

# **REFERENCE BOOKLET**

**for**

**Assistant Transit Management Analyst - Exam No. 3059**

**Education Analyst - Exam No. 3039**

**Staff Analyst - Exam No. 3045**

**This booklet is numbered page 1 through page 21**

**The reference materials provided  
pertain to only a portion of the questions on this examination**

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PROVIDED AT THE TEST SITE**

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## **TABLE OF CONTENTS**

	<b>PAGE</b>
CITYWIDE ABSENCE CONTROL PLAN.....	1
AMERICANS WITH DISABILITIES ACT (ADA).....	3
CARRYOVER OF NON-MANAGERIAL ANNUAL LEAVE CREDITS AND COMPENSATORY TIME .....	5
CONFLICTS OF INTEREST LAW.....	6
DESCRIPTIVE STATISTICS .....	9
COMMISSIONER OF INVESTIGATION, INSPECTORS GENERAL AND STANDARDS OF PUBLIC SERVICE EXECUTIVE ORDER NO. 16 .....	10
FREEDOM OF INFORMATION LAW (FOIL).....	12
RESIDENCY POLICY FOR EMPLOYEES OF THE CITY OF NEW YORK .....	15
RIGHT TO KNOW FACT SHEET HEALTH HAZARDS OF THE CHEMICALS USED ON THE JOB .....	17
PROTECTION FOR WHISTLEBLOWERS .....	20
GLOSSARY OF TERMS .....	21

## **CITYWIDE ABSENCE CONTROL PLAN**

The Absence Control Plan has two sick leave periods January 1 to June 30, inclusive, and July 1 to December 31, inclusive. An employee who exceeds the allowable number of undocumented absences in any "Sick Leave Period" shall be required to submit medical documentation, satisfactory to the Agency head, before further sick leave is approved. The requirement for such documentation shall continue in effect until the employee has worked a complete "Sick Leave Period" without being on sick leave more than two instances.

The Absence Control Plan also has specific steps according to the employee's number of sick leave occurrences within the six-month period. An occurrence is considered 3 ½ hours or more of undocumented sick leave, accumulated either in a single day or over a period of time within the six months.

Absence Control is not a substitute nor a prerequisite for disciplinary action. It helps determine whether an employee will be paid for days on which undocumented sick leave was taken. A supervisor who has reason to believe that an employee is abusing sick leave privileges must immediately take appropriate steps to address the problem, including those outlined below.

All employees who accrue sick leave are covered by the Absence Control Plan. An Absence & Tardiness Record must be maintained for each employee by the supervisor, who records all lateness and absences as outlined on the Absence and Tardiness calendar during the week it occurs. Space for recording further details and discussions between the employee and supervisor is provided on the record. All of the following should be indicated:

- \* date(s) of undocumented absence(s);
- \* number of hours/days absent;
- \* reason for absence (if known); and
- \* "step" in which the employee is placed.

### **Supervisory Conferences**

Supervisors are responsible for conducting the Employee/Supervisor interview at each step, usually within two days after the employee returns from sick leave.

The procedures to be followed under the Absence Control Plan are as follows:

**Informal Discussion** - This step is optional. The informal discussion is meant to serve as a cautionary word to employees who are about to enter Step 1 or who continually repeat problem attendance habits, have previously reached Step 3, or repeatedly reach Step 2. The informal discussion should be held at the first time in the new sick leave period that the employee returns from undocumented sick leave before or after a scheduled day off, or after a second undocumented sick leave absence in the sick leave period.

The supervisor should inquire about the absence and remind the employee that after the next absence the formal absence investigation procedure starts. This discussion should be noted and dated by the supervisor on the Absence and Tardiness calendar.

