

CODE OF CONDUCT

GILBERT TAYLOR
COMMISSIONER

Revised
JULY 2015

PREFACE

The Code of Conduct is promulgated pursuant to Mayoral Executive Order No. 16 (July 26, 1978, as amended) and replaces and revises any and all prior codes of conduct for employees of the Department of Homeless Services.

All employees of the Department of Homeless Services shall be held responsible for knowledge of, compliance with, and enforcement of, the provisions of this Code of Conduct. Each employee of the Department shall be held strictly accountable for its contents. No order shall be issued which in any way conflicts with or alters the purpose or intent of these provisions, except by the authority of the Commissioner.

If any section of the Code of Conduct is in conflict with the New York State Civil Service Law or applicable collective bargaining agreements, the New York State Civil Service Law or applicable collective bargaining agreements shall prevail.

A copy of this Code of Conduct shall be issued to every employee of the Department of Homeless Services and a copy shall be available on the Department's Intranet homepage. Amendments or additions to sections of the Code of Conduct, as now printed, may be issued from time to time, made available on the Department's Intranet homepage, and incorporated into this Code of Conduct.

July 2015

By Order of



Gilbert Taylor
Commissioner

INTRODUCTION

The Code of Conduct is promulgated pursuant to Mayoral Executive Order 16 (July 26, 1978, as amended). Its provisions apply to all employees of the Department of Homeless Services.

The purpose of the Code of Conduct is to inform and guide employees in carrying out their duties as employees of the Department of Homeless Services and to foster, maintain and promote good order, morale and efficiency. Violations of the provisions of the Code of Conduct shall constitute misconduct and/or incompetence.

Employees are required to obey the Code of Conduct and all Department of Homeless Services' rules and regulations that may be issued from time to time.

The provisions of the Code of Conduct shall be effective as of July 2015.

All Department of Homeless Services employees are expected to familiarize themselves with this Code of Conduct. Supervisory personnel are responsible for the discipline, efficiency and performance of all subordinates under their jurisdiction. It is the obligation of all supervisory personnel to make certain all employees know and understand the Code of Conduct and their performance expectations. Additionally, supervisory personnel shall identify employees who do not perform their duties in a satisfactory manner or who engage in conduct in violation of the Code of Conduct. The supervisory personnel shall carefully and thoroughly document such behavior and refer the matter to the Disciplinary Unit and/or the Inspector General's Office for appropriate action.



Commissioner



General Counsel

TITLE

This is the Code of Conduct for the New York City Department of Homeless Services.

APPLICABILITY

The provisions of this Code of Conduct shall be in effect and apply immediately upon issuance to all employees of the Department of Homeless Services.

PURPOSE

This Code of Conduct has been written to inform employees of the Department of Homeless Services of the standards of conduct and performance which the Department requires of them. Employees must read this Code and conduct themselves accordingly. Should an employee violate any part of this Code of Conduct, he or she may be subject to disciplinary action. If an employee has any questions regarding the meaning or applicability of any portion of this Code of Conduct, the employee should discuss such questions with his or her supervisor, the Office of the Assistant Commissioner for Human Resources, or the Ethics and Employment Unit within the Office of Legal Affairs.

Copies of all City laws, Mayoral Executive Orders, and citywide and Department policies and procedures cited in this Code of Conduct are available for review on the Department's Intranet homepage. Hard copies thereof are available for review in the Office of the Assistant Commissioner for Human Resources ("Human Resources Office"). Employees will be notified of any additions or revisions to this Code of Conduct and all such additions or revisions will be posted on the Department's Intranet homepage and available for review in the Human Resources Office.

All internal Department rules, guidelines, policies and procedures not specifically referred to in this Code of Conduct are hereby incorporated by reference and made a part of this Code.

