

FOREWORD

The purpose of this Employees' Manual is to provide each of us with a formal document that details what is expected of both employees and the employer.

While it is my obligation as Commissioner to establish and promulgate policies and rules, it is each employee's obligation to know and understand those policies and rules as they pertain to daily activities. It is, therefore, critical that everyone take the time to read this latest edition of the Employees' Manual and to refer to it throughout their tenure with the Department.

The manual has been designed in a loose-leaf format so that as new information is developed, it can easily be updated. Every effort is made to keep the manual up to date in order to assist employees in their understanding of any changes that occur, given our ever-evolving responsibilities.

Please take the time to carefully read through this manual, keeping in mind that each of us will be held accountable for the rules and policies contained within.

ANTHONY J. ANNUCCI
ACTING COMMISSIONER



Corrections and Community Supervision

EMPLOYEES' MANUAL

Revised 2019

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NOTE TO ALL EMPLOYEES

Each employee is issued a copy of this manual and is responsible for keeping it current and up to date with any additions, deletions, or revisions that may be issued by the Department. The manual is each employee's property throughout their tenure with the Department.

Further information and guidelines relevant to the employee's duties are found in the Department's Policy and Procedure Manual, the Correction Law, the Executive Law, the Public Officer's Law, the Civil Service Law, Titles 7 and 9 Codes, Rules and Regulations of the State of New York (NYCRR), and collective bargaining agreements. These publications are available for review upon an employee's request at each facility, area office and in the Department's Central Office in Albany.

In the absence of a specific rule or supervisory direction covering a particular work situation, employees are expected to exercise good judgment and to conduct themselves in such a manner as to promote the policies, objectives, and best interests of the Department of Corrections and Community Supervision.

INTRODUCTION

The New York State Department of Corrections and Community Supervision has become one of the best, if not the best, correctional and community supervision agencies in the country. Our effectiveness and strength come from our workforce and our adherence to a level of important professional principles that we have come to operate under.

Vision

Enhance public safety by having incarcerated persons return home, under supportive supervision, less likely to revert to criminal behavior.

Mission Statement

To improve public safety by providing a continuity of appropriate treatment services in safe and secure facilities where all inmates' needs are addressed and they are prepared for release, followed by supportive services for all parolees under community supervision to facilitate a successful completion of their sentence.

Goals

- Create and maintain an atmosphere where all inmates, parolees, staff, and volunteers feel secure.
- Develop and implement individualized treatment plans for each inmate and parolee that includes post release reentry plans.
- Teach inmates and parolees the need for discipline and respect, and the importance of a developing a principled work ethic.
- Establish a risk/needs/responsivity approach to programming, treatment, and community supervision to ensure a continuity of services.
- Assist all staff by providing the requisite training and resources needed to perform their duties while enhancing their skills.
- Offer career development opportunities for all staff.
- Ensure workforce stability through mentoring and succession planning.

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PART I

RULES FOR EMPLOYEES

Values

- Operate with ethical behavior.
- Recognize the value of each person.
- Protect human dignity.
- Offer leadership and support to all.
- Offer respect and structure at all times.

Policies

- Offer opportunities for inmates and parolees to improve their skills, and to receive individual treatment services, based on their ability and willingness to participate.
- Provide psychiatric and medically necessary services to those requiring such care and treatment so that each inmate and parolee can maximize his or her own state of health and rehabilitation.
- Provide a level of community supervision based on the releasee's needs and behavior.
- Establish an orderly and productive environment that fosters respect through open communication, sound structure, and fair treatment.

SECTION 1

TERMS AND DEFINITIONS

1.1. **Definitions:** When used in this manual, unless otherwise expressly stated or the context or subject matter otherwise requires, the following terms have the following meanings:

- a. "Department" means the New York State Department of Corrections and Community Supervision.
- b. "Commissioner" means the Commissioner of the New York State Department of Corrections and Community Supervision.
- c. "Board" or "Parole Board" means the New York State Board of Parole.
- d. "Chairperson" means the Chair of the New York State Board of Parole.
- e. "Correctional facility, facility, and institution" mean any place operated by the Department of Corrections and Community Supervision and designated by the Commissioner as a place for the confinement of persons under sentence of imprisonment. Correctional facilities are grouped by geographic regions into nine "Hubs."
- f. "Superintendent" means the chief administrative officer of a correctional facility.
- g. "Community Supervision" means the supervision of individuals released into the community on temporary release, presumptive release, parole, conditional release, post release supervision, or medical parole.
- h. "Region" means a cluster of Area Offices where administrative, support, and program services are provided to persons subject to community supervision. A region is also the geographic area of responsibility for providing supervision. There are a total of seven regions across the state.
- i. "Regional Director" means the chief administrative officer of a region for community supervision.
- j. "Area Office" means the community based location where supervision and services are provided by Parole Officers to persons released to Community Supervision in that geographic location.

- k. "Bureau Chief," "Area Supervisor," or "Supervising Parole Officer" means the chief administrative officer of an Area Office which provides supervision to individuals subject to Strict Intensive Supervision Treatment (SIST) or Community Supervision.
- l. "Division Head" means any employee who has direct oversight of a Central Office or facility division, unit, or bureau.
- m. "Employee" means any person on the payroll of the New York State Department of Corrections and Community Supervision which includes the New York State Board of Parole, whether full or part time, including interns and volunteers engaged in work on behalf of the Department and other state employees assigned to work inside of a Department facility or office.
- n. "Inmate" or incarcerated individual means any person convicted of a felony or adjudicated as a youthful offender and committed to the custody of the New York State Department of Corrections and Community Supervision under an indeterminate or a determinate sentence of imprisonment.
- o. "Parolee" or "Releasee" means an individual released into the community on temporary release, presumptive release, parole, conditional release, post release supervision, or medical parole who is under supervision by Community Supervision.
- p. "Adolescent Offender" means a person charged with a felony committed on or after October 1st, 2018, when he or she was sixteen years of age or on or after October 1st, 2019, when he or she was seventeen years of age, and who is sentenced prior to their 18th birthday.
- q. "Adolescent Offender Facility" means any place operated by the Department of Corrections and Community Supervision and designated by the Commissioner as a place for the confinement of Adolescent Offenders sentenced to a determinate or indeterminate sentence.

NOTE: Throughout the manual where the term inmate or facility is utilized, it includes Adolescent Offender and Adolescent Offender Facility unless otherwise specified in policy.

SECTION 2

CONDUCT AND ACTIVITIES OF EMPLOYEES

It is essential that employees of the Department adhere to the highest standards of ethical conduct, and that the public has confidence in the integrity of Department officials and employees. Employees must, therefore, avoid conduct that is in violation of the public's trust or that creates even the appearance of an impropriety or a justifiable impression among the public that such trust is being violated.

- 2.1 **Personal conduct:** No employee, whether on or off duty, shall so comport himself or herself as to reflect discredit upon the Department or its personnel.
- 2.2 **Lawful comportment:** An employee shall not knowingly or willingly violate any law or ordinance of the United States or the State of New York or any rule, regulation, or Directive of the Department. Any conduct, whether occurring on or off-duty, which constitutes an "offense" as defined in the New York State Penal Law, or any conduct which alleges the possession and/or use of a controlled substance or marijuana, may be the basis for disciplinary action, regardless of whether an arrest, prosecution, or conviction occurred.
- 2.3 **Report of arrest:** An employee who is charged with any felony, misdemeanor or any domestic disturbance related incident, or who is issued or violates an order of protection, or commits any violation which is drug related, must report the specifics of the charge(s) in writing to their supervisor as soon as possible but in any event no later than the first day they report to work following the arrest or citation. The disposition of the charge must be reported within one week thereof. See Directive #2112, "Report of Criminal Charges."
- 2.4 **Report of summons/Civil/Administrative Adjudication:** An employee shall immediately report in writing to their supervisor the receipt of any summons or subpoena in connection with the work or investigation of a legally constituted public body. All employees shall immediately report in writing any criminal, civil or administrative adjudication that they (1) engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution; or (2) have been convicted of or have been civilly or administratively adjudicated for engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or where the victim did not consent or was unable to consent or refuse.

- 2.5 **Compliance with orders:** A lawful order given by a superior to a subordinate shall be executed promptly and properly by the subordinate. Thereafter, the subordinate may appeal the order through channels or in accordance with established grievance procedures. In the event an employee receives conflicting orders from one or more persons of equal authority, the last order received shall be executed.

Subject to the necessities of good administration as determined by a Superintendent, Regional Director, or Division Head, the line of authority within a unit, facility, or field office shall be determined by Civil Service grade.

- 2.6 When proper administration of the facility, unit, or field office so requires, the Superintendent, Regional Director, Bureau Chief or Division Head may order any employee under his or her jurisdiction, irrespective of the class of service or title to which they may have been appointed, to temporarily perform any vital service of which the employee may be deemed capable.
- 2.7 **Communications:** All oral and written communications by employees to all other employees, the public, other agencies, inmates, and parolees shall be accomplished in a professional, courteous, and dignified manner. The intentional reference to someone, especially a transgender, gender nonconforming, or nonbinary person, using a word, pronoun or form of address that does not correctly reflect the gender with which they identify is "misgendering" and may be considered sexual harassment.
- 2.8 **Affiliations:** An employee shall not join or otherwise affiliate themselves with any organization, body, or group of persons when such association or affiliation will place their personal interest or interest as a member of such group in conflict with or otherwise interfere with the impartial and effective performance of their duties as an employee.
- 2.9 **Non-discrimination:** No employee shall discriminate against or harass any person on the basis of their protected class category including: race, creed, color, religion, national origin, age, sex, sexual orientation, gender identify or expression, disability, predisposing genetic characteristics, familial status, marital status, pregnancy related conditions, military status, domestic violence victim status or arrest/conviction status (unless specifically required as permitted by statute). Retaliatory action against a complainant or any person that cooperates with an investigation into an allegation of discriminatory behavior, may be subject to disciplinary action.

If an employee has any questions about what constitutes protected class employment discrimination, they should refer to the Equal Employment Opportunity Rights and Responsibilities Handbook for New York State

Employees (Handbook) located at <https://goer.ny.gov/equal-employment-opportunity-rights-and-responsibilities-handbook-employees-new-york-state-agencies> and at www.doccs.ny.gov. The Handbook is the State's anti-discrimination policy.

- 2.10 Personal appearance: Employees shall be well groomed, clean, and neatly and appropriately dressed while on duty. Non-uniformed employees see Directive #2106, "Personal Appearance and Dress-Non-Uniformed Personnel." Uniformed employees see Directive #3083, "Uniform/Equipment Issue and Appearance." An employee who is required to appear in court or before any other legally-constituted public body shall be neatly groomed and appropriately attired in accordance with the above referenced standards, whenever the employee's appearance is in their capacity as an employee of the Department or is in connection with their employment with the Department.

Note: Security staff appointed after January 25, 1990 must be clean shaven except for mustaches as allowed under Directive #3083 and staff granted a shaving exemption.

- 2.11 Alcoholic beverages: An employee of the Department shall not consume or possess alcoholic beverages while on duty, nor shall any employee report for duty under the influence of intoxicants.
- 2.12 Illegal drugs and controlled substances: The Department has zero tolerance, whether on or off duty, regarding the use of, or possession of illegal drugs and controlled substances, or the abuse of prescription drugs. This includes, but is not limited to narcotics, habit forming drugs, controlled substances, or any form of incapacitating substances unless properly prescribed by a physician or dentist and all illegal drugs as defined under federal and state law or regulations.
- 2.13 Language: An employee shall refrain from the use of indecent, profane, threatening, discriminatory, or abusive language or gestures while on duty or on State property.
- 2.14 Outside employment: Any employee, who wishes to engage in outside employment, as defined in Directive #2218, "Outside Employment," shall notify his or her Division Director, Regional Director, or the Superintendent and complete Form #1218, "Request for Permission for Outside Employment." The employee shall await approval of their request by the Director of Personnel before engaging in any outside employment. Outside employment will not be authorized during an employee's normal working hours, nor shall the work associated with such outside employment be conducted while on duty, and in all cases, the work of the Department will take precedence. Authorization for outside employment may be terminated if the off-duty employment adversely affects the performance of the employee's regular duties or if the facts and circum-

stances of employment adversely affect the best interest of the Department.

A pre-existing authorization for outside employment will be subject to review if the employee is placed on a limited duty assignment or is absent from work as a result of an illness or injury.

- 2.15 Association with inmates, parolees, or persons engaged in unlawful activities: Except as otherwise authorized by the appropriate Deputy Commissioner or designee, for Central Office employees, or the appropriate facility Superintendent, for facility employees, or the appropriate Regional Director, for field community supervision employees, no employee shall knowingly:
- Associate or have any dealings with criminals or persons engaged in unlawful activities; or
 - Engage in any conversation, communication, dealing, transaction, association, or relationship with any inmate, former inmate, parolee, or former parolee, which is not necessary or proper for the discharge of the employee's duties.
 - Engage in any communication, transaction, or fraternization with any person (ie: visitor, friend, or relative) who has an illegal or improper interest in the case of an inmate, parolee, or releasee, where such communication, transaction, or fraternization may interfere with or give the appearance of interfering with the employee's duties or with the work of the Department.

Any contact or attempt to contact an employee by an inmate or parolee as described above shall be reported to the Office of Special Investigations (for Central Office employees), the facility Superintendent (for facility employees) or the Regional Director (for field community supervision employees).

All requests for inmate association shall be addressed to the Office of Special Investigations for review. The Office of Special Investigations will forward his or her decision to the appropriate Deputy Commissioner, for Central Office employees, or to the appropriate Superintendent, for facility employees, or the appropriate Regional Director, for field community supervision employees. The Deputy Commissioner, Superintendent, Regional Director, or designee will notify the requesting employee of the final determination.

In instances where an employee has a child in common with an inmate or parolee and the child has contact with both the employee and the inmate or parolee, the employee is not required to complete a request for inmate association form

When an employee determines that they or their family member was a previous acquaintance, co-worker, friend, associate, relative or had other interaction with an inmate or parolee housed in the facility or assigned to a bureau where the employee is assigned, the employee shall make immediate notification to the facility Superintendent or Regional Director. Upon receipt the Superintendent shall forward such notification to the Office of Special Investigations and the Director of Classification and Movement. The Regional Director shall forward such notification to the Office of Special Investigations and the Deputy Commissioner for Community Supervision.

