



# *Fact Sheets*

**#1 Don't Let the Mayor Destroy the Working Class**

**#2 Civil Services Lists**

**#3 Provisional Status**

**#4 Non-Competitive Class**

**#5 55-A Program**

**#6 Examinations**

**#7 Probation**

**#8 Suspension**

**#11 Disciplinary Proceedings**

**#12 Conflict of Interest Board**



## *... Don't Let the Mayor Destroy the Working Class*

### FREQUENTLY ASKED QUESTIONS ON DON'T LET THE MAYOR DESTROY THE WORKING CLASS

**Do you know that Mayor Bloomberg is attacking Civil Service? He wants to end the State Civil Service Commission's authority over the city's hiring practices, downgrade Civil Service tests, change disciplinary rules, end seniority and abolish the Triborough Amendment.**

The Public Employee's Fair Employment Act commonly referred to as the Taylor Law, part of the New York State Civil Service Law (Article XIV), the Triborough Amendment requires a public employer to continue all the terms of an expired agreement until a new agreement is negotiated.

**If the Triborough Amendment were to be abolished State and local governments could void union contracts once the agreements have expired. They could reduce government employees' salaries, benefits, working conditions, etc.**

New York State Civil Service Law (Article V, Title C, 80. and 80a.) Suspension or demotion upon the abolition or reduction of positions for competitive and non-competitive class positions provides that layoffs be done in inverse order of seniority.

**Elimination of these provisions would allow agencies to lay off employees without regard to their length of service with the city.**

New York State Civil Service Law (Article V, Title B, 75.) Removal and other disciplinary action provides that a person shall not be removed or otherwise subjected to any disciplinary penalty provided in this section except for incompetency or misconduct shown after a hearing upon stated charges pursuant to this section.

**Amending the law to allow managers to impose sanctions without a hearing denies employees "due process".**

New York State Civil Service Law (Article IV, Title B, 61.) Appointment and promotion provides that appointment or promotion from an eligible list be made by the selection of one of the three persons highest on such eligible list.

**Elimination of the one-in-three rule would allow State and local governments to appoint or promote candidates from an eligible list without regard to their placement on that list.**



## FREQUENTLY ASKED QUESTIONS ON CIVIL SERVICE LISTS

### **Does passing a test guarantee me a position?**

No. The agency does not have to appoint every successful candidate. You are subject to the 1-in-3 rule.

### **If I am a provisional on a promotion list with a low list number can I still be removed from my position?**

Yes

### **If I am a provisional on an open competitive list can I still be removed from my position?**

Yes

### **How long does a list remain active?**

A list remains active for a minimum of a year but not more than four years from the date of establishment.

### **If I am appointed from a list do I have to serve a probationary period?**

Not necessarily. If you have served in a promotional title on a provisional basis for a period equal to or greater than the probationary period you shall not be required to serve a probationary period upon promotion to that title. In other instances, upon promotion, the agency may waive the requirement of completion of the probationary term.

### **When appointed from a list, can I be appointed at a higher level than 1?**

Yes

### **If I am a provisional in a title and I am called off the list do I get to select where I want to go?**

No. If the agency conducts pools you may get to choose what department you interview with for a position but the selection remains with agency/department.

### **Can I decline an appointment and if I do what happens?**

Yes. You can submit a written request to DCAS to be placed back on the list as long as the list is active. Restoration to the list is at the discretion of DCAS.

### **If I fail my probationary period what happens?**

Termination if you do not have permanent civil service status in any title, or; restoration to your former permanent civil service title if you have permanent civil service status in a lower title in the same occupational group, or; your probationary period may be extended at the agency discretion. You can also submit a written request to DCAS to be restored to the list if it is still active. Restoration to the list is at the discretion of DCAS.

### **If I am on leave and they reach my number will they call me?**

Yes. An employee on a promotion list who is on a leave of absence without pay must be notified prior to promotions being made past the employee's list number.

### **If I accept a position and work in the position for a period of less than a year and choose to resign am I reinstated on the list?**

Yes. An eligible that has been appointed to a permanent position for which the list was established and resigns can submit a written request to DCAS to be restored to the list if the list is still active. Restoration to the list is at the discretion of DCAS.