GLOSSARY OF TERMS

1. **Absence:** This term includes: (i) absence without leave, (ii) unplanned leave/compensatory time that is actually taken and the request for which is disapproved, and (iii) all undocumented sick leave.
2. **Absence without leave (AWOL):** Absence without the approval of the immediate supervisor or his/her designee.
3. **Alcoholic beverage:** Any beverage with any alcoholic content, except for prescribed medication.
4. **City:** The City of New York.
5. **Citywide:** The term used to describe a rule, order, directive, policy or procedure that is applicable to all City agencies.
6. **CityTime:** The Citywide electronic timekeeping system.
7. **Client:** Any person in receipt of shelter or other services provided directly by the Department or by one of the Department's outside providers.
8. **COIB:** The New York City Conflicts of Interest Board.
9. **Commissioner:** The agency head of the New York City Department of Homeless Services.
10. **Conduct:** Any behavior, action or speech.
11. **Controlled Substance:** Any substance listed in Section 3306 of the New York State Public Health Law.
12. **Dangerous Weapon:** Any weapon listed in Section 265.00 of the New York State Penal Law or deemed dangerous to have in the workplace by the Commissioner.
13. **DCAS:** The New York City Department of Citywide Administrative Services.
14. **DEOA:** The New York City Department of Homeless Services' Office of Diversity & Equal Opportunity Affairs.
15. **Department or DHS:** The New York City Department of Homeless Services.
16. **DHS Legal:** The Department's Office of Legal Affairs.
17. **DHS Security:** The Department's Security Services and Emergency Operations Division.
18. **DOI:** The New York City Department of Investigation.

19. **Employee:** An employee of the Department.
20. **EEU:** The Department's Ethics and Employment Unit. The EEU is a Unit of DHS Legal and is responsible for investigating and prosecuting violations of this Code of Conduct. The EEU is located at 33 Beaver Street, 17th Floor, New York, N.Y. 10007, Phone: (212) 361-8045.
21. **Equipment:** All City and/or Department equipment utilized by or available to employees to conduct City and/or Department business including, but not limited to, office supplies and office furnishings as well as "office technology and resources," and "information technology" as those two terms are defined in Section II of the Department's Equipment Use Policy/Discoverability of E-mail and Voicemail ("Equipment Use Policy").
22. **Grace Period:** Where applicable, employees are entitled to a grace period of five minutes at the beginning of the work shift, except for employees on flex time, Emergency personnel and employees whose position require, in the event of lateness, that another be held over from a previous shift or be called to substitute for the late employee.
23. **Human Resources:** Refers to the Office of the Assistant Commissioner for Human Resources.
24. **Inspector General:** The Inspector General for DHS. The Office of the Inspector General is part of DOI and is located at 80 Maiden Lane, New York, New York, 10038. The duties and responsibilities of the Inspector General for DHS and Inspectors General for other City agencies are set forth in Mayoral Executive Order No. 16.
25. **OLR:** The Department's Office of Labor Relations.
26. **Office of Administration:** The Office of the Deputy Commissioner for Administration.
27. **Penal Law:** The Penal Law of the State of New York sets forth criminal acts or omissions forbidden by and punishable under law.
28. **Residence:** The place where one actually lives.
29. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct when:
- (a) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile or offensive work environment.
30. **Subordinate:** Those employees who report to a supervisor.
31. **Supervisor:** Those Department employees who have other Department employees reporting to them, either directly or indirectly, for supervision.