Where an employee is uncertain about any of the above, the employee shall notify the appropriate Deputy Commissioner, Superintendent, Regional Director, or Deputy Commissioner/Chief of Investigations.

2.16 Gifts, gratuities, etc.: An employee of the Department will not:

- a. Accept any gift, gratuity, food, drink, service, reward, or any other consideration, regardless of value, in any form from or on behalf of any inmate, former inmate, parolee, or relative or friend of an inmate or parolee regardless of whether or not it might influence the discharge of their duties;
- b. Accept tips, gifts, or rewards of any kind from visitors or other persons for any service rendered in connection with their official function or seek special consideration for themselves, or others, with persons or firms for whom services are performed;
- c. Deliver, aid, enable, or permit the delivery of any message, correspondence, literature, contraband, or anything else not necessary or proper to the discharge of his duties to or from any inmate, parolee, or releasee;
- d. Give or extend to any inmate, parolee, or releasee any favor or privilege of diet, clothing, or of any other nature not common to all.
- e. Borrow money from persons under supervision or obtain or use or attempt to obtain or use the credit of such person, as applicant, maker, or endorser on any credit instrument in any loan or similar transaction.
- f. No rewards, regardless of their "bona fides" or legitimacy shall be accepted from any public or private organization or individual by any member of the Department for any services rendered by such member in his official capacity.

Any contact or attempt to contact an employee for the above proscribed purposes shall be reported to the Commissioner, the Superintendent, or Regional Director. See Public Officers Law, Section 73.

2.17 Solicitation of funds: No solicitation of funds by employees or others may be made in any office of the Department, on the grounds of any facility or field office without authorization from the Commissioner, the facility Superintendent, or Regional Director.

2.18 Change of address: Each employee must keep the Department informed of his or her current mailing address, place(s) of residence, and telephone number; any changes must be reported immediately in writing. Facility employees shall inform the Superintendent; Central Office employees shall inform the Director of Personnel; Field community supervision employees shall inform the Bureau Chief and the Director of Personnel. In instances where an employee does not have a telephone, he or she shall provide a telephone number for a family member, neighbor, or friend through which emergency contact can be made. Changes or modifications to such information must be made in writing and on a timely basis.

2.19 Sexual abuse and harassment: The Department has zero tolerance for sexual abuse and sexual harassment. An employee shall not engage in sexual conduct or sexual contact with an inmate, whether in a correctional facility or under community supervision; engage in sexual harassment of an inmate through repeated verbal comments or gestures of a sexual nature toward an inmate, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures; or engage in staff voyeurism (see Directive #4028A). Sexual abuse and sexual harassment violate Department rules and threaten security. All allegations of sexual abuse, sexual harassment, or retaliation against staff or an inmate for reporting such an incident or participating in an investigation will be thoroughly investigated. Furthermore, any perpetrator of a sexual abuse incident, sexual harassment, act of staff voyeurism, or retaliation related to such an incident or investigation will be dealt with severely through discipline or prosecution to the fullest extent permitted by law.

2.20 Duty to report sexual abuse and sexual harassment; retaliation; and confidentiality:

All staff shall report immediately and according to Agency policy (see Directives #4027A, "Sexual Abuse Prevention & Intervention - Inmate-on-Inmate," and #4028A, "Sexual Abuse Prevention & Intervention - Staff-on-Inmate"):

- a. Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not the facility is part of the Agency;
- b. Any acts of retaliation against inmates or staff for reporting such an incident, or for participating in an investigation of an incident of sexual abuse or sexual harassment; and

- c. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

The duty to report includes third-party and anonymous reports.

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse or sexual harassment report to anyone other than to the extent necessary, as specified in Agency policy, to make treatment, investigation, and other security and management decisions.

- 2.21 Employee vendors: No employee shall have an interest or derive any benefit from any contract of this Department. No employee shall receive any fee, commission, gratuity, or gift from any person or entity doing business with the Department.
- 2.22 An employee must perform the full range of duties of his or her position satisfactorily. If the position requires the employee to maintain a certification or license, failure to maintain a certification or license will result in the employee becoming ineligible to maintain that position.
- 2.23 Employees shall recognize that the Department protects society, not only by maintaining inmates in secure custody or parolees under community supervision, but also by preparing as many inmates as possible to become law abiding living when released.
Every employee shall discharge his or her duties and comport himself or herself so as to carry out the programs and policies of the Department.
- 2.24 Uniformed employees and certain other classes of employees of the Department have Peace Officer status. This is not to be confused with police officer status. Therefore, such employees are not expected to act in a police officer capacity. For further information, see Directive #2020, "Off-Duty Firearms Regulation. "Any employee who receives Department supplies and equipment from another employee is responsible for satisfying themselves that such items are in good condition and they shall report to their supervisor any discrepancy.
Otherwise the receiving employee is responsible for the good condition of such supplies and equipment.
- 2.25 Employees in State owned residences shall use special care to preserve the security and safety of personnel and property therein. Firearms of any kind and ammunition shall not be possessed or stored in State owned residences. Personally owned firearms may be stored in the arsenal or any other secure area authorized by the Superintendent of the facility. All residences shall be securely locked when tenants are away from home and the person in charge of security services notified of any long term absences.

- 2.26 An employee shall report to their assigned work location/post in a timely manner with all necessary equipment and shall not leave their assigned post or duties unless properly relieved or unless authorization to leave the post/work location is received from the employee's supervisor.
- 2.27 An employee who is unable to carry out a work assignment, for any reason, which is part of their normal duties or is given at the direction of a supervisor, shall promptly notify their immediate supervisor.
- 2.29 Employees having alcoholic beverages or ingredients capable of producing an intoxicating effect in a State-owned residence shall take every reasonable precaution against pilferage.
- 2.30 Any employee on Department property or while on duty is subject to search, which may include workspaces. All employees will routinely be subjected to a metal detector search and packages and other articles carried into the workplace may be routinely inspected. Pat or strip searches may be conducted. Any article that may not be properly taken into or out of the facility may be confiscated and turned over to the officer in charge for appropriate disposition. Refusal by an employee to submit to a search is insubordination, shall be cause to refuse him or her entrance to the facility or workplace, and may constitute grounds for disciplinary action. The Department's policy and procedures concerning such searches are contained in Directive #4936, "Search of DOCCS Employees."
- 2.31 Each employee who parks his or her personally owned vehicle on Department property must record the license and registration number of the vehicle and the make, year, and color. When such a vehicle is parked on Department property, all doors shall be locked. For convertibles, the tops will be up. The ignition shall also be locked, if possible. The keys shall be left at the facility arsenal if so ordered by the Superintendent.

Weapons or other dangerous contraband shall not be left in any vehicle while it is on Department property.

The Superintendent, Regional Director, Bureau Chief, Division Head or person in charge of the facility may authorize a search of any vehicle on the grounds of the facility or state property; refusal of an employee to permit a search and/or to unlock their vehicle for a search may constitute grounds for disciplinary action.
- 2.32 Employees, when off duty, are prohibited from visiting a facility without permission of the Superintendent, Deputy Superintendent, or the employee in charge of the facility except to conduct legitimate employment-related business with the credit union, business or personnel office, or other authorized area.

- 2.33 No employee shall enter any correctional facility with a cellular phone, wireless phone, pager, personally owned computer equipment, personal digital assistant, any device with global positioning (G.P.S.) capabilities, any device with audio recording capabilities, radio, camera, or other similar electronic device except as authorized in Directive #4900, "Security in Gate Areas/Secure Posts"
- 2.34 No employee shall enter any correctional facility with a computer that has not been authorized in accordance with Departmental Directive #2810, "Information Security Policy."
- 2.35 No employee shall add or delete any software in any Departmental computer without the written permission of the Superintendent, Regional Director, Division Head, or his or her designee.
- 2.36 Every employee, while on duty, shall devote all his or her time and effort to the performance of their duties. Each employee shall maintain an attitude and posture of alertness at all times. When supervising inmates, an employee shall not allow his or her attention to be diverted in any way that interferes with the maintenance of supervision.
- 2.37 An employee will not sleep or give the appearance of sleeping while on duty.
- 2.38 All employees designated as Peace Officers must be a resident of the State of New York at the time of their appointment and maintain such residency throughout their employment.
- 2.39 While conducting the official business of the Department, employees shall not improperly recommend or otherwise influence the selection of private lawyers, doctors, therapists, or any other similar professional person to inmates, parolees or releasees. Appropriate referrals may be made to service providers and non-profit agencies with supervisory approval.
- 2.40 An employee will not influence or attempt to influence, interfere with or attempt to interfere with, obstruct or attempt to obstruct any arresting officer, outside agency, or court, when such arresting officer, agency, or court is engaged in the process of arresting or prosecuting an employee of the Department, or other person, when such employee or person is detained for an alleged criminal offense.
- 2.41 Parole Officers will not contact, supervise, or investigate a parolee or releasee who resides outside their assigned territorial regions or jurisdictions, unless authorized to do so by their supervisor.
- 2.42 When Parole Officers are assigned a time and place for taking reports, neither shall be changed without prior approval of their supervisors.

Parole Officers are to remain at their report stations during the total hours established for them. The absence of an officer is to be reported immediately to the appropriate supervisor. Arrangements for substitutes at report stations by Parole Officers are subject to the prior approval of the appropriate supervisor.

- 2.43 No employee, other than those designated as Peace Officers, shall possess any firearm or other weapon while on duty with the Department or while on Department property.
- 2.44 Employees are prohibited from alerting other employees that supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.
- 2.45 Employees are obligated to report any information concerning corruption, fraud, criminal activity, conflicts of interest, misconduct, or abuse by an employee or supervisory staff in accordance with Departmental Directive #2260, "New York State Ethics." For the report of theft, loss, or misuse of State assets and supplies, the procedures set forth in Directive #2794, "Reporting Losses," shall be followed.

SECTION 3

SUPERVISORY AND MANAGERIAL RESPONSIBILITIES

- 3.1 Supervisory responsibilities shall include, but not be limited to, the following:
- a. The enforcement of all Agency rules, regulations, policies, and procedures governing the operation and administration of the Department.
 - b. Reporting and documenting violations of Agency policy and procedure promptly.
 - c. The exercise of responsibility for the appropriate instruction of all their assigned personnel in the methods of performing their official duties.
 - d. Directing the efforts of subordinate staff and establishing and maintaining all necessary controls to ensure the efficient work performance of assigned personnel.
 - e. Ensuring that subordinate staff is properly trained to perform the duties to which they are assigned and coordinating with the Albany Training Academy via the chain of command to ensure compliance with the Department's requirements as related to annual training.
 - f. The timely submission of reports by assigned personnel.
 - g. Reviewing reports submitted by their assigned personnel and taking appropriate and necessary action to ensure the accuracy of such reports.
 - h. Prohibiting and reporting unauthorized or criminal activity on State and/or Department property.
 - i. Ensuring adequate staff coverage within the particular jurisdiction or area of responsibility.
 - j. Submitting probationary reports and performance evaluations in accordance with Agency policies and in a timely manner.
 - k. Ensuring the timely and accurate submission of expense accounts and attendance records.
 - l. Performing other supervisory responsibilities as directed.

- m. Protecting the integrity and mission of the Department and modeling appropriate conduct, ethics, and performance.
- n. Ensuring fairness and equity in employment related activities.

- 3.2 Supervisory and managerial personnel who fail to take prompt and immediate steps to prevent and/or report discrimination or harassment or an act of retaliation as a result of reporting discrimination or harassment may be subject to disciplinary action.

SECTION 4

DEPARTMENT RECORDS AND STATEMENTS

- 4.1 Messages: All employees shall be responsible for transmitting messages, which they receive, to the employee for whom the message was intended or to the immediate supervisor of the person for whom the message was intended.
- 4.2 Confidentiality of information and security of records: Section 74 of the New York State Public Officers Law states: "No officer or employee of a State agency should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests." Violations of such law are punishable by fine, suspension, or discharge.
- 4.3 Any staff member assigned to investigate a complaint or allegation involving another employee will treat such investigation and any related information as confidential to the extent reasonably possible.
- 4.4 Inmate health information is considered confidential and protected by the HIPAA Privacy Rule and NYS Public Health Law Section 18 and Article 27-F. Violations carry civil and criminal penalties and may subject the violator to Departmental discipline.
- 4.5 Information from the files of this Agency may be furnished only to authorized persons or agencies, and only in accordance with Directive #2012, "Release of Employee Personnel and Payroll Information," and Title 7, NYCRR, Part 5 and Part 7. Questions that may arise concerning the divulging or furnishing of information should be brought promptly to the attention of a supervisor.
- 4.6 Employees will not accept confidential information from inmates, parolees, relatives or friends of inmates or parolees, or from other sources without making this information known to their supervisors and with necessary precautions being taken to safeguard the confidential nature of the information.
- 4.7 Unless otherwise authorized by the Commissioner, a Deputy, Associate, or Assistant Commissioner, Director of Personnel, or the Superintendent, an employee shall not have access to the personnel records of any other employee or to the case records of any inmate or parolee except as required in the discharge of his or her official duties.
- All employees shall take precautions to ensure that unauthorized persons do not have access to confidential material. Personnel files are to be locked at all times and access to them strictly limited to appropriate officials.
- For further information, see Directive #2010, "Departmental Records," and Directive #2012, "Release of Employee Personnel and Payroll Information."
- 4.8 Employees who have custody of or work with inmate, personnel, or parolee records will be responsible for the physical security of such records, such as protection from fire and theft, and for the protection of such information from unauthorized access and disclosure.
- 4.9 No employee shall, without the express knowledge and approval of the Superintendent, Regional Director, Division or Office Head, remove from the office, permanently or temporarily, any official folder, letter, memorandum, record, or document, nor shall they have a copy made for their personal use or for the use of any other person, without authorization. Nothing contained herein shall be construed to prevent staff from keeping notes or copies of memoranda which depicts events for which the author was directly involved. No employee shall use such notes, letters, or documents for other than official Agency business. This section shall not be construed to prevent any member of staff from possessing and retaining in his or her possession copies of documents from their personnel folder.
- 4.10 Employees are not to keep any facts or data relating to the work of the Department from the Agency or its representatives and may not omit the recording of material in their case records or unit activity logbooks. Any matters about which the employee has doubts as to the appropriateness of entering into the record must be discussed with the immediate supervisor.
- 4.11 All typed case material, except correspondence, must contain the date of dictation, date of transcription, and the initials of the transcriber.
- 4.12 All letters, memorandum, and reports must be clearly identified as to the date written, and must contain the subject's name, including the DIN or NYSID number if the subject is an inmate, or parolee, and the name and title of the author.
- 4.13 Employees who have responsibility for computerized data and hardware have certain responsibilities as specified in Directive #2810, "Information Security Policy," and in federal regulations; a copy of the federal regulations will be provided by the Office of the Counsel upon request.

