



Office of Information Technology Services

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Office of Information Technology Services

Employee Handbook and Work Rules

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FOREWORD FROM ITS DIRECTOR OF HUMAN RESOURCES

It is the goal of ITS to **lead the nation** in serving our citizens, businesses, and visitors through technology. Our mission includes creating a technology-enabled government to better serve New Yorkers; partnering with our customers to implement the best technology solutions; connecting technology professionals to foster innovation, build skills, and promote development; and delivering world class technology services that meet our customers' needs. I am confident that as we collaborate to achieve this mission, we will implement the following work rules and related policies and procedures to ensure effective, efficient and ethical services to our customers.

As an employee of the state, you are accountable to those we serve, the people, and the government of New York State. Accordingly, it is your responsibility to become familiar with the contents of this manual. While we incorporated a number of New York State Civil Service and Office of the State Comptroller Law, rules and regulations, as well as negotiated agreements, and ITS Policy and Procedures, this manual is not meant to be all inclusive. For detailed policies or procedures, you should refer to the incorporated sources, keep apprised of updates, and consult with ITS Human Resources (HR) for any questions or further guidance. In addition to the policies and forms referenced in and attached to these Work Rules, you may access ITS policies and forms on:

<https://nysemail.sharepoint.com/sites/myITS/InsideEdge/Pages/Policies.aspx> or by contacting HR. You can email your inquiries to ITS Human Resources at: Human.Resources@its.ny.gov or call (518) 473-0398.

Congratulations on your appointment and thank you for joining our organization.

Sincerely,

Nick Martinelli

Director, Human Resources

1. LABOR-MANAGEMENT RELATIONSHIP

1.1 Employee Unions

The relationship between the State and its employees is governed by the Public Employee Fair Employment Act, known as the Taylor Law. This Law gives public employees the right to organize and enter into collective bargaining. Most ITS employees are represented by a union.

The Public Employment Relations Board (PERB) has assigned most State jobs to various bargaining units for representation and collective bargaining. Those bargaining units in ITS are:

- Administrative Services Unit (ASU);
- Operational Services Unit (OSU); and
- Professional, Scientific and Technical Services Unit (PS&T).

If there are changes in an employee's job title, or if an employee gets a promotion, they may be assigned to another bargaining unit or management classification. PERB may reassign job titles among the bargaining units.

The union which represents the employees in a bargaining unit is voted on by employees in that unit to be the sole bargaining agent for the entire unit. Enrolled members of a union have additional benefits. ITS is an "agency fee shop" and union dues will be deducted from employee's salary regardless of enrollment status. The two elected employee organizations and the bargaining units which they represent are:

- (1) The Civil Service Employees Association, Inc., (CSEA) representing ASU, ISU and OSU.
- (2) The Public Employees Federation, AFL-CIO, (PEF) representing PS&T.

In addition, PERB has designated certain positions as Managerial or Confidential (M/C). M/C staff includes managers and their assistants who may: formulate policy; participate in collective negotiations; or have a major role in the administration of agreements or in personnel administration. Because M/C employees represent management, they cannot belong to an employee bargaining organization.

1.2 Negotiated Agreements

After collective bargaining, the State and a union enter into a negotiated agreement/contract. The agreements for each bargaining unit cover wages, hours, benefits, conditions of employment and many other issues. All ITS employees receive a copy of their union's negotiated agreement when they are appointed. If an employee has any questions about ITS rules or the negotiated agreements, they should contact their supervisor or union steward.

1.3 **Prohibition of Strikes**

Strikes, slowdowns, or other job actions by employees or unions are prohibited by the Taylor Law. If an employee participates or joins in any kind of work stoppage, they could be penalized under Section 210 of the Taylor Law, which can include fines of two days' pay for everyday an employee maybe on strike. An employee may also be subject to disciplinary action.

2. CONDUCT AND ACTIVITIES OF EMPLOYEES

2.1 **Professional Decorum**

- a. **Conduct.** ITS employees are expected to conduct themselves in a professional, respectful and courteous manner that reflects positively upon themselves, the agency and the State in the performance of their duties and in all workplace interactions including both written and verbal interactions.
- b. **Professional Attire.** Employees are expected to present a neat, clean appearance and to dress in a manner appropriate to their assignments.

2.2 **Non-Discrimination**

No person in the Agency is allowed to unlawfully discriminate against an employee on the basis of race, color, national origin, creed/religion, age, disability, military status, arrest/criminal conviction record, marital/familial status, predisposing genetic characteristics, pregnancy and related conditions, domestic violence victim status, gender/sex, sexual harassment, sexual orientation, gender identity, and/or retaliation. The Agency does not tolerate unlawful discrimination.

Filing an Internal Complaint

Any ITS employee who has been subjected to any discrimination, bias, prejudice, harassment or retaliation, based on any of the protected classes, should promptly report the matter by completing the New York State Employee Discrimination Complaint Form. A copy of this complaint form is located on the OER website at <https://oer.ny.gov/anti-discrimination-investigations>. You may submit this form electronically to OER or print it out and mail directly to OER at the address on the form.

You may also file a complaint with your supervisor, manager, agency Executive Staff, Counsel's Office or Human Resource Services. Each of these individuals is required to send your complaint to OER so that it will be investigated. If you file a complaint with any of these individuals and you do not hear from a OER investigator within one week, please contact OER at (518) 474-1920 to ensure that OER received your complaint.

Filing an External Complaint

Employees are not required to pursue the internal complaint procedure before filing a complaint with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or with a court, based on federal or state or local law.

The following agencies can provide information to employees and receive and investigate complaints of protected class employment discrimination.

- New York State Division of Human Rights

Website: www.dhr.ny.gov
Telephone: (888) 392-3644
TTY number: (718) 741-8300

United States Equal Employment Opportunity

Commission Website: www.eeoc.gov
Telephone: (800) 669-4000
TTY number: (800) 669-6820
ASL Video Phone: (844) 234-5122

2.3 Alcohol and Controlled Substances

It is the policy of ITS to protect and maintain the safety of our work environment by strictly prohibiting the use and/or possession of alcohol or controlled substances in the workplace. Employees are also prohibited from on-the-job impairment from alcohol or controlled substances. All ITS employees are required to complete the *mandatory* training entitled *Make New York State a Drug & Alcohol Free Workplace* within thirty (30) days from the start of employment.

2.4 Prohibition against Weapons

No employee may carry a firearm or deadly weapon (as defined in Penal Law § 10.00 (12) and 265.00) during the performance of agency duties or on agency premises, except as specifically authorized by law. Employees are encouraged to report violations of these provisions to a supervisor or HRS, or call 911 if they believe that the threat of harm or injury is serious and/or immediate.

2.5 Smoking

Pursuant to Public Health Law § 1399-o (the Clean Indoor Air Act), ITS has established a smoke-free work environment. Smoking is prohibited in all indoor work areas except where specifically designated.

2.6 Change of Address

ITS employees shall inform HRS of any changes to their current mailing address, place of residence, name changes, and/or telephone number changes. As appropriate, employees must complete and submit a [Personal Data Change Form](#), as soon as possible. Failure to advise ITS of a change of address or contact information may result in delays in the receipt of work-related notifications and documentation.

3. CONFLICTS OF INTEREST

The ethical responsibilities of ITS employees are outlined in ITS Policy PO6-004 and are further detailed below. Any questions or concerns regarding a potential conflict of interest should be directed to the ITS Ethics Office at its.sm.ethics@its.ny.gov.

3.1 Ethics and Public Officers Law

No ITS employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature that is in conflict or

gives rise to the appearance of a conflict with the proper discharge of their duties in the public interest. Employees will receive a copy of the New York State Public Officers Law (POL) when hired, and must abide by the provisions of the POL. All employees must also sign a statement affirming that they received a copy and agree to conform to the provisions described in it at that time.

3.2 Outside Employment /Activity

In order to avoid a conflict of interest or the appearance of one, all ITS employees who have been designated as **policy makers** or who meet the salary threshold set forth in Public Officer's Law Section 73-a, must at the time of appointment and as appropriate thereafter, obtain prior written approval before commencing any outside employment or outside activity, compensated or non-compensated, including self-employment. Previous approval of outside employment and activities granted by other State agencies for such employees must be reviewed and approved by ITS, and will not be unreasonably denied. Employees should complete and submit an [ITS HR-09, Outside Activity/Employment Approval Form](#).

The written request must be submitted to the employee's supervisor for a recommendation of approval, forwarded to the ITS Ethics Officer for review and approval, and then sent to ITS HR for final approval and notification to the employee.

An approval of an [Outside Activity/Employment Approval Form \(ITS HR-09\)](#) is valid for one year following the date of approval. Upon expiration, an employee may not continue to engage in the previously approved outside employment until an [ITS HR-09](#) has been submitted and re-approved

3.3 Restrictions Concerning the Acceptance of Honoraria and Travel Reimbursement

To avoid conflicts of interest and the appearances of such conflicts, ITS employees may only accept reimbursement of travel expenses or honoraria under certain circumstances. No ITS employee shall accept reimbursement of travel expenses or expenses related to honoraria, the acceptance of which may raise the appearance of an impropriety or conflict of interest, without first receiving approval from the ITS Ethics Officer. This request for approval must be submitted on an Attachment A (see ITS Policy P06-004), and should be submitted at least four (4) weeks in advance of the scheduled event.

3.4 Restrictions Concerning the Acceptance of Gifts

To avoid conflicts of interest and the appearances of such conflicts, ITS employees may only accept gifts under certain circumstances. A gift is anything of more than **nominal value**, in any form, given to an ITS employee. Gifts include, but are not limited to, money, service, loan, travel, lodging, meals, refreshments, entertainment, discount, forbearance or promise. "Nominal value" is considered such a small amount that acceptance of an item of nominal value could not be reasonably interpreted or construed as attempting to influence an ITS employee.

ITS employees may not accept gifts of more than **nominal value** where it may reasonably be inferred that the gift was intended to influence an ITS employee in the performance of his or her official duties. Any questions or concerns regarding the acceptance of a gift should be directed to the directed to the ITS Ethics Office at its.sm.ethics@its.ny.gov

3.5 Hatch Act

A State employee is subject to the Hatch Act if their principal employment is with a State executive agency and is in connection with a program or activity financed in whole or in part by loans or grants made by the United States or by a federal agency. All ITS employees are subject to the Hatch Act.

A State employee subject to the Hatch Act may *not*: (1) be a candidate for partisan elective office if such an employee is paid completely, directly or indirectly, by loans or grants made by the United States or a federal agency (generally, an election is considered “partisan” if *any* candidate for the office is running with the endorsement of a political party, usually Democratic or Republican); or (2) use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or (3) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.

The Hatch Act does not preclude a State employee who is not paid completely by federal funds from being a candidate for partisan elective office. The Hatch Act does not preclude a State employee from being a candidate for the position of officer of a political party; a delegate to a political party convention; a member of a national, state or local committee of a political party; or any similar position. Nor does the Hatch Act prohibit a State employee subject to its terms from becoming involved in and working on partisan political campaigns of others on their own time. Other provisions in the Public Officers Law (the “Code of Ethics”) may prohibit these activities, however.

