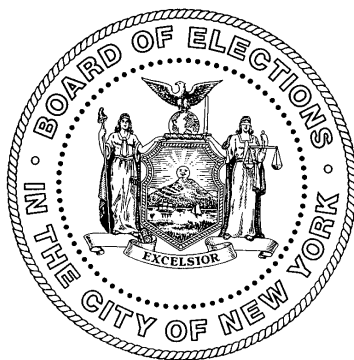


# BOARD OF ELECTIONS

## CITY OF NEW YORK



## PERSONNEL GUIDELINES

REVISED

August 16, 2022

POLICIES AND PROCEDURES  
OF THE BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

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## SECTION A – INTRODUCTION

## **WELCOME TO THE BOARD OF ELECTIONS, IN THE CITY OF NEW YORK**

You have been selected for employment by the BOARD OF ELECTIONS IN THE CITY OF NEW YORK in order to help our Agency effectively serve the public. As an employee, your work will contribute in many ways toward the successful delivery of the Agency's services to the many citizens who live, work and vote in New York City. As a new employee, you probably have many questions about your employment.

This handbook was prepared to help answer your employment questions. The information in this handbook will provide you with a better understanding of the Board of Elections' Personnel Policies and Procedures, the benefits provided, and your responsibilities as an employee. Failure to comply with these policies and procedures may result in disciplinary action, including termination from this Agency. Therefore, it is your responsibility to familiarize yourself with the rules and regulations outlined in this handbook.

## **YOUR RESPONSIBILITY TO THE PUBLIC**

When you accepted a position with the Board of Elections, you accepted a mandate to provide services to the public in the most professional manner possible. As long as you are employed as a public servant by this Agency, you are working for its "customers"- all the voters in the City of New York. It is your duty to perform your job to the best of your ability and to serve the public in a courteous and efficient manner.

## **PREFACE**

**This handbook has been prepared solely for the purpose of providing employees with general information about the Agency. Benefits and obligations mentioned in this handbook may change as a result of a change in laws, rules, regulations or orders; or as a result of a collective bargaining agreement, Comptroller's determination, or at the direction of the City or Agency.**

**New York State Election Law section 3-300 is recognized to prevail wherever it is applicable.**

Information in this handbook may change as a result of changes in laws, rules, regulations or orders; or as a result of a collective bargaining agreement, Comptroller's determination, or at the direction of the City or Agency. If you have any questions about the material in this handbook, please speak with your immediate Manager or Supervisor.

The information in this handbook does not supersede or modify any rights, benefits or obligations you may have under a collective bargaining agreement, Comptroller's determination, statute, rules, regulations or orders. Employees and the Agency have entered into a collective bargaining agreement with the Communications Workers of America (CWA), Local 1183.

### **NEW HIRE/TRANSFER**

An employee is given the Personnel Guidelines and Conflict of Interest Book (COIB) during the hiring process. The employee signs a form confirming receipt of these documents.

An employee transfer must be approved by the Chief, Deputy and Commissioners, first. The Personnel and Payroll Departments must receive an email confirming the employee's transfer location.

### **ORIENTATION**

Employees will have orientation at the start of their work assignment. They will also receive an orientation folder containing wellness information.

## **PROBATIONARY PERIOD**

Upon appointment to a permanent position within the Board of Elections in the City of New York, employees serve a one-year probationary period. Your work performance, attendance, punctuality, and other factors related to your job assignment will be evaluated during this period. The Chief Clerk and Deputy Chief Clerk, along with the Borough Commissioners will be notified by email as an employee approaches the last 60 days of their probationary period. An End of Probation Evaluation will be conducted. This evaluation is to be completed by the Chief Clerk and Deputy Chief Clerk, and reviewed with the Borough Commissioners prior to giving it to the employee. Once the evaluation has been served and a copy has been given to the employee, the original must be sent to the Director of Personnel so it can become part of the permanent record. The Commissioners will receive a notification accompanied by the completed and signed evaluation by interoffice mail and email. During this probationary period, you may be terminated at the discretion of the Commissioners without benefit of a disciplinary hearing as outlined in the collective bargaining agreement.

Temporary employees do not have a probationary period; they can be released from service at the Borough Commissioners discretion at any time.

## **NOTIFICATION OF ARRESTS AND CONVICTIONS**

The Agency's Uniform Code of Discipline establishes the affirmative responsibility of all employees to notify the Agency of their arrest, indictment, or conviction of a crime in any jurisdiction. Failure to provide written notification within three business days will serve as the basis for disciplinary charges up to and including termination.

### **OBLIGATION OF THE EMPLOYEE**

The affected employee must notify their location Supervisor and Agency Personnel Department in writing. An employee may forgo notifying their location Supervisor by writing to the Director of Personnel directly and filling out the proper documentation provided by the Personnel Department. Notification in writing pursuant to this section must be made within three business days of the indictment or arrest. The written notification must state: Name, Date and Time of Arrest, Indictment or Conviction, County or Borough of Arrest, Arresting Authority (e.g. NYPD, FBI) Precinct, if applicable, Date of Release, if applicable, Future Court Dates, if applicable, and Charges.

**IMPORTANT NOTE:** Pursuant to this obligation, an affected employee is not required to divulge specific circumstances of the arrest, nor will the Agency require an affected employee to offer an explanation for the arrest or charges. However, the employee is required to be forthright with any information that may affect their ability to perform job functions. Copies of any and all court papers and determinations shall be provided to the Personnel Department.

### **OBLIGATION OF LOCATION SUPERVISOR**

When an employee notifies their location Supervisor of their arrest or indictment, the location Supervisor must confirm with the Personnel Department that appropriate notification has been made to that office. Location Supervisors are directed not to require an affected employee to provide more information than is specified above. Any questions regarding this may be answered by the Director of Personnel.

## **PERSONNEL FILES**

All employees are entitled to examine their personnel files as provided in the union contract. No documents can be taken out or placed in your file at that time. Employees should keep copies of all of their documents for their own records. To make an appointment to review your personnel file, you must contact the Personnel Department.

## **IDENTIFICATION CARDS (IDs)**

The Board of Elections in the City of New York issues identification cards to all employees. A lost or stolen ID card will be replaced once an email is sent to the Personnel Department requesting a replacement and it includes the circumstances surrounding the lost or stolen ID card. Upon separation from service with the Agency, the employee is required to return their ID card and any other Board property in their possession.

## **EMERGENCY CONTACT**

The Board of Elections is required to obtain from every employee the name, address and telephone number of an individual to contact in case of emergency. It is the employee's responsibility to contact their Supervisor and Personnel Department with any changes to this information.

## **EMPLOYEE CHANGE OF ADDRESS**

It is the employee's responsibility to notify the Payroll and Personnel Departments of any change of address or telephone number.

An employee must complete a Change of Address form from their Personnel Department. The completed form should indicate any change of address, including an apartment change, so that the employee's personnel record remains updated. An employee may also log into the Employee Self Service (ESS) to update their information. **Please note:** employees are still required to submit these changes to the Payroll and Personnel Departments.

### **EMPLOYMENT VERIFICATION**

The Board of Elections in the City of New York Personnel Department will verify employment for a wide variety of reasons including, but not limited to, applications for housing, bank accounts, loans and mortgages. No verification will be given over the telephone. All of the above cases require written and signed authorization from the employee. Requests for employment verification should be sent to the Director of Personnel.

### **RESIDENCY REQUIREMENT**

Residence within New York City is required as a condition of employment, as well as, being legally registered to vote.



## **SAFETY AND HEALTH**

The Board of Elections in the City of New York is committed to providing a safe and healthy work environment for all its employees. The Safety and Health Office of the Division of Human Resources Management and Labor Relations investigates potentially hazardous conditions, aids in the development of safety-related training, and assists The Board of Elections (BOE) in complying with safety and health regulations. An employee who has a safety and health concern should contact their Supervisor.

## **MEDICAL EMERGENCY POLICY**

If an employee becomes ill on the job and 911 is called, it is at the employee's discretion, based on medical advice, if they want to use the ambulance. Under no circumstances will BOE vehicles transport an employee to the hospital or their home.

## **COURTESY & RESPECT**

The Board of Elections provides a service to the public. Courtesy and respect are required at all times. Employees are required to maintain a courteous and respectful manner when dealing with the public or with coworkers whether on the phone or in person. An employee should take reasonable steps to defuse any difficult or confrontational situation, and contact their immediate Supervisor should the situation escalate.

Threats or harassment implied or outright are prohibited. The use of profanity or obscenity is prohibited at all staff levels. The right of any employee to file a complaint based on a violation of any of these policies is, and will be, protected from retaliation. Complaints found to be frivolous, arbitrary or unfounded may result in disciplinary action.

## **QUALITY OF WORK LIFE PROGRAM**

The Quality of Work Life Program is a cooperative labor-management effort designed to increase productivity, facilitate service delivery and improve the overall quality of the work environment for our employees.

The Quality of Life Program is a joint labor-management program. It was established to bring representatives of city agencies and union members together in a cooperative setting to address worksite improvement and empowerment issues.

### **QWL activities include:**

- Agency employee recognition events, acknowledging longevity of service and perfect attendance
- Education and health fairs
- Lunchtime seminars on a range of work-related topics such as retirement, stress management, workplace technology and conflict resolution

## **LABOR UNION PARTICIPATION-AGREEMENT**

The City of New York and the Board of Elections in the City of New York, pursuant to their election to be covered by the New York City Collective Bargaining Law (referred to jointly as “employer”), have entered into an agreement with the Communications Workers of America, AFL-CIO on behalf of itself and its affiliated Local 1183 for the period from June to June.

### **Dues Check-off**

The Union must have the exclusive right to the check-off and collect transmittal of dues on behalf of each Employee in accordance with the Mayor’s Executive Order No. 98, dated May 15, 1969, entitled “Regulations Relating to the Check-off of Union Dues” and in accordance with the Mayor’s Executive Order No. 107, dated December 29, 1986 entitled “Regulations Governing Procedures for Orderly Payroll Check-off of Union Dues.”

Any Employee may consent in writing to the authorization of the deduction of dues from the Employee’s wages and the designation of the Union as the recipient thereof. Such consent, if given, must be in proper form acceptable to the City, which bears the signature of the employee.

### **Benefits**

The Personnel Guidelines Policy and Procedures Handbook contain a listing of benefits and rules. Shop Stewards can provide further information about Union benefits and participation.

**SECTION B – GENERAL PERSONNEL INFORMATION**

## **OUTSIDE EMPLOYMENT ACTIVITY & BUSINESS INTERESTS OF CITY EMPLOYEES**

On January 1, 1990, the Conflicts of Interest Law of the New York City Charter became effective. This law regulates the business interests and outside employment activities of City employees in firms that are engaged in business dealing with the City.

The Conflicts of Interest Law affects you immediately if:

- You, your husband, wife or un-emancipated child has an interest in a company that does business with the City, if the investment is \$25,000 or more, or five percent of the company.
- You, your husband, wife or un-emancipated child has a smaller interest in a company but has a managerial position.
- You are employed by or hold any position with a company doing business with the City.

If you believe these provisions may apply to you in any manner, you must immediately contact the New York City Conflicts of Interest Board, 2 Lafayette Street, Suite 1010, New York, NY 10007 at (212) 442-1400 or the General Counsel of the Board of Elections.

Certain Agency employees are required to file an annual financial disclosure report with the Conflicts of Interest Board by May 1st of each calendar year. Employees who need to file the report will be notified.

### **Conflicts of Interest Board (COIB)**

#### **Nepotism**

The Conflict of Interest Board states that employees are prohibited from using, or attempting to use, their position to obtain financial gain, privilege, or personal advantage for themselves or for people with whom they are associated.

## **MOONLIGHTING – MOONLIGHT WAIVER**

The Conflicts of Interest Board states that public servants may not have a job with anyone that they know or should know does business with the city or that receives a license, permit, grant, or benefit from the city.

**Please note:** if you are seeking another job outside of your city job, contact the Personnel Department and request a Moonlight Waiver to ensure proper protocol.

## **GENERAL INFORMATION**

### **SIGNING IN AND OUT – NON MANAGERIAL EMPLOYEES**

Employees must clock themselves in and out using the hand scanner, also known as the Data Collection Device (DCD), during their scheduled workday, including lunch hour, in accordance with their designated work schedule. No employee is to share their City Time hand scanner ID or employee ID with any other employee for the purpose of recording their time. Clocking or using another employee's hand scanner or employee ID will result in disciplinary action, which may result in termination.

### **SIGNING IN AND OUT – MANAGERIAL EMPLOYEES**

Managers or Supervisors must record their hours using the City Time website timesheet and are required to work a minimum of 35 hours per week. Timesheets must be submitted electronically using the City Time website timesheets, weekly. Timesheets for the previous week's work are to be submitted by NOON on Monday or on the first day of your work week (i.e. if a holiday falls on a Monday).

SECTION C- CITYTIME, ACCRUALS & LEAVE TYPES

## **CITYTIME PROCEDURES**

### “Hand Scanning - In/Out”

All non-managerial permanent and temporary employees are required to “hand scan - In/Out” using the DCD closest to their workstation. Please refrain from using hand sanitizers until after you “hand scan - In/Out.”

All employees are required to enter their nine-digit hand scan ID code prior to entering the punch code. There are four punch codes:

- Time-In (1) code to be used at the start of your work shift
- Time-Out (2) code to be used at the end of your work shift
- Meal-Start (3) code to be used at the start of your designated meal time
- Meal-End (4) code to be used at the end of your designated meal time

A successful hand scan will result in a green light and a DCD score. The DCD score represents how close the image taken at the time of the scan matches your previous hand scan image. The lower the score, the closer the current hand scan image is to your last hand scan. Jewelry or injuries may affect the DCD’s ability to recognize your hand scan image.

If there is anyone who does not have the ability to use their right hand on the DCD, please notify the Payroll Department. In the event your hand fails to register the time punch, the DCD will command you to remove your hand and retry. If the hand scan continues to fail, then try scanning on another DCD.

If trying another scanner does not work, email Supervisor first then after approval submit a Time Punch Request in City Time. The email must indicate the time of the attempted time punch and DCD location. The Payroll Department can retrieve documentation of the attempted time punch from the City Time system.

General Office employees can hand scan at any Borough office DCD scanner. Borough office employees can hand scan at the DCDs in the General Office. If a Borough employee is working at the General office and any of the DCD scanners are not registering a hand scan, the employee must notify the Department Manager and Payroll Department.



## City Time Website

The City Time website can be accessed through the link on the BOE homepage using the PC at your workstation (City Time can be accessed using BOE computers only). Your “username” is the PMS ID number on the City Time ID card you were issued at the time of your City Time training session.

You should write down your password and make sure you use the same upper or lowercase letters you used when you created your password.

Create a password that’s easy to remember and include a number. City Time will remind you when it’s time to change your password. Also, remember passwords are case sensitive (CAPS on /CAPS off).

To access the City Time website, you are required to use Internet Explorer 9 only. Do not use the Chrome or Firefox browsers or any other browser installed on your workstation PC. Internet Explorer, version 9 is installed and set as the default browser on all workstation PCs at all BOE locations.

All City Time users are responsible for reviewing their own timesheets. This should be done daily. All timesheet discrepancies should be reported to your supervisor or manager by email immediately.

The total of your regular (7 hours a day /35 hours a week) scheduled hours must be accounted for on your City Time timesheet. Failure to do so will result in an error warning in the message bar on the right of the City Time homepage.

The screenshot displays the City Time website interface. The main content area shows a 'Timesheet Preview' for Conway Charman, Trainer Asst., for the week of 10/22/2014. The table below provides a detailed breakdown of time entries.

Time Entry	Sun 9/28	Mon 9/29	Tue 9/30	Wed 10/1	Thu 10/2	Fri 10/3	Sat 10/4	Weekly Totals
Time In	-	08:21	08:56	08:25	08:31	-	-	-
Time Out	-	17:00	17:03	17:56	-	-	-	-
Meal Start	-	12:00	13:04	12:03	12:59	-	-	-
Meal End	-	12:50	13:01	12:59	13:52	-	-	-
Summary	-	07:00	07:00	07:00	-	-	-	21:00
Uncompensated Hours *	-	01:00	00:15	00:30	-	-	-	01:45
Total Hours	00:00	08:00	07:15	07:30	00:00	00:00	00:00	22:45

The message bar on the right side of the page contains a red arrow pointing to a 'Time Reconciliation Error' message: 'Activity ending on 10/02/2014 at 08:31:00 is missing an end date and time.'

All Approvers should review and make the proper adjustments (approvals, disapprovals) to their workflow daily.

All first level approvers who will be out on leave and unable to submit the timesheets for their department should review and approve all current leave and overtime requests. They should also notify \*Payroll by email of the days they will be on leave.

### **Lateness**

Please refer to section C-7 (amended by the Commissioners 1-28-14) in the BOE Policies and Procedures for the lateness policy.

If an employee is more than 5 minutes late (hand scanning in), they are required to account for their time. Lateness is only used for the morning arrival.

A leave request entered in City Time after 5 minutes from an employee's regular start time should be entered using the dropdown leave type selection "Lateness" and the reason "unexcused charge to annual" using your available leave balance. (Refer to section C-7 for "excused" lateness requests). If you arrive late, City Time only deducts the amount of minutes you are late i.e. eight (8) minutes, your annual time will be charged 8 minutes.

If you return from lunch late, you MUST put in an Annual/Sick Leave Request. The leave request must be from the time you should have returned from lunch, i.e. meal start at 12:30 pm and meal end at 1:30 pm, but you return at 1:38 pm; the leave request should be as follows; 1:30 pm – 1:38 pm charged to Annual /Sick along with a comment.

**Note:** Although City Time only deducts the amount of minutes you are late, your accrual time is deducted in 15 minute increments.

### **Leave Requests - City Time**

Your supervisor must be made aware of any planned future leave (i.e. medical, child care, personal business). All vacation leave requests must be approved by your manager or supervisor prior to entry into City Time.

If you have requested leave for an appointment of undetermined length (i.e. doctor's appointment, dental, etc.) and are returning to work the same day, make your supervisor aware, but do not enter a leave request into City Time until after your appointment and you have "hand scanned" in. You must hand scan out (code 2) when leaving and hand scan in (code 1) upon your return from your appointment.

### **Overtime – City Time**

All overtime must be pre-approved by Executive Management. An email from a department supervisor or borough chief must be sent to \*Executive Management or \*Executive Support Group. Requests for overtime should be submitted into City Time after the actual overtime hours have been worked. Employees must submit an overtime request for each overtime event outside of their regularly scheduled work hours (i.e. prior to start time, working through lunch, after scheduled work hours, holidays and weekends).

### **Holidays – City Time**

For temporary employees, in order to be compensated, employees may use their annual leave balances (if the employee has leave balances). For permanent employees, the holiday hours are already accounted for, so there is no need to enter any time for a holiday.

### **Timesheet City Time –Submissions**

Timesheets are to be submitted by NOON on Monday. In the event a holiday falls on a Monday, timesheets are to be submitted by NOON on Tuesday. City Time will send an email notification to an employee's BOE email informing them when their timesheet is outstanding or not submitted. If you have already submitted your timesheet by the required day/time there is no need to worry – this means your supervisor has to final approve either the timesheet, leave or overtime requests.

Board of Elections employees must account for all of their regularly scheduled hours (7 hours for each day worked). You must account for all lateness, overtime, vacation, sick, LWOP (Leave without Pay) and AWOP (Absent without Pay). Regularly scheduled hours are explained below:

- A permanent (perm) employee is an employee that is on a 35 hour work schedule.
- A temporary (temp) employee will be assigned a weekly schedule which in most cases is 35 hours.
- Managers on timesheets must account for 35 hours each week.

**Note:** If a perm has no positive time, they must use LWOP. If a temp has no positive time, they must use AWOP.

## **CITYTIME CODES – Permanent and Temporary**

### **SICK**

Documented Sick - with doctors' note

### **Undocumented Sick**

Sick Charged to vacation (if an employee does not have any positive hours in sick)

Sick Charged to FMLA - must check with Personnel and Payroll if this can be used. Employees can only use FMLA for FMLA-related illnesses. Refer to the Family and Medical leave policy section in the Policies and Procedures handbook.

Sick Charged to Comp/Holiday or Comp Non FLSA

### **VACATION**

Annual Leave

Holiday Comp or Comp hours Non FLSA

### **JURY DUTY**

Jury Duty - A letter from the courts shall be submitted to Payroll, confirming dates jury duty was served.

### **LATENESS**

Lateness - Due to transit delays - Must be entered as “Unexcused Charge to Annual.”

Lateness - Charged to Vacation, LWOP or AWOP

LWOP - Leave without Pay - This is to be used if an employee has no positive accrued hours available.