### **If I am promoted and on probation and the title is targeted for layoffs what happens**

If a probationary employee has not completed his/her probationary period in a title targeted for layoffs, the probationary employee would be laid off or demoted before any permanent employees in the same title in the same layoff unit who had completed their probationary period. Probationary employees are laid off in inverse order of seniority.



## FREQUENTLY ASKED QUESTIONS ON PROVISIONAL STATUS

### **What is Provisional status?**

Appointments made to a competitive class title when there is no appropriate eligible list for that title.

### **What is the difference between a step-up provisional employee and a pure provisional employee?**

A step up provisional employee has permanent status in a lower title (that promotes to their provisional title). A pure provisional employee has no permanent status (or may have permanent status in a title that does not promote to their provisional title).

### **As a provisional employee what are my rights in the absence of a civil service list for my title?**

A provisional employee with two years of service has contractual rights to due process.

### **As a provisional employee what are my rights when there is a civil service list for my title?**

If the employee is a step-up provisional they would be returned to their permanent title. If the employee is a pure provisional they would be terminated.

### **Does a provisional employee have seniority rights with respect to termination?**

There are no seniority rights for provisionals with respect to termination.

### **As a step-up provisional on leave from a lower permanent civil service title are you guaranteed the right to return to the permanent title?**

Yes.

### **As a provisional employee what can I do to help ensure keeping my job?**

Take and pass a civil service examination. A pure provisional should take any appropriate civil service examination to get permanent status (especially in a lower title that promotes to their provisional title).

### **Can a provisional employee supervise a permanent employee?**

Yes



**DEFINITION:** The non-competitive class shall include all positions that are not in the exempt class or the labor class and for which it is found by the commissioner of citywide administrative services or other governing jurisdiction to be not practicable to ascertain the merit and fitness of applicants by competitive examination. There are no written or oral tests where you compete with other candidates and are ranked on a civil service eligibles list. The non-competitive candidate must meet whatever criteria the governing jurisdiction deems are the qualifications for the non-competitive title.

## FREQUENTLY ASKED QUESTIONS ON NON-COMPETITIVE CLASS

### Is there a probationary period for a non-competitive title?

Yes

### What is it?

There is a 6-month probationary period for mayoral agencies and there is a 1 year probationary period for Health & Hospital Corporation (HHC)

### What happens to my underlying permanent competitive title if I accept a non-competitive title?

Once you completed a year in the non-competitive title, your underlying permanent competitive title no longer exists; additionally a permanent employee who accepts a non-competitive position can request a leave from their permanent competitive title and if approved by their agency can retain the right to return to that title within some fiscal constraints.

### What happens to my permanent non-competitive title if I accept another non-competitive title?

You will continue as a non-competitive employee; the employee will retain their permanent non-competitive title until they complete the new non-competitive title probationary period.

### What are the lay-off rules for non-competitive employees?

Layoffs are made in inverse order of seniority based on the employee's original date of appointment. See Citywide contract page 48- Article XVII – Section 3.

### What are my due process rights as a non-competitive in the disciplinary process?

Following the service of written charges upon an employee a conference shall be held with respect to the charges at Step I of the Grievance Procedure. The employee is entitled to be represented by the Union. See 1180 contract page 24 – Article VI – Section 6. Note: If a non-competitive employee has less than five years of service the employer can implement a penalty at Step I whereas for a competitive employee the penalty is implemented after Step 2.

### Can a non-competitive class employee supervise a competitive class employee?

Yes

### Can a competitive class employee supervise a non-competitive class employee?

Yes

### Are there any promotional step-up titles for non-competitive class titles?

No; however, a non-competitive can be appointed to another higher non-competitive title.



**DEFINITION:** Section 55-A of the New York State Civil Service Law permits municipalities to employ persons, who have been certified as physically or mentally disabled, in civil service positions on a non-competitive basis. This provision is implemented by the City of New York through the 55-A Program, which is administered by the New York City Department of Citywide Administrative Services. You must be certified as being physically or mentally disabled and qualified to perform the duties of the job.