4.14 Inquiries addressed by persons outside the Department to any employee concerning inmates, individually or in general, or offering employment to an inmate, or inquiring about the facility or the Department shall not be answered by the employee, but shall be referred to the Superintendent immediately upon being received. The Superintendent may delegate to employees having appropriate duties and responsibilities the authority to interview or discuss with parents and relatives matters pertaining to an inmate's welfare and progress.

4.15 Dissemination of criminal history information: Federal regulations limit access to and dissemination of criminal history information. The federal regulations provide that only authorized employees of the Department shall have access to criminal history and inmate records.

Dissemination of arrest data is strictly limited by federal regulations. Therefore, it is the policy of the Department to refer all requests for DCJS "rap sheets" to the Division of Criminal Justice Services. No arrest data where there has not been a conviction shall be provided to outside parties.

The use of criminal history information disseminated to non-criminal justice recipients shall be limited to the purpose for which it was given. These recipients shall be so advised and asked to agree thereto.

A dissemination record shall be maintained to facilitate audits to verify adherence to the federal regulations. A notation shall be made every time an inmate or parolee record, or information therefrom, is disseminated to outside parties. Such notation shall include at a minimum, the name of the inmate or parolee, the names of the recipients of the information, the date of disclosure, and a short description of the information disclosed.

Information from Agency files may be furnished only to authorized persons or agencies and only in accordance with the established rules and regulations of the Department. Any question concerning the divulging of information should be brought to the attention of the Deputy Superintendent overseeing the area, Bureau Chief, or Division Head.

For further information, see Directive #2009, "Maintaining Logs - Dissemination of Criminal History Record Information," and Directive #2010, "Departmental Records."

4.16 Falsification of records: No employee shall knowingly make a false or inaccurate official report or statement, orally or in writing, or make, maintain, cause, or permit to be made a false or inaccurate record or false or inaccurate entry in official records or omit or fail to disclose pertinent facts.

4.17 Contacts with news media: All contact with representatives of the news media shall be in accordance with Department policies.

Any information relative to facility policies, employees, inmates or parolees must be authorized for release by the Office of Public Information. Information pertaining to overall Department and Board operations, policies, procedures, etc., will be released or responded to through the Department's Office of Public Information.

Media requests for feature stories, production of television or radio programs, permission to take photographs or pictures, either still or motion, of any facility, its employees, inmates or parolees, or any of the activities therein shall be forwarded to the Office of Public Information.

For further information, see Directive #0401, "Release of Information to the News Media."

4.18 Publications: No employee may submit any article for publication containing any reference to the affairs of the Department, the facility, area office, division, or to individual inmates or parolees without the prior approval of the Commissioner. Requests for such approval will be sent through supervisory channels and be supported by a copy of the article.

4.19 Communications: In addressing letters and memoranda to other employees of the Department, Civil Service job titles shall be used unless the Deputy Commissioner for Administrative Services approves otherwise.

Inter-office mail, electronic mail, FAX machines, and messenger service, are to be used only for official State business and in accordance with Departmental Directive #2810, "Information Security Policy" and #2824, "Use of Electronic Mail."

SECTION 5

FITNESS FOR DUTY

- 5.1 **Fitness for duty:** Each employee reporting for work is required to be fit to perform all the duties of their position including mandatory overtime when required. When the appearance, manner, or action of an employee is such as to raise reasonable question regarding the employee's ability to satisfactorily perform his or her assigned duties, such employee may be directed to submit to a physical and/or other appropriate examination. Refusal to submit to such an examination may result in disciplinary action.

The Department may require an employee to submit to a medical examination, as authorized by Civil Service Law, and may require medical documentation from the employee's provider to support a request for a reasonable accommodation under the provisions of the Americans with Disabilities Act (ADA). See Directive #2607, "Reasonable Accommodations for Individuals with Disabilities," for more information.

- 5.2 **Physical and psychiatric examinations:** Employees may be required to undergo physical and/or psychiatric examinations at such times and places as designated by the Commissioner, Superintendent, Director of Personnel, or their designees without expense to the employee and without charge to accumulated leave credits. Failure to report on time for such an examination may result in disciplinary action.
- 5.3 **Tuberculosis screening:** All employees will be screened at least annually for the Mycobacterium Tuberculosis Infection. Appropriate referral for medical follow-up and preventive therapy will be provided for those with positive tests. In addition, in a contact trace after possible exposure to TB, employees with a negative skin test will be re-tested and those with a known previous positive skin test will be screened. All employees, and new employees at the time of employment, must show evidence of a recent (within 12 months) PPD Mantoux Test or documentation of a prior positive reaction. Refusal to submit to the annual test and/or provide appropriate documentation at the time of employment may result in disciplinary action.

SECTION 6

EQUIPMENT AND SUPPLIES

- 6.1 **Department equipment and supplies:** All State equipment, office supplies, heat, electricity, and water are to be carefully conserved in all offices and facilities within the Department.

All forms, records, books, memoranda, identification cards, automobile parking cards, shields, handcuffs, weapons, security uniforms, and any other property of the Department issued to an employee must be returned at the time employment with the Department is terminated. An employee may be disciplined and/or required to make restitution for any property of the Department issued to them that is damaged, lost, or stolen.

Employees are to safeguard all Department issued weapons while on or off duty. The Department retains the right to confiscate any State equipment or weapons issued to an employee.

Personal computers, typewriters, photocopier machines, facsimile (fax) machines, and other State owned/leased equipment are for official business use and in accordance with Departmental Directive #2810, "Information Security Policy" and #2824, "Use of Electronic Mail."

An employee may not possess or consume food or possess or use other supplies purchased or produced for inmate, parolee, or Department use, except as they may be authorized to do so.

- 6.2 **Department identification:** No employee will misrepresent his or her official status to any person, official agency, bureau, or legally constituted public body.

Only official Department ID cards or shields will be possessed, and shall be used only on Department business. Employees must wear ID tags or cards in accordance with Departmental policy.

Calling cards, ID tags or cards, badges, automobile parking permits/placards, and other property issued to an employee will be used only on official business, shall not be altered, and will not be used in an attempt to circumvent regulations or laws. The loss of any such items will be reported in writing immediately to the Superintendent, Regional Director, or Department or Office Head.

Possession or use of illegal or unauthorized identification cards or shields may result in disciplinary action.

6.3 Stationery: Official stationery of the Department shall be used for official business only. Under no circumstances shall an employee allow inmates, parolees, or other unauthorized persons to use or have access to official stationery. Under no circumstances shall an employee use official stationery for a purpose that is listed as "personal and unofficial."

6.4 State vehicles: State-owned vehicles shall be used only for official purposes. Employees assigned to operate a State-owned vehicle must be legally licensed for the type of vehicle assigned when driving on public highways. Operators are responsible for the safe and legal operation of the vehicle. The employee in charge of the vehicle, if other than the driver, will exercise their authority to ensure that the vehicle is operated in a safe, legal manner with strict regard for the safety of all passengers. Drivers may not use handheld cell phones or electronic devices during operation of the vehicle. Smoking in State vehicles is prohibited. For further information see Directive #2932, "Use of State Owned Vehicles."

6.5 Expense accounts are to be submitted to the fiscal office in accordance with the Comptroller's rules and regulations. Employees in continual travel status are to submit their expenses on a biweekly basis. Employees in occasional travel status are to submit their expenses as soon as reasonably possible.

Expense accounts must be approved by the employee's supervisor before being submitted for audit and payment. For additional information see Directive #2724, "Travel Voucher Preparation."

6.6 Use of telephones: State telephones are intended for transaction of official business only. With the approval of the employee's supervisor, employees may make personal calls in emergency situations.

Official calls made to areas of the State where tie line service is available shall be made in accordance with instructions contained in the State telephone directory.

Under no conditions are personal long distance calls to be made on the State tie line system or charged to the Department.

Receiving incoming calls of a personal nature should be limited to situations of urgency. Although there may be no direct costs applied to the State for these calls, they result in lost staff hours and decreased productivity.

SECTION 7

GENERAL RULES FOR FACILITY EMPLOYEES

7.1 Applicability: The following rules apply to all employees whose duties require their presence within the bounds of a correctional facility and to all employees charged with the supervision of inmates. None of these rules shall apply to an employee in such a manner as to interfere with the performance of their duties.

7.2 The Superintendent shall be the chief administrative officer and have the authority, duties, and responsibilities defined by law and as directed by the Commissioner.

7.3 The Superintendent shall exercise his or her authority and perform his or her duties in such a manner as to (1) ensure the security of the facility and the safe custody of the inmates, (2) promote and encourage the rehabilitation of inmates, and (3) provide safe working and living conditions throughout the facility.

7.4 If additional employee rules are necessary, because of the nature of a particular facility, the Superintendent shall submit such rules to the Commissioner for approval. If approved, such rules shall have the same force and effect as these rules and similarly shall be supplied to each employee of the facility for insertion in this manual.

7.5 Upon the occasion and for the duration of a major emergency, the Superintendent may suspend such portions of any or all rules which might impede proper emergency action.

7.6 Except for Saturdays, Sundays, legal holidays, and approved vacations, Superintendents shall not absent themselves from the facility for more than 24 consecutive hours without prior approval by the Commissioner or designee. Except for Saturdays, Sundays, and legal holidays, absences of half a day up to two weeks shall be requested of the Hub Supervising Superintendent.

Temporary absences of shorter duration shall be reported to the Communications Control Center. Absences of more than two weeks must be requested of the Deputy Commissioner for Correctional Facilities or designee. During all absences Superintendents shall keep the Hub Supervising Superintendent, Acting Superintendent, and/or the officer of the day informed of his or her whereabouts.

- 7.7 Superintendents shall be responsible for having a correct count of inmates and for seeing that counts are taken in such a manner and reported on such forms as may be required by the Commissioner.
- 7.8 Directive #4911, "Packages & Articles Sent or Brought to Facilities," lists approved articles that may be received by inmates through general confinement facility package rooms.
- 7.9 Employees shall cooperate in maintaining the security and good order of the facility and shall aid in the rehabilitation of inmates. Each employee shall be responsible for the efficient performance of duties assigned, including the proper custody, supervision, and welfare of all inmates under his or her direction. All employees are responsible for adjustment evaluation reports or reports of incidents occurring during their tours of duty that indicate above average interest and application and/or those which demonstrate disruptive, bizarre, unusual, or inappropriate behavior.
- 7.10 Except in connection with facility duties and routine, no person, including employees, shall be permitted to interview an inmate, except by permission of the Superintendent or a Deputy Superintendent. An employee may visit an inmate confined in another Departmental facility only with the permission of the Superintendent and the Superintendent of the facility which the employee wishes to visit.
- 7.11 Each employee, properly relieved by another employee, shall deliver to the relieving employee all equipment and information required by the relieving employee for the performance of his/her duties. They shall provide the relieving employee a summary of any special orders he or she may have received or conditions requiring note. They shall turn in to the responsible employee all keys and property of the State. If the employee is not relieved, all keys, weapons, and other property of the State shall be turned over to the arsenal or other designated place. An employee shall not carry out of the facility any keys, records, orders, documents, or any other article not belonging to them, unless authorized by the Superintendent, nor knowingly allow any other person to remove any such article for them.
- 7.12 All intoxicants, regardless of form and nature, except those approved for specific medicinal or sacramental purposes, are prohibited on the grounds of any facility of the Department, except in State owned residences of employees or with the approval of the Superintendent, in employee recreation or picnic areas. When such beverages are kept for medical or religious purposes, the facility physician and chaplain respectively are responsible for their proper care, storage, and use.
- 7.13 Controlled substances are not permitted to be possessed, stored, or consumed in any facility, except upon a valid order or prescription from a qualified physician. Inmates shall not have access to opiates, narcotics,

or other substances producing similar effects unless properly prescribed by a physician or dentist.

Employees, who must, on orders of a physician, take medication during working hours shall bring into the institution only the dosage which they will be required to use during their tour of duty. Over the Counter (OTC) medications that are readily identifiable are allowed into the facility; however, only the dosage which is required for tour of duty is allowed. See Directives #2115, "Drug Tests for Employees," #4937, "Urinalysis Testing," and #4938, "Contraband Drug Testing."

- 7.14 Employees shall not provide inmates nor leave civilian or uniform clothing in any place where it may be acquired by an inmate. Any loss of such clothing shall be reported immediately to the officer in charge.
- 7.15 No personal work for any person shall be done in any shop or unit of a facility, nor shall any property or materials be delivered from any shop or unit to any employee or other person, except by written order of the Superintendent.
- 7.16 When an inmate is received at a facility, money or articles that are found in their possession shall be taken from them and a receipt for such items shall be provided to the inmate. Such articles shall remain under the control and responsibility of the Inmate Records Coordinator until the inmate is released, except that allowable articles may be returned to the inmate or otherwise disposed of by order of the Superintendent. Money shall be credited to the inmate's account in accordance with Department procedures.
- 7.17 Employees may carry a personally-owned knife with folding blade (blade not to exceed 2" in length). The knife will be carried in such a way that it is out of view. Under no circumstances will a knife be carried in a sheath/pouch exposed. Combination tools, such as a Leatherman tool, are not authorized.

SECTION 8

SUPERVISION OF INMATES

8.1

[REDACTED]

8.2

[REDACTED]

8.3

Physicians, Physician Assistants, Nurse Practitioners, and Registered Nurses will be responsible for the assessment and immediate identification of significant signs and symptoms requiring health care interventions; in cases of emergency, first aid shall be administered pending the arrival of a physician. At the direction of authorized medical staff, employees may be required to deliver medication to inmates.