### **TEMPORARY EMPLOYEES ONLY**

If a temporary employee has no accrued sick/vacation hours and is out, they are to use the code “AWOP”. They will not be paid for the day.

In the case of scheduled holidays, the temporary employee must choose to use available leave balances to be compensated for the day.

This information can also be referenced in your City Time handbook.

## **HOLIDAYS**

In addition to paid annual leave and sick leave, covered fulltime employees are entitled to 11 paid holidays \*

New Year's Day

Martin Luther King Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Substitute for Election Day\*

Christmas Day

Unless otherwise designated, when a holiday falls on a Saturday, time off is granted for the preceding Friday. When a holiday falls on a Sunday time off is granted on the following Monday. When a holiday falls on an employee's scheduled day off and the employee does not work on that day, the employee shall be entitled to one compensatory day off in lieu of the holiday. Paid holidays are granted by contract and wage determinations; therefore, certain titles may not be entitled to 11 paid holidays.

## **LATENESS**

All employees of the Board of Elections in New York City are obligated to report to work at their scheduled time. Any employee who is not at their workstation and ready to work at their scheduled time (whether it's at the beginning of the workday or returning back from their lunch hour) is late. It is the Employee's responsibility to report to work on time.

There is a five (5) minute grace period for employees to arrive on time at the beginning of each work shift. A grace period is defined as lateness without a 15 minute leave balance deduction. When lateness exceeds the five (5) minute grace period, the employee will be docked for their lateness in fifteen (15) minute increments, beginning from their scheduled reporting time until their actual time of arrival. For example: an employee's start time is 9:00 am and reports to work at 9:05 am. The employee will not be charged leave time. An employee's start time is 9:00 am and reports to work at 9:06 am. The employee is six (6) minutes late and will be docked fifteen (15) minutes. Deductions for lateness are taken from leave balances. Although reporting to work between 9:01 am and 9:05 am will not affect the employee's Leave Bank, it will be addressed in the employee's performance evaluation. Excessive lateness, even within the grace period, will lead to the possible removal of the grace period for the individual employee and other disciplinary action.

Any permanent employee without leave balances will be LWOP (Leave without Pay). Any temporary employee without leave will not be paid for that period of lateness.

All lateness beyond the five (5) minute grace period is classified as unexcused until Executive Management or the Chief or Deputy Chief Clerk determines otherwise. All leave requests for Lateness must be entered into City Time as Leave Type "Lateness" with "Unexcused" as the Reason. Pursuant to the unanimous directive of the Commissioners, effective January 1, 2014, there will no longer be any automatically "Excused" lateness.

All excused lateness will be determined by Executive Management or the Chief or Deputy Chief Clerk on a case by case basis. All excused lateness requests must be submitted to Executive Management or the Chief or Deputy Chief Clerk by email on the day of the occurrence. A written statement detailing the reason for the lateness and any supporting documents (i.e. Transit delay letter, doctor's note) must be submitted to the Chief Clerk or Deputy Chief Clerk in each respective Borough or to the Payroll Department within forty-eight (48) hours. The Payroll Department will create a file and submit all documentation to Executive Management to be reviewed and revised as "Excused."

Commissioners' directive 1/28/2014

## **LEAVE BALANCES**

An employee's annual, sick and compensatory time balance is updated on the last check of each month, or can be seen on the City Time website homepage under the Leave Tab. Accruals are posted on the second full week of the month, but can change depending on how many pay weeks are in a month.

New employees are placed on a Probationary period of 120 days in City Time when hired. This probation period is 120 days. During this time new employees cannot use any Annual Accrual time. If in the event leave time is needed, the employee shall use LWOP, AWOP or Sick Leave. If sick leave shows in City Time the new employee will have to use their sick leave. If no time appears then LWOP or AWOP will have to be used.

**Note:** This will be posted the first week of the month for the prior month. See C-10 Accrual of Time.

## **SPECIAL TIME ALLOWANCE**

The authority vested in the Board of Commissioners of the Board of Elections in the City of New York under New York State Election Law is recognized by the practices and procedures of this Agency's Administration in addition to the Union contract with the Communications Workers of America (C.W.A. Local 1183).

The policy of this Agency, under normal circumstances, conforms to New York City Personnel Policy in rejecting negative time accrual balances. Specifically, unless special consideration comes into effect, an employee is not allowed to use more time than what has actually accrued. A negative time balance can result in a payroll action such as a salary deduction. Good judgment by Management in requesting or applying these sanctions as anticipated.

There are exceptions, under the Board of Commissioners' authority, that can be approved:

- **Catastrophic or serious injury/illness (non-job related)**

If an employee suffers an injury or illness, which is non-job related, and recovery will require more time than the employee has accrued, upon the presentation of medical documentation, the Commissioners may vote to grant a thirty-day extension into the negative time accrual. This can be extended to a maximum sixty-day period. Employees, who are expected to return to work after full recovery, will reduce their negative time balances, by normal accrual or salary adjustments, if feasible.



- **Substance abuse or special counseling programs**

If an employee seeks assistance through the City of New York's authorized counseling programs, or through an established private organization to overcome substance abuse or a mental health problem recognized by New York City's Employee Assistance Program. The Commissioners may, upon the recommendation of Agency Management or the Director of Personnel, grant up to two (2) thirty-day sick leave extensions. The purpose of this policy is to lead to full and productive reinstatement of the employee to their responsibilities both within and outside of the Agency.

#### **ANNUAL LEAVE**

Annual leave is combined vacation, personal business, and religious holiday leave allowance. For non-managerial employees, the annual leave runs from May 1 through April 30; for managerial employees, the annual leave runs from January 1 through December 31.

#### **ACCRUAL OF TIME**

Employees are credited with the monthly accrual of annual leave after being in full pay status at least 15 calendar days for that month. Annual leave allowances are credited to employees who work a standard work week of five days, serving seven hours each day. These Leave Regulations are set forth in the CWA 1183 contract.

**EFFECTIVE JULY 1, 1991, THE ANNUAL LEAVE ALLOWANCE FOR FULLTIME**

**EMPLOYEES ACCRUE TIME AS FOLLOWS:**

<b>YEARS IN SERVICE</b>	<b>ANNUAL LEAVE MONTHLY ACCRUAL</b>	<b>ALLOWANCES</b>
At the beginning of the 1 <sup>st</sup> year to 4 <sup>th</sup> year	1.25 days	15 work days (3 weeks)
At the beginning of the 5 <sup>th</sup> year	1 2/3 days	20 work days (4 weeks)
At the beginning of the 8 <sup>th</sup> year	2 days plus additional day at the end of the Leave year.	25 work days (5 weeks)
At the beginning of the 15 <sup>th</sup> year	2 ¼ days per month	27 work days (5 weeks and 2 days)

**FOR PART TIME EMPLOYEES WORKING MORE THAN 17 ½ HOURS**

**EFFECTIVE JULY 1, 1991**

<b>YEARS IN SERVICE</b>	<b>ACCRUAL</b>
At the beginning of the 1 <sup>st</sup> year to 4 <sup>th</sup> year	1 hour for 15 hours
At the beginning of the 5 <sup>th</sup> year	1 hour for 11 hours worked
Sick leave	1 hour for 20 hours worked

**Note: Prevailing rate employees and original jurisdiction title employees may not be covered by the above rules, and should contact their supervisors to ascertain the leave accrual rate for their titles.**

## **OVERTIME**

Overtime will only be authorized when assigned tasks cannot be completed during the normal workday. Subject to managerial approval, **non-managerial** employees may work longer hours than their normal workday, or on days and at times other than those for which they are scheduled. Depending on an employee's classification and the nature of the approval, the employee overtime is compensated in one of two ways: paid overtime or compensatory time (comp. time). Paid overtime is earned by non-managerial employees and paid in accordance with the appropriate contract, determination, or order. Authorized paid overtime is included in your regular biweekly check. **Managerial** employees may be required to work in excess of 35 hours per week but are not entitled to earn compensatory time or paid overtime. Employees are advised that because of the nature of the Agency's work, they may work differing schedules as required and that the employees' schedules may be altered to accommodate the needs of the Agency and to reduce the amount of scheduled overtime. The Agency will make an effort to give advance notice to employees of schedule requirements.

## **COMPENSATORY TIME**

Compensatory or comp time entitles an employee to time off in lieu of overtime pay.

**PROCEDURE FOR COMPLETING OVERTIME and COMP/LEAVE REQUEST WHEN WORKING THROUGH LUNCH.**

OVERTIME REQUEST

AN OVERTIME REQUEST WILL BE SUBMITTED

EXAMPLE:     DATE 10/19/15  
                  START TIME: 12:00  
                  END TIME:    13:00  
                  COMP TYPE: SELECT COMP TIME

COMMENT BOX

ALWAYS ENTER A COMMENT INTO THE COMMENT BOX

EXAMPLE: WORKING THROUGH LUNCH, LEAVING EARLY

THIS REQUEST MUST BE ENTERED ON THE DAY YOU ARE WORKING THROUGH YOUR LUNCH. THIS COMP OVERTIME REQUEST NEEDS ONE FULL DAY TO GENERATE A COMP BANK. YOU WILL NOTICE THE OVERTIME COMP REQUEST THE NEXT BUSINESS DAY IN YOUR LEAVE ACCRUALS. THIS WILL ALLOW YOU TO DO YOUR LEAVE REQUEST ON THE DAY AFTER YOUR OVERTIME REQUEST HAS BEEN SUBMITTED.

LEAVE REQUEST

EXAMPLE:

*DATE: 10/19/15*  
*START TIME: 16:00*  
*END TIME:    17:00*

LEAVE TYPE: COMP TYPE LEAVE

REASON: USED NON-FLSA

COMMENT BOX EXAMPLE: WORKED THROUGH LUNCH LEFT EARLY

IF AN EMPLOYEE IS LEAVING EARLIER WHICH IS MORE THAN THE ONE HOUR FOR LUNCH COMP, AN EXTRA LEAVE REQUEST MUST BE SUBMITTED.

EXAMPLE: LEAVING AT 14:00

THE FIRST LEAVE REQUEST WOULD BE 14:00-1500 COMP LEAVE AS STATED ABOVE

THEN ANOTHER LEAVE REQUEST MUST BE SUBMITTED FOR THE BALANCE OF THE LEAVE

EXAMPLE: 15:00-17:00

PLEASE ADVISE ALL SUPERVISORS THAT WHEN OVERTIME COMP IS SUBMITTED, TO PLEASE APPROVE THAT REQUEST RIGHT AWAY. AS STATED IN THE EXAMPLE, IT WILL TAKE ONE FULL DAY TO GENERATE INTO A COMP BANK. THIS WILL ALLOW THE LEAVE REQUEST FOR COMP TIME TO BE SUBMITTED THE FOLLOWING DAY.

## **EXCESS ACCRUAL POLICY**

After July 1 of each year, the Board of Elections in the City of New York may convert excess leave balances to sick leave as outlined in the C.W.A. Local 1183 Union Contract.

The Board will adhere to the limits established by the City of New York, which allows any employee to accrue a total of 378 hours of annual leave and 200 hours of compensatory time. Balances in excess of these limits will be converted to sick leave on July 1 of each year. Leave balances will be examined each December and those employees who have excess balances will be given the opportunity to use their time, when possible, before the conversion date of July 1.

- Employees with current balances in excess of these limits will not have their balances converted to sick leave in July, but will be scheduled to use their time when possible until they are in compliance. Any additional time accrued during this period will be converted to sick leave on July 1.
- Upon determination of the full Board of Commissioners, an employee may accrue in excess of the leave balance limits in any given year having a number of election events that would prohibit the employee from using accrued time.

## **LEAVE FOR RELIGIOUS OBSERVANCE**

An employee who requests time off for religious observance must submit an email request to their Supervisor for approval. An employee who does not have sufficient time balances to cover the absence can have the time advanced, subject to the Employee's Leave Plan and their ability to earn and restore such time.

### **MEDICAL DISABILITY WHILE ON ANNUAL LEAVE**

If an employee is hospitalized while out on annual leave, the period of hospitalization, if Documented, may be charged to their sick leave balance. In other cases of serious medical disability while out on an annual leave, the employee may request that the period of disability be charged to their sick leave balance. Approval of such a request is contingent upon the submission of appropriate documentation and is at the discretion of Management. Approval of “medical disability while on an annual leave” must be appropriately authorized in the “comments” section of the timesheet.

### **ANNUAL LEAVE CHARGED TO LEAVE WITHOUT PAY**

It is the responsibility of employees and Supervisors to be aware of their leave balances. If an employee does not have enough annual leave time to cover an annual leave charge, compensatory time will first be used, then, the employee will be placed on leave without pay.

### **ADVANCEMENT OF ANNUAL LEAVE**

In exceptional and unusual circumstances, permission may be granted to use annual leave before it is earned, not exceeding ten days. Only the Commissioners may approve an annual leave adjustment.

## **SICK LEAVE BANK**

It shall be the policy of the Board of Elections in the City of New York to allow employees to donate annual leave, sick leave or compensatory time into a “Sick Leave Bank” to be used at a future date by another employee whose leave balance have been exhausted due to a catastrophic illness or injury. The sole purpose of this Bank is to allow employees who meet the requirements to remain in active pay status without creating a negative leave balance.

The Sick Leave Bank will be administrated in the following manner:

### **Donation of Time**

Any employee may voluntarily transfer any number of Payroll Management System certified hours from their leave balance to the Bank (see C-17) Leave Donation Authorization Form. The employee’s leave balance will be deducted accordingly at the time of the donation. An employee may not designate an individual recipient.

### **Employee Request**

An employee wishing to avail themselves of time from the Sick Leave Bank must file a completed “Request for Extended Leave.” (See page D-18) Request for Extended Leave Form.

### **Review Panel**

A panel will be created to review each case. The panel will consist of the Director of Personnel and the Administrative Manager along with one Republican and one Democratic Commissioner. The panel will report to the full Board on a case by case basis. A vote of the full Board is required to authorize use of the Sick Leave Bank.



## **Requirements**

In order to use this Bank, an employee must fulfill these requirements:

1. Must have a minimum of one year of continuous service to the Board of Elections in the City of New York.
2. Must have exhausted all leave balances prior to applying for the leave extension.
3. Absence must be the result of a catastrophic illness or debilitating injury that is not job related. Injuries filed as routine Worker's Compensation claims are not subject to sick bank usage. The Commissioners may, at their discretion, override this requirement in cases where a catastrophic or debilitating injury filed as a Worker's Compensation case will result in a prolonged absence from work. The Sick Leave Bank may be used to offset any leave balance deficit remaining after settlement by the Worker's Compensation Board.
4. Medical documentation must be presented to the Director of Personnel showing that the employee is unable to return to work for a prolonged period of time. The specific details of the medical documentation will be kept confidential by the Director of Personnel, who will report to the review panel that this requirement has been met.
5. Upon return to service, when possible, the employee will return to the Sick Leave Bank the amount of time drawn. The deduction will be made from accrual time.
6. Any time granted, but not used will revert back to the Sick Leave Bank.
7. The Commissioners may require the employee to be examined by a physician or other medical professional of the Board's choosing to determine the validity of the claim.

## **Payment**

Time drawn from the Sick Leave Bank will be treated simply as "hours" with no consideration to the salary of the donating employee. Any employee using time from the Bank will remain in active pay status at their current pay rate. Therefore, any time donated to the Sick Leave Bank will be converted to the current salary of the receiving employee at the time of its use.

## **Special Note**

An employee who donates time to the Bank may not receive compensation, monetary or otherwise, for the donation. Employees who engage in the exchange of donated time for cash or other consideration will be subject to disciplinary action which may result in termination.

## Leave Donation Authorization

I, \_\_\_\_\_ hereby authorize  
(PRINT NAME)

The Board of Elections in the City of New York to transfer \_\_\_\_\_ hours of

ANNUAL LEAVE                  COMPENSATORY TIME                  SICK LEAVE

into the Sick Leave Bank to be used by another employee upon the approval of the full Board of Commissioners as per the established Sick Leave Bank Policy.

Balance at the time of authorization:

ANNUAL LEAVE \_\_\_\_\_

COMPENSATORY TIME \_\_\_\_\_

SICK LEAVE \_\_\_\_\_

I understand that I may not specify an individual employee to use this time and that upon my authorization, my leave balances will be deducted accordingly. I further understand that I may not receive compensation of any kind for my donation and that any employee engaging in the exchange of time for considerations, monetary or otherwise, will be subject to a disciplinary hearing, which may result in termination.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
(SIGNATURE OF EMPLOYEE)

On this \_\_\_\_ day of \_\_\_\_ 20\_\_\_\_ personally appeared before me said name \_\_\_\_\_  
to me known to be the person described in and who executed the forgoing instrument and s/he acknowledged that s/he executed the same, and being duly sworn by me, made oath or affirmed that the statements contained therein are true.

Signature of Officer \_\_\_\_\_ Affix Seal

Official Title \_\_\_\_\_

Transfer completed on \_\_\_\_\_ Payroll Clerk \_\_\_\_\_

Authorized by \_\_\_\_\_ Date \_\_\_\_\_



## **RULES, REGULATIONS AND LAWS GOVERNING EMPLOYEES ON ANY TYPE OF LEAVE**

Board of Elections employees, while on any type of paid or non-paid leave, are subject to all rules, regulations and laws that are applicable to the Board of Elections employees.

### **SICK LEAVE**

Sick leave is a benefit that may only be used to cover a legitimate personal illness of an employee. Medical documentation may be required for sick leave and for leave granted for sick leave purposes.

### **ACCRUAL OF SICK LEAVE**

Employees may accumulate unlimited sick leave, with the exception of prevailing rate employees who may accumulate a maximum of 200 days. A temporary employee working more than half the number of hours worked by a fulltime employee (amounting to 20 hours per week for 40 hours per week employees and 17 ½ hours per week for 35 hours per week employees) may accrue one hour of sick leave for every 20 hours worked. There is no maximum amount that may be earned.

### **SICK LEAVE USAGE**

Medical documentation is required when an employee uses three consecutive sick leave days, is on sick leave more than five times in a six month period, or is sick more than four times on the day immediately preceding a holiday or day off. A Supervisor may request medical documentation for a shorter period of absence, as well. Medical documentation must be submitted to the Payroll Department or timekeeper upon return to work. Managers and Supervisors are responsible for ensuring the accuracy of medical documentation and implementing absence control procedures.

The Board, at its discretion, may require a medical examination with a physician or other medical professional of the Board's choosing, paid for by the Board, to confirm the medical diagnosis.

## **NOTIFICATION**

Employees unable to report to work should inform their Supervisor within one hour of their regular start time. It is incumbent on the employee to contact their Supervisor to give proper notification. An employee who fails to call in during the first hour of the sick day taken will be considered “AWOL” (Absent without Official Leave). A Supervisor may request documentation at any time, if circumstances warrant. The documentation must indicate date of service, location, time employee arrived at the medical facility and time departed. This documentation must be signed by a qualified physician or staff member who is authorized by the physician. It is the responsibility of the employee to inform their Supervisor of pending doctors’ appointments as soon as possible. It is also the responsibility of the employee to schedule any appointments and treatments around their work schedule, when possible. If an employee becomes ill during a work shift, the employee must notify their Supervisor before leaving the premises unless the nature of the emergency renders such notice impractical under the particular circumstances.

If an employee leaves the work location without notifying their Supervisor, the employee may be considered absent from their post and may be subject to disciplinary action. If an employee leaves the work location because of illness, the employee must notify the Supervisor before leaving for the day, then use code “2” on the DCD to punch out.”

## **SICK LEAVE USED IN EXCESS OF BALANCE**

It is the responsibility of all employees to be knowledgeable about their leave balances. Sick leave used in excess of your sick leave balance may be charged to your available annual leave balance, compensatory time balance or charged as leave without pay. If no balance is available, the employee will be placed on leave without pay. **There are no exceptions.**

## **ADVANCE OF TIME**

(Approved by full Board of Commissioners on 3/29/2011)

At the discretion of the Board of Commissioners, an employee who has exhausted ALL accrued leave balance due to personal illness may be permitted to use unearned, paid sick leave up to the amount of sick leave that can be earned in one year. During this time, the employee remains in active status and continues to accrue time. The advanced time must be paid back with your accruals upon your return.

## **DISCRETIONARY GRANT AFTER 10 YEARS OF SERVICE**

(Approved by full Board of Commissioners on 3/29/2011)

At the discretion of the Board of Commissioners, a permanent employee with at least 10 years of paid service, who has exhausted ALL of their accrued leave balance due to personal illness may be granted paid sick leave up to 420 hours (three months). Annual and/or Sick leave is **not** accrued during this time, this type of a grant of time does **not** have to be paid back.