4. FITNESS FOR DUTY

4.1 Fitness for duty

If an employee’s work performance or behavior raises questions about the individual’s ability to perform assigned duties, the employee may be required to undergo a fitness for duty medical evaluation conducted by the Department of Civil Service, Employee Health Service. Employees will not have to pay for such an examination(s) and will not have to charge leave accruals for the evaluation time. Failure to attend an examination may result in disciplinary action.

4.2 Attentiveness to Duty

ITS employees must remain attentive to their duties while on the job for their own safety and for the safety and well-being of their co-workers and customers.

5. PERSONNEL TRANSACTIONS

Personnel transactions are carried out in accordance with Civil Service Law and other applicable laws and rules concerning employment.

5.1 Probationary Evaluations

An ITS employee’s supervisor will prepare written probationary reports at designated intervals during the

employee's probationary period. These reports will evaluate performance and progress. The supervisor will give the employee a copy of the report and will discuss it with them. This is an opportunity for the supervisor and the employee to speak frankly about job duties and job performance.

5.2 Reassignment

ITS staff may be asked to voluntarily accept a temporary or long-term reassignment to another work unit or physical location based on operational needs. In some instances, staff may be reassigned to a different office or work unit within ITS in accordance with Civil Service Law and established agency procedures.

5.3 Performance Evaluations

Employee performance programs and evaluations should be completed for all ITS employees on an annual basis based upon the individual employee's identified evaluation period. Additional information and guidance on the performance evaluation system may be obtained from HR.

5.4 Resignation

As appropriate, ITS employees should discuss resignation with their immediate supervisor and Human Resource Services so that they may better understand their rights and benefits under Civil Service Law. An employee should provide a minimum of two weeks advance notice in writing if they intend to resign from their position. Subject to the provisions of Civil Service Law and the collective bargaining agreements, a failure to provide two weeks written notice could result in the penalty of withholding of payment for unused vacation credits that would otherwise be due to an employee on separation from State service.

5.5 Salary

Annual salaries for most positions in State service are based on a compensation plan for different pay grades. Each pay grade has a minimum and maximum salary level. The minimum is known as the "hiring rate", and the maximum the "job rate."

5.6 Performance Advance

An employee's salary progresses from hiring rate to job rate by performance advance payments. Employees who receive a satisfactory performance evaluation rating and who have not reached the job rate salary of their grade level are eligible to receive a performance advance payment. Payments are issued either in April or October depending upon the employee's anniversary date in grade and negotiating unit.

5.7 Longevity

Upon an employee reaching the maximum entitlement for their salary grade, employees are eligible for a longevity payment(s) if they have been at the job rate salary of their grade level for at least five (and ten) full years or more and received a satisfactory performance evaluation rating for the current evaluation period. Longevity payments are issued as a separate check and cannot be direct deposited. An employee seeking additional information about longevity payments should consult their negotiated agreement.

5.8 Pay Checks

The payroll period begins on a Thursday and ends two weeks later on a Wednesday. Paychecks are issued every other Wednesday for the Administrative payroll cycle and on alternating Thursdays for the Institutional payroll cycle.

5.9 Lag Pay

Full time, annual salaried employees receive their first paycheck approximately four weeks after beginning work. Most new employees are subject to a five-day salary withholding program. Under the withholding program, one day of salary is withheld from each of the first five paychecks. The five-day salary withholding is paid back when an employee leaves state service. After the initial waiting period an employee will be paid every two weeks for time worked during the period ending two weeks before the date of their paycheck. If an employee leaves State service, they will be paid two weeks later for services rendered in their final two-week period, plus any other pay deferrals and accumulated leave to which they may be entitled.

5.10 Payroll Deduction

Deductions may be either mandatory such as Federal taxes, State taxes, Social Security and agency shop fees or voluntary such as payments for health insurance, special insurances, and deductions to savings institutions. HR will assist ITS employees with setting up a voluntary payroll deduction.

5.11 Inconvenience Pay

If an employee works four or more hours between the hours of 6:00 p.m. and 6:00 a.m. (excluding overtime), they may be eligible for an additional payment known as inconvenience pay.

5.12 Standby/On-call

Under the negotiated agreements, the state provides an amount equal to 25% of the daily rate of compensation payable to employees on standby/on-call rosters. An employee whose name and title appears on the standby/on-call roster, who is required to be available for immediate recall and who must be prepared to return to duty within a limited period of time, would be entitled to standby/on-call pay. Employees in Standby/On-Call status may also receive appropriate overtime or recall compensation as provided by law. Additional information on this topic is available from HR.

6. ATTENDANCE RULES

6.1 Basic Work Schedule

As an ITS employee, your attendance is governed by the following:

- Civil Service Attendance Rules (Chapter II of Title 4 of the Codes, Rules and Regulations of the State of New York);

- Negotiated bargaining agreements; and
- Agency policies and procedures.

These rules and policies are available on the Inside Edge or through HR. Highlights are outlined below. Questions should be addressed to an employee's supervisor or to the HR Office:

- **Workweek/Workday**

The basic workweek and workday for all day shift employees is 37.50 hours per week; 7.50 hours per day. An employee may be required to work beyond the hours of the established workday or workweek based on operational need, regardless of overtime eligibility.

- **Agency Official Hours/ Start and End Times**

The official agency hours are 8:30 a.m. to 5:00 p.m. Each business unit is required to maintain adequate staff coverage during these hours. At the request of the employee, and subject to prior supervisory approval, work schedules may begin as early as 7:30 a.m. and stagger at 15 or 30minute intervals thereafter until 9:00 a.m. Work Schedules may end between the hours of 3:30

p.m. and 6:00 p.m. depending on the start time and lunch period selected or assigned. Subject to supervisory approval in certain circumstances, start and end times may vary beyond the referenced hours based on operational needs. When an employee's work schedule has been established, the employee must follow that defined schedule. ITS does not allow for employees to flex, or modify, their defined work schedule without prior supervisory approval.

- **Schedule Changes**

With written notice to an employee's union, schedules and shifts may be changed with the consent of the employee or in an emergency. Such changes may also be made upon 30 days advance notice and consultation with the local president or other appropriate designee of the employee's union and advance notice to the affected employee(s).

- **Lunch Time**

Lunch periods for employees are normally at least one half hour in duration. The employee's supervisor must approve the time and duration that an employee may take their lunch break in order to ensure adequate staff coverage.

6.2 Time Sheets

Agency policy requires that employees must record the time they worked per pay period. An employee's supervisor will show them how to fill out their time sheet in the Agency Leave Accrual and Tracking System (LATS) and how to submit the time sheet for approval. An employee's supervisor must approve their time sheet to certify attendance and eligibility for salary, and LATS must be submitted to HR immediately after the end of the pay period reported.

6.3 **Tardiness**

Tardiness is defined as arriving at work later than the official start time or returning to work later than the end of the scheduled meal period. Frequent or persistent tardiness may result in administrative or disciplinary action.

6.4 **Vacation**

- a. **Vacation/Annual leave accruals.** Employees earn 3.75 hours of annual leave credits each biweekly pay period if they are in full pay status for seven out of ten days in that pay period. New employees are credited with 6.5 vacation days upon completion of thirteen biweekly pay periods of qualifying service. During the first seven years of service, an employee will earn thirteen vacation days each year and additional vacation bonus days on their annual leave anniversary date. After seven years, most employees earn vacation at the rate of 5.75 hours or twenty days per year. Additional vacation bonus days are also available after the completion of fifteen or twenty years of service, depending on an employee's bargaining unit. Upon separation from state service, if eligible, an employee may receive a lump sum payment for accrued and unused vacation credits up to a maximum of thirty days.
- b. **Accumulating vacation days.** If covered by a bargaining unit agreement, an employee may accumulate more than forty days of vacation credit during a fiscal year according to standards specified by the bargaining unit. An employee must reduce their vacation credits to no more than forty days on April 1st of each year. Credits in excess of forty days will be forfeited at that time.
- c. **Accumulating vacation days (M/C employees).** M/C employees may accumulate vacation in excess of forty days as long as all accruals exceeding forty days are liquidated prior to the beginning of business on January 1st of each year. Vacation leave continues to accrue as long as the employee is in State service and is transferable if the employee changes jobs. Upon separation from State service, an employee will be paid for up to thirty days of accumulated vacation credit.
- d. **Minimum time units.** Vacation credits must be used in units of one quarter (1/4) hour or more.
- e. **Prior supervisory approval.** Before an employee can take vacation time, they must have permission from their supervisor.

6.5 **Sick Leave**

- a. **Sick leave.** Sick Leave is a benefit available to an employee to protect from a loss of income in the event of personal illness, visits to a health care provider, and illness or death in the family. Sick leave may also be used by certain employees with disabilities to obtain and train service animals. Sick leave may not be used for additional vacation or personal leave.

- b. **Leave for bereavement or family illness.** Employees shall be allowed to charge absences from work in the event of death or illness in the employee's family against accrued sick leave credits up to a maximum of fifteen days per year. Under the Attendance Rules, the family is defined as any relative or relative-in-law regardless of place of residence, or any person who lives in the employee's household. To use sick leave for family illness, the employee's presence must be medically necessary. Adoption and foster care placement are not considered qualifying conditions for the use of sick leave credits as those situations do not include period of disability associated with childbirth.
- c. **Accumulating sick leave.** Depending on the bargaining unit of an employee, they may accrue thirteen (PEF, CSEA) or eight days (MC) of sick leave per year.
- d. **Notification.** An employee who is absent because of illness is required to call and notify his or her supervisor within two hours of the beginning of the employees' workday. Failure to adhere to established notification procedures may result in an employee being placed in leave without pay, or unauthorized leave status.
- e. **Minimum time units.** Sick leave credits must be used in units of one quarter (1/4) hour or more.
- f. **Satisfactory Medical Documentation.** A supervisor may require an employee to provide satisfactory medical documentation to HRS before they can charge time against accumulated sick leave credits. Subject to terms of an employee's negotiated agreement, satisfactory medical documentation will consist of a signed certification on a health practitioner's stationery or prescription blank, including all of the following:

- (1) a certification that the employee is unable to perform his or her job duties; and
- (2) an estimated or anticipated return to work date.

In addition, if there is a question about the extent of an illness as it relates to the apparent ability to perform the range of duties required of a position, the agency may require them to be examined, at the expense of the Agency, by Employee Health Services of the NYS Department of Civil Service.

