer Use PPM 1900.00).

The use of Telecommunications and Computer Services by OCFS employees or other persons authorized by the Agency must be consistent with PPM 1900.00 and PPM 1905.00. The OCFS telecommunications and computer services are to be used for the conduct of OCFS official business. Exceptions will only be in accordance as authorized in Telecommunications and Computer Use PPM 1900.00 and/or Information Technology Resource Acceptable Use PPM 1905.00, such as "Incidental Use." Inappropriate or unauthorized use may result in disciplinary action (see EM Section 5.3b, above).

**b. Toll Calls:** Toll calls may not be made or charged on the state telephone system unless under extenuating circumstances which are approved by your supervisor. This also applies to FAX machines and computer modems operated over state telephone lines. If you violate this rule, you will have to pay for the calls and you may be subject to disciplinary action.

## **15. FRAUD AND ABUSE**

### **15.1... Special Investigations Unit**

OCFS Special Investigations Unit (SIU) functions as the Agency's internal affairs office. SIU investigates complaints of misconduct, fraud, corruption and waste (including drug/alcohol abuse or sexual/physical abuse) on the part of any OCFS employee, vendor or contractor. SIU serves as the liaison with the New York State Office of the State Inspector General. All complaints may be reported to the Special Investigations Unit. Contact information for the SIU may be found on the OCFS website (Special Investigations PPM 1610.00).

### **15.2... Office of the State Inspector General**

The Office of the State Inspector General also monitors and investigates allegations of corruption, fraud, criminal activity, conflicts of interest or abuse by state employees. Complaints may be reported to a 24-hour toll free hotline at (800) 367-4488 or in writing to:

Office of the State Inspector General  
PO Box 9  
One Commerce Plaza  
Albany, NY 12260

If requested, contacts will be kept confidential.

## **16. Emergency Communications**

In order to reach employees directly in the event that immediate notification is necessary, OCFS has created OCFS NY-Alert in partnership with the New York State Office of Emergency Management (OEM). The OCFS NY-Alert private and secure portal, supported by OEM, will be the primary means of contacting employees in the event of an emergency situation or unexpected event that must be dealt with in an expedient manner. All OCFS employees are required to register

with OCFS NY-Alert, listing at least one method of contact. OCFS NY-Alert allows for the notification of employees quickly, efficiently and simultaneously. The information used by OCFS NY-Alert to contact employees includes:

- Employee name
- Work address
- Home address
- Home phone number
- Cell phone (optional)
- Personal e-mail address (optional)

This information is secure and will be used only in an emergency situation. In the event of an emergency, employees at the impacted location(s) will be contacted by telephone and via e-mail using the OCFS NY-Alert application and given instructions and information regarding reporting to work.

OCFS NY-Alert will be the primary means of contact and will be used in addition to the OCFS Emergency Phone Line ((866) 269-4820) and/or the public OCFS website (ocfs.ny.gov). Employees should continue to call the Emergency Phone Line number to obtain important information should an emergency occur. OCFS NY-Alert will be used primarily for off-hour notifications of emergency situations. During work hours emergency information will be disseminated via OCFS Outlook, in addition to postings on the OCFS website and intranet sites.

To sign-up, go to the following website: <https://apps.ocfs.ny.gov/ocfs-ny-alert/>.