## **TERMINAL LEAVE**

A non-managerial employee separating from City Service will receive payment for their unused annual leave and compensatory time as indicated in their Contract.

## **SICK LEAVE TIME ACT**

Starting on April 1, 2014, New York City's Earned Sick Time Act (Paid Sick Leave Law) states that employees have the right to use sick leave for the care and treatment of themselves or a family member. An employer may require up to a seven day advance notice of an employee's intention to use sick leave. Documentation will be required from a licensed health care provider if an employee is absent three consecutive workdays. The Paid Sick Leave Law prohibits the Board from requiring the health care provider to specify the medical reason for sick leave.

The employer may not retaliate against employees for requesting or using sick leave.

Employers are not required to provide paid sick leave to employees who are late or absent as a result of weather conditions, and employers are not required to provide sick leave if the office is closed due to the weather.

## **SPECIAL LEAVES**

### **CHILD CARE LEAVE (WITHOUT PAY)**

A Child Care Leave of Absence will be granted for a period of up to 48 months to any permanent or nonpermanent employee (male or female) who becomes the parent of a child, up to four years of age, by birth, adoption or foster care placement into the employee's household. The use of this Leave of Absence is limited to one instance only. All other child care leaves will be limited to a 36-month maximum and will commence upon request and written notification by the employee of their intention to take a leave. During the period for this leave, nonpermanent employees may be terminated by the Commissioners due to operational necessity. Prior to the commencement of the child care leave, an employee will be kept in pay status for a period of time equal to all of the employee's unused accrued annual leave.

Time in pay status will not be included in the child care leave. Sick leave can only be used at this time if satisfactory documentation is provided to the Manager or Supervisor copy of the sick leave documentation should be submitted to the Director of Personnel.

### **MEDICAL LEAVE (WITHOUT PAY)**

A Medical Leave of Absence may be granted to permanent employees. All requests for this leave must contain appropriate medical documentation stating diagnosis and expected period of absence. Employees meeting the requirements may be granted a continuous leave of absence that does not exceed one year, at the option of the Commissioners.

### **PERSONAL LEAVE (WITHOUT PAY)**

Personal leave may be granted to permanent employees. All requests for this leave must contain a specific written explanation for the request from the employee. In addition, the employee's Manager or Supervisor must submit written communication, including employee's overall job performance rating and a statement indicating that there has been no time and leave abuse. Original requests and extensions of this leave may not exceed a maximum of one year, and must be approved by the Commissioners.

### **MILITARY LEAVE**

All employees of the Agency are entitled to leave while engaged in the performance of "ordered military duty" as defined by New York State Military Law. In addition, these employees are entitled to be paid their City salary while performing this duty, which is not to exceed a total of 22 scheduled working days or 30 calendar days during one calendar year. Any additional time required may be charged to their annual leave balance, or these employees may elect leave without pay.



If an employee is an active member of the reserves, the employee must contact the Director of Personnel to register as a reservist and to receive instructions and guidelines. To request paid military leave, the following information must be submitted:

- A copy of current Enlistment Contract, specifying the number of drills the reservist is contracted to participate in for the given period.
- A copy of Quarterly Drill Schedule, which is based on the calendar year and usually prepared two months in advance.
- A copy of an attendance certificate or pay voucher, signed by the Unit Commander or their designated representative.
- A copy of the approved email signed by the Manager or Supervisor.

No paid military leave will be granted unless **ALL** of the above documents are submitted. It is the employee's responsibility to schedule all voluntary military duty in accordance with normal Board of Elections in the City of New York leave regulations. Any voluntary military leave that interferes with the normal day to day operation of the Agency will be denied.

### **FAMILY AND MEDICAL LEAVE POLICY**

In accordance with the Family and Medical Leave Act of 1993, the Agency has established a policy that will allow up to 12 weeks of unpaid leave in a 12-month period:

For an employee's own serious health condition that makes the employee unable to perform the functions of the employee's job; for a serious health condition of an employee's child, spouse, parent or registered domestic partner where the employee is needed to care for that family member; Upon the birth of a child, to care for the child; or because of the placement of a child with the employee for adoption or foster care.

### **Eligibility**

To be eligible for Family and Medical Leave, an Agency employee must have worked for a minimum of:

- 12 months; and
- 1,250 hours the year preceding the start of the leave.

### **Return to Work**

Unless otherwise permitted by law, at the end of the approved Family and Medical Leave, the employee will be offered restoration to the same or an equivalent position held when their leave began. The Agency may choose to exempt certain highly-compensated employees from this requirement and not return them to the same or an equivalent position.

An employee who fails to return to work at the end of an approved medical leave will be considered as choosing voluntary termination.

The Agency requires that upon return from leave due to an employee's serious health condition, the employee must provide Certification from their health care provider that they are able to resume work and that they are fit for duty with regard to the serious health condition that caused the employee's need for Family and Medical Leave.

### **Request for Leave**

Employees must provide a 30-day notice prior to the leave if it is anticipated. If the employee is unable to provide advance notice, they must provide the notice as soon as it's available.

An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment during a period that will minimize disruption to the Agency's operation.

Family and Medical Leave Request forms are available from the Personnel Department.

Requests for Family and Medical Leave shall be made by completing the packet and returning it to the Personnel Department.

### **Certification**

An employee requesting a Family and Medical Leave for a serious health condition must provide the Agency with Certification from a health care provider.

The employee should furnish the required Certification when requesting the leave. During the leave, the Agency may also require that the employee obtain recertification of the medical condition that supports the leave. The Agency has the right to require an employee to obtain an opinion by a health care provider designated and paid for by the Agency before or during the leave. If there is a disagreement, a third health care provider will settle the dispute.

### **Disability/Workers Compensation Benefits**

Employees on a Family and Medical Leave due to their own serious health condition may be eligible for payments from other sources such as Worker's Compensation, State Disability Union Disability or Disability Insurance. Employees should ask the Personnel Department for more information and eligibility status of those benefits.

### **Intermittent Leave**

An employee requesting intermittent leave needs to be aware that it may be necessary for the Agency to transfer them to another position that will better accommodate an intermittent or reduced schedule.

### **Substitution of Paid Leave**

Employees taking Family and Medical Leave for the birth or placement of a child; care of a child, spouse, or parent with a serious health condition; or for their own serious health condition, must use all of their accrued and unused paid sick, personal and vacation days as part of the leave.

### **Negative Leave Balance Policy**

In the event that an employee terminates employment with the Board of Elections in the City of New York (the Board) with a negative leave balance, the employee will be responsible for repaying the Board the cash value of the time owed.

The amount to be repaid will be calculated by multiplying the total number of hours owed by the hourly rate of salary at the time that the employee terminated employment with the Board.

At the time of separation, a notice will be sent to the employee and the NYC Comptroller's Office detailing the number of hours owed and the amount to be paid back along with payment options.

Payment options:

- Personal check or Money order, payable to the Board of Elections in the City of New York
- A lump sum or biweekly installments that do not exceed six payments

## **EXCUSED TIME**

### **DEATH IN THE FAMILY**

Absence, not to exceed four workdays, will be excused in the case of a death in the immediate family. Immediate family is defined for this purpose as spouse; natural, foster or step-parent, child, brother or sister, grandparent, grandchild, father-in-law, mother-in-law or any relative residing in the household; or registered domestic partner, or parent or child of such domestic partner; or a relative of the domestic partner who resides in the household.

When death in an employee's immediate family occurs while the employee is on annual leave, time will not be charged to leave balance. Holidays and scheduled workdays off are not part of the calculation of the allowance for death in the immediate family. If the maximum allowance of four workdays is not used, no balance remains to the employee's credit. The four days should immediately follow the death. If two deaths occur within the four day absence, the new four day allowance will run concurrent with the first.

If an employee is absent due to death in the family, the Manager or Supervisor should authorize the excused time upon receipt of documentation. A completed Death in the Family form and documentation with the deceased person's name on it should be submitted to the Payroll Department.

**DEATH IN THE FAMILY – EXCUSED TIME REQUEST**  
**THE BOARD OF ELECTIONS IN THE CITY OF NEW YORK**

To the Board of Elections in the City of New York

I hereby request time due to a death in my immediate family.

Name of Deceased: \_\_\_\_\_

Address of Deceased: \_\_\_\_\_

Relationship to employee: Please check box to the left and circle how related to you.

<input type="checkbox"/>	Spouse	
<input type="checkbox"/>	Natural, foster or stepparent, child, brother, sister, grandparent, grandchild	
<input type="checkbox"/>	Father-in-law, Mother-in-law	
<input type="checkbox"/>	Registered domestic partner*	
<input type="checkbox"/>	Parent or child of the domestic partner*	
<input type="checkbox"/>	Relative of domestic partner who resides in your household*	
<input type="checkbox"/>	Relative living in your household	

<b>EMPLOYEE INFORMATION</b>
Name _____
Signature _____
Title _____
Work Location _____
Department _____

Chief or Dep. Clerk / Adm. Mgr.	
_____ ( Signature )	
Approved	Denied

- For definition of domestic partner and information on the registration of domestic partnership, see section F 21-22 on Domestic Partnership Registry.

## **JURY DUTY**

- A. Employees who provide jury duty services to City, County, or State Courts of New York State will be excused with pay after submitting proof of jury duty. Proof of jury duty consists of a copy of the subpoena and written verification from the court of listing the dates of actual jury service. Employees will receive a reimbursement check from the court for travel expenses only.
- B. Employees who serve on jury duty in Federal Court or Courts outside New York State must remit to the City an amount equal to the amount received for jury duty, less reimbursement for travel expenses. Employees may elect to charge leave for jury duty to their annual leave and retain the jury duty check.

A copy of the Jury Duty Subpoena and date verification must be forwarded to the Payroll Department in the General Office. The employee must also give the timekeeper a completed copy of the Jury Duty Worksheet.

## **COURT APPEARANCES**

An employee who is subpoenaed by any government agency or legislative body empowered to conduct investigations, and whose attendance is not related to a complaint or action in which the employee or anyone related to the employee has a personal interest, may be granted time off to attend court.

A leave request must be submitted in City Time and a copy of the subpoena must be submitted to the Payroll Department upon return to work.

Attendance in court as a defendant in any criminal action; as a litigant in a civil action or to pay parking tickets, must be charged to annual leave or sick time (if employee does not have an annual leave balance).

### **Inclement Weather Policy**

All employees must make every effort to overcome transportation difficulties caused by inclement weather and report to work. Unscheduled absences must be charged either annual leave or compensatory time balances. When an employee has no applicable leave balances, annual leave **will** be advanced for this purpose. Lateness found by an Agency Head to have been caused by unforeseen transportation circumstances beyond the ability of the employee to control shall be excused with no charge to leave balances and there shall be no requirement for the employee to provide proof of transportation delay.

This policy mirrors the Consistent with Continuity of Government objectives and Agency Continuity of Operations Plans ("COOP") of the City of New York. Employees **may** be directed and/or authorized to report alternative work sites or to work staggered or flexible schedules, on an event-by-event/case-by-case basis. Any employees who have been identified to support essential services will be notified by Executive Management and given further instructions. In addition, if there is a major failure of public transportation resulting in great difficulty for employees with disabilities to reach their regular work locations, the Board will apply contingency plans for those employees which will include, where practicable and productive, provisions assigning employees with disabilities to report to agency locations closer to their homes and provisions for excusal of absences by Executive Management on an individual basis.



SECTION D- PAY INFORMATION

## **PAY PERIOD**

Payday is every other Friday for ALL employees on the biweekly payroll cycle, and paychecks cover a two-week period.

**Permanent Employees** – The first paycheck will compensate employees from the first day of work to the last day of the payroll period covered by that check – this covers Regular Gross Pay. There is a two-week lag in overtime pay and any other exception events (i.e. vacation, sick days and compensatory time). There is a one-week lag in the time period for paychecks (Regular Gross). This means that the paycheck you receive on a Friday does not cover that week; instead, it covers the two previous weeks.

If a permanent employee's first day of work begins on a pay week – the employee will not receive a pay check until the next pay cycle. That employee will be paid for two weeks (the week started and current week).

**Temporary Employees** – The check received on a payday covers the Regular Gross Pay, overtime and any other exception events (i.e. vacation, sick days and compensatory time) for the previous two weeks.

If a temporary employee's first day of work begins on a pay week – the employee will not receive a paycheck until the next pay cycle. That employee will be paid for one week. If the first day of work begins on a non-pay week, the first check will cover a two week period.

If you have any questions, speak to your timekeeper.

## **DIRECT DEPOSIT**

An employee of the Board of Elections in the City of New York can opt to have their paycheck automatically deposited in a savings or checking account. If you choose to have direct deposit, you can still receive a paper stub. The stub will show the employee gross pay, deductions taken, and the leave balance.

**CHECK DISTRIBUTION**

Managers or Supervisors in each office are responsible for making sure all employees receive their checks.

Employees are required to sign a payroll distribution list prior to receiving their paychecks or paystubs if receiving direct deposit. Employees who are absent on payday must contact their Manager or Supervisor to determine how to receive their check.

**AUTHORIZATION TO RELEASE PAYCHECK**

If you wish to have your check distributed or forwarded to someone other than yourself, you must sign a release form beforehand. Retrieve a copy from your timekeeper. See sample below.

**AUTHORIZATION TO RELEASE PAY CHECK**

Employee Name: \_\_\_\_\_  
(PRINT FULL NAME)

Date: \_\_\_\_\_ Borough Office: \_\_\_\_\_

I, authorize the following to be done with my current \_\_\_\_\_ pay check (check one)  
(pay date)

\_\_\_\_\_ Mail to my house: \_\_\_\_\_

\_\_\_\_\_ Mail to this address: \_\_\_\_\_

\_\_\_\_\_ To be picked up by: \_\_\_\_\_

\_\_\_\_\_ Hold in the office safe (Please note pay checks can only be held for 14 days.  
After which pay checks will be returned to the City).

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**EXAMPLE OF A PAYCHECK STUB**

<i>The City of New York</i>			<b>EMPLOYEE</b>				<i>Payroll Management System</i>			
ITEM #	PAY PERIOD	PAY DATE	DIRECT DEPOSIT PAY STATEMENT				PAYROLL #	WORK UNIT	CHECK NUMBER	DISTRIBUTION #
1	2	3					4	5	6	7
PENSION #	ELECTRONIC FUND TRANSFER INFORMATION			J8N	FEDERAL MS EXEMPT	STATE MS EXEMPT	REFERENCE #	CD	EMPLOYEE NAME	
8	9			10	11	12	13	14	15	16
TAX INFO	TOTAL EARNINGS	FEDERAL TAX	SOCIAL SECURITY	MEDICARE	STATE TAX	CITY TAX	CITY WAIVER	TOTAL DEDUCTIONS THIS PERIOD		
THIS PERIOD	18	19	20	21	22	23	24	25		
YEAR TO DATE								NET PAY		
DESCRIPTION			UNITS / HOUR	AMT. EARNED PRIOR PERIOD	UNITS / HOUR	AMT. EARNED PRIOR PERIOD	LEAVE BALANCE AS OF:		26	27
				28			DESCRIPTION	BALANCE AVAILABLE HR-MM	DESCRIPTION	BALANCE AVAILABLE HR-MM
							29			
DESCRIPTION		AMOUNT THIS PERIOD	GOAL AMOUNT OR TOTAL INSTALLMENT NO.	BALANCE DUE OR INSTALLMENT LEFT	DESCRIPTION	AMOUNT THIS PERIOD	GOAL AMOUNT OR TOTAL INSTALLMENT NO.	BALANCE DUE OR INSTALLMENT LEFT		
				30						

1. Item No: Sequential numbering entered as check is printed.

2. Pay Period: Dates covered by regular pay period.

3. Pay Date: Date of paycheck.

4. Payroll No.: Identifies the Agency. BOE employees are 003 000.

5. Work Unit: Identifies site at which employee works.

6. Check Number: Number to identify check.

7. Dist. No: Indicates bureau and borough where employee works.

8. Pension Number: Employee's pension number.

9. Electronic Fund Transfer Information: Your bank's ABA number, an identifying number used for direct deposit. It matches the number on the left at the bottom of your personal checks.

10. JSN: Job sequence number – If you have one job in your agency, then your JSN will be 1.

11 & 12. Federal MS/Exempt: Employee withholding status includes marital status, applicable exemptions, and withholding allowances for federal tax withholding purposes. This reflects information submitted on the W-4 state and local Withholding Allowance Certificates.  
A= single, B=married, and C= unspecified

13&14. Exempt and State MS: Employee withholding status includes marital status, applicable exemptions, and withholding allowances for state tax withholding.

15. Reference #: Employee's ID number.

16. CD: Check Digit

17. Employee Name: Name of employee.

18. Total Earnings This Prior Period: Specifies the hours worked and amount earned prior to the period printed under Pay Period.

19-23. Federal Tax, Social Security, Medicare, State and City Tax: The amounts withheld as required by federal, state and local laws and depend upon your earnings, marital status, and number of withholding allowances.

24. City Waiver: An additional withholding of non- residents subject to the requirements of Section 1127 of the NYC Charter.

25. Total Deductions This Period: Represents the sum of your taxes and all other deductions, such as health insurance, union dues, pension contributions, and pre-tax benefit programs.

26. Leave Balances As of: Displays date through which your leave balances are shown.

27. Net Pay: The difference between the total earnings and total deductions for that period

28. Description, Units/Hours, Amount Earned Prior Period: Specifies the hours worked and amount earned prior to the period printed under Pay Period at the top of the stub.

29. Leave Balances: Shows leave balances that are recorded. (Refer to # 26)

30. Description (Other Itemized Deductions): Specifies what deduction is for (e.g. dues, health insurance, MCU) the amount deducted and, if applicable, the goal amount and the number of installments.

## **EMPLOYEE'S WITHHOLDING ALLOWANCE CERTIFICATE FORMS**

Every employee is required to complete a Withholding Allowance Certificate for Federal (W-4), State, City and Yonkers (IT-2104). These forms can be retrieved from your office timekeeper. Completing these forms will determine the amount of taxes to be withheld from their paycheck based on marital status and the number of dependents.

If an employee wishes to claim Exempt on Federal or State, City and Yonkers – the employee must complete a W-4 or IT-2104E forms and meet the requirements:

- **IT-2104-E** form (Exemption from Withholding State, City and Yonkers) the following qualify;
  - 1) Anyone under the age of 18, or over 65
  - 2) Full-time student under age 25 and did not have a NY income tax liability for 2015; and do not expect to have a NY income tax liability for 2016.
- **IT-2104** form (Withholding Allowance from State, City and Yonkers): if an employee does complete this form the Payroll department can use the same number of withholdings claimed on W-4 (federal taxes)
- **W-4** form (Federal): Poll Workers can claim Exempt from federal taxes if he/she is age 65 or older, is blind or will claim adjustments to income; tax credits; or itemized deduction, on his or her tax return. Poll Workers can claim a withholding number (0-10) but cannot claim Exempt and claim a Withholding number
- The **Withholding Certification Affirmation** this form **MUST** be completed by every employee that completes one or two of the forms listed above. The affirmation **MUST** be notarized in order to process and filled out completely (i.e. name, SSN, date and signed). The Withholding Certification Affirmation **MUST** be attached to the requested tax forms.

Once payroll receives a request to claim Exempt – the tax forms are sent to OPA (Office of Payroll Administration) and they have the final say if an employee is eligible to claim Exempt. If it is deemed not eligible payroll will notify the employee.



**OFFICE OF PAYROLL ADMINISTRATION**

One Centre Street, Room 200N, New York, New York 10007

**ROY MOGILANSKI**  
Executive Director

**WITHHOLDING CERTIFICATION AFFIRMATION**

State of New York                    }  
  } SS:  
County of \_\_\_\_\_                }

I, \_\_\_\_\_ being duly sworn, depose and say:

1. My Social Security Number is \_\_\_\_\_.
2. The withholding tax certification(s) form(s) W-4, IT-2104, or IT-2104E presented by me to the City of New York for processing are the best of my knowledge truthful and the allowances or exemptions claimed are valid.
3. These certificates are not being filed for the purpose of evading the lawful imposition of income tax upon me by the Federal, State, or City governments.
4. I understand that (a) filing a false or fraudulent certificate may result in civil and criminal prosecution and disciplinary action including, but not limited to, termination of employment; (b) I may voluntarily provide substantiation for the withholding allowances claimed or the basis for my claim of total exemptions from tax; (c) that all W-4 withholding certificates in which more than ten (10) allowances are claimed or total exemption is claimed will be forwarded to the Internal Revenue Service; and (d) all IT-2104s in which more than 14 allowances are claimed and all IT-2104Es in which total exemption is claimed will be forwarded to the New York State Department of Taxation and Finance.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Employee's Signature**

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
**Notary Public**

# Form W-4 (2016)

**Purpose.** Complete Form W-4 so that your employer can withhold the correct federal income tax from your pay. Consider completing a new Form W-4 each year and when your personal or financial situation changes.