- g. **Proof of ability to resume work.** If an employee has been absent due to personal illness, the Agency can require that the employee be examined before returning to work. There will be no charge to the employee. The purpose of this examination is to determine if an employee has recovered sufficiently to be able to perform their job duties, and/or to ensure that a return to duty will not jeopardize the health of the employee or the health of others.
- h. **Retirement credit for sick leave.** Upon retirement, an employee may apply up to a maximum of 200 days of unused sick leave credit toward both health insurance premiums and retirement service credit.
- i. **Sick leave at half pay.** Full time annual salaried employees with permanent status, with the exception of employees designated as M/C employees who are enrolled in the Income Protection

Plan, are eligible for one biweekly pay period of sick leave at half pay for each six months of service, excluding days of leave without pay. Employees who have permanent hold items are considered to be permanent for sick leave at half pay purposes. Temporary employees are not eligible for sick leave at half pay.

6.6 Income Protection Plan

The Income Protection Plan (IPP) is a short and long term disability insurance program for M/C employees that began January 1, 1986. Employees enrolled in IPP earn four days of sick leave every six months on their grant dates for a total of eight days per year. Short Term Disability (STD) benefits begin after 14 calendar days or exhaustion of sick leave credits whichever is longer, and benefits are payable at 50% of gross salary up to a maximum weekly benefit for up to six months from the onset of disability.

Following six months of disability, or the exhaustion of sick leave credits if greater, Long-Term Disability (LTD) benefits commence. LTD benefits are payable at 60% of gross salary up to a maximum monthly benefit for the duration of the disability, but not beyond age 65 or death.

For additional information on IPP benefits, please contact HR.

6.7 Leave Donation

The Leave Donation Program permits employees to donate vacation credits to eligible co-workers. Recipients have usually been absent for extended periods due to personal illness and have exhausted all their leave accruals. Employees who wish to participate in this program, either as a donor or a recipient, should contact HRS for additional information. An employee seeking to be a recipient of leave donation credits should complete a HR-15, Leave Donation Recipient Form. An employee seeking to be a donor in the leave donation program should complete a HR-16, Leave Donation Donor Form.

6.8 Personal Leave

- a. **Personal leave.** Personal leave is leave with pay to cover absences for reasons such as religious observance or personal business. Personal leave may be used for annual leave. The personal leave anniversary date is the day an employee attains coverage under the Attendance Rules. For the majority of employees, the anniversary date is the date of appointment to State Service.
- b. **Personal leave credits.** Employees are credited with five days of personal leave a year. Personal leave is not cumulative. Any unused personal leave expires at the close of business the day before an employee's personal leave anniversary date. Unused personal leave is not liquidated in cash at the time of separation, retirement, or death.
- c. **Use of personal leave.** Personal leave must be approved in advance by the employee's supervisor; however, in extraordinary circumstances, prior approval may not be necessary. Employees may not be required to provide a reason for the use of personal leave. Personal leave requests may be denied due to operating needs. Additional questions on personal leave usage should be referred to HR.

- d. **Transfer rights for personal leave.** If an employee is appointed, promoted, or transferred to another department or agency, their unused personal leave is transferred with them. The anniversary date for purposes of crediting personal leave remains the same.
- e. **Minimum time units.** Personal leave must be used in units of one quarter (1/4) hour or more.

6.9 **Holidays**

As part of the negotiated labor contracts, the State has designated holidays that can be taken as leave without charge to accruals. Annual notification regarding the dates of all State holidays is distributed to all employees.

- a. **Holiday Compensation.** An employee who is required to work on a holiday is given the option once a year of receiving holiday compensation in the form of either holiday leave or holiday pay for time worked on the holiday by making an election on the HR-13, Waiver of Holiday Compensation. This waiver may be executed or revoked annually between April 1 and May 15. An employee may waive holiday pay for all holidays that fall during the period of the waiver but may not do so for an individual holiday.

Holiday compensation for each holiday worked is at the rate of one-tenth (1/10) of the bi-weekly rate of compensation. Holiday leave time is allocated at the rate 7.5 hours. Employees who are required to work Thanksgiving and/or Christmas Day holidays are eligible to receive holiday compensation in the form of holiday pay or holiday leave at the time and one-half rate. However, M/C employees Grade 23 and above are only eligible for holiday leave and may not receive holiday pay.

- b. **Floating Holidays.** The State may designate two holidays as “floating holidays” each year. The floating holiday remains a State workday, with all operations open.
- c. **Use of Holiday Leave and Floating Holidays.** The use of holiday leave and floating holidays is subject to prior supervisory approval, consistent with the operating needs of the agency. Floating holiday leave must be used within the year of its designation or it is forfeited. Employees are not entitled to cash compensation for unused accrued holiday leave upon separation from State employment. Floating holiday accruals and holiday accruals must be taken in no less than one-quarter (1/4) hour increments or must be taken in full day units.
- d. **Special Holiday Benefits.** Certain eligible veterans who have elected to receive holiday pay for work on holidays may also be entitled to a day of holiday leave under Section 63 of the Public Officers law if required to work on Memorial Day and/or Veterans Day or July 4th. Contact HR for additional information.
- e. **Holiday Shift for Certain ITS employees.** For shift employees, ITS policy has designated the “holiday shift” to be the full work shift that begins at 11:00 pm or later on the day before the holiday. A shift

that begins at 11:00 pm or later on the holiday itself will not be considered to be the holiday. This designation is used for purposes of determining eligibility for holiday time and holiday pay.

6.10 Overtime

- a. **Eligibility for overtime.** Overtime may be earned only when it is authorized by an employee's supervisor and only when unusual circumstances make it necessary. Certain titles cannot earn overtime credits. An employee can be directed to work overtime whether or not they are eligible for overtime compensation. Additional information on overtime may be obtained from an employee's supervisor and/or HR.
- b. **Overtime Credit.** Time worked in excess of 37.5 hours during a Thursday through Wednesday workweek is credited as overtime. For overtime eligible employees scheduled to work 37.5 hours per workweek, time worked in excess of 37.5 but not more than 40 hours is credited as non-compensatory overtime. Non-compensatory overtime may be accrued and used at a later date; however, non-compensatory overtime must be liquidated at the end of the fiscal year following the fiscal year in which it is earned. (The New York State fiscal year runs from April to March 31.)

Paid overtime starts at 40 hours. Eligible employees will receive paid overtime at a rate equal to 1.5 times their hourly rate of pay for time worked in excess of 40 hours.

6.11 Leave for Extraordinary Circumstances

Extraordinary circumstances are defined as emergency situations such as severe weather conditions or building conditions which impact on the ability of employees to report to work, or which make it unsafe for employees to remain in the workplace.

- a. **Directed Early Departures.** Supervisors are not authorized to direct early departures or to instruct employees not to report to work. Only the Office of Employee Relations has the authority to direct an early departure for a State agency. Directed early departures generally do not apply to staff designated as essential and apply only to employees present at work at the time the departure is directed. Employees who reported but requested and received supervisory approval to leave work prior to the directed departure, must charge leave credits from the time they left work until the end of their scheduled workday/shift.
- b. **Full day absence.** If an employee is absent for a full day because of severe weather conditions, they must charge this absence to appropriate leave credits, including personal leave. If an ITS employee is designated as an essential staff member, they are expected to make all reasonable efforts to report to work. In rare circumstances, the Civil Service Commission may later suspend the attendance rules to excuse such absences without charge to leave credits. If attendance rules are not officially suspended by the Civil Service Commission, the leave charge stands.

6.12 Voluntary Reduction in Work Schedule (VRWS).

VRWS is a program that allows eligible employees, i.e. annual-salaried CSEA, PEF and M/C employees, to voluntarily trade income for time off. Participating employees may reduce their work schedules (and salaries) a minimum of five percent, in five percent increments, up to a maximum of thirty percent. Voluntary Reduction may take the form of shorter workdays within a normal workweek, shorter workweeks, block(s) of time off, intermittent time off, or any combination thereof. ITS employees seeking a VRWS are encouraged to review the agency's VRWS policy, [ITS-P09-001](#).

An employee interested in requesting VRWS must develop a plan for a reduced work schedule, complete a [HR-34 Voluntary Reduction in Work Schedule Agreement and Schedule \(VRWS\)](#), and submit the agreement and schedule request to their supervisor. The request must be submitted at least two pay periods in advance of the requested start date. The supervisor will review the plan and recommend approval or denial based on the operational need of the office. All requests are forwarded through his or her managerial chain of command to the CXO or CCIO level for review and authorization. Employees who participate in VRWs may not at the same time participate in CWS or TWH.

6.13 Compressed Workweek Schedule Pilot Program (CWS)

CWS is a program that allows eligible non-shift employees to complete the 75 hour bi-weekly pay period in nine days instead of ten. Where operational needs allow and subject to supervisory approval compressed work schedules may be considered for non-shift employees. An employee interested in CWS can obtain the [HR-38 Application for Compressed Work Schedule \(CWS\)](#) form, from HR or from the [Policies](#) page on [ITS Inside Edge](#). This request must be submitted at least two pay periods in advance of the requested start date, so as to provide sufficient time for review and approval of the CWS request. All requests are forwarded through his or her chain of command to the CXO/CCIO level for review and authorization. ITS employees seeking a CWS are encouraged to review the agency's CWS policy, ITS P04-006. Employees who participate in CWS may not at the same time participate in VRW or TWH.

6.14 Temporary Work at Home Schedule (TWH)

TWH is a program that allows eligible employees, subject to operational need and supervisory approval, to temporarily work at home. A work-at home arrangement is a temporary accommodation intended to address a specific personal emergency or short-term medical or health related need of the employee. TWH agreements are not granted routinely and are reviewed and approved on a case-by-case basis. TWH must not be considered as a substitute for home responsibilities such as child or elder care, or other household responsibilities. Employees must make such arrangements for child or elder care, so as not to adversely impact TWH workflow and productivity. Employees are expected to treat the TWH worksite the same as their official work site.

An employee requiring a TWH schedule can obtain the Temporary Work-at-Home Request Form, HR-46, from HR or the Forms page on <https://nysemail.sharepoint.com/sites/myITS/InsideEdge/Pages/Policies.aspx>. The applicant must provide reasonable advance notice sufficient to provide for review and approval of the TWH request. All requests are forwarded through his or her managerial chain of command to the CXO or CCIO level for review and authorization. Employees who participate in TWH may not at the same time participate in CWS or VRW.

6.15 Tele-commuting Pilot Program

Continuation of this pilot program is subject to annual review by the CIO. The program may be re-authorized at the discretion of the CIO so long as the program continues to meet the agency's operational needs.

Where operational needs allow, and subject to supervisory approval, ITS employees may be eligible to participate in the telecommuting pilot program. Telecommuting is not a universal employee benefit, and it is not available for every job or every employee in ITS. Employees are expected to treat the telecommuting work site the same as their official work site. Employees may apply for approval to enter into a formal telecommuting pilot agreement by contacting their supervisor and completing a [Telecommuting Pilot Program Application, Form HR-49](#). ITS employees seeking to participate in the Telecommuting Pilot Program are encouraged to review the agency's [Telecommuting Pilot Program Policy, ITS-P10-003](#).