- Step 1 - Absence Investigation and First Discussion** - When an employee has either a second undocumented use of sick leave before or after a holiday or weekend or a third undocumented use of sick leave, the supervisor will conduct another interview with the employee. The employee should be offered assistance in improving his or her attendance and should be warned of possible consequences. The details of the discussion should also be recorded on the Absence and Tardiness calendar including the signature of the employee noting that the discussion was held.
- Step 2 - Second Discussion** - When an employee has either a third undocumented use of sick leave before or after a weekend or holiday or a fourth undocumented use of sick leave, another interview should be held between the supervisor and employee. The supervisor should also discuss the case with higher level supervisors. All discussions should be documented on the Absence and Tardiness calendar.
- Step 3 - Final Warning** - When an employee has either a fourth undocumented use of sick leave before or after a weekend or holiday or a fifth undocumented use of sick leave, the supervisor will place the employee on notice that his or her attendance is still unsatisfactory. All pertinent information must be recorded on the Absence and Tardiness calendar.
- Step 4- Sanction Status/Imposition of Doctor's Restriction** - When an employee has either a fifth undocumented use of sick leave before or after a weekend or holiday or a sixth undocumented use of sick leave, the employee will be placed on Sanction Status/Doctor's Restriction. The supervisor should send the Absence & Tardiness record to the Absence Control Coordinator and a formal memo notifying the employee that he or she is being placed on Doctor's Restriction will be forwarded to the Work Unit Supervisor. Unless future sick leave is documented, the employee will not be paid for any such absence. All pertinent information must be recorded on the Absence and Tardiness calendar.

## AMERICANS WITH DISABILITIES ACT (ADA)

The Americans With Disabilities Act (ADA) prohibits discrimination in employment against qualified individuals because of disability. What makes ADA difficult to interpret are the definitions of *qualified individuals* and *disability*.

A *qualified individual* is defined as "one who, with or without reasonable accommodation, can perform the essential functions of the position."

A person is considered to have a *disability* under three circumstances:

- \* The person has a physical or mental impairment that substantially limits one or more major life activities;
- OR
- \* The person has a record of such an impairment (such as cancer, now in remission);
- OR
- \* The person is regarded as having such an impairment (such as a congenital birth defect which the individual, himself, does not consider a disability).

*Major life activities* include (but are not limited to):

- \* walking
- \* breathing
- \* sleeping
- \* talking
- \* seeing
- \* hearing
- \* caring for oneself.

Conditions that are generally considered disabilities are:

- \* Substantial orthopedic, visual, speech or hearing impairment
- \* tuberculosis
- \* HIV infection or AIDS
- \* cerebral palsy
- \* muscular dystrophy
- \* multiple sclerosis
- \* cancer
- \* heart disease
- \* diabetes
- \* mental retardation
- \* emotional or mental illness
- \* arthritis
- \* recovered drug usage or alcoholism

An employee or applicant is "regarded as having such an impairment" if he or she has a condition that would generally limit a person's ability to do certain activities. This would be true even if the employee does not personally consider him/herself to be disabled. For example, a person born without arms would be considered under ADA to be entitled to certain accommodations and protections. So would a person with a disfiguring facial deformity.

An employee has a record of impairment if he/she had a disability that has - permanently or temporarily - gone away, such as a cancer patient who is now in remission.

## **CARRY-OVER OF NON-MANAGERIAL ANNUAL LEAVE CREDITS AND COMPENSATORY TIME**

Annual leave credits for non-managerial employees shall be calculated on a "leave year" basis beginning May 1 and ending April 30. All annual leave allowance to an employee's credit on April 30 in excess of two years shall be added to the employee's sick leave balance.

A non-managerial employee's annual leave balance must be reduced by May 1 in any given year to the amount accruable in the preceding two years. For example, 54 days for an employee accruing annual leave at a 27-day rate, 50 days for employees with a 25-day rate, etc. At any point during a year, however, an employee's leave accumulations together with the employee's current year's annual leave accumulations may exceed this limit so long as the total is reduced to the limit by the following May 1<sup>st</sup>. A written request for permission for carry-over of an excess of two years accumulation must be submitted by the employee prior to April 1<sup>st</sup> of each year through the Agency's Office of Human Resources.

An employee's compensatory time must be taken within four months following the period in which it was earned. Any compensatory time not used by that time shall be added to the employee's sick leave balance. A written request for permission for carry-over of compensatory time must be submitted by the employee one month prior to the date of conversion through the Agency's Office of Human Resources.

## **CONFLICTS OF INTEREST LAW**

If you work for the City of New York, you have special public trust. You are expected to follow the rules of ethical conduct set forth in Chapter 68 of the City Charter. These rules often set a higher standard than in the private sector.

Chapter 68, The Conflicts of Interest Law, regulates conflicts between your public duties and private interests. For the most part, these conflicts are financial.

For example, during the holiday season a representative from a company your agency frequently deals with offers you an expensive gift. While a private company may allow its employees to receive expensive holiday gifts from firms they do business with, City workers are prohibited from accepting such gifts.