**Exemption from withholding.** If you are exempt, complete **only** lines 1, 2, 3, 4, and 7 and sign the form to validate it. Your exemption for 2016 expires February 15, 2017. See Pub. 505, Tax Withholding and Estimated Tax.

**Note:** If another person can claim you as a dependent on his or her tax return, you cannot claim exemption from withholding if your income exceeds \$1,050 and includes more than \$350 of unearned income (for example, interest and dividends).

**Exceptions.** An employee may be able to claim exemption from withholding even if the employee is a dependent, if the employee:

- Is age 65 or older,
- Is blind, or
- Will claim adjustments to income; tax credits; or itemized deductions, on his or her tax return.

The exceptions do not apply to supplemental wages greater than \$1,000,000.

**Basic instructions.** If you are not exempt, complete the **Personal Allowances Worksheet** below. The worksheets on page 2 further adjust your withholding allowances based on itemized deductions, certain credits, adjustments to income, or two-earners/multiple jobs situations.

Complete all worksheets that apply. However, you may claim fewer (or zero) allowances. For regular wages, withholding must be based on allowances you claimed and may not be a flat amount or percentage of wages.

**Head of household.** Generally, you can claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals. See Pub. 501, Exemptions, Standard Deduction, and Filing Information, for information.

**Tax credits.** You can take projected tax credits into account in figuring your allowable number of withholding allowances. Credits for child or dependent care expenses and the child tax credit may be claimed using the **Personal Allowances Worksheet** below. See Pub. 505 for information on converting your other credits into withholding allowances.

**Nonwage income.** If you have a large amount of nonwage income, such as interest or dividends, consider making estimated tax payments using Form 1040-ES, Estimated Tax for Individuals. Otherwise, you may owe additional tax. If you have pension or annuity income, see Pub. 505 to find out if you should adjust your withholding on Form W-4 or W-4P.

**Two earners or multiple jobs.** If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one Form W-4. Your withholding usually will be most accurate when all allowances are claimed on the Form W-4 for the highest paying job and zero allowances are claimed on the others. See Pub. 505 for details.

**Nonresident alien.** If you are a nonresident alien, see Notice 1392, Supplemental Form W-4 Instructions for Nonresident Aliens, before completing this form.

**Check your withholding.** After your Form W-4 takes effect, use Pub. 505 to see how the amount you are having withheld compares to your projected total tax for 2016. See Pub. 505, especially if your earnings exceed \$130,000 (Single) or \$180,000 (Married).

**Future developments.** Information about any future developments affecting Form W-4 (such as legislation enacted after we release it) will be posted at [www.irs.gov/w4](http://www.irs.gov/w4).

## Personal Allowances Worksheet (Keep for your records.)

**A** Enter "1" for **yourself** if no one else can claim you as a dependent . . . . . **A** \_\_\_\_\_

**B** Enter "1" if:   
 { • You are single and have only one job; or   
 • You are married, have only one job, and your spouse does not work; or   
 • Your wages from a second job or your spouse's wages (or the total of both) are \$1,500 or less. } . . . . . **B** \_\_\_\_\_

**C** Enter "1" for your **spouse**. But, you may choose to enter "-0-" if you are married and have either a working spouse or more than one job. (Entering "-0-" may help you avoid having too little tax withheld.) . . . . . **C** \_\_\_\_\_

**D** Enter number of **dependents** (other than your spouse or yourself) you will claim on your tax return . . . . . **D** \_\_\_\_\_

**E** Enter "1" if you will file as **head of household** on your tax return (see conditions under **Head of household** above) . . . . . **E** \_\_\_\_\_

**F** Enter "1" if you have at least \$2,000 of **child or dependent care expenses** for which you plan to claim a credit . . . . . **F** \_\_\_\_\_

**G** **Child Tax Credit** (including additional child tax credit). See Pub. 972, Child Tax Credit, for more information.   
 • If your total income will be less than \$70,000 (\$100,000 if married), enter "2" for each eligible child; then **less "1"** if you have two to four eligible children or **less "2"** if you have five or more eligible children.   
 • If your total income will be between \$70,000 and \$84,000 (\$100,000 and \$119,000 if married), enter "1" for each eligible child . . . . . **G** \_\_\_\_\_

**H** Add lines A through G and enter total here. (**Note:** This may be different from the number of exemptions you claim on your tax return.) ► **H** \_\_\_\_\_

For accuracy, complete all worksheets that apply.   
 { • If you plan to **itemize** or **claim adjustments to income** and want to reduce your withholding, see the **Deductions and Adjustments Worksheet** on page 2.   
 • If you are **single and have more than one job** or are **married and you and your spouse both work** and the combined earnings from all jobs exceed \$50,000 (\$20,000 if married), see the **Two-Earners/Multiple Jobs Worksheet** on page 2 to avoid having too little tax withheld.   
 • If **neither** of the above situations applies, **stop here** and enter the number from line H on line 5 of Form W-4 below.

----- Separate here and give Form W-4 to your employer. Keep the top part for your records. -----

Form <b>W-4</b> Department of the Treasury Internal Revenue Service		<b>Employee's Withholding Allowance Certificate</b> ► Whether you are entitled to claim a certain number of allowances or exemption from withholding is subject to review by the IRS. Your employer may be required to send a copy of this form to the IRS.		OMB No. 1545-0074 <b>2016</b>	
1 Your first name and middle initial		Last name		2 Your social security number	
Home address (number and street or rural route)			3 <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. Note: If married, but legally separated, or spouse is a nonresident alien, check the "Single" box.		
City or town, state, and ZIP code			4 If your last name differs from that shown on your social security card, check here. You must call 1-800-772-1213 for a replacement card. ► <input type="checkbox"/>		
5 Total number of allowances you are claiming (from line H above or from the applicable worksheet on page 2)				5 _____	
6 Additional amount, if any, you want withheld from each paycheck . . . . .				6 \$ _____	
7 I claim exemption from withholding for 2016, and I certify that I meet <b>both</b> of the following conditions for exemption. • Last year I had a right to a refund of <b>all</b> federal income tax withheld because I had <b>no</b> tax liability, <b>and</b> • This year I expect a refund of <b>all</b> federal income tax withheld because I expect to have <b>no</b> tax liability. If you meet both conditions, write "Exempt" here . . . . . ►				7 _____	
Under penalties of perjury, I declare that I have examined this certificate and, to the best of my knowledge and belief, it is true, correct, and complete.					
Employee's signature (This form is not valid unless you sign it.) ►				Date ►	
8 Employer's name and address (Employer: Complete lines 8 and 10 only if sending to the IRS.)		9 Office code (optional)	10 Employer identification number (EIN)		

For Privacy Act and Paperwork Reduction Act Notice, see page 2.

Cat. No. 10220Q

Form **W-4** (2016)





# Employee's Withholding Allowance Certificate

New York State • New York City • Yonkers

# IT-2104

First name and middle initial		Last name		Your social security number	
Permanent home address (number and street or rural route)			Apartment number		Single or Head of household <input type="checkbox"/> Married <input type="checkbox"/>
City, village, or post office			State		ZIP code
Married, but withhold at higher single rate <input type="checkbox"/> <b>Note:</b> If married but legally separated, mark an <b>X</b> in the <i>Single or Head of household</i> box.					
Are you a resident of New York City? ..... Yes <input type="checkbox"/> No <input type="checkbox"/> Are you a resident of Yonkers? ..... Yes <input type="checkbox"/> No <input type="checkbox"/>					
<b>Complete the worksheet on page 3 before making any entries.</b>					
1 Total number of allowances you are claiming for New York State and Yonkers, if applicable (from line 17) .....					1
2 Total number of allowances for New York City (from line 28) .....					2
<b>Use lines 3, 4, and 5 below to have additional withholding per pay period under special agreement with your employer.</b>					
3 New York State amount .....					3
4 New York City amount .....					4
5 Yonkers amount .....					5

I certify that I am entitled to the number of withholding allowances claimed on this certificate.

Employee's signature	Date
----------------------	------

**Penalty** – A penalty of \$500 may be imposed for any false statement you make that decreases the amount of money you have withheld from your wages. You may also be subject to criminal penalties.

**Employee:** detach this page and give it to your employer; keep a copy for your records.

**Employer:** Keep this certificate with your records.

Mark an **X** in box A and/or box B to indicate why you are sending a copy of this form to New York State (see instructions):

A Employee claimed more than 14 exemption allowances for NYS ..... A

B Employee is a new hire or a rehire ... B  First date employee performed services for pay (mm-dd-yyyy) (see instr.):

Are dependent health insurance benefits available for this employee? ..... Yes  No

If Yes, enter the date the employee qualifies (mm-dd-yyyy):

Employer's name and address (Employer: complete this section only if you are sending a copy of this form to the NYS Tax Department.)	Employer identification number
--	--------------------------------

## Instructions

### Changes effective for 2016

Form IT-2104 has been revised for tax year 2016. The worksheet on page 3 and the charts beginning on page 4, used to compute withholding allowances or to enter an additional dollar amount on line(s) 3, 4, or 5, have been revised. If you previously filed a Form IT-2104 and used the worksheet or charts, you should complete a new 2016 Form IT-2104 and give it to your employer.

### Who should file this form

This certificate, Form IT-2104, is completed by an employee and given to the employer to instruct the employer how much New York State (and New York City and Yonkers) tax to withhold from the employee's pay. The more allowances claimed, the lower the amount of tax withheld.

If you do not file Form IT-2104, your employer may use the same number of allowances you claimed on federal Form W-4. Due to differences in tax law, this may result in the wrong amount of tax withheld for New York State, New York City, and Yonkers. Complete Form IT-2104 each year and file it with your employer if the number of allowances you may claim

is different from federal Form W-4 or has changed. Common reasons for completing a new Form IT-2104 each year include the following:

- You started a new job.
- You are no longer a dependent.
- Your individual circumstances may have changed (for example, you were married or have an additional child).
- You moved into or out of NYC or Yonkers.
- You itemize your deductions on your personal income tax return.
- You claim allowances for New York State credits.
- You owed tax or received a large refund when you filed your personal income tax return for the past year.
- Your wages have increased and you expect to earn \$106,950 or more during the tax year.
- The total income of you and your spouse has increased to \$106,950 or more for the tax year.
- You have significantly more or less income from other sources or from another job.
- You no longer qualify for exemption from withholding.



# Certificate of Exemption from Withholding

New York State • New York City • Yonkers

# IT-2104-E

This certificate will expire on April 30, 2017.

To claim exemption from withholding for New York State personal income tax (and New York City and Yonkers personal income tax, if applicable), you must meet the conditions in either Group A or Group B:

**Group A**

- you must be under age 18, or over age 65, or a full-time student under age 25; **and**
- you did not have a New York income tax liability for 2015; **and**
- you do not expect to have a New York income tax liability for 2016 (for this purpose, you have a tax liability if your return shows tax before the allowance of any credit for income tax withheld).

**Group B**

- you meet the conditions set forth under the Servicemembers Civil Relief Act (SCRA), as amended by the Military Spouses Residency Relief Act. See *Military spouses*.

If you **do not meet all** of the conditions in either Group A or Group B above, **stop**; you cannot claim exemption from withholding (see *Note* below).

First name and middle initial	Last name	Social security number	Filing status: Mark an X in only one box A Single <input type="checkbox"/> B Married <input type="checkbox"/>
Mailing address (number and street or PO box)	Apartment number	Date of birth (mm-dd-yyyy)	C Qualifying widow(er) with dependent child, or head of household with qualifying person..... <input type="checkbox"/>
City, village, or post office	State	ZIP code	

Are you a full-time student?..... Yes  No

Are you a military spouse exempt under the SCRA? ..... Yes  No

I certify that the information on this form is correct and that, for the year 2016, I expect to qualify for exemption from withholding of New York State income tax under section 671(a)(3) of the Tax Law or under the SCRA. I will notify my employer within 10 days of any change requiring revocation of the exemption from withholding as explained in the instructions.

Employee's signature (give the completed certificate to your employer)

Date

**Employer: complete this section only if you must send a copy of this form to the NYS Tax Department (see instructions).**

Employer name and address

Employer identification number

Mark an X in the box if a newly hired employee or a rehired employee .....

First date employee performed services for pay (mm-dd-yyyy) (see instructions):

Are dependent health insurance benefits available for this employee? ..... Yes  No

If Yes, enter the date the employee qualifies (mm-dd-yyyy): .....

## Instructions

### Employee

**Who qualifies** – To claim exemption from withholding for New York State personal income tax (and New York City and Yonkers personal income tax, if applicable), you must meet the conditions in either Group A or Group B:

**Group A**

- you must be under age 18, or over age 65, or a full-time student under age 25; **and**
- you did not have a New York income tax liability for 2015; **and**
- you do not expect to have a New York income tax liability for 2016 (for this purpose, you have a tax liability if your return shows tax before the allowance of any credit for income tax withheld).

**Group B**

- you meet the conditions set forth under the Servicemembers Civil Relief Act (SCRA), as amended by the Military Spouses Residency Relief Act. See *Military spouses*.

If you meet the conditions in Group A or Group B, file this certificate, Form IT-2104-E, with your employer. Otherwise, your employer must withhold New York State income tax (and New York City and

Yonkers personal income tax, if applicable) from your wages. Do not send this certificate to the Tax Department.

Generally, as a resident, you are required to file a New York State income tax return if you are required to file a federal income tax return, or if your federal adjusted gross income plus your New York additions is more than \$4,000, regardless of your filing status. However, if you are single and can be claimed as a dependent on another person's federal return, you must file a New York State return if your federal adjusted gross income plus your New York additions is more than \$3,100.

If you are a nonresident and have income from New York sources, you must file a New York return if the sum of your federal adjusted gross income and New York additions to income is more than your New York standard deduction.

A penalty of \$500 may be imposed for furnishing false information that decreases your withholding amount.

**Note:** If you do not qualify for exemption, or you want New York State, New York City, or Yonkers personal income tax withheld from your pay, file Form IT-2104, *Employee's Withholding Allowance Certificate*, with your employer. Follow the instructions on Form IT-2104 to determine the correct number of allowances to claim for withholding tax purposes.

SECTION E – RULES AND REGULATIONS

## **CODE OF CONDUCT**

The Board of Elections in the City of New York is an employer, and has a right to expect its employees to conduct themselves in an appropriate manner.

To provide employees with notice on how they are expected to conduct themselves, the Agency has provided rules. It is the responsibility of every employee to become familiar with these rules. Most of these rules are common sense. One section of the rules, for example, addresses an employee's responsibilities regarding time and leave. Another section states that drugs and alcohol are not allowed while on duty. Some rules, however, are not as obvious. For example, The Uniform Code of Discipline requires all employees who are arrested (even while off-duty) to report that arrest to their Manager or Supervisor.

Since an employee who violates any rules may be reprimanded or disciplined, employees are urged strongly to become familiar with these rules.

## **THE DISCIPLINARY PROCESS**

All employees have a responsibility to obey the rules and regulations of the Agency. There are different processes for managerial, non-managerial and probationary temporary employees for disciplining and terminating when rules and regulations are violated. These processes conform to certain well-defined rules. Specific employee rights, however, will vary, depending on factors such as, length of service, contractual agreements, and other reasons.

**Please keep in mind** that the entire disciplinary system is a means to an end. The goal of the Agency is not to punish or terminate employees. It is to maintain the best possible workforce.

## **CITY OF NEW YORK CODE OF CONDUCT**

### **A. APPLICABILITY**

This Code of Conduct applies to every employee of the Board of Elections in the City of New York.

### **B. STATEMENT OF POLICY**

The Policy of the Board of Elections in the City of New York is to follow strict adherence to the Code of Conduct in order to foster, maintain, and promote the good order, morale, and efficiency of the Board of Elections. Accordingly, all employees will be treated fairly and impartially.

### **C. PURPOSE**

This Code of Conduct has been created and distributed in order to inform, instruct and advise all employees of the Standards of Conduct and Performance that's required.

### **D. TERMS AND DEFINITION**

This section provides the definitions of various words and phrases used throughout the Code of Conduct handbook.

1. **Agency**- refers to the Board of Elections in the City of New York.
2. **Misappropriate** - steal, pilfer, take without permission or authority, embezzle, commit fraud or convert to one's own use.
3. **Absence from Duty** -the failure to report for a tour of duty, or the departure from a tour of duty without authorization or valid reason.

4. **Authorized** - having actual, implied or apparent permission from a person of power to make decisions.
5. **Conduct Prejudicial to Good Order of Discipline** -
  - (a) Failure to obey all lawful orders of Managers and Supervisors
  - (b) The use of improper language or obscene gestures toward a Manager, Supervisor, fellow employee or member of the public
  - (c) ) Striking or hitting a Manager, Supervisor, fellow employee or member of the public
  - (d) Any conduct or act that harms or disgraces the City or Agency
  - (e) An immoral act toward a Manager, Supervisor, fellow employee, or member of the public.
6. **Conviction of a Crime** - the finding of guilt by a court of competent jurisdiction, whether based upon a plea of guilt, a jury verdict or a decision by the court without a jury. This includes convictions that are of “nolo contendere” or “no contest”.
7. **Crime** - any felony, wrongdoing or misdemeanor, classified or unclassified in any degree.
8. **Drug** – a chemical substance that has known biological effects on humans. These substances include depressant, hallucinogenic, narcotic, and stimulant drugs. It also includes other substances that affect the nervous system, alter perception, mood or consciousness as described in pertinent provisions of the Public Health Law.
9. **Controlled Substance** - generally a drug or chemical that can be obtained legally only with a doctor's prescription. The manufacture, possession, or use is regulated by a government. These drugs or prescription medications are designated as Controlled Drugs and it is unlawful to abuse its use.
10. **Depressant** - also referred to as "downers," is any drug that slows the activity of the nervous system.

11. **Equipment** - any physical object, including but not limited to any apparatus, safety appliance, tool, weapon, or implement.
12. **False** - inaccurate, incomplete, misleading written or spoken with intent to deceive.
13. **Gambling** - playing any game of chance for a consideration, or betting on any sport, game or activity.
14. **Gratuity** - any gift or favor whether in the form of service, lien, thing, promise or other form.
15. **Improper Language** - obscene, indecent, abusive, intimidating, profane or uncivil words used.
16. **Internal Rules** - any posted or publicized rule, code, regulation, order, instruction, procedure or standard of productivity or conduct that relates to the internal management of the Agency.
17. **Intoxicant** - any aerosol (vapor), stimulant, controlled substance, liquid compound, liquor, non-liquid compound or drug that causes the loss of control or the marked diminishment of physical or mental faculties.
18. **Identification Number** - all Agency station code numbers and markings, vehicle codes or registration plates, vessel identification number or licenses, and equipment identification number or licenses.
19. **Law** - any rule, statute, ordinance, and regulation mandated by a federal, state or municipal government or any public authority.
20. **License** – a document that authorizes a person to do, use or have something.

21. **Malingering** - feigning illness or injury or being under the influence of a controlled substance, intoxicants or drugs when absent while claiming illness or injury.
22. **Medical Officer** - any duly licensed physician or other designated medical professional employed by or designated by this or any other City Agency.
23. **Neglect of Duty** - the willful failure to properly perform any duty, an interference with the operations of the Agency, malingering, inefficiency, lateness, unauthorized absence from the post of duty, or a performance below productivity standards after a warning of prior sub-standard productivity.
24. **Premise** - any City or Agency building, plant, facility, dock, pier, wharf, installation or operational field or area.
25. **Person** - any individual, partnership, unincorporated association, group or corporation.
26. **Record** - any book of entry, journal, timecard, time clock, or timesheet, report, form, writing, blotter, or official City Document.
27. **Smoking** - a practice in which a substance is burned and the resulting fumes are breathed in to be tasted and absorbed into the bloodstream. Same rule applies for **ELECTRONIC CIGARETTE** (e-cig or e-cigarette), personal vaporizer (PV) or electronic nicotine delivery system (ENDS) means a battery-powered vaporizer which has the feel of tobacco smoking. They do not produce cigarette smoke but rather an aerosol mist, which is commonly but inaccurately referred to as a vapor. In general, they have a heating element that atomizes a liquid solution known as e-liquid. E-liquids are usually a mixture of propylene glycol, glycerin, nicotine and flavorings. Others have similar ingredients but without nicotine.
28. **Superior** - all personnel of a higher rank or grade than the subject employee.