A qualified person with a disability who is appointed to the 55-A Program is not required to take a written or oral examination. Persons eligible under this program are not placed on a civil service list. Eligible persons will be evaluated on the basis of their qualifications and interviews. Eligibility is determined based on an official certification that an individual is physically or mentally disabled and qualified to perform the duties of the job.

## FREQUENTLY ASKED QUESTIONS ON 55-A PROGRAM

**If you are granted the 55-A status, are you now covered as a non-competitive employee?**

Yes

**What happens if you are pure provisional, can you be granted the 55-A status?**

Yes

**If you are in a provisional title, you took a test and passed it, you are called from the list, are you still covered under 55-A?**

No, you are now a competitive class civil service employee.

**Is there a time limitation on holding a 55-A status position?**

No

**Is there a limit to the number of 55-A status position?**

Yes there is a limit to the number of 55-A status positions and that number is subject to change.

**Can you be promoted if you were granted the 55-A status?**

Yes, however if you are appointed from a civil service list you lose your 55-A status.

**How does 55-A correlate to lay-offs?**

As a 55-A employee you can be laid off.

**Is there a seniority or juniority protocol for 55-A that has to be followed with regards to lay-offs/termination?**

Yes

**Can I be terminated if I have 55-A status?**

Yes

**Would I have better protection with the 55-A program or with a permanent competitive civil service title?**

You would have better protection with a permanent competitive civil service title.

**DEFINITION:** An assessment of the merit and fitness of an applicant for positions which, as classified in the competitive class, shall be ascertained by such examinations as may be prescribed by the state civil service department or the municipal commission having jurisdiction.

**ANNOUNCEMENTS OF EXAMINATIONS:** The state civil service department and municipal commissions shall issue an announcement of each competitive examination set forth the minimum qualifications required, the subjects of the examination, and such other information as they may deem necessary, and shall advertise such examination in such manner as the nature of the examination may require.

## FREQUENTLY ASKED QUESTIONS ON EXAMINATIONS

### What are the different types of examinations?

There are two types, Open Competitive and Promotional. Anyone is eligible to take an open competitive examination as long as they meet the basic qualifications of the title. Only individuals already employed in a title that promotes to the title for which the exam is being offered are eligible to take that promotional exam.

### What are the forms of examinations?

- Written: may be either multiple-choice or essay; Education and Experience (E&E); Oral; Practical/Physical

### How are multiple choice examinations scored?

The score for a written multiple-choice exam is calculated on a point value for each question based on the number of questions on a test. (100 questions – point value is 1.00; 80 questions – point value is 1.25; and 85 questions – point value is 1.7647). For an open competitive exam, multiply the number of correct answers by the point value to get your tentative multiple choice test score. For a promotional exam, the multiple choice score is 85% of your score and the remaining 15% is your seniority test score. Multiply the number of correct answers by the point value to get your tentative multiple choice test score and then multiply that number by .85 to get your adjusted tentative multiple choice score. Multiply the number of years of service (maximum is 15 years) by 2.00 to get years of service points and add that to 70 to get tentative seniority test score. Multiply that

number by .15 to get adjusted seniority test score. Add adjusted tentative multiple choice test score and adjusted seniority test score to get tentative adjusted average test score.

### How are Education & Experience (E&E) examinations scored?

To be credited, the education and experience must be of the nature, duration and quality described in the Notice of Examination and must have occurred during the prescribed period of time. Unless otherwise specified in the Notice of Examination, all requirements must be met by the last date of the application period. You receive a score of 70 points for meeting the education and experience requirements listed in the Notice of Examination. Additional points up to 100 may be awarded for additional experience as specified in the Notice of Examination.

### Can you take both promotional and open competitive examinations at the same time for the same title?

Yes, but you must pay for both application fees and meet the eligibility requirements for both.

### How do I protest a test question?

On the day of the test you will be provided with a Candidates Record of Answers on which you record your answers for your personal use. This sheet also describes the protest procedure. The protest period usually begins the fifth week after a test is given and the proposed answer key is

published. You have 30 days to submit your protest to DCSAS. A Test Validation Board is established and reviews each protest.