6.16 Social Leave

Subject to the provisions of section 21.12 C-4 of the New York State Department of Civil Service Leave and Attendance Rules, the Office of the CIO may, in its discretion, authorize ITS employees up to 3.75 hours of release time (time off without charge to accumulated leave credits) to attend an Agency-sponsored or Agency-approved annual holiday party and/or annual picnic.

If authorized, release time will apply only to those events that are sponsored or approved by ITS or one of its host agencies, or events that are jointly sponsored by ITS or one of the host agencies and the CSEA or PEF bargaining units and will be subject to advance supervisory approval.

If release time is authorized, employees may choose to attend an event either with the ITS Central Office, the Host Agency, the respective Host Agency Cluster, or their collective bargaining unit. If an employee chooses to attend more than one event, they must obtain supervisory approval and make the appropriate charge to accrued leave credits to attend the additional events.

Release time may not be granted where the employee's absence would unreasonably interfere with agency operations. Consultant staff are not eligible for paid leave from ITS for attending these events.

6.17 **Workers' Compensation**

- a. **Workers' Compensation.** Workers' compensation provides cash benefits and medical care if an employee becomes disabled because of an injury or illness related to their job. All employees are covered by the Workers' Compensation Law. Supplemental pay and benefits and accidental death benefits may also be available under the terms of an applicable collective bargaining agreement. If death results, benefits are payable to the surviving spouse and dependents of the employee as defined by law. The insurance carrier for New York State is the State Insurance Fund (SIF). For additional information employees should consult the Governor's Office of Employee Relations website at: <https://goer.ny.gov/workers-compensation> or HR.
- b. **Waiting Period.** Employees who are eligible for wage replacement benefits pursuant to the Workers' Compensation Law receive no wage replacements for the first seven calendar days of disability (which is the Workers' Compensation Law waiting period), unless the disability extends beyond 14 calendar days. During this waiting period the employee may charge accruals or be placed on leave without pay. Upon approval of the Workers' Compensation Board, some portion of the accruals may be returned. Absences charged to accruals for work related injuries of less than seven days are generally not returned to the employee.
- c. **Use of leave.** Under Section 71 of the Civil Service Law, total leave, including time at full pay, partial pay or leave without pay, shall not ordinarily be for more than one year. This includes any time during which the employee draws vacation, sick or other leave credits. However, effective July 1, 2008, an employee receiving Workers' Compensation payments for a period of disability found compensable by the Workers' Compensation Board, which is caused by an assault, shall be treated as though on the payroll for the length of the disability not to exceed twenty four
four
(24) months.

6.18 **Family Medical Leave (FMLA)**

FMLA is a federal law that provides eligible employees job-protected unpaid leave or paid leave charged to leave credits for absence from work for qualified medical and family reasons. For detailed information see [ITS Policy ITS-P11-002, Family Medical Leave Act Including Military Leave Entitlement](#).

6.19 **Leave of Absence**

Permanent employees may request and may be granted a leave of absence as specified by Civil Service statutes. These include: maternity and child rearing leave; leaves of absence to accept an

interdepartmental or intradepartmental promotion or transfer (time granted for these leaves varies and is regulated by law and/or labor agreements); and discretionary leave of absence (leave not provided by statute but may be granted at the discretion of the Agency Human Resources Director).

Leave may be granted to temporary or provisional employees in certain situations with the approval of HR and the Bureau of Staffing Services, Department of Civil Service.

6.20 Military Leave

State employees are covered under New York State Military Law and Federal Military Law. Employees entering active military service are entitled to a leave of absence without pay. Employees have certain reinstatement rights upon completing military service. Under Section 242 of the New York State Military Law, reservists and National Guard members are entitled to military leave with pay for up to 30 calendar days or 22 workdays – whichever provides the greater benefit – for ordered military duty in a calendar year or a continuous period of absence that spans more than one calendar year. Employees are expected to notify their agencies as soon as possible regarding their need for military leave. A copy of the employee's military orders is required. Employees receiving military leave with pay may also be required to provide a copy of their Leave and Earnings Statement or other evidence confirming the actual performance of military duty. For additional information on Military Leave and the special benefits associated with this status, employees should contact HR.

6.21 Other Leaves

- a. **Witness subpoena or jury duty.** When an employee is served a subpoena to appear as a witness in a court action, or if they receive a court order to appear for jury duty, the employee must provide notification to their supervisor prior to absence. Employees are entitled to a paid leave of absence including travel time for time actually spent in court or the jury panel room provided the employee is not a party to the action. Employees are required to submit a record of jury duty attendance from the court for each individual day of attendance. Employees are required to report for duty in their agencies at all times when their attendance for court appearance or jury duty is not required. To the extent practicable and upon request, shift employees are entitled to have their shift changed to normal day shift for the duration of jury duty. For more information on jury duty, please contact HR.
- b. **Civil Service opportunities.** An employee is entitled to leave without charge to credits in order to seek job opportunities under the Civil Service system in the following situations:
 - **Civil Service exams:** Taking any New York State Civil Service promotion or open competitive examination for a State position (including written, oral, physical and performance examinations). Excused time is limited to the time necessary to travel to the exam site, take the exam, and to get back to an employee's job location.
 - **Job interviews from lists:** Being interviewed for a position when an employee is on an eligible list for State positions.

- **Promotional interviews:** Being interviewed for an interdepartmental or departmental promotion.
- **Transfer interviews:** Being interviewed for an interdepartmental or departmental transfer where an employee has been invited to be interviewed.

However, employee-initiated interviews must be charged to leave accruals other than sick leave credits. An employee is deemed to have initiated an interview if the interview is:

- the result of a phone inquiry made by the employee;
- an unsolicited resume submitted by the employee; or
- a response to a posting (Statejobsny, etc.).

7. EMPLOYEE BENEFITS

7.1 Health Insurance

New York State offers a comprehensive health insurance program for its employees and their families. There are several health plans to choose from. Booklets explaining the different plans are available from HR or from the Department of Civil Service website at <https://www.cs.ny.gov/employee-benefits/login/>.

7.2 Dental and Vision Benefits

Employees are provided dental and vision care through either a union Employee Benefits Fund or a state-administered program. Eligibility and waiting periods for these plans and the benefits provided vary. An employee should contact their union representative or BSC for assistance with the specific information on the benefits available to them.

7.3 Life Insurance

A group term life insurance plan is available for state employees designated Management/Confidential (M/C). M/C employees should contact HRS for additional information on eligibility, costs, and benefits. Employees represented by one of the public employee unions should contact their union representative for information on the various Life, Disability and other insurance programs available to members of that bargaining unit.

7.4 Retirement

- a. **Tier Status.** The New York State and Local Employees' Retirement System (ERS) is organized in tiers. Tiers are assigned to employees based on the date they first join the retirement system and determine what retirement benefits an employee is eligible for.

Membership in the ERS is mandatory for all permanent full-time employees. If a part-time or temporary employee, membership is optional.

- b. **Retirement age and benefits.** The minimum retirement age and the payment benefits depend on the "tier" to which the employee belongs in the retirement system.
- c. **Additional Information from the ERS.** For more information on the various tiers, Disability Retirement, Death Benefits, and Survivor Benefits, employees are urged to consult the Employees Retirement System website at: www.osc.state.ny.us/retire.

7.5 Unemployment Insurance

If an employee becomes unemployed, they may be eligible for unemployment insurance. Additional information on unemployment insurance, including eligibility requirements, may be obtained through the NYS Department of Labor website at: www.labor.ny.gov/unemploymentassistance.

7.6 Training Courses

A strategic goal of ITS is to build and retain a talented workforce. To ensure we broaden employee skills and increase proficiency in the workplace, ITS sets a goal that all employees complete a minimum of 37.5 hours of training per calendar year. The 37.5 hours of training can be completed through a variety of methods, which includes: instructor-led courses; using the Statewide Learning Management System (SLMS); eLearnNY and Empire Knowledge bank online training modules; and attending training sessions sponsored or approved by ITS.

Further, each employee is required to complete mandatory courses identified by ITS. Credit hours attained by completing the mandatory training course(s) may be used to satisfy ITS' training goal of a minimum of 37.5 hours of training per calendar year. A list of mandatory training for all ITS employees is available in the training section on Inside Edge.

8. EMPLOYEE ASSISTANCE PROGRAM (EAP)

8.1 Purpose

The Employee Assistance Program (EAP) is a free, voluntary, and confidential assessment and referral service designed to help employees and their families resolve work-related and personal problems. Some of the issues EAP can help with include financial, legal, personal and work relationships, alcohol and drugs, stress, conflict and anger, gambling, retirement, eldercare, parenting and childcare, grief, depression or other mental health issues, illness and disability, domestic violence, life changes, and work and life balance.

8.2 EAP Availability

Employee assistance services are available through Central Office and at field offices and facilities to help identify problems as early as possible, encourage employees to seek help, and guide employees to

the best available sources of assistance. Supervisors are encouraged to contact an [EAP Coordinator](#) to discuss work performance issues that may indicate a possible referral to EAP.

8.3 Participation

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. In accordance with Federal regulations (42 CFR Part 2), clinical information is kept in separate, locked files marked "confidential information."

9. AFFIRMATIVE ACTION POLICY STATEMENT

It is the policy of ITS to provide for and promote equal employment opportunity in employment compensation and other terms and conditions of employment without discrimination based on race, color, national origin, creed/religion, age, disability, military status, arrest/criminal conviction record, marital/familial status, predisposing genetic characteristics, pregnancy and related conditions, domestic violence victim status, gender/sex, sexual harassment, sexual orientation, gender identity, and/or retaliation.

Accordingly, ITS is committed to assuring equal employment opportunity and equal access to services, programs and activities for individuals with disabilities. The policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, job application process, examination and testing, hiring, training, disciplinary actions, rate of pay or other compensation, advancement, classification, transfer, reassignment and promotions.

10. SEXUAL HARASSMENT PREVENTION POLICY

Sexual harassment in the workplace is not merely an offensive working condition; it is against the law and is a violation of Section 703 Title VII of the Civil Rights Act of 1964 as amended, and the New York State Human Rights Law. It is the policy of ITS to maintain a workplace environment free from sexual harassment. Any employee who knowingly engages in sexual harassment of anyone in the workplace will be in violation of this policy and subject to appropriate disciplinary action, and referral to the Inspector General's Office or law enforcement personnel, as appropriate. Additionally, retaliation against anyone who has filed a sexual harassment complaint is unlawful. Employees who engage in such retaliation are also in violation of this policy and are subject to appropriate disciplinary action and referral to the Inspector General's Office or law enforcement personnel, as appropriate.

If an employee is threatened, observes threatening behavior, or hears or otherwise learns about threatening behavior, the employee is encouraged to report it to a supervisor or dial 911 if the threat of harm or injury is serious and/or immediate.