29. **Subordinate** - all personnel of a lower rank or grade than the subject employee.
30. **Trade Waste** - is any commercially-generated waste including yellow grease, tires, recyclable, medical, landscaping, and construction and demolition materials resulting from building demolition, construction, alteration or excavation and as defined in any internal rule published by the Agency.
31. **Tour of Duty** - the scheduled hours of work for an employee for any specified day, period or shift and established pursuant to internal rule.
32. **Uniform** - any clothing or covering together with affixed badges, insignia, decorations or identification marks duly prescribed as the official dress of an employee while on duty.
33. **Vehicle** - a means of transportation as defined in the NYS Vehicle and Traffic Law; any aircraft or vessel equipped for propulsion by mechanical means or by rail.
34. **Vessel** - any floating craft owned by the City or Agency used for carrying persons, equipment, material or sludge.
35. **Writing** - any text, printing, typewriting, data processing, record retention or other inscription of a tangible form.

Unless the context otherwise requires, words in the singular number include the plural and in the plural the singular.

## **SMOKING POLICY**

Pursuant to the New York City Smoke Free Air Act of 2002 and Local Law No. 152 of 2013, the Board of Elections in the City of New York Policy on smoking is as follows:

**Smoking is strictly prohibited in all Agency facilities including, but not limited to offices, Voting Machine Facilities and vehicles or any part thereof. Violations of this policy will result in disciplinary action as prescribed in the Policies and Procedures of this Agency as well as possible monetary fines levied as outlined in The New York City Smoke Free Air Act of 2002 and Local Law No. 152 of 2013. There are no exceptions to this policy.**

## **DRUG, CONTROLLED SUBSTANCE, INTOXICANT AND ALCOHOL-FREE**

### **WORKPLACE POLICY**

To help ensure a safe, healthy and productive work environment for our employees and others, to protect Agency property, and to ensure efficient operations, the Agency has adopted a policy of maintaining a workplace free of drugs and alcohol. Individuals under the influence of drugs and alcohol on the job pose serious safety and health risks to themselves and those who surround or come in contact with the user. Therefore, possessing, using, consuming, purchasing, distributing, manufacturing, dispensing or selling alcohol or controlled substances, or having alcohol or controlled substances in your system without medical authorization during your work hours, on Agency premises or while on duty, will result in disciplinary action that may include termination. In accordance with the Federal Drug-Free Workplace Act, employees must notify the Agency of any criminal drug statute conviction for a violation occurring in the workplace no later than three (3) Days after such conviction. Failure to notify the Agency of a conviction for a criminal drug statute violation occurring in the workplace will be subject to disciplinary action that may include termination.

## **OFFICIAL CONDUCT**

1. Any employee who refuses or fails to appear to answer questions about the performance of their official duties before this Agency, the Department of Investigation, or any lawfully constituted court, officer or body having authority to make inquiry relating thereto, or who, having appeared, refuses to answer questions specifically, narrowly, and directly related to the performance of their official duties, will be subject to charges of misconduct. Failure to cooperate with any investigation will result in disciplinary action that may lead to termination.
2. Any employee who is called before this Agency, the Department of Investigation or any other lawfully constituted court, officer or body having authority to make inquiry as to the performance of their official duties and, having appeared, answers questions specifically, narrowly and directly relating to the performance of their official duties in a deliberately evasive, transparent deception, false or untruthful manner will be subject to charges of misconduct.
3. Employees are expected to obey and not violate any internal rule, code, regulation or order of any Department of the Board of Elections.
4. All internal departmental rules, codes and regulations defined in Sections E and F are hereby incorporated by reference herein and made a part hereof.
5. Employees are expected to obey all lawful orders of their Managers and Superiors in the Agency or any other competent authority and must not willfully or deliberately refuse those orders.
6. Employees must not conduct themselves in a manner that's prejudicial to good order and discipline.

7. Employees who are required to possess a valid license for the performance of their assigned duties must be in possession of that license at all times during their tours of duty.
8. Employees are under continuing duty to keep the Agency informed of their residential address and must notify the designated Agency personnel in writing of any change of residence or telephone number within 48 hours of the change.
9. Every employee must notify this Agency of any arrest or conviction of a crime immediately. The notification must be in writing and directed to: their location Supervisor, Manager and the Personnel Department.
10. Any supervisor, manager or executive with the Board **must** disclose the existence of a prior or current sexual or romantic relationship with a subordinate. In the borough offices, disclosure shall be made to the Chief or Deputy Chief, and in the General Office the disclosure shall be made to the Administrative Manager, in writing. All disclosures shall be provided to the Director of Personnel. The Board shall review the circumstances and determine whether any potential for conflict exists, and reserves the right to take appropriate action.

### **PROHIBITED ACTIVITY**

1. Employees must not solicit unlawfully or accept any compensation or gratuity in connection with the performance of their official duties, nor grant any unauthorized privileges or favors in connection with their duties.
2. Employees on duty must not indulge in or be under the influence of any intoxicant, substance or drug, nor have it in their possession.
3. Employees must not neglect their assigned duties.
4. Employees must not participate in gambling while on duty or on the Agency premises, or on or about an Agency vehicle or vessel.

5. Employees must not borrow money from a subordinate employee and must not obtain, use, or attempt to obtain or use the credit of a subordinate employee as applicant, maker or endorser of any credit instrument in any loan or similar transaction.
6. Employees must not lend money to a Superior employee and must not become an applicant, maker or endorser of any credit instrument in any loan or similar transaction for or on behalf of such Superior.
7. Employees must not solicit or sell tickets, on or adjacent to Agency property, other than for a charitable or a fraternal cause approved in writing by the Commissioners.
8. Employees must not engage in outside activities that interfere with their assigned official duties, or engage in such activities during any scheduled tour of duty. Employees who have outside paid employment must notify the Agency immediately.
9. Employees must not make any false entry upon any record of the Agency, nor give a false statement in connection with any required verbal record.
10. Employees must not disclose of any information or give any Agency records to unauthorized persons except upon the express approval of a Manager or Supervisor with the authority to release the information or records.
11. Employees must not engage in any conduct that interferes with any activities of the Agency or improperly influences any decision of the Agency or that of its officers or employees.

12. Employees must not distribute, post or attempt to distribute or post in or about any Agency premises or on or from any Agency vehicle, vessel, or equipment, any unauthorized notices, bulletins or announcements, except announcements or notices from certified labor unions may be distributed before or after scheduled tours of duty, to employees during a scheduled lunch period. Certified labor union representatives may post notices, bulletins, or announcements on bulletin boards reserved for such items pursuant to collective bargaining agreements.

13. Employees must not distribute, post or attempt to distribute or post on or about any Agency premises or on or from any Agency vehicle, or equipment any unauthorized notices or announcements, issued by a fraternal, charitable or similar organization, except authorized notices or announcements of such nature may be distributed before or after scheduled tours of duty or to employees during a scheduled lunch period.

## **TIME AND ATTENDANCE**

Employees shall record their respective tours of duty accurately in accordance with the internal rule applicable to the employee.

Employees shall not, except when authorized, leave their assigned work location or tour of duty.

Employees shall not malingering and must comply with all internal rules applicable to sick leave or injury off or on duty.

## **HEALTH AND SAFETY**

1. Employees shall not smoke or have in their possession lighted articles of smoking or electronic cigarette devices in prohibited areas of any City or Agency premises or in and about any City or Agency vehicle, or equipment if prohibited, or at any time when such act is prohibited. This policy is in accordance with the NYC Smoke-Free Air Act of 2002 and the NYC Local Law No. 153 of 2013.
2. Employees shall comply with all laws and internal rules relating to fire, sanitary conditions, and safety.
3. Employees shall maintain all City or Agency premises, vehicles, and equipment in a clean, safe and sanitary condition.
4. Employees are required to be in such physical condition as to be medically qualified and competent to be able to perform and not to neglect their assigned duties.

5. Employees who are habitual users of intoxicants, controlled substances or drugs as part of a medically supervised treatment or program are required to notify the Director of Personnel as soon as practical, as to the extent and duration of such treatment.

### **AGENCY PROPERTY AND EQUIPMENT**

1. Employees shall be responsible for use and administer reasonable care in the use, maintenance and operation of all City or Agency vehicles, and equipment assigned to such employees in the performance of their official duties.
2. Employees shall not leave any City or Agency vehicle unattended on public highways, or at any unauthorized location.
3. Employees shall not use, nor permit the use of City or Agency premises, equipment, material or supplies or vehicles for unauthorized purposes or by unauthorized persons.
4. Employees shall not appropriate or permit any other person to appropriate any property, equipment or vehicle of the City or the Agency.
5. Employees shall not use or operate any City or Agency vehicle or equipment without proper authorization.
6. Employees shall comply with all laws and internal rules relating to the use of City or Agency premises.
7. Employees using or operating City or Agency vehicles or equipment must keep exposed to the public view all required identification numbers.
8. Employees using or operating City or Agency vehicles or equipment must promptly make a written report, upon the appropriate form, of any defective condition thereof or any accident thereof.



9. Employees using City or Agency premises must make a written report promptly upon the appropriate form of any defective condition thereof or any accidents thereto or occurring thereon.

### **SUPERVISORY PERSONNEL**

1. Supervisory Personnel shall be subject to and comply with all relevant provisions of the Code of Conduct.
2. Supervisory Personnel shall be responsible for the compliance with and enforcement of the Rules and all laws and internal rules of the Agency by all subordinates under their jurisdiction.
3. Supervisory Personnel shall investigate expeditiously and report all violations of the Code and all laws and internal rules of the Agency in accordance with duly established Agency procedures.
4. Supervisory Personnel shall be responsible for the proper instruction, discipline, health, safety, efficiency, and method of performance of official duties of all subordinates under their jurisdiction.

### **Shield Policy**

Only placards and shields issued by the New York City Board of Elections will be honored and considered authorized. All privately purchased shields are in violation of this policy.

### **RESIGNATION**

Any employee of the Board of Elections who is under disciplinary proceedings of this Agency, or who is under investigation by any federal, state, county or city investigative body or official, or is summoned to testify before any such body or official, must not resign from their position without the written approval of the Commissioners.

### **RESERVATION OF POWERS**

The Commissioners of the Board of Elections in the City of New York, pursuant to their powers under Section 3-300 of the New York State Election Law, reserve the right, to enforce the provisions of this Code of Conduct.

### **Terminated Employee**

When an employee is terminated, the Chief and Deputy will notify the Payroll and Personnel Departments. The Payroll Department shall notify the MIS Department and computer access to Board of Elections computer systems will cease.

### **GUESTS / VISITORS**

Employees expecting guests or visitors must notify their reception area. Whenever possible or practical, employees should go to the reception area when notified and escort their visitors.

### **PERSONAL CALLS**

Personal calls are expected to be limited to those of an urgent nature or actual emergency.

### **PACKAGE POLICY**

Although it is not against Board of Elections policy to receive personal packages and deliveries at work, it is at the discretion of the Managers or Supervisors. If the managers or supervisors allow packages to be received at work, the front counter employee will fill out a mail log. In order to receive a package, employees must sign the mail log. A sample mail log is shown below.

BOE FRONT COUNTER MAIL LOG

Date	From(Company Name)	Delivered By	ACCEPTED BY	RECEIVED BY
		<input type="checkbox"/> US MAIL <input type="checkbox"/> FED EX <input type="checkbox"/> UPS <input type="checkbox"/> OTHER <hr/> (IF COMPANY OTHER THAN THE ABOVE REFFERED DELIVERS A PACKAGE)		
		<input type="checkbox"/> US MAIL <input type="checkbox"/> FED EX <input type="checkbox"/> UPS <input type="checkbox"/> OTHER <hr/> (IF COMPANY OTHER THAN THE ABOVE REFFERED DELIVERS A PACKAGE list the carrier name		
		<input type="checkbox"/> US MAIL <input type="checkbox"/> FED EX <input type="checkbox"/> UPS <input type="checkbox"/> OTHER <hr/> (IF COMPANY OTHER THAN THE ABOVE REFFERED DELIVERS A PACKAGE)		

## **WORK HOURS AND ATTENDANCE**

The official work hours, unless a change is specifically authorized, is 9:00 am to 5:00 pm. There will be certain times when the official work hours must be modified by Management for the purpose of meeting job or assignment responsibilities. The authority to make these decisions remains with those members of Management, so designated by the Executive Director, and is not to be considered as an arbitrary or self-determined decision. The normal work week is Monday to Friday, unless the needs of the Agency dictate a change for some or all employees.

Again, this authority rests with the Executive Director or the designated members of management. The primary priority, at all times, is meeting the needs of this Agency in achieving its established responsibility of providing a special service to the public. This responsibility includes maintaining an effective operation, covering activities in all Departments at all times, and scheduling accordingly, time off for breaks during the workday, as well as vacation and other “time off” allowances.

It is believed, with an effort to cooperate with each other, combined with a sense of responsibility and dedication, we will continue to raise the level of professionalism which steadily increases as a result of teamwork.

### **DRESS CODE (PROPER ATTIRE)**

Board employees are expected to conduct and dress themselves in a professional manner.

General dress code is as follows:

#### Men

- Collared shirts
- Sweaters
- Slacks, no jeans
- Shoes or dress boots. Sneakers or work style boots are not appropriate office attire.

#### Women

- Skirts
- Blouses
- Sweaters
- Slacks
- Dresses
- Shoes or dress boots. Sneakers or work style boots are not appropriate office attire.

Due to normal working conditions in the Voting Machine Facility, some latitude is afforded. It is recommended that Voting Machine Facility personnel wear appropriate protective footwear.

Voting Machine Facility personnel must be dressed in accordance with public area requirements if they are to be in those areas for any period of time. If Voting Machine Facility personnel are assigned to the Borough or General Office, they must dress according to office attire guidelines.

On dates of public viewing, Voting Machine Facility personnel are expected to follow office attire guidelines.

Prohibited Attire (Employees are not allowed to wear the following):

- Shorts
- Hats, unless worn for religious reasons
- Sweat suits and jogging suits
- Bare-midriff outfits
- Athletic type tank tops
- Open toe shoes and open toe sandals
- Low-rise pants

**All employees are expected to maintain proper hygiene.**

Friday Optional Dress:

On Fridays, flexibility in dress coupled with discretion should be used. In general, the decision should be made by Management at the local office level. However, General Regulations remain in effect on Fridays. The basic concept of doing business as a professional working for a credible government agency must always be considered.

Election Day Attire:

Technicians are assigned to wear khaki pants, a blue polo collared shirt with the Board of Elections logo and an optional Board of Elections windbreaker. All other Election Day workers are to wear the appropriate professional attire that is explained in the guidelines.

## TIME PRACTICES

- Official office hours and workdays are 9:00 am to 5:00 pm, Monday to Friday.
- Certain departments have different time schedules (i.e. 8:00 am to 4:00 pm or 10:00 am to 6:00 pm). All permanent employees must follow the schedule they are assigned and account for 35 hours each week.
- Employees shall record their time using the Data Collection Device (DCD) at the start and end of their work shift.
- Employees cannot make up lateness after regular working hours.
- Employees shall record their time using the DCD when leaving for and returning from their meal.
- Employees assigned to work in the field are required to use the DCD at the field location. In instances where there are no DCDs, employees must use a “time punch request” with the dropdown selection “worked offsite” in order to record their “time punches” for their field operation activities upon return to their normal work location. The immediate Supervisor (Chief/Deputy Chief Clerk or Departmental Head at the General Office) must approve the time punch request.
- Supervisors shall be notified of all future leave requests by e-mail communication. The leave request must be approved before it's entered into City Time.
- If the office closes for emergency reasons, the Payroll Department will make a manual adjustment to account for the employee’s hours in City Time.
- Working extra hours beyond the normal time schedule will not be paid as overtime unless pre-authorized by Executive Management. Employees requesting overtime must submit overtime requests by e-mail to their Manager or Supervisor. Supervisors must forward this request to Executive Management for approval.
- Abuse of these or any other attendance and leave policies will result in a disciplinary hearing, which may lead to termination.
- Employees shall not clock in earlier than 15 minutes before the start of their scheduled start time.

**POLICIES AND STANDARDS  
ON POLITICAL ACTIVITIES  
BY BOARD OF ELECTIONS  
EMPLOYEES & RELATED MATTERS**

**PREAMBLE**

The Board of Elections in the City of New York, created pursuant to the New York State Constitution and by the Election Law of the State of New York, is vested with the authority to establish the rules by which employees conduct themselves, does hereby adopt the following policies and standards with regard to political activity by Board employees. These policies and standards will enable the Board to discharge its statutory obligation to manage and conduct a fair and honest election process, maintain the integrity of said process and is consistent with an individual's constitutionally-protected rights of freedom of speech and association.

**BACKGROUND**

The Commissioners and the employees of the Board of Elections in the City of New York (hereinafter "Board"), have the unique responsibility to insure that all eligible citizens of the City of New York have the opportunity to register and cast their votes. The State Constitution mandates that the Commissioners and staff of Boards of Elections are comprised of an equal number of representatives of the State's two major political parties (i.e. – the two political parties whose candidates for Governor receive the highest and next highest number of votes in the most recent Gubernatorial Election). Based on that constitutional status, the Board has made a determination (concurring by the New York City Corporation Counsel), that gives the constitutional and statutory framework which creates the Board, the New York City Charter provisions relating to holding political party positions by persons holding positions with substantial policy responsibilities and paid from the City Treasury, do not apply to Board employees.

[See: Corporation Counsel's Opinion 2-96].



Similarly, the Board has concluded that Section 2604(b) (12) of the Charter does not apply to Board employees, notwithstanding the City's Conflict of Interest Board Advisory Opinion No, 2001-1. [See: Counsels to the Commissioners Opinion dated March 27, 2001 and minutes of the April 3, 2001 Meeting of the Commissioners of the Board of Elections]. However, other provisions of the City Charter's Code of Ethics do apply (See Section III, below).

Other statutory provisions related to certain political activities apply to the Board. Specifically, Section 3-200(6) of the New York State Election Law states: " An election Commissioner shall not be a candidate for any Elective office which he would not be entitled to hold under the provisions of this article, unless he has ceased by resignation or otherwise, to be Commissioner prior to his nomination or designation therefore. Otherwise such nomination or designation shall be null and void."

Section 3-300 empowers the Board to appoint employees and fix their duties and other conditions of employment. This Board exercises that responsibility by adopting these policies and standards.

Therefore, consistent with that authority, the Commissioners of the Board of Elections in the City of New York, does hereby adopt the following policies and standards to govern the conduct of Board employees engaged in the political activities defined therein. These policies and standards are adopted to insure the integrity of the electoral process and avoid even the appearance of impropriety. Accordingly, they are inserted into the Board's Personnel Policies and Procedures Handbook found in Section E.

## **SECTION I: BOARD EMPLOYEES WHO ARE CANDIDATES FOR PUBLIC OFFICE**

### **General Standards**

A Board employee who becomes a candidate for public office (but not a party position) must take a leave of absence from their duties and remain on leave status during the period of being an active candidate. The Board employee is required to use any accrued annual leave and if such leave has been exhausted, a leave of absence without pay must be taken.

### **Definition: Candidate**

For the purposes of this Section, the Board determines that an employee is a candidate (and therefore subject to the General Standards set forth above) when:

- (1) Designated or nominated petitions are filed with this Board or the State Board of Elections naming the employee as a candidate for public office; and
- (2) The employee has not declined said designation or nomination by the last day permitted under NYS Election Law; and
- (3) The employee has not filed the sworn statement provided in Waiver of General Standards below:

## **Waiver of General Standards**

A Board employee who is a candidate for public office as defined in Definition: Candidate, above, shall not be required to take a leave of absence (as stated above in General Standards, if the employee files a sworn statement (subjecting the maker to the penalties for perjury) with the Executive Director of the Board that such employee:

- (1) Is a candidate for public office and specify such office; and
- (2) Will not raise, collect, receive or expend (either as an individual candidate or through an authorized political committee) more than two thousand five hundred dollars (\$2,500.00) on behalf of or in connection with their campaign or candidacy for public office.

Copies of the sworn statement must also be filed with the Deputy Executive Director, General Counsel, Director of Personnel, Finance Officer, Candidate Records Unit and if the employee is assigned to a Borough Office or Voting Machine Facility, the Chief Clerk and Deputy Chief Clerk of the Borough. The Executive Director must provide a copy of the sworn statement to the appropriate Commissioners. The sworn statement must be available for public inspection.