These rules of ethical conduct were enacted in order to assure the public that City workers are performing their jobs with integrity. Not only do the rules assure the public that City employees act fairly and impartially, but that their actions appear fair and impartial as well. Chapter 68 of the City Charter governs both the propriety and the appearance of propriety of a City employee's activities.

### **Who Is Covered**

The rules of conduct discussed here apply to all paid City officers, employees, and officials, regardless of salary or rank, whether full-time, part-time, or per diem. Some of these rules also apply to those who are not paid for City service, but who play an important role in government, such as members of Community Boards and Community School Boards.

### **Accepting Gifts, Favors, Entertainment, Meals, Tips and Travel**

In general, you are not permitted to accept a gift worth \$50 or more from any person or firm that you know, or should know, does business with the City or intends to do business with the City. It is your responsibility to find out if the person or firm does business with the City or intends to do business with the city. Two or more gifts that individually are worth less than \$50 must be added together if you receive them within any twelve-month period from the same person or from relatives of the same person or from "affiliated" persons (like two employees of the same company).

Every time a City Worker takes a gift worth \$50 or more from someone who does business with the City, an ethical problem and possibly a criminal violation may occur. It does not matter whether the gift is in the form of money, a CD player, a dinner at a local restaurant, tickets to a football game, a trip to Atlantic City, or anything else.



## Exceptions

A gift for customary social occasions is permitted as long as the reason for the gift is a close personal friendship. But it must be clear the personal relationship is the motive for the gift. The entire circumstance of the gift giving must be considered to ensure that ethical problems as well as the appearance of impropriety are avoided.

### There are other exceptions to the Gift Rules, such as:

Acceptance of awards and plaques valued at less than \$150 which are publicly presented in recognition of public service.

Acceptance of free meals or refreshments in the course of and for the purpose of conducting City business when:

- (1) offered during a meeting which you are attending for official reasons;
- (2) offered at a company cafeteria, club, or any place where payment is impractical;
- (3) the meeting continues through normal meal hours in a restaurant and a refusal to participate would be impractical;
- (4) offered by the meeting's host when going somewhere else would be impractical;
- (5) meeting over meals is a customary business practice for one party;
- (6) you have no alternative but to accept the meal or refreshment given the situation in which you have been called upon to represent the interests of the City; and
- (7) participating as a panelist or speaker in a professional or educational program and the meals or refreshments are provided to all panelists.

Acceptance of travel-related expenses from a private entity as a gift to the City (rather than to you individually) when:

- (1) the trip is for a City purpose and could therefore be paid for with City funds; and
- (2) the travel arrangements are appropriate for that purpose; and
- (3) the trip is no longer than reasonably necessary to accomplish the business which is its purpose.

Acceptance of a free ticket to:

- (1) professional or educational programs as a guest of the sponsoring organization;  
or
- (2) ceremonies or functions sponsored or encouraged by the City as a matter of City policy; or
- (3) an annual affair of an organization that is made up of representatives of business, labor, professions, or news media or organizations of a civic, charitable, or community nature as a guest of the sponsoring organization (unless it has a contract with your agency) (for elected officials and their staffs, this exception is not limited to annual public affairs); or
- (4) a function or occasion where your agency head has, in writing, approved your attendance as being in the interest of the City.

Small tokens of appreciation, which as a practical matter cannot be returned, may sometimes be accepted as a gift to the City and placed in a common area for everyone to enjoy. For example, flowers or a box of chocolates from a senior citizen whom you helped may be accepted and enjoyed by the entire office. Other, more sizeable gratuities, such as a radio or a CD player, and any money, must be returned. You should immediately report the offer of a gratuity to the Inspector General for your agency or to the Department of Investigation or to the Conflicts of Interest Board.

You should also be aware that your own agency may have rules that are stricter than the conflicts of interest rules. For example, some agencies prohibit their employees from accepting any gifts from any firm the agency does business with. You must obey the stricter rules. The reason for stricter rules is that each agency has a different business relationship with outside vendors and other City agencies and so employees in some agencies are more strictly regulated than in other agencies. In addition, Executive Order No. 16 requires that all employees in mayoral agencies report gifts and offers of gifts, and other conflicts of interest, to the Department of Investigation.

## DESCRIPTIVE STATISTICS

**Mean** - The arithmetic average. It is found by adding the members of a data set and dividing by the number of members of the data set.

**Median** - The midpoint of a data set. It is found by arranging the data in order and then determining the middle value in the data set.