### How do I protest my test score?

The notification of your exam score and list rank also gives the procedure to protest your score. There is a 30 day period after the exam results are released during which candidates are permitted to appeal the calculation of their final score.

### If I am on probation in a lower title, am I eligible to take a promotional examination for a higher title?

Yes. However, you must have completed your probationary period in the lower title at the time of promotion to the higher title. Refer to the Notice of Examination (NOE).

### If a judge determines an examination to be discriminatory can the results be thrown out? Such as what occurred within the NYC Fire Department?

Yes.

### Should a candidate bring their cell phone into the examination building with them?

No, the Notice of Examination indicates the items that are prohibited. You are not permitted to enter the test site with cellular phones, beepers, pagers, cameras, portable media players, or other electronic devices. Calculators are permitted; however, they must be hand-held, battery or solar powered, numeric only. Electronic devices with alphabetic keyboard or

with word processing or data recording capabilities such as planners, organizers, etc. are prohibited. If you are found to be in possession of any of these devices, your test score may be nullified, you may not receive your test results, and your application fee will not be returned.

#### **What can you do if you are disqualified by DCAS after taking an exam?**

You may not have met the eligibility that is required for the title as specified in the Notice of Examination (NOE). You can appeal the disqualification to DCAS and if the appeal is denied, you can appeal to the Civil Service Commission.

#### **What can you do if you have a serious and documented illness on the date of the scheduled exam?**

An applicant who is unable to take or complete an examination may apply for a refund of the application fee by submitting a written request to the Examining Service Section of the Department of Citywide Administrative Services within 30 days of the date of the first test in the examination at which he or she was unable to appear with verification that such absence was due to hospitalization.

#### **What if I have a death in the family?**

If unable to take the examination as scheduled, upon written request a special exam may be given. Absence from the test within one week after the date of death of a spouse, domestic partner, mother, father, sister, brother, child, or child of a domestic partner of such applicant where such applicant is an officer or employee of the City.

#### **What can you do if you cannot take the exam on the scheduled date because of Religious observance?**

There are specific instructions on the Notice of Examination (NOE) informing you that if

you are unable to take the test on a Saturday or on the scheduled test date, you must request an alternate date no later than 15 days prior to the scheduled test date.

#### **What can you do if you cannot take the exam on the scheduled date because of a disability?**

There are specific instructions on the Notice of Examination (NOE) informing you that if you have a disability which will interfere with your ability to take the test without special accommodation(s) or other assistance, you must submit a written request for specific special accommodation(s) postmarked no later than 30 workdays days prior to the test date.

#### **What is the Legacy Credit?**

The Legacy Credit is for (Open-Competitive Examinations only): Ten points will be added to the open-competitive examination score of a candidate who qualifies for Parent or Sibling Legacy Credit.

For Parent Legacy Credit: A candidate shall qualify for PLC if his or her parent was killed in the line of duty as a firefighter or police officer in the service of New York City.

For Sibling Legacy Credit: candidate shall qualify for Sibling Legacy Credit if his or her sibling was killed in the line of duty as a firefighter or police officer in the service of New York City as a result of the September 11, 2001 World Trade Center attack, or as a result of the rescue effort that took place in response of the attack.

A candidate can receive Legacy Credit for no more than one parent or one sibling. A candidate can, however, receive Legacy Credit for both a parent and a sibling; in which case, the candidate may be entitled to 20 points.

#### **Do Veterans get extra points on exam score?**

Yes. You may use Veteran's/ Disabled Veteran's Credit only once for appointment

or promotion from a City, State, or County civil service list from a jurisdiction within the State of New York. Veteran's/ Disabled Veteran's Credit will be added only to the final score of those who pass all parts of the examination.