8.4

[REDACTED]

8.5

[REDACTED]

8.6

[REDACTED]

8.7

[REDACTED]

8.8

[REDACTED]

8.9

[REDACTED]

8.10

[REDACTED]

8.11

[REDACTED]

8.12

[REDACTED]

8.13

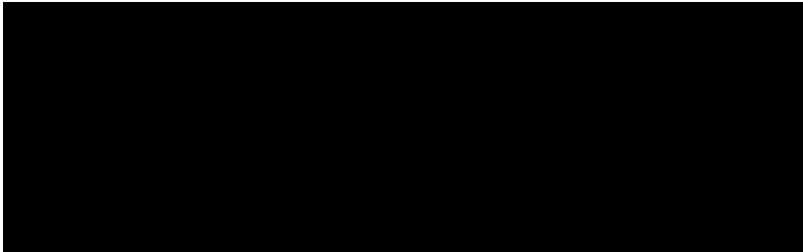
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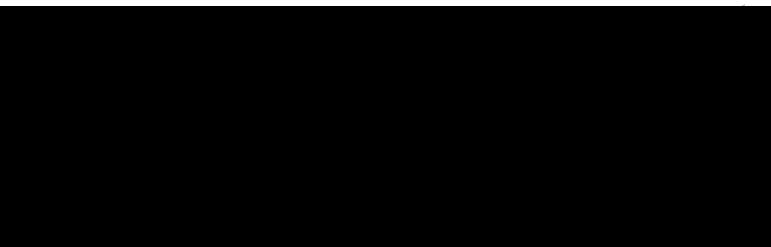
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8.15 Employees shall report commendable behavior or misbehavior of inmates in accordance with Directive #4006, "Reporting Inmate Attitude and Behavior," and Chapter V, "Procedures for Implementing Standards of Inmate Behavior and for Granting Good Behavior Time Allowances," of Title 7 of the Codes, Rules, and Regulations of the State of New York. An employee required to report on the work performance of inmates shall give proper consideration to individual differences in abilities, personalities, and capacities and take into account inmates' efforts and application.

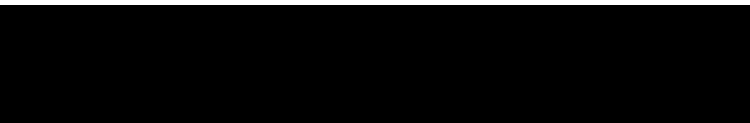
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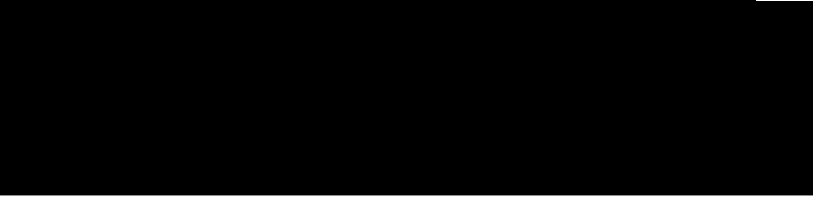
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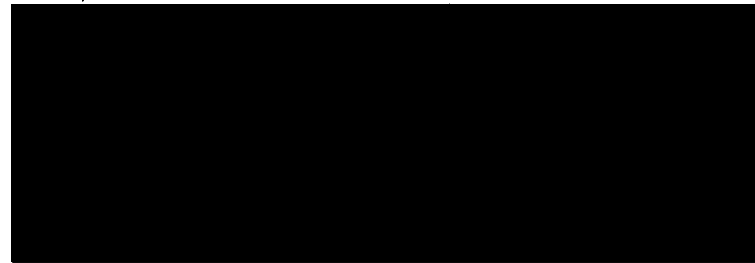
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SECTION 9

DISCIPLINARY CONTROL OF INMATES

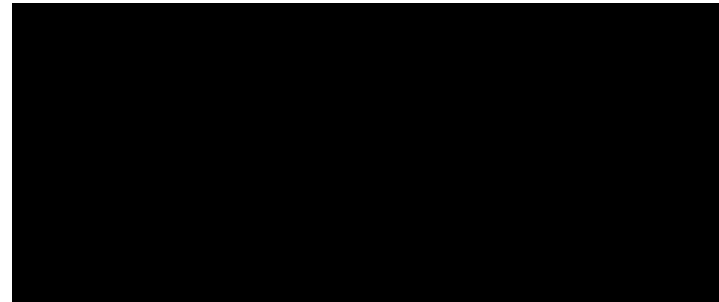
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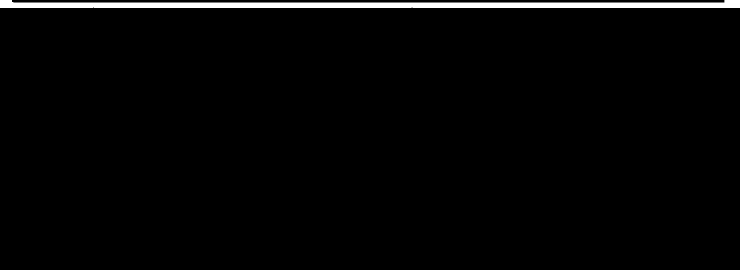
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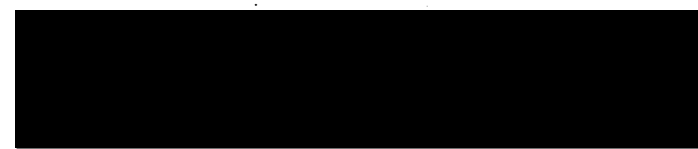
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c.



d.



e.

[REDACTED]

f.

[REDACTED]

g.

[REDACTED]

h.

[REDACTED]

i.

[REDACTED]

9.2

[REDACTED]

9.3

[REDACTED]

9.4

Reports of use of physical force: In all instances where physical force is witnessed or used on an inmate, an employee will be complete all necessary forms and paperwork as outlined in Directive #4944, "Use of Physical Force" prior to the completion of the individual's tour of duty.

9.5

Inmate misbehavior reports and confinement of inmates: All occasions of inmate misbehavior will be processed in accordance with procedures set forth in Chapter V of Title 7 the Codes, Rules and Regulations of the State of New York and as set forth in Directive #4932, "Chapter V, Standards, Behavior and Allowances."

SECTION 10

ESCAPES, INMATE DISTURBANCES, AND OTHER EMERGENCIES

10.1

[REDACTED]

10.2

[REDACTED]

10.3

[REDACTED]

10.4

[REDACTED]

10.5

[REDACTED]

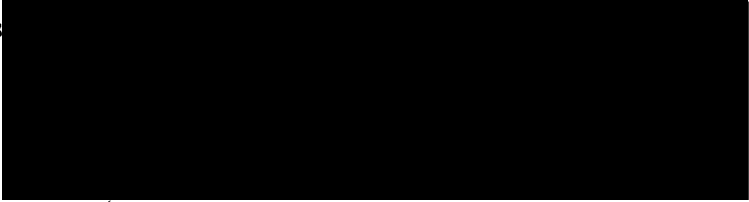
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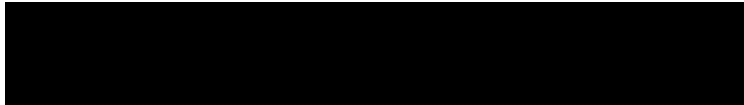
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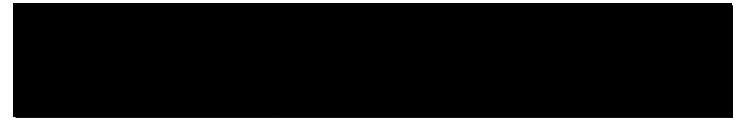
SECTION 11

SUPERVISION OF INMATE HOUSING UNITS

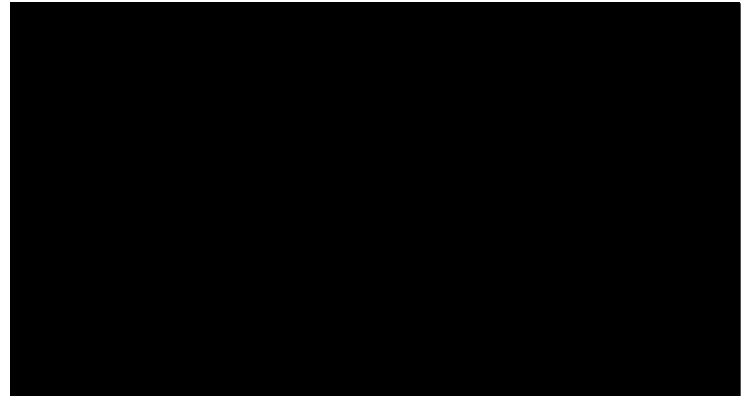
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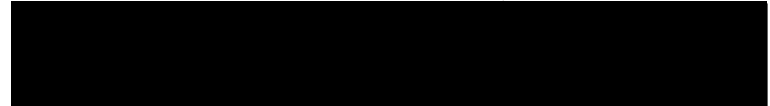
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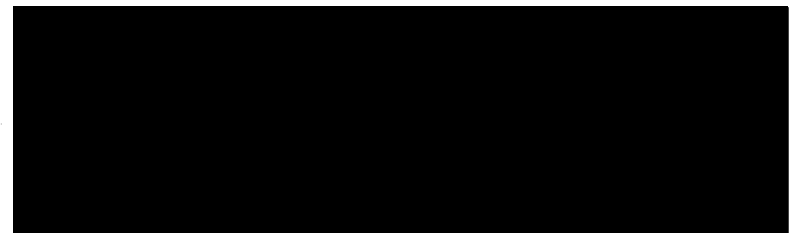
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[REDACTED]

11.6 [REDACTED]

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]

11.7 All inmate housing unit assignments must be approved by the Watch Commander or above in advance of the move:

- a. Housing unit changes shall be promptly and properly made by the officer in charge of the housing unit;
- b. [REDACTED]
- c. [REDACTED]

Reference Directive #2803, "Reporting Inmate Movement via Locator System" for additional information.

11.8 The officer in charge of the housing unit shall see to it that housing areas are properly heated and ventilated.

11.9 [REDACTED]

11.10 Special housing units shall be administered in accordance with Chapter VI, "Special Housing Units," of Title 7 of the Codes, Rules and Regulations of the State of New York and as set forth in Directive #4933, "Special Housing Units."

11.11 [REDACTED]

[REDACTED]

11.12 Staff of the opposite gender shall verbally announce their arrival on a housing unit at a minimum upon each change of shift and when the gender-supervision on a housing unit changes from exclusively same gender to mixed or cross-gender supervision to avoid unnecessarily invading the privacy of incarcerated individuals of the opposite gender, unless emergency circumstances dictate otherwise. The announcement(s) by staff must be accomplished in a manner that is easily heard and/or understood by all incarcerated individuals on the unit. This announcement shall be recorded in the unit logbook.

SECTION 12

SUPERVISION OF FOOD SERVICE AREAS

- 12.1 Responsibility for the management of the food service areas shall be fixed in the Food Service Administrator or, in facilities where no food service administrator is employed, in a designated member of the staff. See Directive #4310, "Food Service Operations Manual."
- 12.2 If any employee believes that food is being misappropriated, spoiled, wasted, or not properly cooked or if there is any undercurrent of resentment by reason of any such abuse, they shall report this at once to the employee in charge of the food service areas and notify the Superintendent through appropriate channels.
- 12.3 All employees and inmates assigned to work in food service areas shall keep themselves clean at all times. Unsanitary practices on the part of such persons shall not be permitted by the employee in charge of the food service areas.
- 12.4 No person who is infected with any disease communicable through food shall be assigned or accept an assignment to work in any food service areas. If the food service manager or employee acting in his or her stead has a concern that a food service worker may have a medical condition that is hazardous to their working in the food services area or potentially infectious, they shall make immediate notifications to the Deputy Superintendent for Administration or equivalent for referral to Employee Health Services for an evaluation and clearance. For inmates, a referral shall be made to the facility medical unit for further evaluation and clearance.
- 12.5 All equipment in the food service areas shall be inspected regularly to ensure proper operation and sanitation. Supplies shall be kept securely in places designated; knives and other equipment issued to employees and inmates shall be properly accounted for and safely secured when not in use, and an accurate inventory of equipment shall be maintained. See Directive #4930, "Tool Control."
- 12.6 The employee in charge shall see that a sample of each complete meal is held under refrigeration for 48 hours to assist diagnosis in case of any suspected food poisoning.
- 12.7 A high degree of cleanliness must be maintained in all sections of a food service area. Employees finding uncleanliness shall report it to the employee in charge of the food service area.
- 12.8 Except as otherwise authorized by the Superintendent, food served shall be consumed in the dining area at the time of service.
- 12.9 Except for special diets for religious purposes approved by the Superintendent and special diets imposed pursuant to Chapter V of Title 7 of the Codes, Rules and Regulations of the State of New York, all therapeutic diets shall be prescribed pursuant to Directive #4311, "Medical Nutrition Therapy." Therapeutic diets shall not be terminated, unless authorized by the Physician.
- 12.10 No employee or inmate shall be in the food service area unless so authorized.
- 12.11 No employee shall consume State food, unless authorized by the Superintendent or appropriate Central Office staff in accordance with Departmental directives, nor shall food in any form be removed from food service or storage areas without the specific authorization of the Superintendent.
- 12.12 No employee shall prepare personally acquired food in the mess hall area without permission of the Superintendent. This area is monitored by the Department of Health.

SECTION 13

SUPERVISION OF HEALTH CARE AREAS

- 13.1 Security employees assigned to the hospital and health care areas are responsible for good order and conduct on the part of inmates therein. All employees assigned to the health care area are responsible for the supervision and care of inmates under the direction of the physician in charge.
- 13.2 When an inmate is admitted to the health care area, the responsible employee shall take custody of personal property, except that which health services rules permit the inmate to keep; such property shall be safely stored and returned upon discharge.
- 13.3 The responsible employee shall see to it that surgical and dental instruments, hypodermic needles, and syringes are accounted for at all times and, when not in use, that such instruments are securely locked in safe quarters. See Directive #4929, "Controlled Drugs, Needles, Syringes & Sharps."
- Inmates assigned to work in health care areas shall not have access to such instruments, needles, and syringes.
- Employees assigned to health care areas shall also ensure that medical records are safeguarded from unauthorized persons.
- 13.4 Medicine and medical supplies shall be drawn only on approval of the physician or nurse on duty. All employees shall take every precaution to prevent the misappropriation and misuse of medicine and medical supplies.
- 13.5 Visits to inmates who are patients in facility health care units shall be in accordance with Departmental and facility rules.
- 13.6 All health care areas shall be kept clean and sanitary. For housekeeping instructions, see Directive #3096, "Housekeeping: Health Care Areas."
- 13.7 Employees assigned to guard inmates in outside hospitals shall be familiar with and observe the procedures in Directive #4904, "Policies and Procedures for the Operation of Outside Hospital Detail."
- 13.8 Employees assigned to outside hospitals may be required to comply with health screening procedures mandated by the New York State Department of Health Hospital Code 405.3(b)(10).