CODE OF CONDUCT

CHAPTER 1 STANDARDS OF CONDUCT

- 1.1** Employees shall comply with all of the provisions of this Code of Conduct.
- 1.2** Employees shall be courteous and considerate in their contact with the public and with other employees at all times. Employees are expected to conduct themselves in a manner which will reflect favorable upon them, upon the Agency and the City. Employees are not to conduct themselves in a manner prejudicial to good order and discipline. Conduct prejudicial to good order and discipline includes, but is not limited to:
- (a) Striking or threatening to strike a supervisor, fellow employee, client or member of the public; or
 - (b) Threatening or intimidating a supervisor, fellow employee, client or member of the public; or
 - (c) Using obscene or abusive language, verbally or in writing, to a supervisor, fellow employee, subordinate, client or member of the public in connection with Department activities; or
 - (d) Disclosing to any unauthorized person any confidential information relating to the Department's or other City records, operations, activities and/or information concerning public assistance applicants and recipients and/or clients.
 - (e) Engaging in conduct disruptive to the operations of the Department; or
 - (f) Violation of the Citywide Equal Employment Opportunity (EEO) Policy; or
 - (g) Violations of any of the applicable ethical rules of conduct for City employees contained in Chapter 68 of the New York City Charter; or
 - (h) Conviction of a crime which relates to an employee's office or employment; or which involves violence, dishonesty, deceit, or indecency; or which bears upon an employee's fitness or ability to perform his or her duties and responsibilities; or
 - (i) Conduct which is prohibited by any laws, regulations, rules, orders, directives, policies or procedures governing New York City employees and that relates to the employees' qualifications for or ability to perform his or her job; or
 - (j) Any other conduct that would reflect poorly on the Department or tend to bring the City or the Department into disrepute.

- 1.3 Employees shall be courteous and professional in their contact with Department clients, fellow employees and the public at all times.
- 1.4 Employees shall report incidents in conformity with the requirements of the Department's policies and procedures for incident reporting, including the Department's Criteria for Reporting Incidents and the Department's Workplace Violence Prevention Program Reporting Procedure.
- 1.5 Employees shall maintain Department records accurately, protect the records from damage, theft and loss, and comply with all Department and Citywide policies and procedures for disposal of records.

CHAPTER 2

LAWFUL AND ETHICAL CONDUCT

- 2.1 Employees in the course of their official duties or at a hearing, meeting or proceeding shall not knowingly make a false statement concerning the Agency or the employee's duties or responsibilities within the Agency. Employees shall cooperate with any inquiry or investigation by the Department of Homeless Services' ("Department").
- 2.2 Employees shall not knowingly make any false entry upon, or alter any record of the City or Agency nor shall any employee submit, or cause to be submitted, any false document.
- 2.3 In the use of equipment and supplies, employees shall exercise appropriate care to prevent accident, damage, waste, or diversion to purposes not related to the work of the Agency.
- 2.4 Stealing or permitting any property or equipment to be stolen from Agency premises is strictly prohibited. Permitting Agency property or equipment to be used by unauthorized persons or for unauthorized purposes is prohibited.
- 2.5 Employees shall not engage or attempt to engage in any financial transaction with a supervisor, subordinate, client or employee of an outside vendor including, but not limited to, lending, borrowing, or using another's credit for personal use.
- 2.6 Employees shall not engage in any relationship with clients, including engaging in any communications, meetings, or other contact with clients other than in a strictly professional relationship as required in order for the employee to perform his or her job duties.
- 2.7 Employees shall not engage in any conduct that interferes with clients' compliance with shelter rules or clients' exercise of their client rights.
- 2.8 Employees shall not solicit, accept, or agree to accept any benefit from another person upon an agreement or understanding that such employee's action, decision, judgment, opinion or exercise of discretion as an employee will thereby be influenced.

- (a) **Bribery:** A public servant is guilty of bribery when he or she solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that his or her judgment, opinion, action, decision, exercise of discretion or vote will thereby be influenced (*see* Penal Law sections 200.10 through 200.15).
- (b) **Gratuities:** A public servant is guilty of receiving unlawful gratuities when he or she solicits, accepts or agrees to accept any benefit from having engaged in official conduct that he or she is required or authorized to perform and for which he or she was not entitled to any special or additional compensation (*see* Penal Law section 200.35).
- (c) **Official Misconduct:** A public servant is guilty of official misconduct when, with intent to obtain a benefit or injure or deprive another person of a benefit:
 - (i) He or she commits an act relating to his or her office but constituting an unauthorized exercise of his or her official functions, knowing that such act is unauthorized; or
 - (ii) He or she knowingly refrains from performing a duty that is imposed on him or her by law or is clearly inherent in the nature of his or her office. (*See* Penal Law section 195.00)
- (d) **Receiving Reward for Official Misconduct:** A public servant is guilty of receiving a reward for official misconduct when he or she solicits, accepts or agrees to accept any benefit from another person for having violated his or her duty as a public servant (*see* Penal Law sections 200.25 and 200.27).