#### **Can I get my Veteran's Credit back?**

Yes, when a veteran or disabled veteran accepts a permanent position from an eligible list by virtue of such additional credits, such person shall be deemed to have exhausted those credits unless:

- Prior to the expiration of the probationary term, such veteran or disabled veteran resigns from the position; or
- The services of such veteran or disabled veteran are terminated at the end of or during the probationary term; or
- At the time of establishment of an eligible list, the position of a veteran or disabled veteran on such list has not been affected by the addition of credits; or
- At the time of appointment from an eligible list, a veteran or disabled veteran is in the same relative standing among the eligibles who are willing to accept appointment as if the veteran or disabled veteran had not been granted additional credits.

#### **Do you get extra points on your exam score if you are already serving provisionally in the same title as the examination is being given?**

No.

#### **If I am scheduled to work at my NYC job the date of the Civil Service exam, am I required to use my annual leave to take the exam, or is your agency required to release me without being charged time in order to take your exam?**

Your agency is required to release you. You have to make your request in advance and provide documentation.





**DEFINITION:** The probationary period is the final and perhaps most critical step in the selection process. It is intended to provide an opportunity to evaluate an employee on the knowledge, skills, and ability (as demonstrated by the employee's conduct and performance) not evaluated by other parts of the selection process. Any permanent or contingent permanent

appointment, including original appointment, promotion, reinstatement, or transfer requires satisfactory completion of a probationary period. Most probationary periods have a minimum and maximum term. Probation continues until satisfactory completion, resignation or termination.

## FREQUENTLY ASKED QUESTIONS ON PROBATION

### How long is a probationary period?

One year for competitive class employees and six months for non-competitive class employees. However, the probationary period is extended by the number of days the probationer takes off (i.e., sick leave, annual leave, leave without pay, etc.) No probationary period is required or may be imposed if the appointment is temporary or provisional.

### Can my probationary period be extended? What are some of the reasons why they would extend probation?

Yes. Time & Leave, Conduct and Job Performance.

### If I am not terminated but placed on extended probation, how long do I have to serve?

The agency head may request an extension in writing to the Department of Citywide Administrative Services with the written consent of the probationer and DCAS may authorize the extension for one or more additional periods not exceeding six months. However, the agency head may terminate the employment of the probationer at any time during the additional period or periods.

### If I am on probation and I transfer to another agency, can my probation period be extended?

It depends. If the transfer is voluntary, the employee must serve the entire period of probation in the new position. However, if the employee is involuntarily transferred from one agency to another, due to a

transfer in personnel upon a transfer of function, or if the employee transfers voluntarily to avoid layoff resulting from a reduction in force, then the employee shall receive credit for the period of time already served on probation.

### How am I affected by layoffs if I am on probation in the title?

Probationary employees are subject to layoffs before employees in the same title with permanent status who have passed their probation.

### Can my probation be waived?

Yes. Upon promotion, the agency may waive the requirement of satisfactory completion of the probationary term at any time during such term. Also if a permanent employee has served in a promotional title and a particular job assignment on a provisional basis for a continuous period equal to or greater than the probationary period for that title immediately prior to a permanent promotion to such title, the promotee shall not be required to serve a probationary period upon promotion.

### Can I be terminated if I have not been notified that I did not pass my probation?

At the end of the probationary term, the agency head may terminate the employment of any unsatisfactory probationer by notice to such probationer and to the commissioner of citywide administrative services.

### What is the minimum amount of time that can be served before my probation can be terminated?

Two months for every appointment to a position in the competitive or labor class. Four months for every promotion to a position in the competitive or labor class. For non-competitive and exempt titles there is no minimum amount of time that needs to be served before you can be terminated.

### Am I entitled to receive a copy of my probationary evaluation?

Yes; anytime you are evaluated, you should receive a copy of your evaluation.

### If I do not agree with my probationary evaluation, am I required to sign it?

Yes.

### If I am on probation and feel that I am being discriminated against, can I file an EEO complaint?

Yes.

### If I am terminated, can I be restored to the list?

Yes. You may request the Department of Citywide Administrative Services to restore your name to the eligible list from which appointed if the list is still in existence. Your name may be restored at the discretion of DCAS.

**If I resign before completing my probationary period, can I be restored to the list?**

Yes; you may request the Department of Citywide Administrative Services to restore your name to the eligible list from which appointed, if the list is still in existence. Your name may be restored at the discretion of DCAS.