**Mode** - The value in a data set that occurs most often.

**COMMISSIONER OF INVESTIGATION, INSPECTORS GENERAL**  
**AND STANDARDS OF PUBLIC SERVICE**  
**EXECUTIVE ORDER NO. 16**

**Responsibilities of the Commissioner**

The Commissioner of Investigation (hereinafter called the Commissioner) shall have general responsibility for the investigation and elimination of corrupt or other criminal activity, conflicts of interest, unethical conduct, misconduct and incompetence (i) by City agencies, (ii) by City officers and employees, and (iii) by persons regulated by doing business with or receiving funds directly or indirectly from the City (hereinafter called persons dealing with the City), with respect to their dealings with the City. For these purposes the Commissioner shall: (a) assist agency heads in establishing and maintaining standards of conduct together with fair and efficient disciplinary systems; (b) conduct background investigation of employees to be appointed to or holding positions of responsibility; (c) receive complaints and information from the public with respect to City agencies, officers and employees, as well as persons dealing with the City, and to take appropriate action with respect to such complaints; (d) undertake any investigation or study of the affairs, functions, accounts, methods, personnel or efficiency of any agency; and (e) act as liaison with federal, state and local law enforcement and regulatory agencies concerning all matters within the scope of this Order.

**Responsibilities of Agency Heads**

All agency heads shall be responsible for establishing, subject to review for completeness and inter-agency consistency by the Commissioner, written standards of conduct for the officials and employees of their respective agencies and fair and efficient disciplinary systems to maintain those standards of conduct.

**Inspectors General**

The Inspector General system shall be a single aggregate of personnel and resources within the Department of Investigation under the direction of the Commissioner. There shall be an Inspector General for each agency who shall report directly to the Commissioner and shall be responsible for the investigation and elimination of corrupt or other criminal activity and conflicts of interest within the agency to which he or she is designated. The Commissioner shall allocate the personnel and resources of the Inspector General system to the Inspector General offices as needed to develop strategies and programs for the investigation and elimination of corruption and other criminal activity affecting the City of New York. Such investigations and programs shall proceed in accordance with the Commissioner's direction.

## Investigations

The Commissioner and, with the approval of the Commissioner, the Inspectors General and any person under the direct supervision of the Commissioner or the Inspectors General, may require any officer or employee of the City to answer questions concerning any matter related to the performance of his or her official duties or any person dealing with the City, concerning such dealings with the City, after first being advised that neither their statements nor any information or evidence derived therefrom will be used against them in a subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of an officer or employee to answer questions on the condition described in this paragraph shall constitute cause for removal from office or employment or other appropriate penalty. Beginning September 1, 1978 all contracts, leases, licenses or other agreements entered into or issued by the City shall contain a provision approved as to form by the Corporation Counsel permitting the City to terminate such agreement or to take other appropriate action upon the refusal of a person dealing with the City to answer questions in relation to such agreements on the condition of testimonial or use immunity described in this paragraph.

## Anti-Corruption Guidelines

Every officer or employee of the City shall have the affirmative obligation to report, directly and without undue delay, to the Commissioner or an Inspector General any and all information concerning conduct which they know or should reasonably know to involve corrupt or other criminal activity or conflict of interest, (i) by another City officer or employee, which concerns his or her office or employment, or (ii) by persons dealing with the City, which concerns their dealings with the City. The knowing failure of any officer or employee to report as required above shall constitute cause for removal from office or employment or other appropriate penalty.

Upon receipt of any information concerning corrupt or other criminal activity or conflict of interest, gross mismanagement or abuse of authority related to his or her agency, the Inspector General of such agency shall report directly and without undue delay such information to the Department of Investigation, and shall proceed in accordance with the Commissioner's directions.

No officer or employee other than the Commissioner, an Inspector General, or an officer or employee other than the Commissioner, an Inspector General, or an officer or employee under their supervision, shall conduct any investigation concerning corrupt or other criminal activity, conflicts of interest, gross mismanagement or abuse of authority without the prior approval of the Commissioner or an Inspector General.

No officer or employee of the City shall take an adverse personnel action with respect to information concerning corrupt or other criminal activity, conflict of interest, gross mismanagement, or abuse of authority to the Commissioner or an Inspector General.