SECTION 14

SUPERVISION OF WORK AND PROGRAM AREAS

- 14.1 Training supervisors, teachers, and instructors shall be responsible for the instruction of inmates in the duties or work to be performed under their direction, for instruction in the safe operation of equipment and supplies, for the standards of the work supervised, and for the diligent application of inmates to work and training.
- 14.2 All employees shall examine thoroughly and personally the entire area over which they have supervision after the inmates have left at the end of the program module or work assignment. Any breaches of security or risks thereto and any fire or safety hazards shall be reported immediately to the officer in charge.
- 14.3 The responsible employee to whom inmates are assigned for work or training shall comply with the safety, fire, and facility rules and all applicable laws, codes, rules, and regulations governing operations of these areas.
- 14.4 The employee in charge of such an area shall not establish any operating rules for an area without prior approval of the Superintendent or a Deputy Superintendent. They shall not permit inmates not assigned to the area to enter the area without proper authority. They shall not accept any unverified telephone calls to have inmates passed from the area and he or she shall not permit any inmate to leave the area without proper authority.
- 14.5 Employees supervising work and training areas will take every precaution to assure that all tools, keys, and equipment are properly accounted for at all times and that an accurate inventory of such items is maintained. See Directives #4930, "Tool Control" and #4092, "Key Control."

SECTION 15

**SUPERVISION AND CONTROL OF INMATE PACKAGES AND
CORRESPONDENCE**

- 15.1 Packages brought or sent to inmates shall be processed in accordance with current policy as set forth in Directive #4911, "Packages & Articles Sent or Brought to Facilities."
- 15.2 An assigned employee shall search all packages and articles thoroughly, taking care not to damage the contents. All articles received, whether admissible or not, shall be properly recorded together with the sender's name and address.
- 15.3 Acceptable articles shall be given to the inmate, as soon as possible. When articles are withheld, the inmate shall be informed of the reason therefore and given the opportunity to have such articles disposed of as per Directive 4913, "Inmate Property." Articles shall not be given to inmates in the same box in which received.
- 15.4 Employees assigned to handle inmate mail and secure messages shall follow Department policies as set forth in the following directives: #4015, "Forwarding Offender Mail;" #4421, "Privileged Correspondence;" #4422, "Offender Correspondence Program;" #4425, "Inmate Tablet Program," and #4572, "Media Review."

SECTION 16

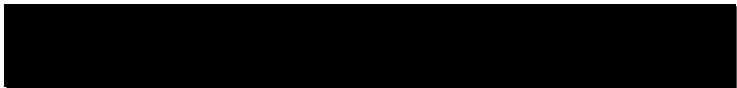
SUPERVISION OF GATE AREAS

- 16.1 [REDACTED]
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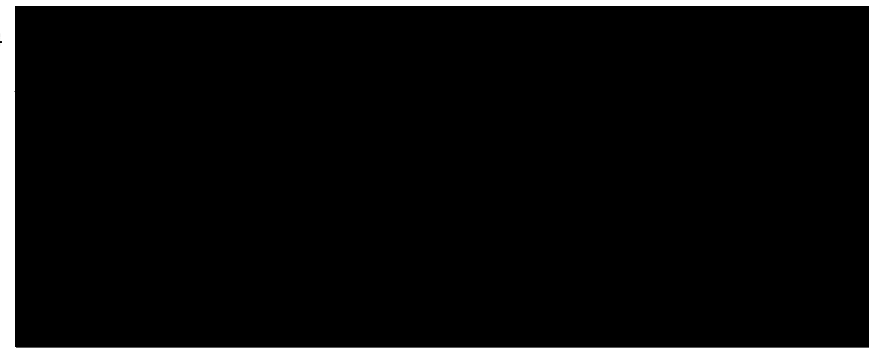
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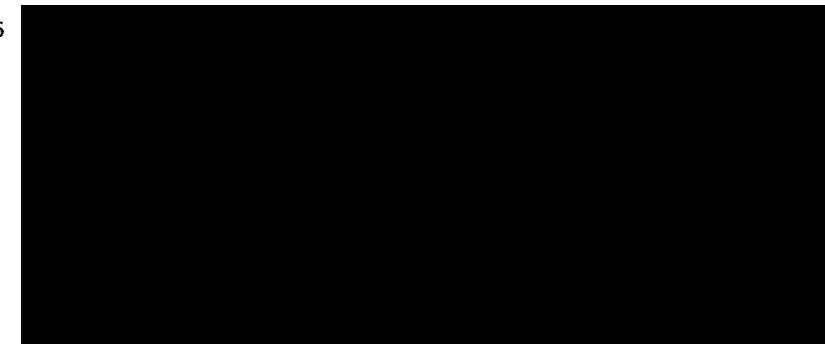
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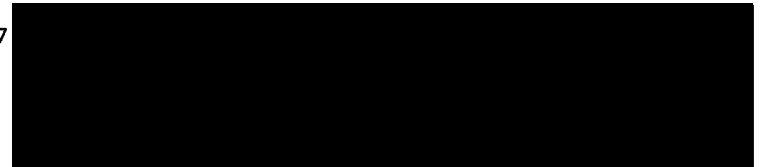
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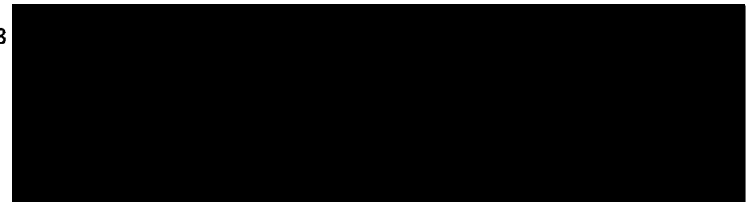
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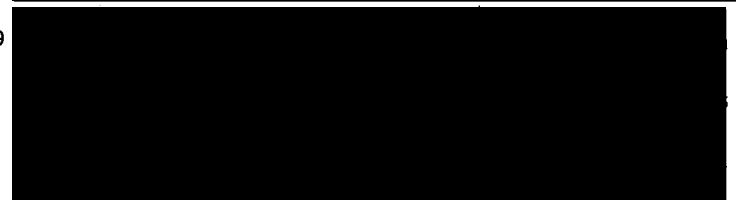
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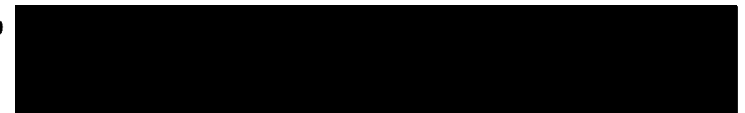
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SECTION 17

SUPERVISION OF WALL/TOWER AREAS

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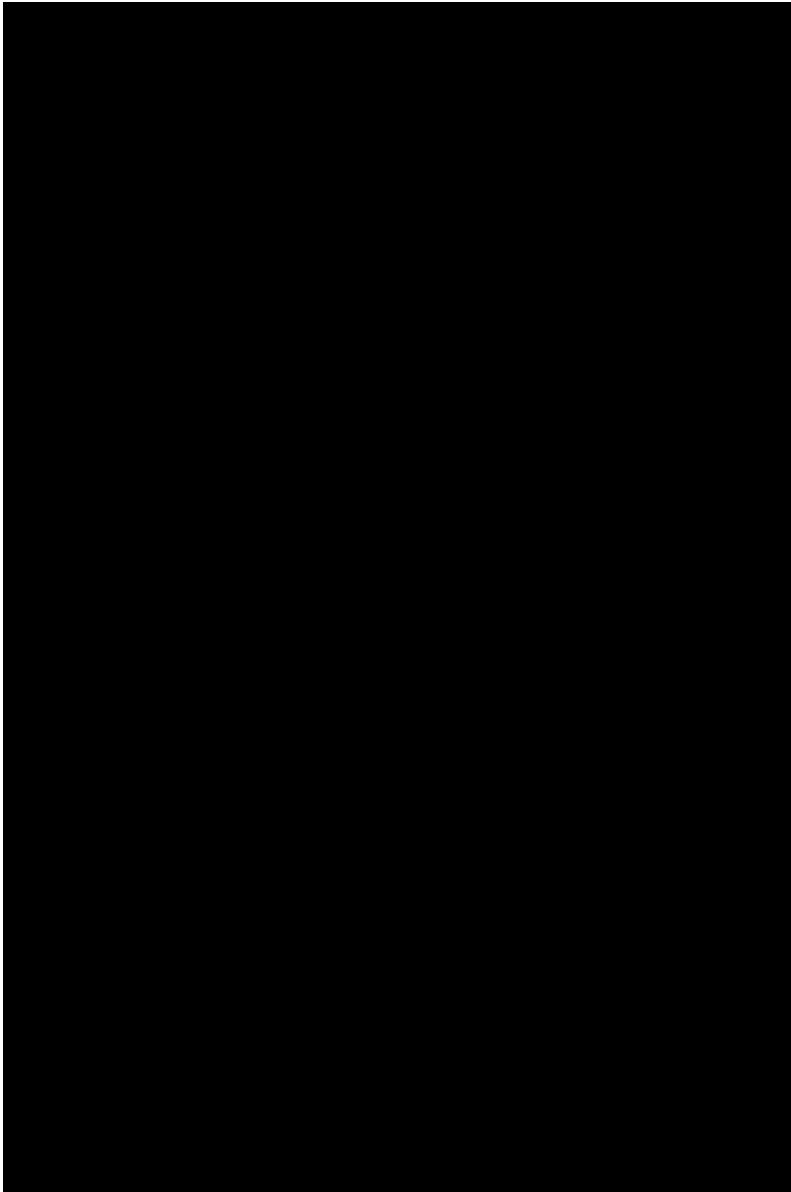
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SECTION 18

TRANSPORTATION OF INMATES

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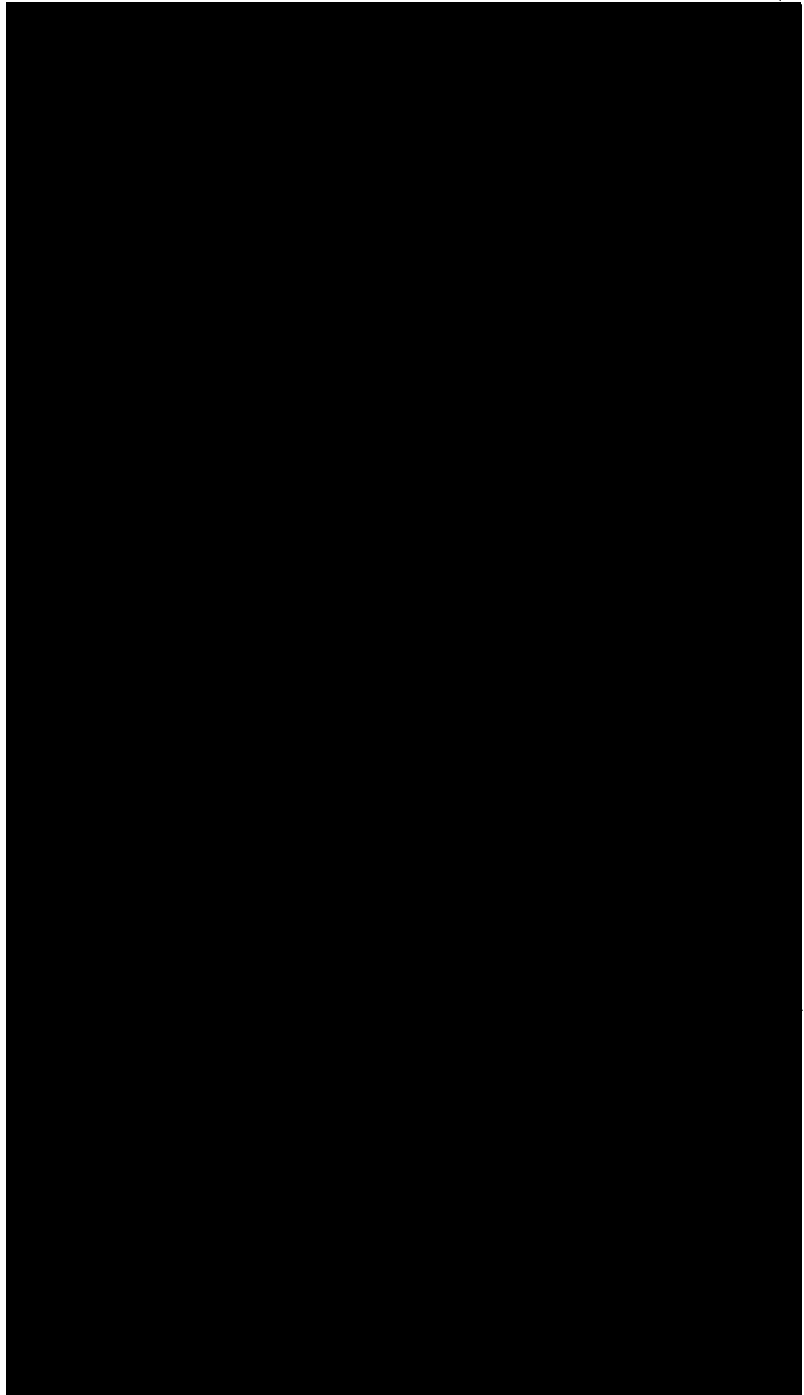
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SECTION 19

VISITORS

- 19.1 Entrance to a Department facility by a person not an employee of the facility shall be pursuant to Department rules and regulations. All such visitors shall be admitted, identified, searched, and their arrival and departure properly recorded, in accordance with Directive #4900, "Security in Gate Areas/Secure Posts."
- 19.2 No persons, except Departmental employees on official business, persons specifically authorized by law to visit, relatives, friends, and others authorized through established procedures to visit inmates, shall be permitted to visit a facility without permission of the Commissioner, Deputy Commissioner, Superintendent, Deputy Superintendent, or facility officer of the day. Persons authorized by law to visit are designated in Section 146 of the Correction Law and in Directive #4900, "Security in Gate Areas/Secure Posts." Visits to inmates by relatives, friends, attorneys, and others are regulated by Directives #4403, "Inmate Visitor Program, #4404, "Inmate Legal Visits, and #4935, "Outsiders Visiting or Applying to Visit Facilities." Tours of facilities will be conducted in accordance with Directive #4755, "Correctional Facility Tours."
- 19.3 No employee shall escort any person not employed by the facility to any area of the facility without first being directed by or having obtained the approval of the Superintendent, Deputy Superintendent, or facility officer of the day.
- 19.4 When visiting a facility, employees of the Department shall be subject to these rules as apply to the safety and security of the facility; such visitors shall, upon entering the facility, report to the administrative office. However, none of these rules shall apply to a Department employee in such a manner as to interfere with the performance of his or her duties while within the facility, nor shall any of these rules apply to members of the State Commission of Correction in such a way as to limit their responsibilities and powers of inspection as defined by law.
- 19.5 An employee assigned to escort visitors shall not permit a visitor, except one on official business or otherwise authorized by the Commissioner or Superintendent, to do anything within the facility other than to observe. No loitering or separating from the escorting employee is permitted. No loud talking or boisterous conduct, or giving or receiving of items from inmates is permitted.
- 19.6 No packages will be carried into the visiting room. Handbags, if allowed by facility rules, may be permitted only after inspection by a designated employee. The visiting room and visitors' lavatories will be searched thoroughly immediately before and after the visiting period.
- 19.7 Close observation is to be maintained by the employee on duty to prevent any articles being passed to or from an inmate. Papers or other articles must first be inspected and approved by competent authority.
- 19.8 Any visit in which a disturbance occurs may be terminated by the officer in charge after consultation with his or her supervisor. A full written report of any such termination will be submitted to the person in charge of security services through the immediate supervisor prior to the termination of the officer's tour of duty.
- 19.9 Inmates and visitors shall not be allowed to leave the visiting room together.
- 19.10 If conditions require that inmates and visitors use the same lavatory, their usage shall be at separate times and the lavatory shall be searched by staff after each usage.
- 19.11 Operations of visiting rooms, and records connected therewith, shall be in conformity with Departmental and facility rules. The officer in charge shall report promptly to the Deputy Superintendent for Security any significant observations or incidents connected with visits.
- 19.12 No visits to hospital patients shall be permitted without the approval of the Superintendent and health services staff. See Directive #4904, "Policies and Procedures for the Operation of Outside Hospital Detail."