All ITS employees are required to take the mandatory Sexual Harassment Prevention training. If an employee believes they are a victim of sexual harassment, or if an employee observes sexual harassment, they are encouraged to immediately report it. If the employee is comfortable in approaching the person causing the problem, they are encouraged to do so, however, you are still encouraged to report the incident. If the employee is not comfortable approaching that person, they should report the incident to an appropriate supervisor in their reporting structure or to the Office of Employee Relations (OER) Anti Discrimination Investigation Division.

The [NYS Employee Discrimination Complaint Form](#) should be used to report an incident of sexual harassment. The complaint must be filed promptly following the alleged sexual harassment or the date on which the complainant first knew or reasonably should have known of such act if the date is later.

For additional information, employees are encouraged to review ITS P04-001, Sexual Harassment Prevention Policy.

11. WORKPLACE VIOLENCE PREVENTION POLICY

ITS is committed to the safety and security of our employees. Any physical assault, threatening behavior, or verbal abuse that occurs during the performance of any work-related duty or in the course of an individual's employment may be considered "Workplace Violence." Threats, threatening behavior, or acts of violence will not be tolerated. All incidents will be thoroughly investigated and appropriate action will be taken. Any person who makes threats, exhibits threatening behavior, or engages in violent acts may in

accordance with applicable law and collective bargaining agreements be removed from the work site and may be subject to disciplinary action and/or referral to law enforcement personnel.

ITS personnel are responsible for notifying the appropriate authorities or contact person of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. The HR-47, Workplace Violence Incident Report Form, should be used to report any incident of Workplace Violence.

Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice. This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

If an employee is threatened, observes threatening behavior, or hears or otherwise learns about threatening behavior, the employee is encouraged to report it to a supervisor or dial 911 if the threat of harm or injury is serious and/or immediate.

Annual workplace violence prevention awareness training is mandatory for all ITS employees and is available at any time online through eLearnNY. For additional information, employees are encouraged to review ITS P10-005, *Workplace Violence and Prevention Program*.

12. REASONABLE ACCOMMODATION

It is the policy of ITS to provide reasonable accommodation(s) to a qualified person with a disability to enable him/her to perform the essential functions of a State government position for which he or she is applying or in which he or she is employed. The process through which an employee may seek a reasonable accommodation is set forth in ITS Policy ITS P03-004. Employees seeking a reasonable accommodation must use HR-35, *Request for Reasonable Accommodation*, to make such a request. ITS's Reasonable Accommodation Policy and Request Form may be found on the ITS intranet site, or by contacting HR.

ITS may seek third party confirmation that an accommodation is needed by a requesting ITS employee by requiring the employee to submit supporting documentation and/or require that the employee undergo a medical examination to identify the individual's functional limitations to support the request.

13. FRAUD, WASTE & ABUSE

ITS is interested in information pertaining to fraud, waste, abuse, or mismanagement of Agency funds or resources including information regarding vendors or consultants who receive ITS funds. ITS takes these concerns very seriously. Allegations of fraud, waste or abuse should be sent to the ITS Director of Internal Audit.

Once an allegation of fraud, waste, or abuse is received, ITS will conduct a preliminary assessment. If the information is substantiated, ITS will either commence an audit or review or forward your information to a more appropriate agency or law enforcement authority.

Individuals who wish to forward information regarding fraud, waste or abuse may do so anonymously. Contact information (name, address, e-mail, phone number) will be kept confidential. An anonymous complainant may not receive a response nor any further contact from ITS.

14. INFORMATION SECURITY

14.1 Compliance with Law and Policy

All ITS employees must comply with ITS Acceptable Use and Security/Risk Management policies, and comply with all relevant laws, rules, and Executive Orders.

In addition, ITS requires that all employees complete the mandatory Information Security training programs currently available through SLMS <https://nyslearn.ny.gov/>

14.2 Confidentiality and Data and Security

The privacy and security of data and information stored, obtained and/or processed by ITS is paramount to its mission. Unauthorized access or disclosure of this information or data is strictly prohibited. No employee of ITS shall divulge either information regarding, or methods of accessing information or data to anyone not authorized by ITS to obtain such information or data.

ITS employees are responsible for securing the agency's information and the technology that facilitates its use. Every staff member with access to information or technology resources is responsible for compliance with all security measures as a condition of being granted such access.

14.3 Preservation of Assets

New York State's Information Technology (IT) assets can be broken into two categories: physical assets and information. Physical assets are tangible items, including but not limited to workstations, computer print outs, documents, memory drives, servers etc. Information assets are intangible, including but not limited to, passwords, software, data, internal or retained knowledge about internal matters, emails and

Other electronic content, etc. ITS employees must protect both types of assets and are responsible for the preservation and protection of New York State's IT assets by following all password, protection, confidentiality, and disposal requirements.

14.4 *Appropriate Access*

ITS employees may access only systems and information for which they have been authorized, for official business purposes. All unauthorized use of or access to systems is prohibited.

14.5 *Use of Internet/Telephone/VOIP*

Any personal use of ITS internet access, telephone or VOIP should, consistent with the requirements of *Executive Order No. 7*, be limited in amount and duration and should not conflict with the proper performance of one's official duties or ITS operations.

Personal use is subordinate to ITS business needs and must not interfere with the conduct of official business or interfere with or disrupt ITS systems, network users, services or equipment. Where not specifically authorized, long distance communication is prohibited.

14.6 *Use of ITS Email Systems*

Only ITS approved e-mail products shall be used for sending and receiving business e-mails. Use of commercial e-mail systems or Internet service providers (e.g., gmail, Yahoo mail) for business e-mails is prohibited. E-mails from ITS employees are visible representations of New York State.

Email may contain your official ITS contact information, the ITS confidentiality statement, the ITS mission statement or other official information specifically authorized for ITS business use. ITS employees should not employ the use of unofficial salutations including tag lines, end notes, footers, images and other unofficial statements or salutations in official ITS business email communications.

14.7 *Contacts with the Media*

If any person from a media outlet (newspaper, magazine, radio, television) or research firm contacts an ITS employee in his or her official capacity for information, the employee must refer the call to the ITS Public Information Officer (PIO), even if the employee knows the information. The PIO may contact staff for information to respond to an inquiry. All employees should assist the PIO in providing prompt, accurate information.

14.8 *Public Speaking Engagements and Presentations*

An ITS employee who is invited to speak or make a presentation outside ITS in the employee's official ITS capacity must first request prior written approval at least two weeks prior to the event date by completing a Speaking Engagement Request Form and submitting it to the PIO for approval and including a copy of the presentation or related speaking points.

ITS employees must follow this process before they accept invitations to speak at any event in their official capacity. For further information, please review ITS P10- 002, *Public Speaking Engagements and External Presentations*.

14.9 Use of Social Media

ITS employees while on duty, acting in their official capacity or conducting state business must abide by ITS *Acceptable Use Policy* and NYS-P11-001 with regard to the use of Web 2.0 technology, Social Networking and other Social Media. Only users authorized by the Public Information Officer (PIO) may post on behalf of ITS or represent ITS on social media in any way. ITS employees who use social media in their personal capacities, as private citizens, may not use social media or the content posted thereinto represent ITS in their official capacity.

14.10 Use of Personal Electronic Devices

ITS employees are permitted to use their own personal electronic devices for official ITS business provided that access and storage of New York State data is in full compliance with ITS Acceptable Use and Security policies, ITS Enterprise technical standards and ITS mobile/personal device technical standards and policies.

ITS employees are permitted to use their own personal electronic devices for incidental and necessary personal purposes provided that such personal use is limited in amount and duration and does not conflict with the proper exercise of their duties.

Personal use is subordinate to ITS business needs and must not interfere with the conduct of official business or interfere with or disrupt ITS systems, network users, services or equipment.

15. FINGERPRINTING/ BACKGROUND INVESTIGATION

ITS is committed to maintaining the security and integrity of the State assets, including but not limited to the State's Data Center(s), infrastructure, applications, data and associated operations and maintaining the security and integrity of such State assets in a manner which does not compromise operations; compromise the health and safety of individuals or the general public; pose an unreasonable risk to property, physical or intangible; or pose an unreasonable risk of the State violating any contractual or otherwise legal obligation. ITS is also dedicated to safeguarding and protecting members of the public, including its employees, from unwarranted invasion of privacy by the misuse of material obtained from or through State assets. ITS will take all reasonable and necessary steps to insure that persons hired to work at ITS have not previously engaged in any act in violation of any law which could compromise operations; compromise the health and safety of individuals or the general public; pose an unreasonable risk to property, physical or intangible; or pose an unreasonable risk of the State violating any contractual or otherwise legal obligation. Every prospective ITS employee shall submit identifying information and be fingerprinted consistent with New York State Civil Service Law and applicable employee organization

agreements and associated processes. All such employees shall pay the fee for processing such fingerprinting processes, subject to waiver by ITS.

Consistent with Article 23-A of the Correction Law, ITS will not deny or adversely act upon an application of employment of an individual whose background check reveals a previous conviction(s). However, ITS may deny employment to an individual with a previous conviction where there is a direct relationship between one or more of the previous convictions and the specific employment sought, or where granting employment could compromise the health and safety of individuals and/or the general public or pose an unreasonable risk of harm to State physical or intangible property or assets. ITS may consider the relationship of the nature of the offense to the position sought, seriousness of the offense, circumstances under which the offense was committed, individual's age at the time of the offense, number of criminal convictions, evidence of rehabilitation, employment experience, and any other factors which ITS deems relevant to determine whether the individual and the nature and circumstances of the criminal offense could compromise the health and safety of individuals and/or the general public, pose an unreasonable risk of harm to State physical or intangible property or assets, or pose an unreasonable risk of the State violating any contractual or other legal obligation.

ITS shall maintain the confidentiality of information and records that are collected and maintained with regard to each fingerprinted individual.

16. EQUIPMENT AND SUPPLIES

16.1 *Agency Equipment and Supplies*

All State equipment and supplies are provided for business use. Equipment, supplies, heat, electricity and water, are to be carefully conserved in all offices and facilities. Do not use more supplies or materials than needed.

Consistent with Article 33 of the collective bargaining agreements, an employee may be disciplined for misuse of or damage to State equipment. Penalties sought may include restitution for the value of damaged equipment. Employees must immediately report the loss of State-owned equipment issued to them to their supervisor, in writing.

16.2 *ITS Identification Card*

All ITS employees will be provided a photograph identification/security access card upon initial assignment. This ID card must be carried when on duty and used only on Agency business. In Central Office and in certain other locations, an employee may be required to wear ID tags or cards in accordance with Agency or facility policy. Employees must report a lost card as soon as possible. The initial replacement card will be issued at no cost to the employee. For subsequent replacement cards, employees may be charged a reasonable fee to cover the cost of replacement.

16.3 Stationery

ITS employees may not misrepresent their official status to any person, official agency, bureau or legally constituted public body. To this end, ITS official stationery shall be used for official business only.

17. CLUSTER / HOST AGENCY SPECIFIC WORK RULES

ITS employees who work at ITS host agencies may be subject to additional host agency specific work rules identified below.