# **FREEDOM OF INFORMATION LAW(FOIL)**

## **Department of Education**

### **ABSTRACT**

This Regulation governs requests made pursuant to the Freedom of Information Law (NYS Public Officers Law #84, et seq.) to inspect or receive copies of records maintained by the City School District, including each Community School District. This Regulation supersedes Chancellor's Regulation D-110, Freedom of Information Law (FOIL), dated July 1, 2000.

### **I. RECORDS**

#### **A. Definition of Records**

A record is any information kept, held or filed, produced or reproduced by, with or for the City School District or a Community School District, in any physical form whatsoever, including but not limited to reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or disks, rules, regulations or codes.

#### **B. Mandated Records**

The law does not require a public entity to create a record in response to a given request. However, the City School District and the Community School Districts must maintain the following records:

1. A record of the final vote of each of its board members.
2. A record setting forth the name, public office address, title and salary of every officer or employee of the City School District or Community School District.
3. A reasonably detailed current list by subject matter of all records in the possession of the City School District or Community School District whether or not available for public inspection and copying.

### **II. RECORDS EXEMPTED FROM PUBLIC ACCESS**

#### **A. The public has access to all records, except those records or portions thereof that:**

- 1 are specifically exempted from disclosure by state or federal statute;
2. if disclosed would constitute an unwarranted invasion of personal privacy (see Section III below);

3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations;
4. are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise;
5. are compiled for law enforcement purposes and which, if disclosed, would:
  - a. interfere with law enforcement investigations or judicial proceedings;
  - b. deprive a person of a right to a fair trial or impartial adjudication;
  - c. identify a confidential source or disclose confidential information relating to a criminal investigation; or
  - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures.
6. if disclosed would endanger the life and safety of any person;
7. are inter-agency or intra-agency materials unless they are:
  - a. statistical or factual tabulations or data;
  - b. instructions to staff that affect the public;
  - c. final agency policy or determinations; or
  - d. external audits, including but not limited to audits performed by the Comptroller and the federal government;
8. are examination questions or answers which are requested prior to the final administration of such questions; or
9. if disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.

B. The release of and access to student records is governed by FERPA ( the family Educational Rights and Privacy Act).

### **III. UNWARRANTED INVASION OF PERSONAL PRIVACY**

- A. An unwarranted invasion of personal privacy includes, but shall not be limited to:
  - 1. disclosure of employment, medical or credit histories or personal references of applicants for employment;
  - 2. disclosure of items involving the medical and personal records of a client or patient in a medical facility;
  - 3. sale and release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
  - 4. disclosure of information of a personal nature which, if disclosed, would result in economic or personal hardship to the subject party and such information is not relevant to the work of the City School District or Community School District; or
  - 5. disclosure of information of a personal nature reported in confidence to the City School District or Community School District and not relevant to the ordinary work of the City School District or Community School District.
- B. Name, job title and salary are not exempt under this provision.
- C. To prevent an unwarranted invasion of personal privacy, the Records Access Officer (RAO) or Central FOIL Designee (CFD) should delete identifying details including such items as social security number, date of birth, home address, home telephone number, and file number when records are made available.
- D. Disclosure shall not be construed to constitute an unwarranted invasion of personal privacy when the person to whom a record pertains consents in writing to the disclosure or when a person seeks access to records pertaining to himself/herself.



## RESIDENCY POLICY FOR EMPLOYEES OF THE CITY OF NEW YORK

### General Policy

Residence within New York City (NYC) is required as a condition of employment for civil service or provisional appointments made after 9/1/86. Employees contemplating moving outside NYC should first contact the Director of Personnel of their agency to discuss whether or not it is permitted. Failure to comply with the residency requirement may result in forfeiture of employment or reversion to an employee's permanent title.

### Covered Categories

#### Employees Appointed to City Service Prior To September 1, 1986

- \* Employees who were appointed permanently to a competitive class position prior to 9/1/86 are exempt from the residency requirement as long as they serve permanently in a title. They remain exempt from the residency requirement as long as they serve in a permanent competitive position without a break in service.
- \* Employees who were appointed other than permanently prior to 9/1/86 and are subsequently appointed permanently after that date may move in or out of NYC as long as they continue to serve permanently in a title.
- \* Employees living outside NYC prior to 9/1/86 who have permanent status and receive a provisional promotion or title change have one year to become residents of NYC.

