NEW YORK STATE Department of Corrections and Community Supervision **DIRECTIVE**	TITLE **Employee Discipline - Suspension from Duty During the Continuation of Disciplinary Proceedings**		NO. 2110 DATE 07/01/2026
SUPERSEDES DIR #2110 Dtd. 11/02/23	DISTRIBUTION A	PAGES PAGE 1 OF 7	DATE LAST REVISED
REFERENCES (Include but are not limited to) NYS Civil Service Law, § 75; ACA Expected Practice 2-CI-6D-5; Directives #0700, #2111, #2112, #4027	APPROVING AUTHORITY		

I. **POLICY**: All employees assigned to bargaining units may be suspended without pay prior to the issuance of a Notice of Discipline and during the continuation of disciplinary proceedings if there is probable cause to believe that an employee's continued presence on the job either: (1) represents a potential danger to person or property, or (2) would severely interfere with operations.

In addition, an employee may be suspended without pay prior to the issuance of a Notice of Discipline and during the continuation of disciplinary proceedings if the employee is charged with the commission of a crime (felony or misdemeanor). Any violation which alleges possession or use of a controlled substance may be cause for suspension.

Employees classified as Management Confidential (M/C) may be suspended from duty without pay, consistent with New York State Civil Service Law Section 75. At the time of suspension, they must be served with a Notice of Charges specifying the misconduct or incompetence they are being accused of committing.

II. **PROCEDURE**: When, in the opinion of the Superintendent, Regional Director, or other office head, such suspension may be appropriate, the following procedures shall apply:

NOTE: If requested, union representation is to be afforded to the employee throughout the entire process, in accordance with the applicable negotiated agreement.

A. Central Office Notification: The Superintendent, Regional Director, or other office head shall telephone the appropriate Bureau of Labor Relations representative (or during evenings, weekends, or holidays; the Officer of the Day) with full details of the event, specifically:

1. Employee's name, title, and status (permanent, temporary, probationary [dates of the probationary period], provisional, veteran, exempt volunteer fireman).
2. The specifics of the misconduct (who, what, when, where, why, how) and the sources of information.
3. Grounds for requested suspension.
4. If the employee is off-duty, date next scheduled for work.

B. Provide Reason for Suspension

1. When a Suspension Notice is prepared, attach a separate "Reason for Suspension Statement" (see sample format - Attachment C). This statement is designed to present the employee with an opportunity to respond in writing to the reason(s) for the suspension prior to its implementation. The reason(s) for suspension shall be provided by the Director of Labor Relations or designee. Any employee response must be relayed to the Bureau of Labor Relations prior to implementation.

2. Subsequent to being authorized by the Bureau of Labor Relations to suspend an employee, the facility or other office head will obtain the employee's current mailing address and note it on the form at the time the notice is being issued to the employee.

C. Issue Notice of Suspension: If a suspension is directed by the Director of Labor Relations or designee, the Superintendent, Regional Director, or other office head will cause three copies of the Notice of Suspension (see samples - Attachments A and B) to be prepared and distributed in the following manner:

1. The original to the employee.
2. Two copies to the Bureau of Labor Relations.

All copies must be signed by the employee and the Superintendent, Regional Director, or office head, as the case may be. If the employee refuses to sign for the notice, such refusal must be witnessed and noted on the Notice of Suspension.

D. Prepare Report(s): If an employee is suspended, it is necessary to promptly complete the investigation and prepare an "Employee Misconduct Report" (see Directive #2111, "Report of Employee Misconduct"). In the case of arrest on criminal charges, a "Report of Criminal Charges" (see Directive #2112, "Report of Criminal Charges") must be prepared.

E. Any and all identification materials previously issued will be confiscated at the time of suspension. This shall include the badge and identification card, etc.

F. Suspended employees in titles that maintain Peace Officer status shall also have their Peace Officer status suspended. Concurrently, a weapons prohibition must be issued to the suspended Peace Officer. An M/C executive-level employee must ensure that firearms possessed based upon Peace Officer status have been confiscated and securely stored.

G. Any and all firearms, chemical agents, and/or other security equipment issued or possessed, by virtue of the employee's Peace Officer status with the State of New York, will be confiscated at the time of suspension.

H. Any and all communications equipment previously issued by the Department of Corrections and Community Supervision (DOCCS) will be confiscated at the time of suspension. This shall include cellphone, pagers, laptop computer, electronic signature access device, FOB, etc.

I. Any and all case files, documents, photographs, video, evidentiary materials, etc., that are property of the State of New York, will be confiscated at the time of suspension.

III. SEXUAL VICTIMIZATION REPORTS: In accordance with Directive #4027, "Sexual Victimization Prevention & Response," and Directive #0700, "Office of Special Investigations (OSI)," all staff must report allegations of staff-on-incarcerated individual or releasee sexual victimization, including but not limited to, sexual abuse, sexual harassment, and unauthorized relationships. When OSI or the facility Superintendent receives a report of an unauthorized relationship, sexual victimization by staff, or related misconduct, they shall evaluate the facts and circumstances of the report together with any other available information and consult with the appropriate Bureau of Labor Relations representative regarding appropriate action, which may include removal of the employee from contact with any incarcerated individuals pending the outcome of an investigation.