Upon receipt of the sworn statement, the Executive Director of the Board must issue a written acknowledgement of receipt to the employee, which must constitute a waiver of the provisions of General Standards of this Section. Copies of the acknowledgement must also be given to the Commissioners and Board staff set forth in the preceding paragraph and must also be available for public inspection.

## **SECTION II: CONDUCT OF BOARD EMPLOYEES WHO ARE CANDIDATES FOR PUBLIC OFFICE, PARTY POSITION AND RELATED OFFICES**

### **General Standards**

Board employees are politically active and often engage in partisan political activity, which is subject to regulation, review or supervision by the Board. In the course of the performance of Board duties and responsibilities, all employees should avoid any activity or action which may create the appearance of impropriety or a potential conflict of interest.

In order to assist Board employees to avoid even the appearance of impropriety or a conflict of interest, the Board adopts the following standards and policies to govern Board employees who are actively engaged in the political activities described below:

### **Definition: Covered Employees**

Any Board employee who is a:

- (1) Candidate for election to a party position; or
- (2) Candidate for a party nomination to a public office; or
- (3) Candidate for public office; or
- (4) Member of a committee to fill vacancies or receive notice; as hereby defined as “covered employees” for the purposes of this Section.

### **Prohibited Activities by Covered Employees**

A covered employee as defined above in Definition: Covered Employees, **MUST NOT HAVE ANY CONTACT WITH OR ENGAGE IN ANY BOARD WORK WITH ANY OF THE FOLLOWING** (Which will be defined as “Covered Matters”):

- (1) Designated or nominating petitions upon which the employee’s name appears as a candidate or committee member, or any other petitions for any other person seeking election or nomination in the same political subdivision or the same political party as the covered employee:
- (2) Canvass of returns of elections in the same political subdivision or political party as the covered employee;
- (3) Election Day Operations, Poll Site Management, Poll Workers’ Assignments or related election management activities in the same political subdivision or political party as the covered employee;
- (4) Voting Machine setup, maintenance and related activities in the same political subdivision or political party as the covered employee;
- (5) Voter Registration Activities for the same political party as the covered employee;
- (6) Management Information System Activities for the same political subdivision or political party as the covered employee;
- (7) Any other Board activity wherein participation or action by the covered employee could create the appearance of impropriety or a conflict of interest.

#### **D.Implementation**

- (1) Every Board employee who becomes a “covered employee” (as defined above in Definition: Covered Employees of this Section) is required to inform their Supervisor at the Board immediately of their applicability of this Section. The Supervisor must take the necessary steps to avoid even the appearance of impropriety or a potential conflict of interest;
- (2) A covered employee’s Supervisor, upon receipt of that information, must then assign the covered employee duties and responsibilities not related to a covered matter. The employee’s Supervisor must notify the “Office Head” (Executive Director/Deputy Executive Director for the General Office; Chief Clerk/Deputy Chief Clerk for the respective Borough Office) of such reassignment;
- (3) Any other Board employee who knows or has reason to believe that a fellow employee may be a “covered employee” and as such is working on “covered matters” must immediately notify the appropriate “Office Head” (See (2) above) of the potential conflict which would result in a violation of these policies and standards;
- (4) Each Office Head must be responsible for the implementation and oversight of these policies and standards. The Office Head must take the necessary measures to insure that no covered employee is assigned to or works on any covered matter.

#### **SECTION III OTHER PROHIBITED ACTIVITIES**

In addition to the standards set forth above, all Board employees are required to comply with the following standards:

- A. The provisions of Section 2604 of the City Charter, “Prohibited Interests and Conduct,” apply to all Board employees **except** for subdivisions 12 (solicitation of campaign funds) and 15 (holding of political party positions) and the rules and Advisory Opinions of the Conflict of Interest Board, as stated in Section 2603(a) of the City Charter, to implement Section 2604, except as heretofore noted. These obligations are outlined, in detail, in the Board’s Personnel Policies and Procedures Handbook and the COIB Handbook distributed to every employee upon their employment with the Board. (Specifically, Section E). In addition, all employees should be aware of the applicable provisions of the City Charter and New York State Law.
- B. Specifically related to partisan political activity (pursuant to the provisions of Section 2604 of the City Charter) Board employees **MUST NOT**:
1. Pursue personal and private activities, including political activities, when the employee is required to perform services for the Board;
  2. Use Board letterhead, personnel, equipment, resources, or supplies for any non-Board purpose (including political activity);

**Note:** While the foregoing two items are subject to a waiver under the provisions outlined in Rule 1-13 (c) of the Rules of the Conflict of Interest Board, no waiver provision is applicable to politically-related activities.

3. Coerce or attempt to coerce, by intimidation, threats or otherwise, any BOE employee to engage in any political activity or request any subordinate to participate in a political campaign;
  4. Compel, induce or request any person to pay any political assessment, subscription or contribution;
  5. Compel, induce or request any person to pay any political assessment, subscription or contribution, under threat of prejudice to or promise of or to secure advantage in rank, compensation or other job-related status or function;
  6. Disclose confidential Board information to unauthorized recipients, including candidates, party officials, etc. al.
- C. All Board employees are covered under the provisions of the New York State Election Law (Article 17 – Violations of the Elective Franchise), specifically relating to conduct undertaken in the course of the performance of their official duties. Board employees must insure that their conduct does not violate the statutory standards.
- D. All Board employees are covered under the New York State Penal Law, particularly the provisions of Article 195-Official Misconduct and Obstruction of Public Servants Generally, Article 200 – Bribery Involving Public Servants and Related Offenses. Board employees must insure that their conduct does not violate the statutory standards.

#### **SECTION IV COMPLIANCE**

- A. All Board employees shall be responsible for insuring full and complete compliance with these policies and standards.



- B. Each Board employee is responsible for insuring their own compliance with these provisions.
- C. Each Board employee has the duty to identify potential violations of these policies and standards and report the same to their Manager or Supervisor.
- D. Each Manager or Supervisor, Department Head or Superior is responsible for monitoring the activities of their subordinates and insuring full compliance therewith these policies and standards.
- E. **The Commissioners of the Board of Elections in the City of New York believe that the maintenance of the public confidence in the integrity of the Board, its employees and the electoral process is of the highest priority.**

### **SUMMARY**

The adoption of these policies and standards demonstrates the Board of Elections vigorous commitment to insure the public's confidence in our system of election management. These policies and standards, together with their implementing procedures are designed to prevent even the appearance of impropriety by BOE employees with a vested interest in an election. As a result, the Board is in a better position to serve the public – the voters, without any appearance of impropriety or a conflict of interest.

## **Use of Technology**

(See the City of NY Policy on Limited Personal Use of City Office and Technology Resources Below)

### **The City of New York Policy on Limited Personal Use of City Office and Technology Resources**

This Policy, which has been approved by the Department of Information Technology & Telecommunications, the Department of Investigation, the Conflicts of Interest Board, and the Law Department, governs the limited personal use of the City of New York's ("City") office and technology resources by City employees. An agency may adopt agency-specific standards and procedures that are stricter, but not less strict, than this Policy.

#### **I. GENERAL POLICY**

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

The opportunity that the City is extending to its employees to make limited personal use of the BOE's office and technology resources is only a privilege and may be revoked or limited at any time. Moreover, this privilege is subject to monitoring and other restrictions that may from time to time be announced. This privilege does not create a right for any person to use any BOE property or resources for non-City purposes. Limited personal use of the BOE's office and technology resources is at the sole risk of the employee, and the BOE is not responsible for any loss or damages resulting from such personal use.

## II. DEFINITIONS

1. **“Office and technology resources”** includes but is not limited to: information technology, personal computers and related peripheral equipment, software, library resources, telephones, mobile telephones, pagers and other wireless communications devices, fax machines, photocopiers, Internet connectivity and access to Internet service, and email.
2. **“Information technology”** means any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.
3. **“Minimal addition expense”** means that an employee’s personal use of the BOE office and technology resources is limited to those situations where the BOE is already providing equipment or services and (1) the employee’s use of such equipment or services will not result in any additional expense to the BOE or, (2) the use will result in only normal wear and tear and will employ only small amounts of electricity, ink, toner or paper or, (3) the City has created mechanisms for employees to reimburse the City for the costs associated with their personal use and the employee makes such a reimbursement for their personal use. Examples of minimal additional expenses include occasionally making a photocopy, using a computer printer to print a few pages of material, making a brief personal telephone call, sending a personal email, or limited use of the Internet for personal reasons. Examples of mechanisms created for employees to reimburse the BOE include applicable agency policies regarding employees’ reimbursements of the BOE for personal use of mobile phones and of long distance telephone services.
4. **“Personal Use”** means activity that is conducted for purposes other than accomplishing official work-related activity. Personal use under this Policy does not include any use that is unlawful, violates the BOE’s Conflicts of Interest rules or other applicable rules and regulations, or is specifically prohibited by this policy or another applicable agency policy.

### **III. UNAUTHORIZED PERSONAL USES**

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

- Office and technology resources that could cause congestion, delay, or disruption of service to any of the BOE's office and technology resources. For example, electronic greeting cards, videos, sound, digital images or other large computer file attachments can degrade the performance of the entire network. "Push" technology on the Internet and other continuous data streams can also degrade the performance of the entire network.
- Office and technology resources as a staging ground or platform to gain unauthorized access to other systems or in furtherance of unauthorized computer use.
- Office and technology resources in the creation, copying, transmission, or retransmission of chain letters, petitions or other unauthorized mass mailings regardless of the subject matter.
- Office and technology resources for activities that are inappropriate to the workplace or are prohibited by applicable law, rule, regulation or agency policy.
- Office and technology resources for the creation, downloading, viewing, storage, copying, or transmission of any material that is: obscene, sexually explicit or sexually orientated; hate speech; threatening; defamatory; known to be fraudulent; or ridicules others on the basis of race, creed, religion, color, gender, disability, national origin, or sexual orientation.

- Office and technology resources for furtherance of a non-City business or non-City employment, including, without limitation, consulting for pay, sales or administration of business transaction (not including personal finances), or sale of goods or services, including assisting relatives, friends or other persons in such activities.
- Office and technology resources to engage in any outside fundraising activity, endorse any product or service, participate in any lobbying activity, or engage in any prohibited political activity.
- Office and technology resources to post agency information to external newsgroups, chat rooms, bulletin boards or other forums without explicit authorization.
- Office and technology resources in the unauthorized acquisition, use, reproduction, transmission, or distribution of any information, computer software or data, including, without limitation: private or confidential information about any individual, business or other entity including, but not limited to, medical information; copyrighted, patented or trademarked material or material with otherwise legally protected intellectual property rights; proprietary data; or export controlled software or data.
- Or unauthorized modification of the Board of Elections' office and technology resources, including, but not limited to, loading personal software or making configuration changes.
- Office supplies, including, but not limited to, paper, pens and postage, other than a minimal use of supplies incident to the limited use of photocopiers, computers, telephones and fax machines allowed by this Policy.

#### **IV. PROPER REPRESENTATION**

It is the responsibility of employees to ensure that they are not giving the false impression that they are acting in their official capacities as BOE employees when they are using the BOE's office and technology resources for non-City purposes. If there is a possibility that such a personal use could be reasonably interpreted to be made on behalf of the Board of Elections, the employee may not use the Board of Elections office and technology resources.

## **V. PRIVACY EXPECTATIONS**

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

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

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

Individual agencies may employ monitoring tools approved by agency senior management to ensure the proper use by their employees of the BOE's office and technology resources. Agency heads or their designees may access any electronic communications that are made using the BOE's office and technology resources.

## **VI. SANCTIONS FOR UNAUTHORIZED USE**

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

## **VIRUS PROTECTION**

1. Each PC should be logged off at the end of each day and the monitor, powered off.
2. It is each user's responsibility to monitor that the Symantec Endpoint Protection software is up to date. If a message appears telling you the software is out of date, please contact the Help Desk or e-mail the \***Helpdesk** group.
3. The Symantec Endpoint Protection icon, in the right bottom corner of the screen, must be running at all times.
4. All CDs, DVDs, cassettes, diskettes and e-mail attachments must be scanned before using, opening or viewing.
5. Do not open e-mail attachments received from an unknown source.
6. Please use the Internet for business purposes only, during business hours and refrain from connecting to websites of an objectionable nature.
7. Do not download anything from the Internet (games, screensavers, music etc.)
8. When exiting the AVID system, click the "Close All" icon before closing the window.
9. An employee who propagates a virus will be subject to disciplinary action which may lead to termination.

Failure to do any of the above is the responsibility of the user. If MIS uncovers that a user is not in compliance, their NT account and AVID account will be locked out and their immediate Supervisor will be informed. Internet Explorer privileges will be removed from those users and PCs on which viruses are found. E-mail access will be suspended.

Returning of those privileges require both compliance with the above and approval of the Director of MIS.

## **PERSONAL CELL PHONE USAGE POLICY**

Personal cell phone use, including calls, texting, Bluetooth, headphones, ear buds and similar type usage during business hours is prohibited. Use of these devices is permitted during lunch and break times only. Strict adherence to this policy will be enforced and failure to comply will result in disciplinary action.

## **SOCIAL MEDIA POLICY**

Social media is defined as any form of online publication or presence that allows interactive communication, including social networks, blogs, internet websites, and forums. We recognize that employees use social media such as Facebook, Twitter, Instagram, LinkedIn, YouTube, and other forms of user-generated media.

This policy was developed to help employees identify and avoid potential issues and provide guidance to employees in the use of social media in their personal capacities.

### **Separate Personal and Professional Roles**

Employees should never use their BOE e-mail addresses when participating in social media. Employees may use social media during business hours, subject to the limitations set forth in the BOE's Personal Cell Phone Usage and Telephone policy.

Be aware that the BOE monitors employee internet use. Employees have no right to privacy with respect to any information transmitted, received, created, accessed, obtained, viewed, stored, or otherwise found at any time on the BOE's computer system.

Some social media services, such as LinkedIn, allow participants to write recommendations or referrals. If you provide a reference or referral using one of these services, you must indicate that you are providing only your views and not the views of the BOE.

Do not use the BOE's logo in any postings and do not link to the BOE's website or post any agency material on a social media site without the express permission of the BOE's Communications Director.

### **Be Aware of Your BOE Position**

If you identify yourself as an employee of the BOE or hold a position with the BOE that is known to the general public, make sure that your profile, comments, and other postings are consistent with how you want to present yourself publicly.



Make it clear through the use of a disclaimer that the statements and views expressed are yours and do not reflect the views of the BOE. Managers and others with leadership responsibilities must, in particular, consider whether their personal thoughts and views may be misconstrued by virtue of their position as expressing the BOE's view.

### **Understand Your Personal Responsibility**

You are responsible for what you write or post on social media. Do not use any social media tool unless you understand how it works. Whether you intend it to be private or not, what you write and post will be available on the web for a long time and may spread to large audiences, even if it was not your intent. Before posting, it is a good idea to think about whether you will be embarrassed if your supervisor or other employees see your post. If the content of your post would not be acceptable in a face-to-face conversation, it is probably not acceptable content for a post. Also, it is not advisable to disclose personal or contact information or post photographs or "tag" photographs of coworkers without their prior permission.

Employees participating in social media are subject to the BOE's Code of Conduct and procedures even when engaging in social media while off duty. For example, be aware that being uncivil or discourteous or engaging in conduct tending to bring the BOE into disgrace, or engaging in harassing or discriminatory conduct are prohibited by the Code of Conduct as detailed in our policies and procedures.

**Engaging in such behavior online, even in a personal capacity, may subject an employee to disciplinary action.**

### **Poll Workers**

Poll workers are subject to this Social Media Policy, as well as the Cell Phone Policy set forth in the Poll Worker Manual, for all days they are working. Additionally, Poll Workers shall not use social media to report any issues with work assignments or conditions at poll sites, and must use the Board's mandated reporting procedures. Failure to adhere to this policy can subject Poll Workers to dismissal.

SECTION F – HEALTH INSURANCE & BENEFITS PROGRAM

## HEALTH INSURANCE

The City of New York Benefits Program offers a choice of quality health care plans. **Choosing the proper coverage for you and your family is one of the most important benefit decisions you will make.** Health plans vary widely in cost, basic coverage, option features, procedural guidelines, and service choices. It is your responsibility to choose the health plan that will best meet your needs. Factors to consider when reviewing the health plans offered:

1. **COVERAGE:** The services covered by the various health plans differ. For example, some provide preventive services while others don't; some plans cover chiropractic and routine podiatric (foot) care, while others don't.
  
2. **CHOICE OF DOCTOR:** Some health plans provide partial reimbursement when nonparticipating providers are used; other plans only pay for or allow the use of participating providers.
  
3. **ACCESS:** Some health plans may have participating providers or centers that are located near your home or workplace; other plans may not.
  
4. **COST:** Some health plans require payroll and pension deductions for basic coverage. The cost for Optional Riders also differs. Some plans require a small copayment for routine doctor visits. Some plans require you to pay a yearly deductible before you will be reimbursed for the use of nonparticipating providers.  
  
If a plan doesn't cover certain types of services that you need to use, you must consider the out-of-pocket cost for those services.

When you are hired, you received a comprehensive booklet describing and comparing all health plan options available, upon your request. Before making a selection, it's important that you review your needs and understand the cost of services, benefits being offered, contract terms of the plans and procedural requirements of the health plan provider.

**\*\*PLEASE REVIEW EACH PLAN THOROUGHLY BEFORE CHOOSING.\*\***

## **ELIGIBILITY**

### **1. Employees**

- A. You are eligible for health coverage and may enroll in the Employee Benefits Program, if: **you work at least 20 hours per week on a regular schedule and will be employed at least 6 months.**

### **2. Retirees**

You are eligible for health coverage and may enroll in the Employee Benefits Program upon retirement, if:

- A. You have at least 10 years of credited service as a member of an approved pension system (not applicable if you retire because of accidental disability);

**AND**

- B. You have been employed by the City (or a City-related or City-approved agency) prior to retirement, and have worked at least 20 hours per week on a regular schedule;

**OR**

- C. You receive a pension check from another retirement system maintained by the City or another system approved by the City.

## **HEALTH INSURANCE COSTS**

Both you and the City of New York pay for your insurance coverage. The amount you pay varies depending on the health plan you select and the dependents you carry on your plan.

## **ADDITIONAL HEALTH COVERAGE AVAILABLE**

### **UNION WELFARE PLAN (CWA 1183)**

If a union represents your title, you can expand your medical coverage through that union affiliation. Benefits vary based on your title and job code.

Some of the benefits offered **may** include:

- Prescription drug coverage
- Discounts on eye examinations and glasses
- Dental Care

Please call your union for additional information on availability of these health benefits.

### **Contact List for Available Health Care Providers**

<u>HEALTH PLAN</u>	<u>PHONE NUMBER</u>	<u>WEB SITE</u>
Aetna HNMO	(800) 872-3862	<a href="http://www.aetna.com">www.aetna.com</a>
CIGNA HealthCare	(800) 997-1654	<a href="http://www.cigna.com">www.cigna.com</a>
Empire HMO NY	(800) 767-8672	<a href="http://www.empireblue.com/nyc">www.empireblue.com/nyc</a>
GHI HMO	(877) 244-4466	<a href="http://www.emblemhealth.com">www.emblemhealth.com</a>
Health Net	(800) 441-5741	<a href="http://www.healthnet.com">www.healthnet.com</a>
HIP PRIME HMO	(800) 447-6929	<a href="http://www.emblemhealth.com">www.emblemhealth.com</a>
Vytra Health Plans	(631) 694-40000	<a href="http://www.emblemhealth.com">www.emblemhealth.com</a>

### **MANAGEMENT BENEFITS FUND**

Managerial employees whose titles make them ineligible for union collective bargaining benefits, receive additional benefits through the City administered Management Benefits Fund. Membership in the Management Benefits Fund entitles you and your family to the financial protection afforded by its benefit programs. This supplements your primary medical plan.

Coverage begins on the date you are appointed. Benefits include:

- Vision
- Dental
- Superimposed Major Medical (SMMP)
- Long Term Disability Protection
- Life Insurance

You will enroll in the Management Benefits Fund when you are initially processed for employee benefits. For additional information, please request a Management Benefits Fund Summary Description from the Personnel Department or call the Management Benefits Fund.

### **COVERAGE FOR ELIGIBLE DEPENDENTS**

Coverage for all eligible dependents listed on your application form will begin on the day that you become covered. Dependents acquired after you submit your application form as a result of marriage, birth or adoption of a child, or a registered domestic partnership will be covered from the date of the event, provided that you submit the required notification and documentation within 31 days of the event.