17.1 Enterprise ITS & Finance, Regulation and Gaming Cluster

- a. **Prohibition on Lottery Tickets.** No Lottery ticket shall be sold to or purchased by, and no Lottery prize shall be paid to any employee of ITS whose duties directly relate to the operation of the State Lottery. Further, no Lottery ticket shall be sold to or purchased by, and no Lottery prize shall be paid to, any spouse, child, brother, sister or parent who resides as a member of the same household in the principal place of abode as an ITS employee whose duties directly relate to the operation of the State Lottery. ITS shall notify employees affected by this section that this prohibition applies to them and shall also maintain and provide the list of prohibited employees to the NYS Gaming Commission at least once every calendar year.
- b. **Prohibition on Racing and Wagering.** ITS employees whose duties directly relate to the operation of the New York State Gaming Commission will not be allowed to wager on any gaming activity regulated by the State including all lottery games (including multi-state games like Powerball and Mega Millions), horse racing, bingo, pull-tabs and games of chance (including raffles) conducted by charitable organizations, Indian gaming activities and off-track betting. ITS shall notify employees affected by this section that this prohibition applies to them.

17.2 Environment & Energy Cluster / Public Service Commission: Prohibition on Ownership & Employment

ITS employees whose duties directly relate to the operation of the Department of Public Service and the Public Service Commission shall not hold stocks or bonds in any corporation subject to the Public Service Commission's supervision, nor solicit employment from a company subject to the Public Service Commission's supervision, or divulge confidential information as required by Public Service Law Sections 9 and 15. ITS shall notify employees affected by this section that this prohibition applies to them.

17.3 Health, Behavioral Health, Health and Human Services Clusters: Requirement to Maintain Eligibility for Medicare and Medicaid

All ITS employees whose duties directly relate to the operation of host agencies situated in the Health and Human Services, Behavioral Health, and Health and Human Services Cluster must not be on the List of Excluded Individuals and Entities (LEIE) by reason of a failure to maintain eligibility for participation in the Medicare and Medicaid programs. ITS shall notify employees affected by this section that this prohibition applies to them.

18. DISCIPLINE AND GRIEVANCES

18.1 Violation of Work Rules

Violations of any of the above work rules may result in disciplinary action and/or other penalties as prescribed by law.

18.2 Disciplinary Process

ITS employees who are subjects of possible disciplinary action will be treated in accordance with applicable provisions of the Civil Service Law and negotiated labor agreements as appropriate.

- a. Civil Service Law Section 75 and Article 33 of the collective bargaining agreements set forth a mechanism and procedural steps for employee disciplinary matters.
- b. Disciplinary grievances pursuant to Article 33 must be filed within 14 days of receipt of a Notice of Discipline.

18.3 Contract Grievance Process

- a) Contract Grievance Process: All employees have a right to present a grievance free from interference, coercion, restraint, discrimination, or reprisal. Article 34 of the current negotiated agreements between the State and the Civil Service Employees Association (CSEA) and the Public Employees Federation (PEF) provide a mechanism and set forth procedural steps for filing contract and non-contract grievances. (Article 33 sets forth procedures for disciplinary grievances).

Executive Order 42 and accompanying rules and regulations specify grievable matters and define grievance procedures for Management/Confidential employees.

- b) Grievances pursuant to this section must be filed within 30 days of the act or omission that gave rise to the grievance.

18.4 Other Grievances Processes

Other types of grievances may require different procedures and employ different timeframes. Employees are encouraged to consult with HR or their union representative before filing a grievance.

19. CONTINUITY OF OPERATIONS PLAN FOR A STATE DISASTER EMERGENCY INVOLVING A COMMUNICABLE DISEASE

To ensure the continuation of services provided by the State of New York and the health and safety of the public sector workforce, each New York State agency and authority prepared a plan for the continuation of operations in the event that the Governor declares a state disaster emergency involving a communicable disease. These plans were finalized and posted by April 1, 2021.

Applicable agencies and authorities must remain prepared for future disasters involving a communicable disease. This includes maintaining an up-to-date plan that must be reviewed and updated as necessary and reposted annually in May with the most recent date clearly marked. These plans must be posted in (1) a clear and conspicuous location (e.g., bulletin boards or other similar location where employees normally view information posted by the employer), (2) in their employee handbook if they have one, and (3) on either their intranet or internet website.

Continuity of Operations Plan for a Disaster Emergency Involving a Communicable Disease

Individual(s) Responsible for Maintaining this Plan:

Aneela Shaffeeullah

Assistant Director of Administration

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(518) 408-2140

Statutory Elements of the Plan:

A list and description of the types of positions considered essential in the event of a state-ordered reduction of in-person workforce.

"Essential" shall refer to a designation made by the employer that an employee is required to be physically present at a worksite to perform their job. Such designation may be changed at any time in the sole discretion of the employer.

A description of protocols the employer will follow for non-essential employees to telecommute including, but not limited to, facilitating or requesting the procurement, distribution, downloading and installation of any needed technology, including software, data, and the transferring of office phone lines to work or personal cell phones as practicable or applicable to the workplace, and any devices.

"Non-essential" shall refer to a designation made by the employer that an employee is not required to be physically present at a work site to perform their job. Such designation may be changed at any time in the sole discretion of the employer.

A description of how the employer will, to the extent possible, stagger work shifts of essential employees in order to reduce overcrowding on public transportation systems and at worksites.

A description of the protocol that the employer will implement in order to procure the appropriate personal protective equipment for essential employees, based upon the various tasks and needs of such employees, in a quantity sufficient to provide personal protective equipment to each essential employee during any given work shift. Such description shall also include a plan for storage of such equipment to prevent degradation and permit immediate access in the event of an emergency declaration.

A description of the protocol in the event an employee is exposed to a known case of the communicable disease that is the subject of the state disaster emergency, exhibits symptoms of such disease, or tests positive for such disease in order to prevent the spread or contraction of such disease in the workplace. Such protocol shall also detail actions to be taken to immediately and thoroughly disinfect the work area of any employee known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee may have touched, and the employer policy on available leave in the event of the need of an employee to receive testing, treatment, isolation, or quarantine. Such protocol shall not involve any action that would violate any existing federal, state, or local law, including regarding sick leave or health information privacy.

A protocol for documenting hours and work locations, including off-site visits, for essential employees. Such protocol shall be designed only to aid in tracking of the disease and to identify the population of exposed employees in order to facilitate the provision of any benefits which may be available to certain employees on that basis.

A protocol for how the public employer will work with such employer's locality to identify sites for emergency housing for essential employees in order to further contain the spread of the communicable disease that is the subject of the declared emergency, to the extent applicable to the needs of the workplace.

Any other public health requirements determined by the New York State Department of Health (DOH) that are designed to reduce transmission of infectious diseases, such as face coverings, contact tracing, diagnostic testing, social distancing, hand and respiratory hygiene, and cleaning and disinfection protocols.

A. Essential Personnel

Essential employees for this plan refer to ITS-designated personnel who are required to be physically present at a worksite to perform their job. Such designation may be changed at any time with the sole discretion of the Chief Information Officer or their designee.

Essential employees include individuals who support vital agency operations, an emergency response, critical applications, critical client agency operations, data center operations, and cyber security.

Essential employee positions may include and are not limited to:

- ITS Executive Leadership (Chief Information Officer, Deputy Chief Information Officer for Operations, Deputy Chief Information Officer for Technology/Chief Technology Officer, Chief General Counsel, Chief Information Security Officer, Chief Portfolio Officer, Chief Financial Officer, Chief Communications Officer)
- State Data Center Operations Team
- Emergency Management Operations/Disaster Recovery Team
- ITS Technology Operations (State Data Center Operations, Platforms, Data Center Network, Telecommunications)
- Workplace Services and End User Services Teams (as necessary)
- Client Agency Services Teams (in support of Application Operations, Field Services, Business Solutions, Client Services and Support, Endpoint Services, Application Operations,

Customer Relationship Management, Geographic Information Services, Enterprise Application Services)

- Agency Administration Team (Administration, Finance, Facilities)

B. Telecommuting

In the event of a future state disaster emergency involving a communicable disease, the agency/authority may receive direction from the Office of Employee Relations (OER) on the rules and guidelines applicable to telecommuting but may take steps in order to implement and operationalize any telecommuting program, where applicable, for the agency/authority. For the COVID-19 pandemic, OER established a Statewide, uniform, pilot telecommuting program which outlines how agencies/authorities manage telecommuting.

Agencies shall periodically assess their technology needs for telecommuting in consultation with the Office of Information Technology Services (ITS) to ensure that appropriate information technology resources are available.

- Protocol for telecommuting:
 - During a communicable disease, the Office of Employee Relations (OER) will establish a Statewide, uniform, pilot telecommuting program which outlines how agencies/authorities manage telecommuting. ITS will receive direction from OER on the rules and guidelines applicable to telecommuting but will take these steps in order to implement and operationalize any telecommuting program, where applicable.
 - Pending such a directive from OER, ITS personnel will follow the process set forth in the [ITS internal policy ITS-P10-003, Telecommuting Pilot Program \(Telecommuting Policy\)](#). The activation of this COOP does not alter the process for personnel to submit and receive approved telecommuting applications from management.
 - ITS will periodically assess its technology needs for telecommuting and work to ensure that appropriate information technology resources are available.
 - Additional information and resources for telecommuting employees are available on the Working Remotely page of the ITS public-facing website: <https://its.ny.gov/working-remotely>.
- Protocol for procurement, distribution, downloading and installation of needed technology:
 - If there is a need for the deployment of technology resources due to the communicable disease disaster emergency, ITS and other State agencies will utilize New York Responds to alert ITS and other impacted State agencies. ITS personnel, in addition to personnel at all ITS-hosted agencies, will utilize the ITSM Service Now Self Service Portal <https://nysitsm2.service-now.com/sp> to submit standard hardware and software requests. ITS Workplace Services will “push” needed software to the device. Workplace services will arrange the receipt of needed hardware by the user, following whatever situational protocols are necessary for such a transaction based on the guidelines at that time from the Center for Disease Control (“CDC”) or the New York State Department of Health (“DOH”). To assist clients working remotely to the greatest extent possible, Workplace Services will schedule remote support appointments and in-person service and site visits to State facilities when necessary. Employees can locate additional information and resources at the ITS.ny.gov Working Remotely website: <https://its.ny.gov/working-remotely>.
 - ITS will follow the internal ITS policy, [ITS-P18-007, Mobile Device Provisioning, Deprovisioning, and Replacement \(Mobile Device Policy\)](#), for the deployment of mobile devices to individuals. To deploy items to a site in support of other state agencies, personnel will follow the ITS Emergency Management Operations Plan. Note: agencies utilize New York Responds to alert the State and ITS of an urgent need for rapid deployment of resources.