In addition to disciplinary action, a violation of the above sections of the Penal Law may also result in criminal prosecution.

- 2.9 Employees shall not improperly influence any decision of the Department or the City or that of its officers or employees nor engage in any activity which constitutes a conflict of interest as listed in Chapter 68 of the New York City Charter.
- 2.10 Employees shall immediately report all instances of corruption, criminality or conflict of interest to COIB or DOI.
- 2.11 Employees shall be bound by and shall be familiar with the whistleblower provisions contained in Section 12-113 of the Administrative Code of the City of New York (as amended).
- 2.12 Employees shall notify, in writing, the General Counsel and the Inspector General of their arrest, indictment for, or conviction of a crime no later than seventy-two (72) hours after the arrest, indictment or conviction. As used in this section, "crime" includes felonies and misdemeanors.
 - (a) Written notice of an arrest, indictment or conviction shall contain the (i) date of arrest/indictment/conviction; (ii) criminal charges; (iii) next court date; and (iv)

identifying case number such as an arrest ID number, docket number or index number.

- (b) Employees have a continuing obligation to notify the General Counsel and the Inspector General of all pending criminal charges and the disposition of such charges, e.g., dismissal, conviction, and sentence upon conviction.
- 2.13** Employees shall immediately notify, in writing, the General Counsel if they are named as a defendant or respondent in any legal or administrative proceeding in connection with their employment with the Agency, or if they are subpoenaed or otherwise called upon to provide testimony or evidence in any legal or administrative action or proceeding, in connection with their employment with the Agency.
- 2.14** Employees shall immediately provide the General Counsel with a copy of any legal process or papers served upon the employee in connection with his or her employment, or requests made to the employee or received by the employee on behalf of the Department for any Department records or information. This includes, but is not limited to, subpoenas, requests made pursuant to the Freedom of Information Law, requests made by the New York City Law Department, the New York City Office of the Comptroller, and the legal offices of other City agencies and requests made by any State or Federal government agency or entity.
- 2.15** Employees shall not, in the course of their official duties or at a hearing, meeting or proceeding, knowingly make a false statement concerning the Department or the employee's duties or responsibilities with the Department.
- 2.16** Employees shall not interfere with or obstruct any investigation, inquiry, or audit conducted by DHS or any division or unit thereof, any other City, State or Federal agency, or any other authorized investigator. Nor shall any employee cause or attempt to cause another to interfere with or obstruct such investigations.
- 2.17** Employees shall not retaliate, persuade or attempt to persuade another to retaliate against another for filing a complaint in court or reporting a violation or filing a complaint or grievance with DHS (including, but not limited to, the EEU, OLR, and DEOA), the Inspector General, or any other City, State or Federal agency or organization. Nor shall any employee engage in retaliatory conduct against another for providing information, testimony or other assistance in connection with such complaints, grievances or violations.
- 2.18** Prior to accepting outside employment, employees must notify the Legal Division within one (1) week of their start date. New employees who already have regular or recurring outside employment must notify the Legal Division within one (1) week of their start date.
- 2.19** Employees shall not sell or offer for sale any goods or services or solicit payments or contributions, while on duty or on any Department premises without the written authorization of the Commissioner or his or her designee. This provision shall not apply to payments or contributions made for the employee's personal circumstances (such as

taking up a collection for an employee's going-away party or baby shower) that have the prior authorization of the unit's Supervisor.

CHAPTER 3

DISCRIMINATORY PRACTICES

- 3.1** Discrimination by reason of age, color, creed, disability, gender/gender identity/sexual harassment, marital status, military status, national origin (includes ancestry/citizens /alienage status), partnership status, predisposing genetic characteristic, prior record of arrest or conviction, race, religion, retaliation for filing or assisting in the investigation of a complaint, sexual orientation, victim or witness of domestic violence, sexual offenses, or stalking is absolutely prohibited. This basic policy shall be applied in all dealings with persons seeking or receiving the services of the Agency, and in the recruitment, assignment and promotion of staff and in other aspects of employment.
- 3.2** In an instance of discrimination or retaliation against an employee, applicant for employment or participant, the person engaging in the discriminatory practice will be subject to disciplinary action by the agency as well as sanctions and penalties imposed by the courts and regulatory agencies such as the New York City Commission on Human Rights and the New York State Division of Human Rights.