#### Employees Appointed to City Service After September 1, 1986

- \* Employees appointed on or after 9/1/86 to a title not exempt from the residency requirements and who were residents of NYC at the time of appointment must remain NYC residents for the duration of their employment. They are not permitted to move outside NYC unless they are later appointed to a title exempt from the residency requirement.
- \* Employees newly appointed on a permanent or provisional basis to City service on or after 9/1/86 to a title not exempt from the residency requirement must be residents of NYC. If they are non-residents at the time of appointment, they are allowed 90 days from the date of appointment within which to move into NYC.

### Exceptions

#### Appointments to Titles that are Exempt from Residency

- \* Employees appointed/promoted to a title that is exempt from residency requirement can live outside NYC or may move outside NYC.

Current Residency Exempt Titles

Administrative Engineer  
Administrative Inspector (Electrical)  
Administrative Project Manager  
Assistant Architect  
Assistant Civil Engineer  
Assistant Electrical Engineer  
Assistant Mechanical Engineer  
Associate Project Manager  
Chief Marine Engineer  
City Tax Auditor  
Civil Engineer  
Civil Engineer (Highway Traffic)  
Civil Engineering Intern  
Climber and Pruner  
Computer Associate (Operations)  
Computer Associate (Software)  
Computer Programmer Analyst  
Computer Specialist (Operations)  
Computer Specialist (Software)  
Computer Systems Manager  
Construction Project Manager  
Crane Operator  
Electrical Engineer  
Mechanical Engineer  
Radio Repair Mechanic  
Senior Estimator (General Construction)  
Supervisor of Electrical Installation and Maintenance  
Supervisor of Mechanical Installation and Maintenance  
Supervisor of Radio Repair Operations

## **RIGHT TO KNOW FACT SHEET**

### **HEALTH HAZARDS OF THE CHEMICALS USED ON THE JOB**

Your employer must provide you with the following information:

- \* Short and long term health effects upon exposure,
- \* Symptoms of exposure (light headedness, drugged feeling, etc.),
- \* Ways to minimize exposure (provide ventilation, safe work practices, personal protective equipment such as gloves),
- \* The common or trade name of each product,
- \* Its chemical ingredients such as hexane,
- \* The level of exposure that may be hazardous to you,
- \* Flammability and reactivity of the product,
- \* What to do in case of fire, spill or medical emergency,
- \* Proper chemical waste disposal practice.

Also, you must be informed about the health hazards of gases, dusts and fumes in your work environment, and the proper conditions, work practices and personal protection you may need to minimize your exposure to these agents.

#### **Right to See and Copy Materials Safety Data Sheets (MSDS)**

Much of the information your employer must provide about products can be found in Materials Safety Data Sheets or MSDSs. The MSDS is a form developed by the chemical manufacturer of a product that describes the physical and health hazards of that product. Manufacturers by law must provide users of their products with MSDSs. New York City and your agency should receive MSDSs for each product brought.

Your agency must compile a set of MSDSs for every hazardous product you use on the job and make it available to you on site during all work shifts.

#### **Right to Refuse to Work with a Product if the MSDS or other Appropriate Information is not provided within 72 hours**

Before MSDSs become available to you on-site, you can request them from your employer in writing. If you do not get the MSDS within 72 hours of your request, you can refuse to work with that product. Your union can also make a right-to-know request on your behalf if you choose to remain anonymous.

## **Right to be Notified**

Your employer must inform you of your rights by posting notices. The Right-To-Know poster identifies the name and telephone number of the person in your agency assigned to respond to questions about Right-To-Know. This person should also be advised of any unsafe work practices or conditions. In addition, your employer must post a notice of your rights and responsibilities under the Public Employees Safety and Health Act (PESH).

## **Right to Chemical Hazards Training**

Your employer must provide an educational program for you about the health hazards of the products in your worksite and ways to protect yourself from these hazards. The program should cover your rights under Right-To-Know, how to use and interpret Material Safety Data Sheets, the hazards of chemicals in your work area, ways to minimize exposure, and the person to contact for more information.

Right-To-Know Training must take place:

- \* upon initial employment;
- \* annually thereafter;
- \* whenever new chemicals are introduced into your work area;
- \* when new research finds a chemical to be either more or less hazardous than previously thought.

## **Right to Work with Properly Labeled Products**

Your employer must make sure that all products are labeled and that every label contains:

- \* the common name of the product, such as Soda Beads;
- \* the identity of the hazardous chemicals in the products;
- \* an appropriate health hazard warning: it can be words such as "can cause severe eye burns" or "potential human carcinogen," pictures, or symbols. It must be easily seen on the container;
- \* the manufacturer's name and address.