- ITS will follow the internal ITS policy, [ITS-P17-011, Procurement \(Procurement Policy\)](#), regarding the normal procurement process. If an emergency situation arises, State Finance Law also permits certain emergency procurement activity in a Governor-declared disaster. ITS personnel will coordinate with the Vendor Sourcing and Management Organization (formerly the Procurement and Contract Support Office) and Division of Legal Affairs (DLA) to ensure ITS emergency contracts are written in accordance with NYS requirements.
- Protocol for phone coverage and transfer of office phone lines to work or personal cell phones.
 - NYS ITS operates a Cisco Unified Communications Domain Manager giving the ability for all VoIP users to forward office calls to a work cell phone or personal/home device. Sign on and update instructions can be emailed to all users, who sign on using ITS credentials. Additional information and guides are available: <https://its.ny.gov/telecommunications>.

C. Work Shifts/Schedules

ITS adjusts work schedules for essential employees according to the needs of the emergency response to include Stand By, On Call, Extended days, Overtime, Overnights. Other essential employees will be directed to work as the job requirement dictates. Individuals scheduled to support a Statewide Emergency Response will have schedules set based on the information technology service needs established from the Executive Chamber or Incident Commanders at the Emergency Command Center(s), with an understanding that 24/7/365 coverage may be required. In the event a work schedule needs to be adjusted outside of emergent needs ITS will provide notice consistent with labor contract requirements.

For employees who are not essential as defined in this plan, in order to limit density and ensure social distancing, managers are authorized to consider voluntary reduced work schedules, alternate work schedules, telecommuting and compressed work schedules to stagger employees' on-site presence, as well as arrival and departure times. These decisions are at the discretion of management, through utilization of floor plans, workplace census figures, and regular communication with their employees in reference to their safety.

Requests for alternative work arrangements will be reviewed by the agency in accordance with all applicable state and federal laws, rules, regulations, and policies. ITS employees that require a reasonable accommodation (RA) due to increased risk of complications related to a communicable disease will follow the agency's standard RA procedures. For information and questions on how to submit an RA employees should reach out to administration@its.ny.gov.

Clients of ITS are accustomed to visiting ITS to make inquiries or conduct business at various hosted locations where ITS staff are stationed. In accordance with public health guidelines or restrictions related to a communicable disease, walk-ups or walk-ins may no longer be permitted. To help ITS reduce density and potential risk, clients will now be required to schedule an appointment for services by contacting the ITS Service Desk via phone at (844) 891-1786, email at fixit@its.ny.gov, or self-service via the IT Service Management System (ITSM) at https://nysitsm2.service-now.com/sp?id=sc_home_nys. All individuals will complete a screening for the communicable disease-related symptoms before they are allowed on site. All clients and outside vendors are required to have their own personal protection equipment and to utilize it while on site. Any additional requirements as determined by the CDC, OSHA or DOH will be clearly communicated to affected individuals as soon as possible and prior to any visits.

ITS will follow all physical/social distancing requirements set forth for the specific communicable disease emergency as determined by NYS DOH. Through the use of the ITS Communications Office emails, conspicuous postings, and consistent wording with official guidelines, the agency will promote physical/social distance requirements. ITS will follow CDC, OSHA and DOH's established safe social distance based on the communicable disease at issue, and that distance will be practiced

by all ITS employees or contractors working in an office setting or field site. If the established safe social distance cannot be maintained, at minimum, face masks covering both the mouth and nose are required, as well as other PPE as prescribed by DOH, CDC, and OSHA.

ITS teams and emergency responders may need to work closely and in situations that may not readily allow for the requisite social distance set for mitigating risk of transmission of the communicable disease. For example, instances of IT service support, IT repair, installation, individual presence in an emergency command center, conducting a site survey or providing emergency operations center support are common situations that ITS personnel may face. As a result, ITS Workplace Services, Site Services, Portfolio Solutions staff and other designated support teams located throughout the state will provide support to clients remotely to the greatest extent possible, using scheduled remote appointments; in-person service at State facilities and site visits will occur only when necessary.

ITS Site Services teams who are required to install technical solutions at various sites across the state (e.g., wi-fi systems, cabling/network, etc.) and at times may be required to work in close physical proximity to complete work, will be required to use appropriate PPE, hand hygiene, observe social distancing requirements to the extent possible, and sanitize equipment after installation and/or retrieval. These teams will continue to implement these practices during any initial return-to-work phase and will operate on a rotational basis to further reduce population density and the need for direct contact during the communicable disease emergency.

If ITS technical support is required onsite in a healthcare setting for desktop or other computer/technical service, all necessary PPE must be worn as required by the medical and health care agency policy. Whenever possible, ITS will coordinate with the health care facility to schedule the technical support when a room or space is vacated or when there is a time period for minimal public interaction.

ITS support required for medical workstations on wheels/carts (WOW/COWS), will be performed at a central facility location away from other health care professionals providing treatment to the public. In some healthcare locations, ITS will have a spare WOW/COWS device near clinical departments to use in the event of a failure. ITS support can don appropriate PPE, retrieve the failed cart, handle the repair and then return the spare.

For elevators, stairwells, escalators, and restrooms: ITS will work with facilities management to limit capacity in accordance with DOH requirements concerning total occupancy, where appropriate, and will require appropriate PPE as set forth by DOH when such areas are used by more than one employee at a time. ITS will also ensure availability of hygiene stations. ITS Facilities will ensure that signage is posted advising employees of occupancy restrictions in coordination with OGS.

For conference rooms/enclaves: While ITS will encourage the use of video conferencing or other conference platforms, any in-person meetings will be held in open, well-ventilated spaces where individuals can maintain appropriate social distance (based on DOH guidelines) between one another, and participants will don appropriate PPE. The shared surfaces should be disinfected between uses. ITS will limit room occupancy and require PPE in accordance with DOH requirements. ITS will also ensure availability of hygiene stations. ITS Facilities in coordination with OGS will ensure that signage is posted advising employees of occupancy restrictions.

For vehicles: For employees utilizing fleet vehicles or rental vehicles supplies will be provided to disinfect/ clean vehicles between uses. Occupancy within the vehicle should be limited as much as possible. Employees traveling with 1 or more passengers will be required to wear appropriate PPE within the vehicle at all times. An amount of PPE and disinfectant/ cleaners appropriate for the duration of the trip will be provided to the employee.

At State-owned locations, OGS Building Management teams will clean common areas such as lobbies, restrooms and elevators throughout the workday following Department of Health guidelines established in response to the communicable disease and as described in the any statewide guidelines issued. ITS will provide approved cleaning products for individual business unit use on shared equipment such as copiers, printers, etc. For other properties, ITS will require adherence to

hygiene and sanitation requirements from the CDC and DOH.

ITS personnel in hosted agencies will follow the host's protocol. Employees at location of hosted agencies, employees should be provided with pandemic plans for the host agency and ITS.

D. Personal Protective Equipment

Based on the protocols set by DOH, CDC, and OSHA during a communicable disease emergency, ITS will identify necessary PPE for essential employees based upon their various tasks and needs, and will obtain the requisite PPE for its personnel utilizing either the NY Responds request system or coordinating procurement with the Office of General Services ("OGS"). ITS will request a sufficient quantity of PPE to provide each essential employee during any given work shift the PPE necessary. As ITS receives PPE orders, it will be inventoried and stored in a secure, temperature-controlled room and then allocated to specific sites as necessary.

Plans adhere to the requirements and recommendations from the Occupational Safety and Health Administration (OSHA), Center for Disease Control (CDC), National Institute on Safety and Health (NIOSH) and other regulatory agencies. Plans are based on providing maximum protection for staff while also reducing exposure to populations served and prevention of community spread to the maximum extent possible.

ITS will work with DOH to ensure ITS personnel receive instructions concerning how to put on, take off, clean, disinfect (as applicable) and discard PPE based on the specific communicable disease. Employees who need training to properly use PPE will receive it from DOH or at Emergency Operations Centers or testing sites. Employees provided with PPE issued by ITS will be provided with training on how to properly use PPE which may contain proper wearing of a facemask and gloves:

Procedural Mask: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/hcp/fs-facemask-dos-donts.pdf>

Gloves: <https://www.cdc.gov/vhf/ebola/pdf/poster-how-to-remove-gloves.pdf>

OGS will provide signage for State-owned facilities and will also provide ITS with the signage templates so that the facilities team or supervisors can post additional signs as needed. For other properties, ITS will require adherence to the requirements from DOH.

ITS supervisors and managers may reach out to ITS Facilities for PPE requests using the PPE [SharePoint](#) site.

E. Exposure Protocol

In the event of an exposure, ITS will require daily health screenings by employees, contractors, and visitors during a communicable disease emergency and will continue at a frequency determined by the DOH in consultation with OER until the agency receives further notice. This is necessary to help protect the health and safety of all employees who have returned to work. In the event an employee is exposed to a known case of the communicable disease that is the subject of the state disaster emergency, exhibits symptoms of such disease, or tests positive for such disease in order to prevent the spread or contraction of such disease in the workplace, ITS and its staff will abide by DOH protocols as well as all additional directives from the Director of State Operations and Infrastructure and additional DOH memoranda and guidance issued related to the communicable disease, including those which include cleaning and disinfecting protocols as well as notification to local/ state health officials and potential employee contacts.

ITS has developed a health screening app (<http://screening.ny.gov>) for self-check-in and for business unit appointed health screeners to assist people reporting to work. The app will provide a standard solution for the collection and storage of daily results for employee health screenings related to a communicable disease. This centralized application will be available to all employees,

who can access it remotely for self-screening, or in an office setting upon arrival on site. The technology will allow either the employee or the screener, on behalf of the employee, to log in and provide the required data. The screening application ITS created will create a record of all staff who are screened, as well as if screening was passed or if the staff member was instructed to return home; no other health information is recorded or maintained.

ITS screening staff are:

- trained to perform the screenings,
- supervisory-level employees or health care professionals,
- and wearing appropriate PPE, as advised by DOH guidelines, if the screening involves contact

The screening staff will also serve as worksite-level safety monitors who will ensure continuous compliance with the worksite safety plan. The screening coordinators will follow the procedures set forth in the associated training and guide that will be developed based on the specific communicable disease, to include reporting to OGS Human Resources Management any employees who answer “Yes” to one or more screening questions. The Human Resources and the Office of the Director of Administration at ITS will ensure the daily record of screenings is reviewed and secured each day.

Mandatory remote self-screenings or in-person health screenings will be required for any employee, contractor or visitor reporting to a work location. Employees will be strongly encouraged to self-screen at home. If an employee is unable to complete the pre-screening at home, they may report to work, and seek the designated screening coordinator to conduct an in-person screening as soon as possible, but no later than one hour after arrival. The designated screening coordinator may be tasked with performing this health check on multiple employees, so it is the individual employee’s responsibility to seek the screener out to complete the assessment.

In-person screenings will be conducted within one hour upon arrival at the employee’s work site, and screeners as well as supervisors will remind employees that they should refrain from intermingling in close contact with each other prior to completion of the screening. Employees will be urged to maintain appropriate social distancing during on-site health checks. ITS employees in ITS-client hosted facilities may need to comply with additional rules and requirements specific to that agency or facility, and field staff may be screened multiple times a day as a condition of their entry into other state or federal agency operated buildings.