IV. EXECUTIVE ORDER 187, "ENSURING DIVERSITY AND INCLUSION AND COMBATING HARASSMENT AND DISCRIMINATION IN THE WORKPLACE": Employees engaged in conduct in violation of New York State Executive Order 187 may be subject to suspension from duty, provided the conduct meets the standards specified in Section I.

EXAMPLE NYSCOPBA SUSPENSION NOTICE *

TO: (Employee's Title, Name)

FROM: Superintendent/Regional Director

DATE:

Pursuant to Article 8, Section 4 of the current Agreement between the State of New York and NYSCOPBA, you are immediately suspended from duty, without pay, until further notice.

You are directed to return your identification card, badge, and badge case to me.

This suspension from duty prohibits you from entering or being on the grounds of any correctional facility without the expressed written permission of the Superintendent/Regional Director.

In addition, I advise you that your suspension from duty carries with it a suspension of your Peace Officer status and rescinds your authority to possess and carry firearms.

.....

The following optional paragraphs are to be used after consultation with the Bureau of Labor Relations:

(You are ordered to return to the Superintendent/Regional Director at _____ o'clock, Date to receive a Notice of Discipline, which will state the reasons for discipline and the proposed penalty.

- O R -

A Notice of Discipline, which will state the reasons for discipline and the proposed penalty, will be mailed to your latest address on record, which is _____, unless you request in writing that it be mailed to a different address.)

- O R -

"A Notice of Discipline is being served to you at this time."

.....

In accordance with the negotiated Agreement, you are allowed if you so wish, to draw from accrued annual or personal leave credits or holiday leave. The use of these accruals is optional.

___ Yes, I wish to use my accruals as referenced above.

___ No, I decline to use my accruals as referenced above.

I acknowledge receipt of this notice:

_____ _____

Employee Signature Witness

Attachment: "Reason for Suspension"

cc: Bureau of Labor Relations (2)

* This same format may be adapted for use with C-82 employees; modify references to the bargaining unit.

EXAMPLE CSEA SUSPENSION NOTICE *

TO: (Employee's Title, Name)

FROM: Superintendent/Regional Director

DATE:

Pursuant to the current Agreement between the State of New York and Civil Service Employees Association, Inc., you are immediately suspended from duty, without pay, until further notice.

This suspension from duty prohibits you from entering or being on the grounds of any correctional facility without the expressed written permission of the Superintendent/Regional Director.

.....

The following optional paragraphs are to be used after consultation with the Bureau of Labor Relations:

(In addition, I advise you that your suspension from duty carries with it a suspension of your Peace Officer status and rescinds your authority to possess and carry firearms.)

(You are ordered to return to the Superintendent/Regional Director at _____ o'clock, Date to receive a Notice of Discipline, which will state the reasons for discipline and the proposed penalty.

- O R -

A Notice of Discipline, stating the reasons for discipline and the proposed penalty, will be mailed to your latest address on record, which is _____, unless you request in writing that it be mailed to a different address.)

- O R -

"A Notice of Discipline is being served to you at this time."

.....

In accordance with the negotiated Agreement, you are allowed if you so wish to draw from accrued annual or personal leave credits or holiday leave, which shall be reinstated in the event that your suspension is deemed improper or you are found innocent of all allegations contained in the Notice of Discipline. The use of these accruals is optional.

___ Yes, I wish to use my accruals as referenced above.

___ No, I decline to use my accruals as referenced above.

I acknowledge receipt of this notice:

_____ _____

Employee Signature Witness

Attachment: "Reason for Suspension"

cc: Bureau of Labor Relations (2)

*This same format may be adapted for use with PEF employees; modify references to the bargaining unit.

EXAMPLE REASON FOR SUSPENSION STATEMENT

TO:

FROM:

REASON FOR SUSPENSION:

EMPLOYEE'S RESPONSE:

EXAMPLE MANAGEMENT CONFIDENTIAL SUSPENSION NOTICE

To: (Employee's Name & Title)

From: Superintendent, Regional Director, Unit Director

Date:

Pursuant to New York State Civil Service Law Section 75, you are immediately suspended from duty, without pay, until further notice.

This suspension from duty prohibits you from entering or being on the grounds of any correctional facility, Community Supervision Office, or other offices without the expressed written permission of the Superintendent, Regional Director, or Unit Director.

……

(For Peace Officers)

(I advise you that this suspension from duty carries with it a suspension of your Peace Officer status and rescinds your authority to carry or possess firearms.)

A Notice of Charges is being served to you at this time.

I acknowledge receipt of this notice:

_____	_____	_____
Employee Signature	Date	Witness