Employees shall report any violations of the Department's Policy and Practice on discrimination and sexual harassment to the Department's Office of Equal Opportunity Affairs (DEOA).

- 3.3** Supervisors shall comply with and enforce the Department's policies and practices on discrimination and sexual harassment. They also shall promptly report any violations of such policies and practices to DEOA.

CHAPTER 4

PERFORMANCE OF DUTIES

- 4.1** Each employee shall perform all duties which are specified by the employee's Tasks and Standards. Employees are expected to carry out all work assignments given to them by their Supervisor as accurately and efficiently as possible.
- 4.2** If an employee is unable to carry out an assignment for any reason or within the prescribed time period, he or she shall promptly notify his or her supervisor and provide specific reasons for the inability to do so.
- 4.3** Employees shall obey all work orders and other directives of their supervisor. Each employee is advised that all of their Supervisor's work orders and other directives must be obeyed immediately. If an employee believes a particular work order or directive is not consistent with the terms of an existing labor contract, he or she must nevertheless obey the work order or directive and then, if applicable, consult their union and/or file a

grievance through the proper channels. Employees shall consult with their immediate supervisor if they believe they have a problem before consulting their supervisor's superior.

- 4.4 Employees shall keep any medical appointment scheduled by the Department or DCAS for the purpose of ascertaining their physical and/or mental qualifications to perform the essential tasks and functions of their position.
- 4.5 Employees who are required to have and maintain a professional or other license, certificate and/or special designation as a condition of their employment in their title, or for their performance of their duties, must make sure that the license, certificate and/or special designation remains valid throughout their employment. The employee is responsible for the timely renewal of that license, certificate and/or special designation and must make sure it does not lapse or is not revoked. Should a required license, certificate and/or special designation lapse or be revoked, such lapse or revocation must be reported in writing to Human Resources and the employee's supervisor immediately. Any lapse or revocation may result in the immediate forfeiture of the employee's position.
- 4.6 Identification cards (IDs) and/or badges are issued for use on official Department business only and remain the property of the Department.
- (a) Employees shall present their ID to DHS peace officers and/or other security personnel upon entering any Department premises or upon the request of DHS peace officers and/or other security personnel.
 - (b) Employees shall have their ID and/or badge with them while on duty.
 - (c) IDs and/or badges must be properly safeguarded against loss or theft both on and off the job. Loss or theft of IDs and/or badges must be reported in writing to the employee's supervisor immediately upon the discovery of such loss or theft.
 - (d) IDs and/or badges must be surrendered when so requested by members of the Executive Staff, DHS Legal, or the Assistant Commissioner for Human Resources or their respective designees. IDs and/or badges must be surrendered upon termination of employment.
- 4.7 Employees shall not use any Department premises or property to conduct non-DHS business nor engage in any non-DHS activity during working hours without the consent of the Commissioner or his/her designee. In this regard, employees shall familiarize themselves and comply with the Department's Equipment Use Policy.
- 4.8 Employees shall not permit any Department premises or property to be used by unauthorized persons or for unauthorized purposes. Employees shall not permit an unauthorized person to remain in any Department premises. If an unauthorized person remains on any Department premises after the employee has asked the unauthorized person to leave, the employee must immediately inform his or her supervisor and DHS Security of the situation.