SECTION 20

FIREARMS AND ARSENALS

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SECTION 21

FIRE PREVENTION, FIRE FIGHTING, AND SAFETY

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- 21.1 The Superintendent is responsible for organizing and implementing a fire prevention and fire fighting program. This will include designating employees to serve as Deputy Fire Chiefs or members of the fire response team, and perform other fire related duties. The Fire/Safety Officer shall serve as the Fire Chief for the facility. (See Directive #4060, "Facility Fire Prevention.")
- 21.2 The Fire/Safety Officer and Regional Training Lieutenant shall plan and conduct training courses. The Fire/Safety Officer shall perform inspections, develop evacuation and fire fighting plans, conduct fire drills, and perform other required duties in accordance with Department policy and procedure.
- 21.3 In the event of a fire in a facility, the ranking security officer on duty in the area of the emergency is responsible for the security, safety, and evacuation, if necessary, of inmates and personnel and for setting up and policing fire lines. Upon arrival, the Fire/Safety Officer shall take responsibility for extinguishment, if necessary. See Directive #4060, "Facility Fire Prevention," and Directive #4902, "Facility Fires and Related Emergencies."
- 21.4 The Superintendent shall appoint the members of a safety committee. See Directive #4066, "Facility Safety and Environmental Services Inspections."
- 21.5 The Facility Safety and Environmental Services Committee is responsible to address the concerns and responsibilities for fire and safety, pest control, sanitation, workplace violence risk assessments and general appearance of the facility. They are responsible to conduct inspections and submit reports in accordance with Directive #4066, "Facility Safety and Environmental Services Inspections." See also Directive #4960, "Workplace Violence Prevention Program."

SECTION 22

UNIFORMED SECURITY EMPLOYEES: TITLES, COURTESY, UNIFORMS

- 22.1 Titles and ranks: There shall be the following titles and ranks in ascending order in the uniformed security personnel:
- a. Correction Officer: Under general supervision of higher ranking officers, Correction Officers are responsible for the custody and general welfare of inmates committed to New York State correctional facilities. They supervise inmates in cells, dormitories, wards, mess halls, recreation areas, in work crews in and around a facility, and during transportation to and from places outside the facility. In addition, they assist generally with inmate habilitation and may participate in inmate counseling and other similar programs. They may also be assigned any other related duties as directed by competent authority.
 - b. Correction Sergeant: Under general direction of higher ranking authority, a Sergeant is responsible for the custody, security, and general well-being of inmates in an assigned area of a facility. Under certain circumstances, a Sergeant may be in charge of a facility on a night shift or be second in charge under a Lieutenant on a night shift. Sergeants shall be responsible for supervision of subordinate employees. They shall perform such other duties as may be directed by competent authority.
 - c. Correction Lieutenant: Under general direction of higher ranking authority, Lieutenants shall be responsible for supervision of ranking subordinate employees. They are in charge of facilities on a night shift. They may perform supervisory or administrative duties on the day shift or may be in charge of a facility on the day shift under special circumstances. They shall visit designated posts and areas to ascertain that rules and responsibilities are being complied with, see that inmates are properly supervised, be generally responsible for safety and good order, and perform such other duties as may be directed by competent authority.
 - d. Correction Captain: Under general direction of higher ranking authority, Captains shall be charged with the enforcement of laws and rules relating to the administration of the institution and be responsible for supervision of subordinate ranking employees. They shall be responsible for the custody, discipline, and well-being of inmates.

They shall visit and inspect various parts of the facility at any time of the day or night as directed by their superiors, including daily rounds in the facilities Special Housing Unit, if one exists, to ascertain that subordinate employees are properly performing their duties and that rules are being complied with, and shall perform such other duties as may be assigned by competent authority.

- e. Deputy Superintendent for Security (DSS): Under general direction of higher ranking authority, Deputy Superintendents for Security shall be charged with the enforcement of laws and rules relating to the administration of the institution and be responsible for supervision of subordinate ranking employees. They shall be responsible for the custody, discipline, and well-being of inmates. They shall visit and inspect various parts of the facility at any time of the day or night as directed by their superiors to ascertain that subordinate employees are properly performing their duties and that rules are being complied with, and shall perform such other duties as may be assigned by competent authority.

- 22.2 Military courtesy: Uniformed employees shall tender and return the personal salute prescribed by the United States Army Drill Regulations. The salute shall be tendered by the subordinate to officers above the rank of Sergeant and promptly acknowledged by the superior. If in civilian clothes, the subordinate shall not salute. The salute shall be tendered only at the first encounter on a tour of duty.

A member of the Department, other than the Commissioner, Executive Deputy Commissioner, Deputy Commissioners, Superintendents, or Deputy Superintendents shall not be tendered the salute unless such member is in uniform.

On occasions when a large number of uniformed employees are assembled for a specific purpose, they shall not salute superior officers, unless they address or are addressed by such superior.

Upon entering the office of the Commissioner, Executive Deputy Commissioner, Deputy Commissioners, Superintendent, or an officer above the rank of Sergeant, a subordinate shall remove his/her hat and stand at attention.

Unless such action interferes with the performance of some particular duty, an officer in uniform shall assume a standing position when an officer holding the rank of Sergeant or above enters a room or when they address or are being addressed by such superior officers.

22.3 Correction Officers will report for duty in full uniform with all necessary equipment for them to perform their duties, unless otherwise directed by competent authority. Uniform requirements for security personnel are described in Directive #3083, "Uniform/Equipment Issue and Appearance."

22.4 Daily inspections shall be made of all uniformed employees before they go on duty to ascertain their general fitness for duty, ensure they are in compliance with grooming standards, see that they are wearing the prescribed uniform, properly buttoned, pressed, clean, and in good condition. Uniformed personnel are to be present at pre-shift briefing/lineup 15 minutes prior to the start of their tour of duty.

This inspection shall be made by a supervisory officer and a report of discrepancies rendered to the Deputy Superintendent for Security. (See Directive #4081, "Pre-Shift Briefing/Lineup," and Directive #3083, "Uniform/Equipment Issue and Appearance.")

22.5 Correction Officers may wear long or short sleeve shirts year round. Whenever the "Ike" jacket is worn, a tie must also be worn. See Directive #3083, "Uniform/Equipment Issue and Appearance."

22.6 Correction Officers and other personnel as directed shall display name or identification tags or badges in accordance with the manner prescribed in Directive #3083, "Uniform/Equipment Issue and Appearance," and Directive #2946, "Employee Identification Material."

22.7 Uniformed employees shall not wear the uniform items when off duty, except when going to or returning from duty or for functions authorized by the Superintendent.

SECTION 23

WARRANTS, ARRESTS, TRANSPORTATION OF PAROLEES

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SECTION 24

**CONFISCATION OF PROPERTY, WEAPONS OR CONTRABAND
FROM A PAROLEE/RELEASEE**

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SECTION 25

DOMESTIC VIOLENCE

Domestic violence affects the lives and compromises the safety of thousands of New York State employees each day, with tragic, destructive, and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples; couples with children in common; couples who live together or have lived together; gay, lesbian, bisexual, and transgender couples; and couples who are dating or who have dated in the past. Domestic violence is not a private matter. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover.

In consultation with the Office for the Prevention of Domestic Violence (OPDV), the Department of Corrections and Community Supervision to the fullest extent possible without violating any existing rules, regulations, statutory requirements, contractual obligations, or collective bargaining agreements, designates and directs appropriate management, supervisory, and/or human resources staff to implement the procedures set forth in Directive #2003, "Domestic Violence and the Workplace Policy." The procedures as outlined are intended to promote safety in the workplace and respond effectively to the needs of victims of domestic violence.

SECTION 26

PROHIBITION OF SEXUAL HARASSMENT IN THE WORKPLACE

It is the policy of the Department to strictly adhere to the Statewide Policy on Sexual Harassment in the Workplace as outlined in the Equal Employment Opportunity Rights and Responsibilities Handbook for New York State Employees of New York State Agencies. Sexual harassment is a form of sex discrimination and is unlawful. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. The Department maintains a zero-tolerance policy for the instigation of sexual harassment. Sexual harassment is an unlawful practice and a violation of the Civil Rights Act of 1964, Title VII as amended.

Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment is also defined when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, even if the reporting individual is not the intended target of the sexual harassment.

Sexual harassment has devastating economic, psychological, and physical effects, not only on the victim, but on the employer in both human and financial terms. There is no place in the Agency for any form of sexual harassment.

Accordingly, sexual harassment is considered a form of employee misconduct, and individuals guilty of such conduct will be subject to appropriate disciplinary action. Similarly, sanctions will be enforced against supervisory and managerial personnel who knowingly allow such behavior to continue.

Employees who find themselves subjected to any form of harassment that is covered under the federal Civil Rights Act of 1964, Title VII, or State Division of Human Rights Law, may seek redress through the Governor's Office of Employee Relations Anti-Discrimination Investigations Division (GOER ADID). It shall be the responsibility of the GOER ADID to expeditiously investigate and resolve the complaint and to follow up each case to ensure the behavior has been effectively stopped. Such

complaints will be kept strictly confidential to every extent possible. The GOER ADID shall advise the employee as to other available avenues of administrative redress.

For contact information for the GOER ADID, please see Section 28 of this manual.

SECTION 27

WORKPLACE VIOLENCE PREVENTION PROGRAM

In accordance with New York State Labor Law, Section 27-b, public employers are required to develop and implement programs to prevent, minimize, and respond to incidents of Workplace Violence. The New York State Department of Labor has outlined the specific program requirements for all affected employers in regulation 12 NYCRR Part 800.6.

The Department's core mission has always been to provide safe and secure facilities and offices for staff, inmates, and the general public. There are many directives and procedures currently in effect which all work together to create a strong and responsive Workplace Violence Prevention Program. The Department does not tolerate Workplace Violence. The Department is committed to ensuring that any potential risk of Workplace Violence is evaluated by both the Department and Union Representatives as soon as possible. It remains the responsibility of all employees to report all threatening behavior and incidents of Workplace Violence, whether from an inmate, parolee, the general public, or an employee, to supervisory staff immediately through existing reporting systems so appropriate evaluation and action can take place.

Each employee who believes that they are the victim of Workplace Violence is to submit a written report to their immediate Supervisor, Division Head, Bureau Chief, Regional Director, Superintendent, or Union Representative.

For further information, refer to Directive #4960, "Workplace Violence Prevention Program."

SECTION 28

DIVERSITY AND INCLUSION & EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Department is committed to the implementation of the principles and practices of diversity and inclusion, affirmative action and equal employment opportunity in all phases of personnel policy and practices, and ensuring a work environment where all employees are treated with dignity and respect, and are able to reach their full potential. Moreover, the Department is committed to building and sustaining a workforce that reflects the many unique faces, voices, backgrounds, experiences and ideas of the people we serve as well as the available labor force. The Department will seek and employ eligible personnel and provide equal opportunities for the advancement and training of employees in a manner which will not discriminate against any person based on their protected class including: race, creed, color, religion, national origin, age, sex, sexual orientation, disability, predisposing genetic characteristics, familial status, marital status, pregnancy-related conditions, military status, domestic violence victim status or arrest/conviction status where not job related.

The Department's Office of Diversity and Inclusion is responsible for the establishment of effective diversity and inclusion, equal employment opportunity and affirmative action policies, plans and programs within the Department. The mandate of the Office of Diversity and Inclusion includes the development of programs and policies to eliminate all effects and practices of unjust exclusionary employment practices and policies; the development of educational and training programs for all employees to enable the advancement of eligible minorities, women, the disabled, and veterans; the development of career ladders and other programs to assist and encourage upward mobility for employees restricted to lower levels consistent with Executive Order No. 187: Ensuring Diversity and Inclusion and Combating Harassment and Discrimination in the Workplace, Department Policy and State and Federal laws.

While the primary focus of the Department's diversity and inclusion program is on the personnel issues described above, equally important is its involvement in other operations of the Department. The Office of Diversity and Inclusion is involved in the development of overall policies, practices, programs, plans and procedures for the Department; reviews new appointments, promotions and termination requests; enhances awareness of and responsiveness to potential adverse employment actions; creates and maintains a diverse workforce which promotes mentoring, cultural competency, performance management and succession planning; establishes appropriate civil rights, human rights, and grievance mechanisms for the Department; examines the Department's ability to employ individuals with disabilities and reviews program services for inmates with disabilities; develops and implements policies and procedures designed to assist and advise the Inmate Grievance Program, which is the Department's established mechanism for the prevention and resolution of complaints of unlawful

PART II

PERSONNEL POLICIES, PROGRAMS AND BENEFITS

discriminatory treatment of inmates; and, through appropriate monitoring activities, assures equal and impartial delivery of the Department's programs and services.