### **ADDING OR DROPPING DEPENDENTS**

You must complete a form to add dependents due to marriage, birth or adoption of a child, or a registered domestic partnership, and to drop dependents due to death, divorce, termination of domestic partnership or a child reaching an ineligible age. You must submit the specific request in an email to the Director of Personnel within 3 days of the event. Appropriate documentation of marital status, domestic partnership, birth or adoption of a child is required. This documentation may consist of a marriage, birth or baptismal certificate, adoption or guardianship papers, domestic partnership registry certificate or copies of tax returns indicating a child is claimed as a dependent.

## **HEALTH INSURANCE IDENTIFICATION CARDS**

You should receive a Health Insurance Identification Card from your selected health insurance plan within three months after submitting an application form.

## **OPTIONAL RIDERS**

All but one of the health plans has an Optional Rider consisting of various benefits which are not part of the basic plan. You may select Optional Rider coverage when you enroll. Optional Riders are paid for through payroll deduction. The cost of these riders varies. Check the Plan Descriptions Booklet prior to choosing benefits.

## **DEDUCTIONS FOR BASIC COVERAGE AND OPTIONAL RIDERS**

If there is a payroll deduction for your health plan's basic coverage, or if you apply for an Optional Rider, your paycheck will show a deduction for this cost. If your deductions do not appear on your paycheck stub within three months, or if your deductions are not correct, notify the Personnel Department at once.

## **CHANGING HEALTH PLANS**

Transfer period (Open Enrollment) for health benefits is usually scheduled once each year in the fall. During this period, employees may transfer from their current health plan to any other plan for which they are eligible, or they may add or drop Optional Rider coverage to their present plan. Retirees may participate in transfer periods that occur in even-numbered years. If you do not apply for an Optional Rider when you first enroll, you may do so only during a transfer period, upon retirement, or if there is a change in your union or welfare fund coverage.

## **WHEN CITY COVERAGE TERMINATES**

### Conversion Options

Employees, their spouses and covered dependents may purchase health coverage through their plan on an individual, direct-payment basis when coverage under the City's group plan ceases.

Any employee, spouse and covered dependents may convert to a direct-payment policy when coverage under the City's group plan ceases for any of the following reasons:

- An employee leaves City employment.
- An employee loses City coverage due to a reduction in work schedule.
- An employee retires or dies.
- Dependent children exceed the age limits established under the group contract.
- A dependent spouse is divorced or legally separated from the employee or retiree.
- Coverage under the provisions of COBRA expires.

An individual electing conversion must notify their health carrier for coverage within 45 days of termination of coverage under the City's group plan. For more information on the scope and cost of benefits available, please contact your current health carrier.

## **COBRA (CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT 1985)**

The law requires that the City and Union Welfare Funds offer employees, retirees, and their families the opportunity to continue group health or Welfare Fund coverage in certain instances where the coverage would otherwise terminate.

All group health benefits, including Optional Riders are available. Welfare Fund benefits which can be continued under COBRA are dental, vision, prescription drugs and other related medical benefits. The maximum period of coverage is 18, 29 or 36 months, depending on the reason for separation from City service. The monthly premium will be 102% of the group rate (or 150% of the group rate for the 19<sup>th</sup> through 29<sup>th</sup> months in cases of total disability). Terminated employee coverage is also available under the National Health Care Act. For more information, please refer to your Health Benefits Summary Program Description Booklet.



## **MEDICARE BENEFITS**

### **Active Employees Age 65 and Over**

The City of New York offers employees age 65 and over the same health coverage offered to employees under age 65. Therefore, employees in the category should select a City-sponsored plan as their PRIMARY coverage and enroll in MEDICARE for secondary coverage for medical expenses not fully paid by the City plan.

If you choose Medicare as your primary coverage, you are not eligible for the City's group health plan. You must complete the waiver section of the Employee Health Benefits Application (EB-88) and return it to your Director of Personnel.

### **Medicare Enrollment**

All active and inactive employees must file for Social Security Medicare coverage parts "A" and "B" at least three months before their 65<sup>th</sup> birthday. This benefit is processed at your local Social Security Offices.

## **MEDICAL SPENDING CONVERSION (MSC)**

A Medical Spending Conversion (MSC) has been instituted and is administered by the Office of Labor Relations Employee Benefits Program (EBP). As a result of implementing MSC, your payments for health insurance are made on a pre-tax basis.

Prior to the implementation of the MSC, payments for basic or optional benefits were deducted from your salary. For tax purposes, making payments on a pre-tax basis (payments made before taxes are withheld) reduces the salary on which your taxes are computed by the amount of the MSC payment. Therefore, the amount of tax that must be withheld is reduced. The net effect is that you receive more money in your paycheck and pay less tax.

Savings vary and are based on, among other things, your health plan option, whether you have individual or family coverage, the number of withholding allowances that you claim for tax purposes, and the amount of your income. There are savings on federal taxes and Social Security Contributions. There is a reduction in the taxes withheld from your salary each paycheck, but not a reduction in gross earnings. The reduction in gross salary is shown on your W-2 at the end of the year. The unadjusted gross salary only appears on your last paycheck of the year as a year-to-date figure.

There is a savings in Social Security due to the MSC. However, based on current Social Security law, Social Security benefits at age 65 will be slightly less as a result of the MSC. The effect will be minimal and offset by the amounts saved in taxes today. For example, an individual aged 55, earning \$35,000 per year, who contributed \$500 per year in pre-tax health plan contributions, beginning in 1988, would experience an annual reduction of approximately \$24 in Social Security benefits at age 65. Under the same circumstances, an individual who earns \$25,000 a year would experience an annual reduction of approximately \$84 at age 65.

Although you are automatically enrolled in pre-tax, you will be able to choose post-tax payments if you wish. You will need to complete a Declination/Change Form, which can be obtained from the Personnel Department.

**Please note:** For employees enrolled in the Deferred Compensation Plan (see section on Deferred Compensation Plan), an adjusted gross means that some people will no longer be able to defer as much money as they would have wanted, due to the 25% cap on salary which may be deferred.

## **LONG-TERM CARE (LTC)**

The following information applies to current participants of the City of New York's LTC program through MetLife:

The Long-Term Care Program offers employees and their eligible family members the opportunity to purchase group long-term care insurance, which provides coverage for nursing home care, home care, hospital care and adult day health care.

Long-Term care, which is not covered by health insurance, is the type of daily assistance that you might require if you were unable to care for yourself. This may be due to chronic illness, disability, severe physical impairment, or cognitive impairment.

### Customer Service for Existing Plan Participants

For current MetLife LTC participants who have questions about their policy should contact MetLife customer service at (866) 414-7076.

The Office of Labor Relations Employees Benefits Program (EBP) administers the Long-Term Care Program and is located at 40 Rector Street, 4th Floor, New York, NY 10006. They can be reached at (212) 306-7200.

**This benefit is no longer available for newly hired employees or current employees who are not participating in the MetLife's LTC Program.**

**EMPLOYEE BLOOD PROGRAM — Help save a life and earn comp time, too!**

The New York City Department of Personnel, in cooperation with the Greater New York Blood Program, sponsors a citywide employee blood program called the City Donor Corps. This program is a voluntary blood donor group that is comprised of employees from participating agencies and City-related institutions and authorities.

Boards of Elections in the City of New York employees are strongly urged to join the City Donor Corps Employee Blood Program. The program provides blood protection coverage for Board of Election in the City of New York Donor Corps members and their eligible family members, both within New York City and out-of-town.

A productive blood donor (someone who is eligible to donate a full unit of blood) who chooses to donate blood through the New York City Employee Blood Program during work hours at an onsite Agency bloodmobile **will be granted three hours of compensatory time**. This is in addition to the time actually used to donate blood. A productive blood donor, who chooses to donate blood through the New York City Blood Program during working hours at a fixed site operated by the Greater New York Blood Program, or at a hospital, may be excused for three hours. Employees may use their earned comp time immediately after their donation, or the time may be banked for up to four months from the date earned for use at their discretion, subject to Agency approval. Employees cannot be paid for this time. Managerial employees who donate blood may receive, in lieu of earned compensatory time, three hours of excused time.

Employees who donate blood during non-working hours **will not** be credited with compensatory time for such donation.

## **DEPENDENT CARE ASSISTANCE PROGRAM (DeCAP)**

The City recognizes that many employees are working to support their families and at the same time are raising children or caring for disabled dependents. In many cases, the care for workers' dependents must be left to someone else during working hours. This can be very expensive.

By opening a Dependent Care Assistance Program (DeCAP) account, money is deducted from your paycheck on a pre-tax basis (payments are made before taxes are withheld) and put into a non-interest bearing account established in your name. This is not a savings account. If you pay a qualified caregiver to take care of your child, spouse, parent, etc., so that you can work, these expenses can be reimbursed to you out of the account. This will save you taxes.

Through DeCAP, your eligible dependent care expenses may be made on a pre-tax basis, thereby reducing your taxable income. With DeCAP, you are reimbursed for these expenses during the year, and do not have to wait until year's end to file a tax credit on your income tax return.

Enrollment is not automatic from year to year. You must enroll in DeCAP every year during the annual enrollment period (September through October) in order to continue participation. Your enrollment will be effective on January 1, or the date of your first deduction, you become eligible for DeCAP after the beginning of the Plan Year.

The Office of Labor Relations Employee Benefits Program (EBP) administers the DeCAP Program through the Office of Pre-Tax Benefits. It is located at 40 Rector Street, 3<sup>rd</sup> Floor, New York, NY 10006. To request a booklet on DeCAP and an enrollment form, call 212-306-7760.

## **HEALTH CARE FLEXIBLE SPENDING ACCOUNT (HCFSA)**

Effective January 1, 1994, employees who are covered by Municipal Coalition Agreement can open a Health Care Flexible Spending Account (HCFSA). You can set aside money from your earnings, before taxes are withheld, to help pay for eligible medical care expenses not covered by insurance. This will reduce your taxable income. Through the HCFSA program, employees must obtain an Enrollment/Change Form from the Employee Benefits Unit or the Administrative Office of HCFSA Program. Newly eligible employees may participate as soon as they become eligible for health benefits. An Enrollment/Change Form must be submitted within thirty (30) days of becoming eligible for the HCFSA Program.

Enrollment is not automatic from year to year. You must enroll each year during the annual enrollment period (September through October). Enrollment will be effective on January 1, or on the date of your first pay deduction, if you become eligible after the beginning of the plan year.

The Office of Labor Relations Employee Benefits Program (EBP) administers the HCFSA through the Office of Pre-Tax Benefits. It is located at 22 Cortland Street, 28<sup>th</sup> Floor, New York, NY 10006. For more information on enrollment, call (212) 306-7760.

## **HEALTH BENEFITS BUY – OUT WAIVER PROGRAM**

The Health Benefits Buy-Out Waiver Program allows city employees to receive an annual incentive payment for waiving their city health benefits when they choose other non-city coverage that's available. An employee can receive \$3,000 annually for waiving family coverage or \$1,500.00 annually for waiving individual coverage. Payments are made semi-annually as of June and December on a prorated basis and will be taxable to the recipient. Employees are eligible for incentive payment after participating in the program for at least three months. City employees may waive their health benefits if they are insured through a spouse or domestic partner's employer or other employment. Employees are not eligible to waive city health benefits if their spouse or domestic partner is an employee of the city or city-related agency, nor will Medicaid be accepted to apply for the buyout waiver.

The enrollment period coincides with the annual employee health benefits open enrollment transfer period (September through October). New Employees may enroll within 31 days of becoming eligible to receive city health benefits coverage. Enrollment during the remainder of the year is only possible if there is a qualifying event. **After initial enrollment, annual enrollment is not required.**

## **HEALTH BENEFITS FOR DOMESTIC PARTNERS**

Effective with the first pay period in January 1994, the City of New York made health insurance benefits and options available to the domestic partners (and their dependent children) of its active and retired employees. Health benefits will be extended to domestic partners of City employees or retirees who meet the standards set forth for domestic partnership and who can demonstrate financial interdependence.

Domestic partners are defined as two people who:

- Are aged 18 or older,
- Are unmarried and not related by blood in a manner that would bar marriage in New York State,
- Have a close and committed personal relationship,
- Live together and have been living together on a continuous basis,
- Have registered as domestic partners and have not terminated their domestic partnership in accordance with the Executive Order.

City employees who wish to apply for health benefits coverage for their domestic partner must submit their domestic partnership registration certificate and two items of proof demonstrating financial interdependence. The City Employee must be a registered domestic partner under the Domestic Partnership Registration Program. Retirees and their domestic partners, who are not residents of New York City and are not registered, may execute and submit an Alternative Affidavit of Domestic Partnership in lieu of registration.

All records pertaining to an application by domestic partners for health insurance benefits will be held in strict confidence in a manner consistent with the handling of health benefits records for all City employees. Applications may be obtained and submitted with the accompanying documentation directly to the Employee Benefits Unit or the Office of Labor Relations, Employee Benefits Program, located at 40 Rector Street, 3<sup>rd</sup> floor, New York, NY 10006.

For more information on health benefits for domestic partners, please contact the Office of Labor Relations at (212) 306-7760.

## **RETIREMENT PENSION**

### **MEMBERSHIP**

Employees are not required to join the pension system. Membership is voluntary. Employees who join the retirement system cannot withdraw. The vesting schedule starts at the date of participation.



## **CONTRIBUTIONS**

Pension members contribute 3% - 7.35% of their salary through regular payroll deductions, depending on entry date and plan. This is in addition to a 7.65% Social Security contribution. Effective on July 1, 1991, the 7.65% Social Security deduction will be made for all employees, regardless of pension plan membership. However, an employee who is not a member of the pension system may elect to join the Deferred Compensation Plan instead (a 1% minimum contribution is required). Effective on October 1, 2000, employees with ten years of credited service will no longer contribute the 3% payroll deduction. However, employees entering the system after July 1, 1995 will continue to contribute the 4.35% as per Chapter 96 Basic.

## **RETIREMENT BENEFITS**

The City of New York currently has a 5-Tier Retirement System. (This means there are five separate retirement plans). The tier you are in depends upon when you joined the pension system, not your City start date. All new members would be in the tier 6 plan.

- Tier 1 – Employees who joined the pension system prior to July 1, 1973.
- Tier 2 – Employees who joined the pension system after July 1, 1973 and prior to July 1, 1976.
- Tier 3 – Employees who joined the pension system on or after July 1, 1976 and prior to September 1, 1983.
- Tier 4 – Employees who joined the pension on or after September 1, 1983.
- Tier 6 – Employees who joined the pension on or after April 12, 2012.

The benefits and pension rights of each tier are different. Booklets are available from the Personnel Department describing each tier in detail. An employee may also access the NYC Employees Retirement System website located at <http://www.nycers.org>.

## **RETIREMENT APPLICATION PROCEDURE**

### **Before retiring:**

1. Notify your Supervisor and the Director of Personnel of your intention to retire.
2. Consult the Payroll Department for compensatory, sick and annual leave balances.
3. At the retirement session with the Director of Personnel, you will complete the necessary forms for retirement and for continuance of health insurance benefits during retirement.
4. Upon Completion of the session, your forms will be filed with the New York City Employees' Retirement System (NYCERS), and proper health benefits agency.

## **GENERAL INFORMATION REGARDING THE RETIREMENT SYSTEM**

- If you previously worked for New York State Government, you can transfer your pension fund to a City plan.
- If you previously worked for the Federal Government you cannot transfer your pension plan. However, you may be able to buy-back military time. Check with the Director of Personnel if you have military service.
- If you decide to join the pension system several years after starting a City job, you may “buy – back” time. In other words, you can contribute extra savings to your fund to make up for the years when you were not a member. This does not affect your tier which is based on the date you joined the pension system regardless of buy-back time.
- Employees in all tiers are able to borrow money from their pension fund when they have accumulated the minimum designated participation.

City Time keeps track of all employees' accrued sick and vacation time. Employees are paid their remaining accruals when they retire. Their payment is based on salary.

## **DEFERRED COMPENSATION**

The Deferred Compensation Plan allows you to put aside a portion of your pay before federal, state, and local income taxes are deducted. Your taxes will be reduced as a result of the contributions you make, and your contributions, and the earnings on them will accumulate tax-free until they are withdrawn.

The City of New York's Deferred Compensation Plan contains many attractive features. It offers you an easy way to save, tax advantages, and a choice of investment options. However, keep in mind that under most circumstances, your savings will not be accessible to you until you retire, leave City service, or reach the age of 70 ½.

Through the Plan you can save up to 25% of your annual compensation, not to exceed \$7,500, through easy payroll deductions. You will have a choice of several investment options, each having different financial objectives. The Plan lets you:

- Defer taxes on your savings and any investment income growth while your savings and income remain in the Plan.
- Conveniently make payroll deductions, allowing you to save regularly without missing a deposit.
- Choose how you want your money invested among professionally managed investment funds. Your money may earn a higher rate of return than what you would receive in a conventional bank account. **Please note:** these accounts are not insured or guaranteed by the FDIC and the account value will fluctuate.
- Withdraw your funds upon termination of City service or leave your funds in the Plan up until age 70 ½.

All aspects of the Plan will be governed by the official Plan document and applicable state and federal regulations, which control all determinations concerning the operation of the Plan. Tax rules affecting investments and distributions are subject to changes in all applicable laws and regulations. To enroll, you must complete an Enrollment Form/Participation Agreement and return it to the Deferred Compensation Plan or the Director of Personnel.

## **WORKERS' COMPENSATION PROCEDURES**

In the event that an employee suffers a work-related injury or illness, the affected employee needs to file the following forms with the Director of Personnel:

- **Employee Statement (Claim Initiation)** FISA Form WCS – 110 (8-00)  
This form requires basic information such as name, address, telephone number, date, time of accident or incident, brief description of the accident or incident, location, and facts about the accident or incident.
- **Supervisor's Report of Injury** FISA Form WCS – 100 (8-00)  
The employee's Manager or Supervisor must submit this form detailing the accident or incident.
- **Witness Statement** FISA Form WCS – 120 (8-00)  
The witness will report on the details observed as well as listing other witnesses.  
If there were no witnesses, the Supervisor should mark the form "No Witnesses" and file as such.

In addition, employees should file the C-3 form directly with the State Compensation Board. The New York State Workers' Compensation Board requires that the injured or ill employee file a C-3 Form with their office located at 180 Livingston Street, Brooklyn, New York. This form must be filed within two years of the injury or illness. The employee is responsible for filing this form. Employees, witnesses and Supervisors should refer to the WCS "Accident Description Codes" to complete the required forms.

The above-named reports/forms are used by the Director of Personnel to enter into the Payroll Management System, Workers' Compensation subsystem to initiate the claim.

A claim number will be generated automatically upon completion of the entry. When seeking medical attention, the employee should inform the medical provider that the injury or illness is a Workers' Compensation case and will provide the claim number as soon as possible.

The injured employee's time will be tracked directly through the Payroll Management System with time restorations provided accordingly. If an employee exhausts all accrued leave due to a verified Workers' Compensation case, they will be placed in pay option two automatically and paid by the NYC Law Department, Workers' Compensation Division. If there is a delay in converting from option one into option two, negative leave will be granted until the conversion is completed.

When an employee uses accrued leave due to a Workers' Compensation case, the office timekeeper must indicate in City Time that the time used is for Workers' Compensation.

At the conclusion of the Workers' Compensation case, any assigned award will be converted into time, and the employee's leave balances will be restored as per instructions of the New York City Law Department, Workers' Compensation Division. The amount of leave restored will be calculated by the employee's salary at the time it was used.

Employees must keep their Supervisors informed of their status at all times. If the case is denied by the compensation board, any time used by the employee will be charged to their leave balances. Any negative balance will be regained through salary deductions.

All employees are required to return to work as soon as possible. If an employee remains out of work for more than six months while accruing a negative leave balance, the Commissioners of Elections, pursuant to their powers as indicated under Section 3-300 of the New York State Election Law, will review the case and determine if the employee should remain on active pay status.

The Commissioners may, at any time, require an employee to be examined by a physician of the Board's choosing to determine the employee's capability to return to work. Any employee (claiming a work-related injury) who remains out of work beyond a physician's recommendation will be subject to a disciplinary hearing which may result in termination. The results of that hearing may be forwarded to the Department of Investigation.

**Please note:** when an employee has a negative leave balance and terminates their service with this Agency, they are required to repay the cash value of the additional time as stated in section C-27 of the Personnel Policies and Procedures Handbook.

### **EMPLOYEE ASSISTANCE PROGRAM**

The Board of Elections' Employee Assistance Program (EAP) helps employees experiencing stressful personal, family or health-related problems that affect their work performance. Employees may refer themselves or be referred by their Manager, Supervisor, or Personnel Department. Anyone who comes to the EAP Unit will be interviewed and helped.