**After I have completed my probationary period can I be terminated?**

Yes, but only as a result of charges through due process.

**If I am disqualified while on probation, may I file an appeal and continue employment?**

Yes, whenever a probationer has been declared not qualified by the commissioner of citywide administrative services for the position held by the probationer and files an appeal with the commission, upon the written request of the agency head,

the probationer's continued employment may be authorized at the discretion of the commissioner of citywide administrative services pending final decision of such appeal; provided, however, that the period of service between such declaration of disqualification and the disposition of the appeal shall not be counter in determining the completion of such probationary term.



## FREQUENTLY ASKED QUESTIONS ON SUSPENSION

### **On what basis can I be suspended?**

You can be suspended for gross misconduct or incompetency.

### **Will I be suspended with or without pay?**

You will be suspended without pay.

### **How long can I be suspended?**

You can be suspended up to 30 days pending disciplinary charges. If the charges are not preferred against the employee by the 31st day, the agency must restore the employee back to work or return the employee to pay status.

### **If I am suspended and found not guilty, can I receive lost pay?**

Yes, lost pay will be restored.

### **What happens if I am suspended and found guilty?**

If found guilty, additional penalties can be imposed such as a reprimand, pay fine, additional suspension, demotion or termination.

### **Do I still accrue time while I am on suspension?**

No

### **Does my medical coverage continue while I am on suspension?**

No

### **Am I allowed to enter my work site while on suspension?**

No

### **Do I have to surrender my identification when I am suspended?**

Yes

### **What is my right to appeal?**

Based on your civil service status you have due process rights under the grievance procedure or O.A.T.H.

### **If I am on probation and I am suspended, can I be terminated or demoted immediately?**

As a probationary employee you can be demoted or terminated immediately.

### **If I have a verbal altercation on the job, can I be suspended immediately?**

This determination is at the agency's discretion.

### **If I have been suspended and I was discriminated against can I file an EEO complaint while I am suspended?**

Yes

### **If I have been suspended and found guilty can I be called from a promotional or an open competitive list?**

Yes

Due process procedures for the removal of or other disciplinary action against an employee charged with incompetence or misconduct as set forth in Civil Service Law, or in a negotiated collective bargaining agreement.

## FREQUENTLY ASKED QUESTIONS ON DISCIPLINARY PROCEEDINGS

### What is due process?

Due process is the ability of an agency to initiate disciplinary proceedings and for those being charged to defend themselves against the charges and have a representative.

### Who is entitled to due process?

An employee who is a permanent civil servant in the competitive class or non-competitive class has due process rights. Provisional employees do not have due process rights until they have served two years, and probationary employees do not have due process rights at all.

### What is a disciplinary action?

A disciplinary action is when an employee is brought up on written charges and specifications for violations of state, city, or agency policy/command discipline/rules and regulations.

### What action(s) by the employee initiates disciplinary action?

Incompetence or misconduct that could include time and leave, insubordination, theft of time, violence in the workplace, misuse of agency equipment/resources, sleeping on duty, conducting personal business while on City time, sexual harassment, bullying, or disruptive behavior, to name a few.

### What is the procedure for disciplinary action?

The agency must serve written detailed notice of charges and specifications citing alleged occurrences, offenses, and violations. The date of the offense must have taken place within 18 months of the date of the service of charges.

### What are the penalties that can be accessed?

Official reprimand, pay fine, suspension, demotion, or termination.

### What is the appeal process based on civil service status?

After the serving of charges, employees have the first hearing (STEP 1) and the

hearing officer recommends a penalty. Permanent competitive employees can appeal through the grievance process or Section 75 of Civil Service Law at OATH (Office of Administrative Trials and Hearing). Members then decide what appeal process they wish to take. Provisional employees with at least two years of service can only go through the grievance process.

For non-competitive employees with less than five years of service, the penalty can be implemented after the first hearing. Only non-competitive employees with five years or more have the right to go to OATH. Both can use the grievance process.