The Office of Diversity and Inclusion can be contacted at the State Office Building Campus, 1220 Washington Avenue, Albany, New York 12226-2050 or (518) 485-5806.

Additional information is contained in Directives #2601, "Equal Employment Opportunity & Diversity and Inclusion," #2602, "Employee Discrimination Complaint Policy," #2603, "Non-Discrimination in Transactions with Private or Commercial Establishments," #2607, "Reasonable Accommodations for Individuals with Disabilities," #2609, "Reasonable Accommodations of Religious Observance or Practices," #2611, "Discriminatory Treatment Complaints - Procedures for Visitors," #2612, "Inmates with Sensorial Disabilities," #2614, "Reasonable Accommodations for Inmates with Disabilities," and #4040, "Inmate Grievance Program."

Pursuant to Executive Order No. 187, all complaints of protected class employment discrimination will be investigated by the Governor's Office of Employee Relations (GOER) Anti-Discrimination Investigations Division.

If you have any questions about what constitutes protected class employment discrimination, please refer to the Equal Employment Opportunity Rights and Responsibilities Handbook for New York State Employees (Handbook) located at <https://goer.ny.gov/equal-employment-opportunity-rights-and-responsibilities-handbook-employees-new-york-state-agencies> and at www.doccs.ny.gov. The Handbook is the State's anti-discrimination policy. The discrimination complaint form is located on the GOER website at <https://goer.ny.gov/new-york-state-discrimination-complaint-form>.

You may file a complaint with your supervisor, manager, agency Executive Staff, Counsel's Office, Personnel or with the Department's GOER Affirmative Action Administrator at:

Governor's Office of Employee Relations
Anti-Discrimination Investigations Division
Empire State Plaza
Agency Building 2
Albany, New York 12223
(518) 485-5806
antidiscrimination@goer.ny.gov

SECTION 29

EMPLOYEE-MANAGEMENT RELATIONS

29.1 **Employee representation:** It is the policy of the State to continue harmonious and cooperative relationships with its employees and to ensure the orderly and uninterrupted operations of government. This policy is effected by the provisions of the Public Employee's Fair Employment Act (Taylor Law) granting public employees the rights of organization and collective representation concerning the terms and conditions of their employment.

The Public Employment Relations Board (PERB) has established six bargaining units for the purpose of collective negotiations. These units are:

- a. Administrative Services Unit
- b. Institutional Services Unit
- c. Operational Services Unit
- d. Professional, Scientific, and Technical Services Unit
- e. Security Services Unit
- f. Security Supervisors Unit

In addition, PERB has designated some positions as Management or Confidential. Employees in these positions cannot belong to an employee organization.

The employee organization chosen by a majority of the employees in a negotiating unit is certified to exclusively represent the interests of all employees in that unit. Membership or participation in the employee organization is not required.

At the time of an original employment, an employee is notified of the bargaining unit to which their job title is assigned. However, this unit may change as a result of promotion, other changes in job title, or as a result of PERB determination.

29.2 **Negotiated agreements:** The agreements for the various bargaining units define the specific terms and conditions of employment and the procedures for the resolution of contract grievances. The rules, regulations, and policies of the Department reflect all such agreements.

Management rights are retained by the State, with the contracts for the various bargaining units clearly emphasizing that the authority, rights, and responsibilities possessed by the State are retained by it, except as expressly limited by other provisions of the contractual agreements.

You will receive a copy of your agreement when you are appointed. Please read it carefully. Questions regarding a possible conflict between the agreement and Department rules should be directed to your supervisor.

- 29.3 **Prohibition of strikes:** Strikes, slowdowns, or other job actions by employees or employee organizations are prohibited by Civil Service Law. Employees who are determined to have engaged in such work stoppages may be penalized in accordance with Section 210 of the Taylor Law. In addition, they may be disciplined pursuant to Department rules.
- 29.4 **Management/Confidential employees:** The Public Employment Relations Board has specified a limited number of positions in the Department as "Management" or "Confidential." These employees are primarily in management positions or in the Budget and Finance or Personnel Offices and formulate policy, assist directly in preparing and administering agreements, or work in personnel administration. Employees assisting or acting in a confidential capacity to managers are also included.

Employees filling such positions may not be members of an employee organization representing or seeking to represent employees in negotiations with the State. They are not covered by any negotiated agreement.

SECTION 30

DISCIPLINE AND GRIEVANCES

- 30.1 **Discipline of employees:** Departmental discipline may be imposed for violation of Department, bureau or facility rules, regulations, directives, or provisions of this manual; for failure or neglect in the performance of duties; for conduct prejudicial to the best interest of the service; or for any other good and sufficient reason. Discipline of employees shall be in accordance with disciplinary procedures specified by Civil Service Law, contracts with employee organizations, and rules issued by the Commissioner, except for employees in certain exempt or non-competitive policy influencing positions.
- 30.2 **Grievances:** All grievances shall be initiated and processed in accordance with current grievance procedures contained in the collective bargaining agreements. Grievances of management/ confidential employees shall be filed and processed in accordance with Directive #2113, "Grievances-Managerial/Confidential Employees."

SECTION 31

APPOINTMENTS, SEPARATIONS, AND PERSONNEL STATUS CHANGES

- 31.1 Appointments: All appointments in the Department are made in accordance with Civil Service Law and regulations. There are four basic classes of positions: competitive, non-competitive, labor, and exempt.

Permanent and contingent permanent (Civil Service Rule 4.11) competitive class appointments (which constitute most of the appointments in the Department) are made from eligible lists established as the result of competitive examinations.

Examinations are given by job title or occupational series and are either "promotional," "transitional," or "open competitive." To be eligible for appointment from a list, you must be one of the three highest ranking candidates on a list of persons willing to accept appointment to a specific job vacancy. Following a permanent or contingent permanent (Civil Service Rule 4.11) appointment, your name is removed from the eligible list for that title.

The Department prohibits discrimination against or harassment of any employee or any applicant for employment on the basis of their protected class category including: race, creed, color, religion, national origin, age, sex, sexual orientation, disability, predisposing genetic characteristics, familiar status, marital status, pregnancy related conditions, military status, domestic violence victim status or arrest/conviction status (unless specifically required or permitted by statute).

- 31.2 Temporary and provisional appointments: In the absence of an eligible list for a specific vacancy, the Department may provisionally appoint a person who meets the minimum qualifications for competitive examination. A provisional employee may be retained until a new eligible list is established. When an examination is announced for the position, the provisional employee must take, pass, and obtain a score reachable for permanent appointment in order not to be revoked from the position. Failure to do so will result in termination of service in the position and, in some cases, with the Department.

For temporary vacancies of more than three months' duration, the Department must hire from an eligible list, if one exists. Accepting a temporary job does not affect your standing on the eligible list. You will still be canvassed for and may accept a permanent appointment to another position. A temporary or provisional appointment may be terminated at any time.

- 31.3 Probationary periods: The permanent or contingent permanent appointment of an employee to the Department is subject to the specific terms outlined in the official appointment form, including a mandatory probation period.

The length of the probationary period varies for different positions. If the conduct or performance of the probationary employee is unsatisfactory, the appointment will be terminated. Under certain conditions the maximum period of probation may be extended. It is the Department's policy that employees complete the maximum period of probation.

A probationary period is also mandatory for both interdepartmental and intradepartmental promotions. However, if you are appointed from a preferred list, after a lay-off, you do not have to serve a probationary period, except to complete a probationary period that was interrupted by your lay-off. Additional information is available in Directive #2219, "Employee Probation."

- 31.4 Probationary evaluations: Supervisory personnel will prepare probationary evaluation reports at regularly scheduled intervals during your probationary period. These written reports are used to evaluate your performance and progress. A copy of this written evaluation will be given to you and your supervisor will discuss it with you. This is an opportunity for you to determine your suitability for the job and to communicate frankly with your supervisor.

Employees appointed on a temporary or provisional basis shall be evaluated in the same manner and frequency as employees appointed on a permanent basis.

Additional information is available in Directive #2219, "Employee Probation."

- 31.5 Performance evaluations: It is mandated that the work performance of every employee be evaluated on a yearly basis. The Performance Evaluation Program is based on supervisory appraisal and rating of the performance of the important tasks and/or objectives which make up each employee's job. The major concepts of the Performance Evaluation Program are intended to work to the ultimate benefit of the employee, the supervisor, and the employer. The procedures for the program require increased communication. Additional information relative to your particular bargaining unit may be obtained from your Personnel Office.

- 31.6 Promotion: Vacancies above the entrance level are often filled by the promotion of permanent employees in the Department. If you have passed a departmental or interdepartmental promotion examination and are eligible for appointment, you will be considered for a

promotional vacancy. To be eligible for appointment, you must be one of the three highest ranking candidates on a list of qualified employees willing to accept appointment to a specific job vacancy. In the absence of a viable eligible list for a specific vacancy, the Department may provisionally promote a person who meets the minimum qualifications for the competitive examination. The qualifications of a provisional candidate must be approved by the Bureau of Personnel in Central Office prior to an offer of appointment being made.

For permanent or contingent permanent (Civil Service Rule 4.11) promotions within the Department or to another State agency, a probationary period is required. The employee will maintain a hold on their former title until probation is complete.

- 31.7 **Promotional examinations:** It is to your advantage to compete in all appropriate promotional examinations. Examination announcements containing eligibility requirements for participation, qualifications for appointment, and filing instructions are posted on bulletin boards.

If a promotion examination in which you are eligible to compete is held while you are on military duty, you will be given a comparable examination, if requested, within 60 days of your return. If you are unable, due to certain extenuating circumstances, to take an examination on the scheduled date, you may request the New York State Department of Civil Service to schedule you for a comparable examination on an alternate date.

If you have passed a Departmental or interdepartmental promotion examination and are otherwise qualified for a specific job title or occupational series, you will be certified as being eligible for appointment. Promotions to vacant positions in the Department are normally made from an appropriate eligible list of qualified Department employees until the list has been exhausted or has expired. If the examination results in the establishment of an interdepartmental promotion list, you may be eligible for appointment to a vacancy in another agency.

Once you have accepted a permanent or contingent permanent (Civil Service Rule 4.11) appointment, your name is removed from the eligible list. If you respond negatively to a canvass letter or decline an appointment from a Civil Service Certification, your name will be inactivated from the eligible list for that title, for that agency, for that geographic location. If you respond to a canvass letter from a Civil Service Certification and indicate that you are temporarily unavailable, your name will be temporarily inactivated from the eligible list for that particular title and that particular geographic area, until the date you specified you would be available. If you do not indicate a date on the canvass letter your name will be inactive for that canvass only.

If at a later date you wish to activate/reactivate your name for a particular geographic area or remove your temporarily unavailable status, you must write to the Department of Civil Service.

- 31.8 **Reassignment:** An employee may request reassignment to another facility, office, or unit in accordance with negotiated agreements and Department policy and procedures.
- 31.9 **Transfer:** An employee may transfer to another State agency if that agency so approves. The employee will maintain a hold on their former title until probation is complete.
- 31.10 **Lay-Off:** In the event that a reduction in the Department's permanent work force becomes necessary, lay-offs will be conducted in accordance with Civil Service Law Sections 80 and 80(a).

If a permanent employee is laid off, he or she is placed on a "preferred list" for similar or related positions. Eligibility for reinstatement without examination from a preferred list continues for a period not exceeding four years or until the candidate declines an offer of permanent appointment at the same salary grade and in the same county of the lay-off. Appointment from a preferred list does not require a probationary period, except to complete a probationary period that was interrupted by a lay-off.

Non-competitive employees who have one year of continuous non-competitive service and who have been given permanent status, are also placed on a preferred list. Labor class employees who have one year of continuous labor class service and who have been given permanent status are also placed on a preferred list.

- 31.11 **Resignation:** If you feel it is necessary to resign from your position in State service, it will be of mutual benefit to discuss the matter with your supervisor and/or the Personnel Office for advice concerning your rights under the Civil Service Law and the benefits for which you may be eligible. Resignation should be submitted in writing to the facility Superintendent, Regional Director, or for Central Office employees, to the Director of Personnel, at least two weeks prior to the date you intend to leave. Failure to give such notice of resignation may prevent the payment of accumulated vacation credits upon separation.
- 31.12 **Reinstatement:** A permanent employee who has resigned from the Department may apply for reinstatement to State service. Reinstatements are subject to certain restrictions and may be made to a vacant position in the same or lower grade. All reinstatements to the Department must be requested in writing to the Department's Director of Personnel.

Reinstatements to entry level positions are not limited to the workstation from which you resigned. You are subject to the same probationary period as applies to an original appointment to the position.

SECTION 32

ATTENDANCE RULES

The attendance of Department employees is governed by regulations from several sources, including the Civil Service Attendance Rules (Chapter II of Title 4 NYCRR), the Attendance Rules for Teachers (Part 62 of Title 7 NYCRR), Department policy and procedure directives, and the collective bargaining agreements. These sources, sections of which are outlined below, are available at your work station. Questions should be addressed to your supervisor or the Personnel Office at your work station.

32.1 Basic Work Schedule as it pertains to Department employees is contained in Directive #2201, "Normal Workday, Tardiness, Early Departure, and Excused Absences."

- a. The basic workweek for employees of the Department is either 37 1/2 or 40 hours, excluding lunch breaks, depending on job title. Your supervisor will advise you of your schedule and working hours.
- b. An employee is required to be present for duty during all scheduled work hours, unless he or she is absent with prior approval or is unable to be present because of illness. Absence at any other time is unauthorized and may result in a payroll deduction and/or in disciplinary action.
- c. Work should be started promptly. An employee is required to put in a complete work day. Any change in normal work schedule, including early departure, can be authorized only by the employee's supervisor. Failure to adhere to the approved work schedule may result in a payroll deduction and/or disciplinary action.
- d. Lunch periods for employees (with the exception of Correction Officers and other designated employees) will normally be at least one-half hour in duration. During these periods, adequate coverage of telephones and essential services is to be provided.
- e. Employees should not leave their work stations without proper relief and/or conclusion of work hours.

32.2 Recording time worked: Each employee is responsible for recording his or her time in the prescribed manner. Employees who are required to punch a time card or to record their time electronically shall punch their own cards; they may not punch the time card of any other employee. Employees exempt from maintaining daily time records showing actual

hours worked shall maintain a daily record of absences and leave credits earned and used.