- 4.9 Employees shall keep the Department informed of their current residence(s), and telephone number(s) and any changes in their contact information, and shall so notify the Human Resources in writing within ten (10) calendar days of such change.
- 4.10 Employees shall not use, be under the influence of, or possess a controlled substance while on duty, except one prescribed by a licensed practitioner as defined in the New York State Public Health Law Section 3302(29), which is available on the Department's Intranet homepage.
- 4.11 Pursuant to the 1997 side-letter agreement with DC 37 and the Federal Omnibus Transportation Employee Testing Act of 1991, employees who are required to have a Commercial Drivers License (CDL) and operate City vehicles in connection with their employment are subject to random drug and alcohol testing. Employees are required to make themselves available for drug testing when noticed.
- 4.12 Employees shall not consume or possess alcoholic beverages while on duty, except at an official Department function, which has the approval of the Commissioner or his or her designee.
- 4.13 Employees shall not possess a dangerous weapon while on duty or in or on Department premises, property or vehicles, except when properly licensed by the New York City Police Department and with the specific written authority of the Commissioner.
- 4.14 Employees shall not gamble while on duty. Gambling is also prohibited on all Department premises and in all City vehicles.
- 4.15 Pursuant to Local Law 47 of 2002, no smoking is allowed anywhere on any Department premises. This means that no employees, including visitors, are allowed to smoke in any office, private or shared, with or without windows, nor in any other area in any Department location. Employees also are prohibited from smoking in City vehicles.
- 4.16 Employees shall not loiter, lounge or sleep while on duty.
- 4.17 Employees shall not cook except in designated areas. Employees shall follow all rules and directives regarding the use and operation of the pantries.

CHAPTER 5

TIME AND LEAVE

- 5.1 Employees shall comply with all Department and Citywide time and leave rules, policies and procedures, including the Department's Absence Control and Lateness Policy and Procedure Manual and the Personnel Rules and Regulations of the City of New York.

- 5.2 Employees shall report to work on time and shall not be excessively absent or excessively late. Excessive absences and excessive lateness, even if approved, can be grounds for disciplinary action.
- 5.3 Employees shall accurately, and in a timely manner, record and submit for their supervisor's approval their working hours using CityTime (or any other timekeeping system that modifies or replaces CityTime in whole or in part).
- 5.4 Employees shall submit, in a timely manner, leave requests for approval by their supervisors. Employees shall submit leave requests using CityTime (or any other timekeeping system that modifies or replaces CityTime in whole or in part) and shall provide documentation in connection with their leave requests, if required.
- 5.5 Employees shall not submit, or cause to be submitted, any altered, falsified or forged documentation in connection with their time and leave.
- 5.6 Employees shall not depart from their assigned work premises or their post before the conclusion of their scheduled work hours without their supervisor's authorization, except during their regularly scheduled lunch hour.
- 5.7 Employees shall not report before or remain on Department premises after their regular working hours unless overtime or change of schedule has been previously approved and appropriate supervisory monitoring of such activity is provided.
- 5.8 Employees shall not be absent from or leave assigned work locations without prior authorization from their supervisors, except in an emergency. If an emergency exists, they must contact their supervisor as soon as possible, but no later than the time at which they were scheduled to report, or the deadline set by their supervisor, whichever is earlier.
- 5.9 Employees shall comply with all Department and Citywide rules and procedures and/or applicable collective bargaining agreements regarding sick leave or injury on or off duty, including submitting all required medical documentation.
- 5.10 Employees shall not falsely claim an illness or injury; nor shall employees make any false statements about the severity, or any other aspect of, an illness or injury.

CHAPTER 6

SUPERVISORS

[SUPERVISORY PERSONNEL]

- 6.1 Supervisors shall be responsible for monitoring their subordinates' compliance with this Code of Conduct.
- 6.2 Supervisors shall promptly document all Code of Conduct violations committed by their subordinates. Supervisors shall promptly refer such violations, with accompanying

documentation, to the EEU for appropriate action. Any questions concerning what documentation is required should be directed to the EEU.