If appropriate, employees may be referred to an affordable community resource close to home. Employees who have been referred to the program are treated with dignity and respect. They are given the same consideration as employees with other illnesses or disabilities and all records of their involvement in the program are kept confidential. For more information or to make an appointment for counseling, call the Director of Personnel.

### **DOMESTIC PARTNERSHIP REGISTRY – SPECIAL LEAVE AND OTHER BENEFITS**

In accordance with Executive Orders No. 48 and 49, New York City employees and residents are able to register in the City Clerk's Office as domestic partners and benefit from City policies that apply to domestic partnership. Domestic partnership registration is intended to recognize diverse family structures. Registered couples will be given a Certificate of Domestic Partnership that will serve as helpful documentation when seeking the benefit of certain policies.

Domestic partners are defined as two people who:

- Are aged 18 or older,
- Are unmarried and not related by blood in a manner that would bar marriage in New York State,
- Have a close and committed personal relationship,
- Live together and have been living together on a continuous basis,
- Have registered as domestic partners and have not terminated their domestic partnership in accordance with the Executive Order.

**Domestic partner benefits:**

**Please note that employees, who prior to March 1, 1993 filed an affidavit of domestic partnership for bereavement leave with the New York City Department of Personnel, as outlined in Executive Order No. 123 of 1989, will continue to be eligible for this leave. However, in order to be eligible for child care leave benefits and the additional visitation, occupancy and succession rights noted below, the above mentioned employees must re-register with the City Clerk's Office. The Department of Personnel no longer accepts Domestic Partnership forms.**

**Bereavement Leave**

All City employees who have a registered domestic partnership are entitled to Bereavement Leave in the event of the death of a domestic partner, a parent or child of their domestic partner, or the death of a relative of their domestic partner who resided in the household.

### **Child Care Leave**

All City employees who have a registered domestic partnership in accordance with the provisions of Executive Order No. 48 are entitled to a Child Care Leave of Absence without Pay when their domestic partner becomes a parent of a child by birth or adoption. The leave will be granted on the same basis as provided by the child care leave provisions of the Career and Salary Plan, the Citywide Agreement or any other collective bargaining agreement.

Rights available to all New York City residents who have a registered domestic partnership:

- Visitation rights in New York City Health and Hospitals Corporation facilities, New York City Correctional facilities and New York City Juvenile detention facilities in accordance with visitation policies for family members.
- Occupancy rights in New York City Housing Authority apartments and succession rights in buildings supervised by or under the jurisdiction of the New York City Department of Housing Preservation and Development.

### **Domestic Partnership Eligibility**

Persons may register as domestic partners if they are residents of the City of New York or the City employs at least one partner on the date of registration. No person who at the time of registration, or at any time during the prior six months, was registered as a member of another domestic partnership is eligible to register a new domestic partnership.



### **Domestic Partnership Registration**

A Domestic Partnership Registration Certificate must be completed successfully and submitted to the Office of the City Clerk at 141 Worth Street, New York, NY 10013 or to another city clerk location within the five boroughs. Details of the registration process and policies applicable to registered domestic partners are outlined in a brochure that can be obtained at the Office of the City Clerk.

### **Domestic Partnership Termination**

To terminate a registered domestic partnership, one of the domestic partners must file a termination statement with the Office of the City Clerk in one of the five boroughs. The person filing the termination statement must declare that the domestic partnership is terminated and, follow the other rules as required by the city clerk. For more information on this policy, call the Agency Director of Personnel or the Office of the City Clerk.

### **Contacting Other City Agencies**

During the course of employment it is common for an employee to need to contact other City Agencies directly. The Internet is a fast and efficient way to contact other Agencies, such as the NYC Employee Retirement System or City of New York Deferred Compensation Plan. It is possible to obtain brochures, forms and general information on the NYC website. While general functions can be performed through the city website, any problems or unresolved issues should be directed to the Director of Personnel who has direct contacts.

To access any City Agency website, go to the BOE Homepage. On the left side, open the dropdown box named "City Agencies". This will provide a list of all City Agencies. Click on the Agency of your choice and you will be directed to that Agency.

You may also access most health plans using the Internet to obtain lists of participating providers, access claim forms, policies and other information. Contact the Director of Personnel for more information.

### **U.S. SAVINGS BOND PROGRAM**

All employees are encouraged to participate in the U.S. Savings Bond program through payroll deductions. Employees can purchase U.S. Savings Bonds in various denominations through payroll deduction, in increments as small as one dollar.

As of January 2012, all savings bonds purchases are paperless through the US Department Treasury Online Treasury Direct Program. These savings bonds can help you save for the future. In many cases, savings bonds can help pay for a child's college education.

### **COMBINED MUNICIPAL CAMPAIGN (CMC) PROGRAM**

The Combined Municipal Campaign Program (CMC), also known as NYC Gives, makes it easy for New York City employees to give to their favorite qualified charities through payroll deductions. Whether you contribute to international organizations or community centers in your neighborhood, the combined contributions from employees in all New York City agencies add up and make a difference.

### **MUNICIPAL CREDIT UNION (MCU)**

The Municipal Credit Union is a member-owned, not-for-profit financial institution. MCU is a federally insured credit union regulated by the National Credit Union Administration (NCUA), a U.S. Government Agency. Member savings accounts are federally insured for up to \$250,000 and IRA accounts are separately insured up to \$250,000 by the NCUA.

MCU offers a wide range of financial services from basic savings accounts to high current interest money market and certificate accounts, to various types of loans and electronic banking services. Although the Municipal Credit Union is not a City or government entity, membership in MCU is open to all City of New York employees. Some family members (i.e., spouses, parents, children, grandchildren, grandparents, and great-grandparents are eligible to open accounts as well. The Municipal Credit Union has branches in all five boroughs. For more information, call MCU at 212-693-4900.

SECTION G – EEO/ AFFIRMATIVE ACTION

## **EQUAL EMPLOYMENT OPPORTUNITY (EEO) AFFIRMATIVE ACTION**

Achieving and maintaining equal employment opportunity for all persons is the highest priority for the Board of Elections. It is the policy of this Agency to afford equal employment opportunity to all persons regardless of race, color, sex, age, ethnicity religion, national origin, disability or sexual orientation. This policy applies to all recruitment, personnel actions, performance evaluations, and selection for training.

It is also the Agency's policy to provide an environment free of sexual harassment and to protect Board of Elections' employees, male and female, from any form of sexual harassment or intimidation by any other employee. It is the responsibility of all employees to act in accordance with the Equal Employment Opportunity/Affirmative Action Policy of the Board of Elections. Managers and Supervisors have a particular responsibility to ensure that all employees and personnel matters within their respective areas are handled in an impartial, consistent and fair manner. Any complaints regarding discriminatory or unfair treatment are to be given serious attention.

Any employee who feels discriminated against or sexually harassed may file a complaint with the EEO Office. All complaints will be handled in a timely and confidential manner. For more information or to file a complaint, contact the Director of Personnel.

## **EQUAL EMPLOYMENT OPPORTUNITY**

Employers are prohibited by law from discriminating against individuals in protected classes. In addition, employers must comply with applicable laws, court decisions, and agency guidance pertaining to LGBT (Lesbian, Gay, Bisexual, and Transgender) rights, sex and gender discrimination, and spousal benefits for same-sex spouses. Employers with 15 or more employees must comply with federal anti-discrimination laws, including Title VII of the Civil Rights Act.

## Anti-Discrimination Policy

- Age
- Genetics
- Disability
- Equal Pay
- National Origin
- Pregnancy
- Race
- Religion
- Sex/Gender
- Sexual Harassment

These laws prohibit discrimination that affects:

- Assignment
- Working conditions
- Salary
- Evaluation
- Promotion
- Training
- Transfer
- Discipline
- Termination
- Any other terms and conditions of employment

The law requires that reasonable accommodations be made for employees with disabilities. The law also requires that reasonable accommodations be made for employees' religious observance.

**See section C-13.**

All employees are directed to comply with both the letter and the spirit of these laws. All personnel should work to maintain an atmosphere of appreciation of the diversity reflected in our staff and promote understanding among our coworkers. Managers and Supervisors are directed to make all employees' decisions in accordance with the Board of Elections' EEO Policy and ensure compliance with the policy in their areas of responsibility.

If an employee feels discriminated against in the workplace, the employee should contact the Equal Employment Opportunity Office or their Personnel Department.

The Equal Employment Opportunity Office has the authority to recommend to the Commissioners that disciplinary action be taken against any employee who has committed an unlawful discriminatory act. All complaints will be handled with as much confidence as is possible. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Retaliation or harassment is unlawful and will be cause for disciplinary action. In the event that an investigation takes place, all employees are required to be cooperative and truthful. Any employee who is not cooperative or truthful in any investigation will be subject to disciplinary action, which may lead to termination.

### **GRIEVANCE PROCEDURES**

A “Grievance” is defined as a dispute concerning the application or interpretation of the terms and conditions of the collective bargaining agreement with CWA, Local 1183, a claimed violation, misinterpretation, or misapplication of the rules, regulations, policy or order issued by the Board of Elections in the City of New York in reference to the terms and conditions of employment. Charges of harassment or discrimination are not subject to this procedure, but would be filed pursuant to Section G of the Board’s Policies and Procedures Handbook.

- **STEP I**

An employee or the union representative must present the grievance verbally or in written form within one hundred twenty (120) days of the original occurrence to the Chief Clerk or Deputy Chief Clerk giving substantive detail as to the nature of the grievance. In the case of the General Office, the grievance should be filed with the employee’s Department Head. The employee or union representative must include dates, specific occurrences and list any witnesses, if needed. All parties will try to resolve the grievance at this first level. The Chief, Deputy, or Department Head must consult the appropriate Commissioners to reach a final decision. A written response to the grievance will be issued within six (6) working days of the submission.

- **STEP II**

An employee or union representative may appeal the STEP I response within six (6) working days of the STEP I decision. The appeal must be made in writing to the Director of Personnel with a copy of the appeal filed with that employee's Chief/Deputy or Department Head. The Director of Personnel and General Counsel will serve as the Board's review panel and meet with the employee and union representative at the time when the grievance will be reviewed. All pertinent documentation and records must be presented to the review panel at that time. The employee and the union may present any evidence or witnesses in order to support the claim. In turn, the review panel will examine all records, documentation and witnesses, and verify all information before issuing a response. A written response will be issued within ten (10) working days from the day the appeal was filed. Copies must be given to the grievant, the union representative and the Director of Personnel.

- **STEP III**

An appeal from an unsatisfactory STEP II hearing must be presented in writing to the Executive Director who, together with the review panel must bring the grievance to the full Board of Commissioners for a final review. The appeal must be filed within six (6) working days of the issuance of the STEP II decision. The employee or union representative must present their case to the Board, providing all pertinent documentation and evidence. The full Board must issue a written decision within ten (10) working days of the STEP III hearing.

- **STEP IV**

If the decision after the STEP III hearing is still unsatisfactory, the grievant or union representative may file a STEP IV appeal no later than ten (10) working days from the receipt of the STEP III decision. This appeal is filed with the Mayor's Office of Labor Relations where a hearing officer designated by the Commissioner of Labor Relations will review all pertinent information and render a decision. The employee and union representative, along with the Board of Elections in the City of New York representative, will appear before the hearing officer and present evidence and testimony as required.

- **STEP V**

An appeal of the STEP IV decision may be brought by the grievant, union representative or the employer to the Office of Collective Bargaining for impartial arbitration. Either party filing an appeal must do so within ten (10) working days of the STEP IV decision. The results of the STEP V hearing are binding to the extent that the decision or award is in accordance with any applicable laws as specified in Section 3-300 of the New York State Election Law. It must not abridge, or diminish any of the rights or obligations of the Board of Elections in the City of New York pursuant to Section 3-300 nor must this decision or award add to, subtract from, or modify the Collective Bargaining Agreement, rule, regulation, written policy or order.

In all steps of this grievance procedure, it is the employee's responsibility to provide information required to substantiate the claim. The employee is responsible for keeping their Chief/Deputy or Department Head and Director of Personnel informed of any appeal filed, and must give timely notice of any absence as a result of filing the grievance.

Copies of all grievances, appeals and decisions must be filed with the Director of Personnel and retained in the employee's permanent file.

### **GRIEVANCE AGAINST DEPUTY/ CHIEF/ SUPERVISOR**

When filing a grievance against a Deputy/ Chief or Supervisor, you must go to the union President, first. If the complaint meets criteria for a grievance, the complaint will be submitted to the Legal Department. Once the grievance is submitted, administrative inquiry will begin. All inquiries are done by a bipartisan team and conducted on a first come, first serve basis or will be based on the emergent nature of the complaint.



## **SEXUAL HARASSMENT**

Sexual harassment in the workplace is a form of employment discrimination that's prohibited by law. All employees should familiarize themselves with the following guidelines so that they will understand what type of conduct is prohibited, and know the remedies available to anyone who may experience sexual harassment.

Guidelines issued by the U.S. Equal Employment Opportunity Commission state that unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) Submission to such conduct is made explicitly a term or condition of an individual's employment.
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

These guidelines are not meant to interfere with voluntary social relationships between individuals in the workplace, but they do prohibit those actions and behaviors that are unwanted and unwelcome and which create an intimidating and hostile work environment. A fundamental policy of the Agency is that the workplace is for work. Our goal is to provide a workplace free from tensions involving matters that do not relate to the Agency's business. In particular, an atmosphere of tension created by non-work-related conduct, including ethnic, racial, sexual or religious remarks, animosity, unwelcome sexual advances or request for sexual favors or other such conduct does not belong in our workplace.

Harassment of employees or of applicants by other employees is prohibited. Harassment includes, without limitation, verbal harassment (epithets, derogatory statements, and slurs), physical harassment (assault, physical interference with normal work or involvement), and visual harassment (posters, cartoons, drawings), and innuendo.

Sexual harassment is a violation of state and federal law. It includes unwelcome sexual advances, requests for sexual favors, sexual motivated physical contact and other verbal or physical conduct, or visual forms of harassment of a sexual nature, when submission to such conduct is explicitly or implicitly made a term or condition of employment. Or it's used as the basis for employment decisions or when such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

You cannot be forced to submit to such conduct as a basis for any employment decision and the Agency will do its best to keep itself free of any conduct that creates an intimidating, hostile or offensive work environment for its employees.

#### **Action Taken if BOE Policy is Violated**

In the event that any sort of ethnic, racial, religious, or sexual harassment, or similarly abusive verbal or physical conduct interferes with any individual's work performance or creates an intimidating, hostile or offensive work environment, we urge you to contact your Manager or Supervisor. If you feel uncomfortable bringing the matter to your Manager or Supervisor, or if your Manager or Supervisor is involved in the harassment, you may contact the Director of Personnel, who, to the extent possible, will treat the matter with the degree of confidentiality that you require. The Director of Personnel may order or conduct an independent investigation, including interviews and statements concerning the complaint. A report will be written and given to you concerning the results of the investigation.

If the Agency determines that harassment has occurred, appropriate relief of the employee bringing the complaint and appropriate disciplinary action against the harasser, up to and including discharge will follow. A non-employee who subjects an employee to harassment in the workplace will be informed of our Agency policy and appropriate action will be taken. In all cases, the Agency will make follow-up inquiries to ensure that the harassment has not resumed. An employee who remains unsatisfied with these referrals may seek review from the Borough Chief Clerk or Deputy, Higher Agency Management or an EEO Agency-designated investigator.

The Agency understands that these matters can be extremely sensitive, and to the extent possible, we will keep all employee complaints and communications, including interviews and witness statements in strict confidence. In no way will the above procedures limit an aggrieved employee's right to file a complaint with a federal, state or city Human Rights Agency or District Office of EEOC.

### **Filing a Charge with the EEOC**

If you believe you have been discriminated against by an employer, labor union or employment agency when applying for a job or while on the job because of your **race, color, sex, religion, national origin, age, or disability**, or because of opposing a prohibited practice or participating in an equal employment opportunity matter, you may file a charge of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC). Charges may be filed in person, by mail or telephone. Simply contact the nearest EEOC office. If an EEOC office is not in your immediate area, call one of these toll-free numbers for more information 800-669-4000; 800-669-6820 (TTY).

### **Contacting the EEOC HEADQUARTERS**

U. S. Equal Employment Opportunity Commission  
131 M Street, N.E.  
Washington, D.C. 20507  
Phone: (202) 663-4900  
TTY: (202) 663 – 4494

### **New York District Office**

33 Whitehall Street  
5<sup>th</sup> floor  
New York, NY 10004  
Phone: 800 – 669-4000  
TTY: 800-669-6820

The Agency will not tolerate retaliation against any employee who complains of sexual harassment or provides information in connection with any such complaint. Any Manager or Supervisor who knows of a sexually intimidating or hostile work environment or who becomes aware that the terms and conditions of an individual's employment are based upon their submission to sexual conduct should consult with the Board of Elections' Director of Personnel immediately. If the Director of Personnel is not available, contact should be made with the Agency's Executive Director or Deputy Executive Director.

All complaints will be handled in confidence. No employee may retaliate against or harass any person for filing a complaint or cooperating in the investigation of a complaint. Such retaliation or harassment is unlawful and will be cause for disciplinary action.

#### **THE AMERICANS WITH DISABILITY ACT OF 1990**

In accordance with the Americans with Disability Act (ADA), The Board of Elections will not discriminate against qualified individuals with a disability who can perform the essential functions of the job with or without reasonable accommodation.

This policy applies to all Agency activities, including but not limited to, recruiting, hiring, training, transfers, promotions and benefits. Any violation of this policy should be reported to your Supervisor or Manager, or to the Director of Personnel. For ADA questions, contact the Director of Personnel.

SECTION H – PERFORMMANCE EVALUATION PROGRAM

## **PERFORMANCE EVALUATION PROGRAM**

This program assesses your work performance by providing you with regular feedback and communication that will help you meet work goals develop new skills or improve your work performance. The Manager or Supervisor documents the information in a performance evaluation and has a confidential meeting or conference with you to share and discuss your progress.

### **GOALS**

This program:

- Encourages continuous communication between Supervisors and their employees.
- Recognizes positive performance.
- Identifies performance problems or deficiencies and helps develop improvement plans.
- Clarifies expected standards of performance and assesses actual performance in terms of these standards.
- Provides information that's useful for making decisions about promotions, salary adjustments, merit increases, training needs, professional development and disciplinary action.

### **EVALUATION PERIOD**

The performance evaluation cycle for employees who are not serving a probationary period, begins every year on January 1 and ends on December 31 of that calendar year. Supervisors evaluate employees once each year, for the previous year, during the formal appraisal process which starts in January. The evaluations are to be completed in accordance with the “Non-Managerial Performance Evaluation Guidelines”. Once reviewed with and signed by the employee, the original is sent to the Director of Personnel and becomes part of the employees' permanent record.

## **PROBATIONARY EMPLOYEES**

Probationary employees are evaluated as outlined in the Union Contract until the required one year probationary period is served successfully and, 60 days prior to the end of the probationary period; an “End of Probationary Period Evaluation” will be completed by the Chief Clerk and Deputy Chief Clerk. This evaluation will be reviewed by the Borough Commissioners and served to the employee who will sign that they have reviewed and received a copy of their evaluation. The original will be sent to the Director of Personnel and becomes part of the employees' personal record.

## **EVALUATION PROCESS**

Managers and Supervisors evaluate employees based on general criteria that apply to all employees, then on the key responsibilities (tasks) and performance expectations (standards). Key responsibilities are the major tasks or activities of the job. Performance expectations are the standards for measuring the performance of those activities.

## **CONFERENCE**

Conferences are held throughout the year. This is a meeting between the employee and their Supervisor to evaluate the employee's job performance. Together, the supervisor and employee will establish and review key responsibilities and performance expectations for the current year. They will also create a plan of action with targeted goals for the employee to achieve. The ultimate goal is for the employee and Supervisor to work together to achieve success.

## **APPEAL PROCEDURE (For Non-Managerial Employees)**

An employee must sign their performance evaluation. This does not mean that the employee agrees with the evaluation, only that it has been received. If the employee thinks that the evaluation is an unfair representation of their performance, the employee may appeal by following the procedure outlined below:

1. An employee should first try to resolve the disputed issue through discussion with their immediate Manager or Supervisor.
2. If the discussion of the complaint with the immediate Manager or Supervisor fails to resolve the issue, the employee may request in writing, within ten (10) working days of the discussion, That the complaint be reviewed by the Executive Office Appeals Committee (made up of Executive Director, Deputy Executive Director and Director of Personnel).
3. If the complaint is not resolved at the Appeals level, the employee can refer the matter, by written request, within ten (10) working days of receiving the decision, to the Commissioners. The Commissioners have the final review authority.