Employees and their supervisors must sign or electronically approve each card to certify attendance and eligibility for salary. These cards must be submitted no later than the Monday after the close of each payroll period. Additional information regarding recording time worked is contained in Directive #2205, "Record of Attendance."

- 32.3 Tardiness: Tardiness (lateness in reporting for work) must be charged against accruals to the next highest quarter hour. Overtime, vacation, and personal leave credits, in that order, are used to offset tardiness.

In the event of public transportation difficulties, strikes, severe storms or floods, or similar uncontrollable conditions affecting a group of employees, tardiness may be excused by the appointing authority or designee. In the event of Statewide weather-related difficulties, such excusals must come from the Department of Civil Service or the Governor's Office of Employee Relations.

Additional information regarding tardiness and penalties for tardiness is contained in Directive #2201, "Normal Workday, Tardiness, Early Departure, and Excused Absences."

- 32.4 Annual Leave: The New York State Civil Service Attendance & Leave Manual, Section 21.2, and Department Directive #2203, "Annual Leave" and the applicable collective bargaining agreement govern which employees are eligible to earn annual leave, the rate at which it is earned, accumulated and liquidated.

32.5 Sick leave

- a. Sick leave is an absence with pay necessitated by the illness or other physical disability of the employee or the employee's family. Employees earn, accumulate and use sick leave in accordance with the New York State Attendance & Leave Manual, Section 21.3, their applicable collective bargaining agreement and the following Department Directives:
- 1) #2202, "Attendance Control Program"
 - 2) #2204, "Sick Leave at Full Pay"
 - 3) #2205, "Record of Attendance"
 - 4) #2206, "Sick Leave at Half Pay"
 - 5) #2223, "Intershift/RDO Swaps"
 - 6) #2224, "Civilian Employee Intershift/RDO Swaps"
- b. All NYSOPBA, all Council-82 represented employees, and any PEF represented employees whose position normally requires a substitute employee shall provide at least eight hours of advance

notice of their intended return to work for all sick leave absences of a full shift or more.

- 32.6 Family Medical Leave Act (FMLA): The Family and Medical Leave Act (FMLA) is a Federal Law intended to assist employees with balancing the demands of the workplace with the needs of the employee's family. By providing workers faced with family obligations or serious family or personal illness with reasonable amounts of leave, the FMLA encourages stability in the family and productivity in the workplace.

For additional information reference the New York State Civil Service Attendance & Leave Manual, Appendix I and Department Directive #2220, "Family Medical Leave Act."

- 32.7 Personal leave is intended to provide employees with time off without loss of pay to attend to matters of personal business and religious observance. Information regarding an employee's earnings and use of Personal Leave is contained in the New York State Civil Service Attendance & Leave Manual, Section 21.6, Department Directive #2207, "Time and Attendance Rules – Personal Leave" and their applicable collective bargaining agreement.

- 32.8 Holidays: Legal holidays recognized by the State of New York entitle eligible employees to time off with pay. Employees required to work on a holiday may be granted either holiday pay or compensatory time off. Information regarding an employee's eligibility for holiday pay or compensatory time off is contained in the New York State Civil Service Attendance & Leave Manual, Section 21.1, Department Directive #2213, "Attendance-Holidays" and the applicable collective bargaining agreement.

32.9 Overtime

- a. Overtime may be worked only when authorized by your supervisor and only when unusual circumstances make such overtime necessary. Certain titles are excluded from accruing overtime credits. Specific information may be obtained when necessary from the Personnel Office. Employees may be directed to work overtime regardless of whether or not they are eligible for overtime compensation.
- b. For eligible employees scheduled to work 37 1/2 hours per workweek, time worked in excess of 37 1/2 hours, but not more than 40 hours, during a workweek is credited as non-compensatory time. Time worked in excess of 40 hours is credited as overtime. Eligible employees will be paid overtime in accordance with the provisions of the various collective bargaining agreements.

- a. Additional information is available in Directives #2214, "Compensatory Time, Overtime and Recall."

32.10 Leave for extraordinary weather conditions

- a. When weather conditions (heat, snow, storm, etc.) are severe enough to disrupt transportation or endanger the health of employees, the Commissioner may authorize the early departure of employees affected by such conditions. Early departures cannot be excused without charge to leave credits.
- b. The appointing authority or designee may grant excused time for tardiness that results from unusual weather conditions up to two hours. (See 32.3)
- c. Employees who are absent for a full day because of severe weather conditions must charge their absences to appropriate leave credits (including personal leave). (See 32.3)
- d. Employees who are directed to leave work early by the appointing authority because of extraordinary conditions may be excused from charging their leave credits.

32.11 Workers' Compensation: Workers' Compensation provides protection against medical expenses and loss of salary resulting from an occupational injury or disease. If injured on the job, the employee should immediately report it to his or her supervisor so a report can be filed with the Bureau of Personnel. In addition, an employee should report to the facility Medical Unit. An employee must file a claim by contacting the Accident Reporting System (1-888-800-0029).

An employee temporarily absent from duty because of an occupational injury or disease as defined in the Workers' Compensation Law is allowed leave from his or her position. Leave eligibility is defined in bargaining unit agreements.

Such total leave, including time on full or partial pay or without pay, shall not ordinarily be for more than one year, except in cases where the injuries are sustained as the result of an assault in the course of employment, the leave can then be continued for two years. This leave includes any time during which the employee draws vacation, sick, or other leave credits, unless extended by the appointing authority. An employee must provide acceptable proof of injury or disease.

For additional information is contained in the New York State Civil Service Attendance & Leave Manual, Section 21.8, Department Directives #2208A, "Workers' Compensation Benefits (Security Services)," and #2208B, "Worker's Compensation Benefits (Non-Uniformed Employees)."

32.12 Maternity and child rearing leave: Leave may be granted to both permanent and temporary employees, including probationary employees, subject to the same rules as sick leave.

Additional information on maternity and child rearing leave provisions is available from your Personnel Office and in Directive #2226, "Maternity and Child-Rearing Leave."

32.13 Leave of absence

- a. A permanent employee will be granted those leaves that are specified by Civil Service statutes or applicable collective bargaining agreement. These include maternity and child rearing leave, veteran's educational leave, and leave of absence to accept an interdepartmental or intradepartmental promotion or transfer. Time granted for these leaves may vary and is regulated by law and/or union contracts. Leave will not be granted to accept employment in another governmental jurisdiction or in the private sector.
- b. Leave not provided by statute or collective bargaining agreement may be granted at the discretion of the Commissioner or designee.
- c. After a leave or consecutive leaves of absences, which total two years, an employee cannot be granted an additional leave until they are reinstated to the payroll for at least six months, unless the Civil Service Commission approves an extension requested by the Department.
- d. Additional information is available in Directives #2211, "Leave Without Pay," and #2233, "Exempt/Non-Competitive Appointee Leaves."

32.14 Sick leave at half pay: Any permanent employee who has completed probation, or any probationary, temporary, or provisional employee who has a permanent hold on a position for which they have completed probation, may be granted sick leave at half pay at the discretion of the Commissioner, or the designated appointing authority, if the absence is a documented personal illness or disability. Additional information regarding sick leave at half pay is contained in the New York State Civil Service Attendance & Leave Manual, Section 21.5 and Appendix F., Department Directive #2206, "Sick Leave at Half Pay, and the applicable collective bargaining agreements.

32.15 Military leave: An employee who is ordered to active duty as a member of the National Guard or as a reserve of the Armed Forces is entitled to leave with or without pay, provided that the Department's procedures as to advance notification and verification are satisfactorily met. Additional information regarding Military Leave is contained in the New York State

- 32.16 Other leaves: For all other leaves, such as jury duty, taking a New York State Civil Service examination, attending an interview, etc. additional information is contained in the New York State Civil Service Attendance & Leave Manual and Department Directive #2209, "Allowable Absences with Pay."
- 32.17 Drawing of earned credits upon separation or entry into Armed Forces
- a. At the time of separation from State service, an employee, their estate, or beneficiary, as the case may be, shall be compensated in cash for vacation and overtime credits not in excess of 30 days in each category accrued and unused as of the effective date of separation. In case of resignation, written notice of such resignation must be given at least two weeks prior to the last day of work.
 - b. No employee who is removed from State service as a result of disciplinary action or who resigns after charges of incompetency or misconduct have been served upon them shall be entitled to compensation for vacation credits under the provisions of this section.
 - c. Payment for accruals upon entry into Armed Forces: An employee on leave from his or her position on account of his or her entry into the Armed Forces of the United States for active duty (other than for training) as defined by Title 10 of the United States Code may elect to receive compensation in cash for vacation and overtime credits not in excess of 30 days in each category accrued and unused as of the last date on which their name appeared on the State payroll.
- 32.18 Leave donation program: The intent of the leave donation program is to provide a means to assist employees who, because of long term personal illness, have exhausted their leave benefits and would otherwise be subject to a severe loss of income during a continuing absence from work. The program is available to employees represented by the bargaining units and those employees designated Management/Confidential. Both donor and recipient must be covered by valid leave donation agreements or the M/C Attendance Rules.

In order to donate vacation credits, employees must have a minimum vacation balance of at least ten days after making the donation. There is no maximum number of days which can be donated to an individual employee as long as the donating employee maintains a ten day balance.

Further information can be obtained from the Personnel Office at your work location.

SECTION 33

EMPLOYEE BENEFITS

- 33.1 Health insurance: New York State offers a comprehensive health insurance program for its employees and their families as specified in their applicable collective bargaining agreements. Management/Confidential employees can refer to the Handbook for Management/Confidential Employees.
- Additional information is available in Directive #2221, "Employee Health Insurance."
- 33.2 Prescription coverage: All employees are eligible for prescription drug coverage if they are enrolled in a health insurance plan. Prescription drug coverage is administered by the health plan in which they are enrolled. Additional information can be found in their applicable collective bargaining agreements. Management/Confidential employees can refer to the Handbook for Management/Confidential Employees .
- 33.3 Dental insurance: Employees who are employed at least half time are eligible for dental insurance and should refer to their applicable collective bargaining agreement for additional information. Management/Confidential employees can refer to the Handbook for Management/Confidential Employees.
- 33.4 Vision benefits: Employees who are employed at least half time are eligible for vision benefits. Additional information can be found in their applicable collective bargaining agreements. Management/Confidential employees can refer to the Handbook for Management/Confidential Employees
- 33.5 Life, Accidental Death, and Dismemberment Insurance: Group Life Insurance, Accidental Death are available to employees. Additional information can be found in their applicable collective bargaining agreements. Management/Confidential employees can refer to the Handbook for Management/Confidential Employees .
- 33.6 Retirement: All new full time permanent employees must join the New York State Employees Retirement System. Joining is optional for all other employees. Newly hired Management/Confidential employees that earn a salary of \$75,000 or more have the option of joining the New York State Retirement System or the New York State Voluntary Defined Contribution Plan.

For information regarding membership benefits, employees should contact the New York State and Local Retirement System.

33.7 **Other retirement system benefits:** For information regarding Disability Retirement, Death Benefits, Survivors' Benefits or any other information regarding the Employees' Retirement System, you should contact the New York State and Local Retirement System.

33.8 **Social Security:** All new employees are covered automatically when they join the Employees' Retirement System. Both the employee and the State share the cost of Social Security coverage.

33.9 **Medicare:** Medicare is a Federal health insurance program. In general, Medicare is available to people who are age 65 or older, or have received Social Security disability benefits for two years or have end-stage renal disease (permanent kidney failure).

NYSHIP (Empire Plan or HMO) provides primary coverage for an active employee, enrolled spouse, and other covered dependents regardless of age or disability, with one exception: Medicare provides primary coverage for an active employee or the dependent of an active employee when Medicare eligibility is established because of end-stage renal disease (as explained in the NYSHIP General Information book).

When an employee or covered dependent becomes eligible for primary Medicare coverage, the employee or covered dependent must enroll in Medicare Parts A and B. If the employee or dependent is eligible for primary Medicare coverage, but fails to enroll, the employee will be responsible for the full cost of medical services that Medicare would have covered.

The employee's health insurance plan will not provide any benefits for services that Medicare would have paid for if the employee had enrolled as required.

For answers to further questions about Medicare, refer to the NYSHIP General Information Book or contact the Department's Health Benefits Administrator.

33.10 **Unemployment Insurance:** If you become unemployed, you may be eligible for unemployment insurance. The local office of the New York State Department of Labor can provide you with complete information regarding eligibility requirements and unemployment benefits.

33.11 **Training courses:** Job-related training is periodically offered to provide opportunities for career development within the State service. Training courses are given at no cost to the employee and scheduled at convenient locations throughout the State. Training announcements containing

eligibility requirements and application instructions are posted in advance on the bulletin boards.

33.12 **Tuition Reimbursement Program:** All staff may be partially reimbursed for job and career-related courses and workshops. Job-related is defined as any course that directly impacts the skills or ability of a person to carry out his or her current assignment.

Career-related refers to courses that enhance the employee's promotion or transfer to career assignments within the State of New York. Courses that promote an employee's outside income or are used for recreational purposes are ineligible.

There are separate guidelines for the various negotiating units, which are updated on a regular basis and clearly outline the application process. Employees wishing to participate in this program can obtain information from their facility Training Contact, Regional Training Lieutenant, and/or Local Union Representative. Employees may also access information online by visiting their respective negotiating unit's website.

33.13 **Employee Suggestion Program:** The New York State Employee Suggestion Program fosters and rewards the creativity and innovation of State employees and retirees for taking initiative to improve operations and efficiencies in New York State government. All employees are encouraged to submit any new ideas that will result in efficiency, reduce expenses and improve productivity. Employee suggestions may be submitted online by visiting the New York State Department of Civil Service website.

SECTION 34

EMPLOYEE ASSISTANCE PROGRAM

The Department of Corrections and Community Supervision and the employee bargaining units jointly administer an Employee Assistance Program as outlined in Directive #2116, "Employee Assistance Program.". Recognizing that unresolved personal problems may have a detrimental effect on job performance, the Employee Assistance Program helps individual employees to obtain appropriate professional assistance to resolve personal problems including alcohol abuse, drug abuse, family, marital, legal, financial, or other behavioral or medical problems.

The Employee Assistance Program is designed to identify problems as early as possible, encourage employees to seek help, and guide employees to the best available sources of assistance.

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