- 6.3 Supervisors shall be responsible for the proper instruction, work performance and discipline of their subordinates.
- 6.4 Supervisors shall enforce all Citywide and Department time and leave rules with respect to their subordinates. This includes, but is not limited to:
 - (a) Monitoring absences, absences without leave, and excessive lateness of subordinates; and
 - (b) Referring all excessive absences, absences without leave and excessive lateness to the EEU for appropriate action in accordance with the City Wide Absence Control Program and DHS Absence Control and Lateness Policy and Procedure Manual.
- 6.5 Supervisors shall enforce all City and Department rules concerning the allocation and control of overtime by their subordinates. In this regard, Supervisors shall familiarize themselves with the Department's Allocation and Control of Overtime Procedure and the Personnel Rules and Regulations of the City of New York.
- 6.6 Supervisors shall monitor their subordinates' responsibility to promptly reconcile their wireless telephone charges and promptly pay the charges for their personal calls ("reconcile and/or pay"). Supervisors shall refer a subordinate's failure to reconcile and/or pay to the EEU for appropriate action. See Chapter 7 ("Use of Equipment") below.
- 6.7 Supervisors shall monitor their subordinates' responsibility to promptly contest or pay fines for traffic violations issued with respect to their use of City vehicles ("contest or pay"). Supervisors shall refer a subordinate's failure to contest or pay to the EEU for appropriate action. See Chapter 7 ("Motor Vehicles") below.
- 6.8 Supervisors shall report to Human Resources and the Fleet Administration Director, in writing, the lapse, revocation or restriction of a subordinate's driver's license where the subordinate must possess a valid driver's license as a minimum job requirement, within one business day of the supervisor's notification by the subordinate.
- 6.9 Supervisors shall promptly report any hazardous or unsafe condition to the Office of Administration and employ reasonable measures to safeguard anyone at risk until such hazard is corrected.
- 6.10 Supervisors shall promptly refer any unauthorized activity on Department property or premises to the EEU for appropriate action.
- 6.11 Supervisors shall properly safeguard against the theft or unauthorized use of Department equipment, supplies or other property.

- 6.12 Supervisors shall not engage or attempt to engage in any financial transaction with a subordinate including, but not limited to, lending, borrowing, or using a subordinate's credit for personal use.

CHAPTER 7 MOTOR VEHICLES

- 7.1 Employees who drive Department, other City or private vehicles on official Department/City business must comply with the requirements of the City Vehicle Driver Handbook of the City of New York ("City Driver Handbook") and the Department's Driver's Manual ("Department Manual").
- 7.2 Employees are responsible for the good care, maintenance and serviceable condition of motor vehicles issued for their use.
- 7.3 Department or other City vehicles may only be used for Department/City business. These vehicles may be used for commuting to and from work only if the employee meets and complies with applicable requirements in the City Driver Handbook, Department Manual, and Chapter 68 of the New York City Charter.
- 7.4 Employees required to possess a valid driver's license shall be in possession of such license at all times during their working hours.
- 7.5 Employees who drive Department, other City or private vehicles on official Department/City business shall possess a driver's license valid in New York State for the class of vehicle to be driven, and shall be in possession of that license at all times during their working hours.
- 7.6 Employees shall not operate a Department, other City or private vehicle on official Department/City business with a lapsed, suspended, revoked or otherwise invalid driver's license.
- 7.7 Employees who drive Department, other City or private vehicles on official Department/City business are responsible for the timely renewal of their driver's license and must make sure that it does not lapse and/or is not suspended, revoked or otherwise invalidated. Should a required license lapse or be suspended, revoked or otherwise invalidated, such lapse, suspension, revocation or other invalidation must be reported in writing, within 24 business hours of receipt, to the Department's Agency's Transportation Coordinator ("ATC"), the employee's Division's Fleet Liaison ("DFL") and immediate supervisor, and the employee shall not be permitted to operate a City vehicle or private vehicle while on official City business.
- 7.8 Employees driving Department, other City or private vehicles on official Department/City business must obey all traffic laws, ordinances, rules and regulations and shall not operate the vehicles in a negligent or careless manner.