## **EXCEPTIONS TO THIS RULE:**

- \* If a worker transfers a chemical into a portable container and uses it immediately, the container need not be labeled.
- \* Containers with similar contents and hazards that will not be moved in a work area need not be individually labeled; instead, your employer can post a sign near the containers that conveys the hazard information required.
- \* Pipes or piping systems do not have to be labeled. However, training must cover the hazards of the chemicals in the pipes and what to do in the event that the pipes leak or burst.

## **Your Employer Must Keep Records on Your Exposures**

Your agency must keep a list of the names and social security numbers of all employees exposed to 400 specific hazardous chemicals regulated by the Federal Occupational Safety and Health Administration. These records must be kept for 40 years.

## **Your Employer Must Have a Written Plan which You May See and Copy**

Your employer must develop a written hazard communication plan. This includes:

- \* a list of all products/chemicals used on site;
- \* how products will be labeled;
- \* how information will be made readily available to you;
- \* a description of the training program;
- \* methods the employer will use to inform you of the hazards of tasks not performed routinely.

You have the right to obtain a copy of this written program.

## **Right to Information Without Discrimination**

The law states that when you exercise your rights, you cannot be discriminated against. If you feel you have been discriminated against, you should inform your union, your agency, and/or file a complaint (within 30 days of the violation) with the New York State Labor Department Commissioner or State Attorney General.

## **PROTECTION FOR WHISTLEBLOWERS**

City employees have an affirmative responsibility to promptly report any knowledge or information they might have, relating to corruption or criminal activity occurring in their agency, to the agency's Inspector General at the Department of Investigation (DOI). Additionally City law (New York Administrative Code 12-113) protects employees who "blow the whistle" on corruption, such as fraud, criminal activity or conflicts of interest in City government. This protection is given to any public servant, who is an employee at a mayoral agency, who makes a good faith report of corruption to DOI, or a City Council member, or the Public Advocate, or the Comptroller.

Under the City Whistleblower Law, it is unlawful for an officer or employee of the City to retaliate against anyone who makes a report of corruption by taking "adverse personnel action" against a "whistleblower." Therefore, the "whistleblower" cannot be fired, demoted or disciplined as a result of their having reported corruption to one of the four authorities stated above.

If you think you have been retaliated against because of a report you have made, you should report that fact to DOI. If, after an investigation, DOI determines that you have been subjected to retaliation as a result of a good faith report of corruption, it will recommend appropriate remedial action (such as reinstatement) to your agency head. If your agency does not take appropriate action within a reasonable time period, DOI will report its findings to the Mayor to insure that appropriate remedial action is taken.

## **GLOSSARY OF TERMS**

**Agency or Department** - any administration, board, body or authority possessing separate and independent powers and functions. For example. In the City of New York, The Department of Citywide Administrative Services, Office of the Comptroller, or the Department of Transportation.

**Commissioner** - The head of an agency

**Fiscal Year** - for the City of New York the period from July 1 through June 30 of the following year.

**Level Upgrade** - a change to a higher level within the same civil service title, with new duties.

**Permanent (or Civil Service)**- A permanent employee in a competitive class job title is one who has been appointed from an established civil service list and has completed the probationary period. To be included on such a civil service list, the employee must have taken and passed a competitive examination, and been appointed off that list. Once appointed the employee usually completes a one-year probationary period, during which his/her work performance is carefully evaluated.

**Provisional** - A provisional employee is appointed to a job title prior to the establishment of a civil service list for his/her title. A provisional employee may be terminated from the job title because his/her services are no longer required or because a civil service list for his/her title was established and the employee's name either does not appear on the list or is too low a list number to be reached.

Provisional employees who have two years or more of provisional service have grievance rights through the same collective bargaining agreements as permanent employees in their title.

**Promotion** - a change in which an employee moves from his/her current position to another position requiring more extensive education and/or experience and paying a higher salary. Generally such a change requires that the higher-level position be formally posted and that the employee apply and be chosen as the most qualified candidate. Advancement can be attained by passing civil service promotion examinations.

### **Abbreviations:**

FY - Fiscal Year

OTPS - Budget Term referring to the costs of "Other than Personnel Services"

PS - Budget Term referring to the costs of "Personnel Services"