A copy of the employee’s screening results will be sent to the individual and their supervisor’s email address, except for employees whose designated screener is not also their supervisor.

Depending on the answers provided to the screening questions, the employee will be cleared to report to the workplace or directed to stay (or return) home. If not cleared to physically to report to work, the individual must remotely notify the supervisor and OGS Human Resources Management (OGS HRM) for further guidance, and also contact their health care provider or DOH for medical advice and assistance.

OGS HRM has created a mailbox specific for all communicable disease-related inquiries. This mailbox is where an employee who fails a screening sends their notification. In addition to notice of failed screenings, when OGS HRM is notified of an individual who is experiencing communicable disease related symptoms, has tested positive for a disease, has been exposed to someone with the disease, or has traveled to a restricted state, the response team follows the following process to gather information and begin contact tracing protocols, in accordance with the DOH guidelines. This includes:

- Advising the individual to leave, or not report to, the workplace.
- Utilizing a worksheet to gather and document specific information about the individual’s circumstances and determine if mandatory or precautionary quarantine are appropriate from the agency operations and safety perspective.

- Determining essential/non-essential for the purposes of leave implications. For these purposes, essential is defined as those who need to be on-site to perform their essential functions that are necessary for the safety and operations of the workplace.
- Gathering specific information about who the individual was in contact with at work during the applicable timeframe, including the length of time they had contact, if masks were worn, if they were socially distanced, and other details required to determine next steps.
- Notifying identified contacts, gathering additional information, and consulting with the DOH and local health department to recommend mandatory or precautionary quarantine. For individual privacy purposes, only those who are identified as direct contacts are notified by OGS HR.
- Notifying other agency HR offices when their employees are identified as contacts. Likewise, other agency HR offices contact OGS HR if our employees are identified as contacts through their tracing efforts.
- Ordering a cleaning of any impacted workspaces.
- Notifying the DOH.
- Following up with individual and contact(s) related to quarantine leave and clearance to return to work, in accordance with DOH guidelines.
- Sending appropriate case close-out communications to the individual and/or contact(s).
- Swift contact tracing of affected staff is crucial to controlling exposure in the workplace. Contact tracing should whenever possible be done in 24 hours.

Further, agencies/authorities and staff must abide by all additional directives from the Director of State Operations which may include cleaning and disinfecting protocols, as well as notification to health officials and potential employee contacts.

For ITS employees who work at a facility that is hosted by another agency, a screening coordinator from that agency may be designated to perform health screening, and ITS personnel must closely follow the procedures for that facility and ITS.

In addition, where practicable, ITS will maintain a log of visitors to the workplace who may have close contact with other individuals at the worksite or area. ITS will ensure that visitors follow all screening, testing, and tracing procedures as outlined in any applicable DOH guidance based on the specific communicable disease.

All employees should continuously self-monitor for known symptoms of the communicable disease and must alert OGS Human Resources Management immediately if they believe they are exhibiting any signs or symptoms of the illness. Following protocol established for the communicable disease at issue, ITS will contact Human Resources who will determine whether a team will be dispatched to disinfect the work area of any employee known or suspected to be infected with the communicable disease as well as any common area surface and shared equipment such employee may have touched. The HR official will determine whether to deploy facility maintenance personnel to clean and disinfect the suspected employee's work area, including their desk, chair, telephone, desktop and computer equipment in accordance with established protocols. If deployed, facility maintenance staff should also clean the nearby common areas, including but not limited to door handles/push plates, light switches, elevator buttons, door handles/push plates, break room tables and chairs, as well as kitchen and restroom faucets.

ITS does not own or run any of the buildings where ITS staff are stationed. In the event of an

exposure, current process and protocol state the OGS HRM is immediately notified of the suspected employee and their work area to determine cleaning and disinfecting needs according to any operative CDC and DOH cleaning guidance and respond as quickly as possible. ITS is not involved in order to preserve confidentiality. There is no agency specific protocol for isolating the work area.

Protocol for cleaning and disinfecting work areas for field employees are the same. If an outreach is needed to a partner agency, OGS HRM will conduct the outreach through the appropriate counterpart.

In the event an employee needs to receive testing, treatment, isolation or quarantine, the amount and types of leave available to an employee will be dependent on the particular disaster emergency that has been declared and any provisions of law that provide for leave under such circumstances (such as OER quarantine leave, other applicable State policy, leave provided under the legislation passed [for example the Families First Coronavirus Response Act]) and an employee's own leave accruals. The Department of Civil Service and/or OER shall provide guidance to ITS on how to instruct employees about available leaves. ITS will provide specific communicable disease codes for employees to use in the agency's Leave & Accrual Tracking System (LATS).

OGS HRM will utilize a tracker in SharePoint to record, track and report on all communicable disease cases related to the emergency. This is used by all case managers to record all details required in determining quarantine requirements, tracking durations and contact tracing.

OGS will implement all workplace exposure quarantines according to the most up-to-date OER and DOL directives.

ITS in coordination with OGS will continue to utilize engineering controls, safe work practices and PPE in order to minimize exposure in a future state disaster emergency caused by a communicable disease which will be dependent on the communicable disease that causes such disaster emergency.

ITS in coordination with OGS will provide periodic updates, as information becomes available, on the communicable disease and its transmission as part of its exposure protocols in order to assist with reducing transmission.

F. Protocol for Documenting Work Hours/Locations

The LATS system maintains the hours of ITS employees, and when required during a communicable disease emergency, will have communicable-disease-specific Time Distribution System codes available for employees to use. Employees can also include location information in the "comments" block if using the Payments tab in LATS.

OGS HRM and OGS Workforce Development will provide training related to: accurately completing LATS timesheets in accordance with communicable disease tracking requirements, working remotely, and supervising remote staff.

Supervisors also maintain the work locations of employees to ensure awareness of employee locations and deployments. Divisions and emergency response teams may also use collaboration tools (such as TEAMS) to facilitate work location tracking to aid in any necessary tracking of the disease and to identify the population of exposed employees in order to facilitate the provision of any benefits which may be available to certain employees on that basis. OGS HR conducts the review of each possible or confirmed exposure to identify other potential exposures and will be in charge of accessing the records for tracking purposes.

G. Protocol for Identifying Emergency Housing for Essential Employees

To the extent needed, the ITS Director for Administration (DFA) will be the point of contact for the identification of emergency housing for essential employees. The DFA, in collaboration with the ITS Division of Legal Affairs and Vendor Sourcing and Management Organization, will be responsible for

contacting county and local elected officials, owners/operators of local hotels and similar establishments, and local college and university officials (both public and private) to develop information about the local availability of emergency housing for essential employees. Emergency housing opportunities, once developed, will be communicated to employees who may need such housing.

H. Other Requirements Determined by the NYS DOH

DOH may determine other requirements and guidelines based on the specific communicable disease, severity and longevity. Agencies/authorities must have internally identified key points of contact including but not limited to site safety monitors, individuals responsible for monitoring compliance with this plan and central points of contact who will coordinate efforts to notify appropriate health authorities of positive cases and assist with required contact tracing.

For example, DOH guidelines for COVID-19 included the following steps, which may also be applicable during future emergencies related to a communicable disease and should be considered in planning efforts:

- Ensure applicable social distancing is maintained among employees at all times, unless safety of the core activity requires a shorter distance (e.g., moving and lifting equipment). Any time an employee must come within a distance less than applicable of another person, the employee and person should wear acceptable face coverings.
- When distancing is not feasible between workstations or areas, provide and require the use of face coverings or erect physical barriers, such as plastic shielding walls, in lieu of face coverings in areas where they would not affect air flow, heating, cooling, or ventilation.
- Tightly confined spaces should be occupied by only one individual at a time, unless all occupants are wearing face coverings. If occupied by more than one person, occupancy will be kept under 50% of maximum capacity.
- Social distancing markers should be posted around the workplace using tape or signs that indicate appropriate spacing in commonly used areas and any areas in which lines are commonly formed or people may congregate (e.g., clock in/out stations, health screening stations, break rooms, water coolers, etc.). Further, bi-directional foot traffic should be reduced by using tape or signs with arrows in narrow aisles, hallways or spaces.
- Post signs, consistent with the DOH signage requirements, to remind employees about social distancing, hand hygiene, PPE, and cleaning guidelines.
- Limit employee travel for work to only essential travel.
- Hygiene and sanitation requirements from the Centers for Disease Control and Prevention (CDC) and DOH must be followed, and cleaning logs that include the date, time, and scope of cleaning must be maintained.
- Hand hygiene stations, including handwashing with soap, water, and disposable paper towels, as well as NYS Clean hand sanitizer or a hand sanitizer containing 60% or more alcohol for areas where handwashing facilities may not be available or practical, must be provided and maintained for personnel.
- Appropriate cleaning/disinfection supplies for shared and frequently touched surfaces must be provided, and employees must use these supplies before and after use of these surfaces, followed by hand hygiene.
- Regular cleaning and disinfection of the office location must be undertaken. More frequent cleaning and disinfection must be undertaken for high-risk areas used by many individuals and for frequently touched surfaces, at least after each shift, daily, or more frequently as needed, and align with DOH's guidance.

- Exposed areas must be cleaned and disinfected in the event of an employee testing positive for the communicable disease. Such cleaning should include, at a minimum, all heavy transit areas and high-touch surfaces (e.g., vending machines, handrails, bathrooms, doorknobs, etc.).
- CDC guidelines on “Cleaning and Disinfecting Your Facility” should be complied with if someone in your facility is suspected or confirmed to have the communicable disease.

I. Return to Normal Operations

ITS will determine the timing and degree of return to normal operations dependent upon the type and severity of an outbreak and will be directed by guidance from but not limited to DOH, State Operations, and OER.

The ITS Office of Administration and ITS Executive Team in collaboration with OGS HRM will assess all data, information, employee wellness, and guidance issued before initiating and assembling a transition plan to normal agency operations.

Details of the transition plan will be clearly communicated to employees through the agency Communications team with input from ITS Administration and OGS HRM.

OGS Building Management will provide direction and guidance and be responsible for ensuring any physical preparations that may be needed, such as deep cleaning or installation of barriers are accomplished for state owned spaces. ITS Director of Administration will also engage ITS Facilities as needed for assistance in this process.

ITS will also comply with all Executive Orders and emergency regulations related to the disaster emergency. We are also available to continue discussions about this disaster emergency plan in labor-management meetings. Lastly, while our COOP may not make specific reference to it, the agency will of course comply with all applicable provisions of any applicable collective bargaining agreement and any applicable federal law, rule or regulation.

20. OTHER RESOURCES

1. <http://www.goer.ny.gov>
2. <http://www.cs.ny.gov>
3. <http://osc.state.ny.us>
4. <http://www.osc.state.ny.us/retire/index.htm>
5. <http://www.ethics.ny.gov>