- 7.9 Employees driving Department, other City or private vehicles on official Department/City business shall complete Daily Trip Sheets and Monthly Trip Sheets and submit them to Fleet Administration, 33 Beaver Street, 12th Floor, on the 5th day of each month.
- 7.10 Employees shall operate or ride in a Department, other City or private vehicle on official Department/City business only with proper authority and shall only permit another person with proper authority to operate or ride in a City vehicle.
- 7.11 Pursuant to the City Vehicle Driver Handbook, employees who drive Department, other City or private vehicles on official Department/City business are responsible for the payment of any summonses incurred while driving or parking the vehicle which are attributable to their actions in driving the vehicle.
- 7.12 Employees shall, within one (1) business day of receipt, report to the Department's Agency Transportation Coordinator all parking violations and other such summonses issued to their Department, other City or private vehicle operated on official Department/City business.
- 7.13 Within fourteen (14) business days of receipt, employees shall pay or request a hearing to contest summonses, including parking violations and moving (red light) violations, and associated fines/penalties received in connection with their use of a Department, other City vehicle. Failure to do so may result in disciplinary proceedings and the loss of City vehicle driving privileges. Information about paying or contesting traffic violations is available on the NYC Department of Finance website.
- 7.14 Employees shall, within one (1) business day, report to the Department's Agency Transportation Coordinator and their Division Fleet Liaison any damage to or malfunction of Department or other City vehicles, including *any* accident, however slight, whether or not there is visible damage.

CHAPTER 8
USE OF EQUIPMENT
[EQUIPMENT, PROPERTY AND SUPPLIES]
[COMPUTER SYSTEM USAGE]

- 8.1 Employees shall comply with the Department's Equipment Use Policy/Discoverability of E-mail and Voicemail ("Equipment Use Policy").
- 8.2 Employees are responsible for the proper use, care and maintenance of all Equipment under their control.
- 8.3 Except as may be permitted in the Department's Equipment Use Policy, employees shall not use any Equipment to conduct non-Departmental business or engage in any non-Departmental activity while on duty. In addition, employees shall not use or allow others

to use Equipment for unauthorized personal uses, including but not limited to, the unauthorized uses listed in Section III of the Equipment Use Policy.

- 8.4 Unauthorized use of Equipment may result in: (1) loss of use or limitations on use of office and technology resources; (2) financial liability for the cost of such use; (3) disciplinary or other adverse personnel actions, up to and including dismissal; and/or civil and/or criminal penalties.
- 8.5 Any personal use of the City's Equipment for the creation, downloading, viewing storage, copying, or transmission of any material that is: obscene, sexually explicit or sexually oriented; hate speech; threatening; defamatory; known to be fraudulent; or ridicules other on the basis of race, creed, religion, color, gender, disability, national origin, or sexual orientation is strictly prohibited. If an employee receives such material, he or she must report it immediately to the Department's Chief Information Officer.
- 8.6 Employees shall report to their supervisors, any damage to or loss of Equipment within one (1) business day of such damage or loss.
- 8.7 Employees shall comply with all Department directives to reconcile their wireless telephone charges and pay charges for their personal calls. Employees who fail to do so by the required deadline will be referred to the EEU for appropriate disciplinary action.
- 8.8 The Department retains the right to inspect all City and/or Department Equipment at any time.

CHAPTER 9

MEDIA

- 9.1 Employees shall comply with the Department's Media Policy and the City Wide Social Media Policy.

APPENDIX

- Listed Controlled Substances (Section 3306 of the New York State Public Health Law)
- Penal Law of the State of New York (S 195.00, S 200.10, S 200.11, S 200.12, S 200.15, S 200.25, S 200.27, S 200.35)
- Mayoral Directive No. 81-2, Electronic Data Processing security Statement of Policy
- Mayoral Executive Order No. 16 (July 26, 1978, as amended)
- DHS Absence Control and Lateness Policy and Procedure
- The City of New York Absence Control Program
- Chapter 68 of the New York City Charter
- Section 12-113 of the Administrative Code of the City of New York (as amended)-Local Law No.33
- The City of New York Vehicle Driver Handbook
- The Omnibus Transportation Employee Testing Act of 1991
- DHS Media Policy
- City Wide Social Media Policy
- DC 37 Side-Letter Agreement CDL License
- DHS Wireless Device Policy
- The City of New York Policy on Limited Personal Use of City Office and Technology Resources
- Citywide Equal Employment Opportunity (EEO) Policy
- New York State Civil Service Law § 75