### What is the grievance process?

There will be a STEP 2 Hearing with the agency's Office of Labor Relations (OLR). At the conclusion of the STEP 2 Hearing, the hearing officer either upholds the penalty or recommends something else. The penalty determination made at STEP 2 is what will be implemented.

STEP 3 is when the Union makes an appeal to the City's Office of Labor Relations to review the case. If the penalty is upheld at the conclusion of the STEP 3 Hearing, the Union makes a request to CWA District One for the case to go to arbitration. If the case does go to arbitration, the arbitrator's decision is final and irrevocable.

### What is the process at OATH?

A Case Conference is set up at Administrative Trials & Hearing in front of an Administrative Law Judge (ALJ) who acts as a mediator to try to get the two parties to reach an agreement that the member is willing to accept.

If the member does not want to accept the decision at the OATH Case Conference, the case is scheduled for an OATH trial. During the OATH process, the penalty will not be implemented.

At the conclusion of the trial, the ALJ completes a report rendering a decision to either uphold the penalty or enter a different recommendation. The ALJ's decision is not binding. The report goes to the Agency Commissioner who can accept or reject the ALJ's decision. If the decision is rejected, the Union can file an Article 78 appeal with the Civil Service Commission, depending on the facts of the case.

### If I am found guilty of the disciplinary charges initiated against me, am I allowed to enter the work site and go back to work?

Yes, unless the penalty is termination or suspension, in which case you cannot even enter the work site.

### Do I have to surrender my ID if I am found guilty of the disciplinary charges?

Yes, if you are terminated.

### If I fulfilled all the terms/charges of my disciplinary action, will this prevent me from being promoted if I took and passed the promotional examination?

Possibly. The agency may take that into consideration since it has the option of using the 1-in-3 Rule in making promotions from a list.

### Do I still accrue time while disciplinary charges are pending against me?

Yes.

### Does my medical coverage continue while disciplinary charges are pending against me?

Yes, as long as you are not terminated.

### Does my medical coverage continue if I am found guilty?

It depends on the penalty. If you are terminated, then your medical coverage will be terminated.



Conflict of Interest Board is an independent body whose five members are appointed by the Mayor with consent from the City Council. The Board was established in 1990 to make sure NYC public servants protect the integrity and public trust in their decisions by adhering to the Conflicts of Interest Law.

## FREQUENTLY ASKED QUESTIONS ON CONFLICT OF INTEREST BOARD

### What is the purpose of the Conflict of Interest Board?

To make sure the City and its employees ensure the public is well served by guaranteeing not only that its employees act fairly and impartially, but also that their actions appear fair and impartial. City workers must perform their jobs with integrity, following the basic ethics codes for all public servants.

### What is their jurisdiction?

Their jurisdiction covers all paid City officers, employees, and officials, regardless of salary or rank, whether full time, part time, or per diem. Covers all City agencies, Mayor's Office, City Council, Comptroller, Borough Presidents, DA offices, H+H, Economic Development Corp., Housing Development Corp., Police Pension Fund, boards, commissions and the Department of Education, including the Community School Boards, as well as each of the 59 Community Boards throughout the five boroughs.

### Is there a conflict with serving on a Community Board?

Depending on the type of public servant (part time/full time/per Diem/paid/unpaid), there could be. You should check with COIB and with your agency's legal division before pursuing.

### What are the different types of violations of the COIB?

The most common are:

1. Accepting gifts, entertainment, meals, tips, and travel
2. Misusing City position for a private advantage
3. Using confidential information for private purpose
4. Receiving income from second jobs, your own business, and investments
5. Volunteering for not-for-profit organizations

6. Engaging in political activities
7. Personal use of City property
8. Leaving City service (Post employment restriction)

### What are the penalties for violations?

Violators can receive various penalties from the Board and their own agencies. The Board can impose a fine of up to \$25,000 for each violation and recommend to the violator's agency that the violator be disciplined or fired. A violator, in addition, could be required to repay all profits gained from the violation. Note: a violation of the Conflict of Interest Law is a misdemeanor that the District Attorney's office may prosecute. If convicted, violators could face a fine, lose their City jobs, and/or be sent to prison.

### How do you report a COIB violation?

Call the Department of Investigation, 24 hours a day at **212.825.5959**, the Inspector General of your agency, or call or write the Conflict of Interest Board, 2 Lafayette St., Suite 1010, New York, NY 10007, **212.442.1400**. All complaints are confidential and can be reported anonymously.

### What are the repercussions of reporting a violation?

Employees who file reports of possible violations are protected by NYC Administrative Code 12-113, commonly called the Whistleblower Statue. This is designed to prevent retaliation in the form of any adverse personnel action by one City employee against another who reports corruption, criminal activity, a conflict of interest, gross mismanagement, or abuse of authority by another City employee or person dealing with the City.

### How do you respond to and report a bribe?

Say "NO" and document the date, time, location, and name of the person offering the bribe. Report it to the COIB or the Inspector General of your agency immediately.

### Do you get a report after you report an incident? What is the turnaround on the timeframe once it is reported?

You will receive an acknowledgement of receipt for your complaint but there is no timeframe. It will depend on the length of the investigation.

### Is there a statute of limitation to make a report?

COIB has no statute; however, you should check with your agency's policies and procedures concerning making a report.

### Am I allowed to accept gifts from anyone doing business with the City?

No, you cannot accept gifts whether you are on duty or off duty.

### How are fines determined?

Fines are based on the infraction of the violation.

### Is there an acceptable monetary gift from the public?

\$50 is the current definition of "valuable" from any person or firms doing business with or intending to do business with the City. This rule is aggregate and cumulative, meaning that two or more gifts that individually are worth less than \$50 (such as a \$15 and a \$36 gift) would be counted together as a gift valued at \$51 if you receive said gifts within any 12-month period from the same person, relatives of the same person, or "affiliated" persons (like two employees). A gift could be in the form of money, liquor, dinner, tickets to a sporting event, a trip, or

renovations on your home. **If any of these are valued at \$50 or more, it would constitute a violation.**

**Note: When it comes to tips, there is no dollar amount that is permissible — not \$50, not \$5, and not even 50 cents.**

**What are the differences between Conflict of Interest Board (COIB) and the Department of Investigation (DOI)?**

**The Conflict of Interest Board** investigates and assesses fines and can refer for disciplinary action by the violator's agency.

**The Department of Investigation** investigates and refers for prosecution City employees or contractors engaged in corrupt or fraudulent activities, or unethical conduct. Investigations may involve any agency, officer, or employee of the City, as well as those who do business with, or receive benefits from, the City.

**Do agencies have different COIB rules?**

No.

**Can supervisors borrow money from their subordinates?**

**No**, as it may skew the supervisor's ability to be fair and impartial in evaluations and job assignments, and may be perceived as favoritism.

**Can co-workers borrow money from other co-workers?**

Yes, as long as they do not have a supervisor/subordinate relationship and neither is in the position to affect the terms and conditions of the other's employment. One should also check with your Agency's policies and procedures.

**Is there a formal way of requesting permission to participate in an outside activity?**

**Yes**, you should obtain written approval for the activity from your agency head and a waiver from the Conflict of Interest Board.

**Is it a conflict of interest to work for the Board of Elections (BOE)?**

**No.** However, you must take the day off and cannot use sick leave.

**Can I have dual employment with the City and state or federal governments?**

**Yes, but** you must seek approval from each entity before accepting the position.

**Is selling Avon, Girl Scout Cookies, purchasing raffle tickets, participating in the Lotto or a Su-Su pool a COIB issue?**

Su-Su is permissible as long as the parties involved do not have a superior/subordinate relationship. But check with your agency as some prohibit any financial activity between co-workers at the workplace.

Girl Scout Cookies, Avon, and fundraisers are permissible but only when a subordinate sells and a superior buys, not the other way around. The superior is limited to a \$25 purchase. Check with your agency as some prohibit any financial activity at the workplace.

**If I am the purchaser and not the seller, is it a conflict of interest?**

**Yes:** if you are the superior and your purchase is valued at more than \$25.

**Whose responsibility is it to know the COIB rules and regulations?**

All City employees and those doing business with the City.