NEW YORK STATE UNIFIED COURT SYSTEM

Employee Handbook

NEW YORK STATE UNIFIED COURT SYSTEM

DIVISION OF HUMAN RESOURCES

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WELCOME

A MESSAGE FROM THE CHIEF ADMINISTRATIVE JUDGE

It is my pleasure to welcome you to the New York State Unified Court System. This handbook will help you understand your role in the courts and provide you with information regarding your employment. The handbook also discusses the employee benefits available to you.

As an employee of the judicial branch of government, you play an important role in fulfilling the court system's mission. You have the ability to help the court system find new solutions to problems and achieve our goal of fair and equitable treatment of all who appear in the courts each day.

I know that you will perform your duties with enthusiasm and professionalism. We are delighted that you have chosen the Judiciary as your career.

Ann Pfau

CHIEF ADMINISTRATIVE JUDGE
NEW YORK STATE
UNIFIED COURT SYSTEM
2011

PURPOSE OF THIS HANDBOOK

Reading through this handbook will make orientation to your new position easier. The handbook outlines the policies and rules that you are expected to abide by as an employee. It also will provide you with an appreciation of the responsibilities and the rewards of public service in the courts.

Many of these policies and rules originate in the New York State Judiciary Law, the *Rules of the Chief Judge* and the *Rules of the Chief Administrator of the Courts*. The policies and rules are subject to change as the needs of the court system and its workforce evolve. If you are represented by a union, many of your rights and obligations as a court system employee also stem from the collective bargaining agreements.

If you have any questions regarding the information in this handbook, please speak with your supervisor or contact your administrative office.

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I. INTRODUCTION

THE UNIFIED COURT SYSTEM

The mission of the New York State Unified Court System is to promote the rule of law and to serve the public by providing just and timely resolution of matters before the courts.

NEW YORK STATE GOVERNMENT

New York State government is comprised of three branches. The Legislative Branch is responsible for passing laws (State Assembly and State Senate); the Executive Branch is responsible for enforcing laws (State Departments, Agencies, Offices, Councils, Authorities and Commissions); and the Judicial Branch is responsible for interpreting laws (Unified Court System).

STRUCTURE OF THE COURTS

Article VI of the state constitution specifies the organization and jurisdiction of the courts, establishes methods for the selection and removal of judges and provides for administrative supervision of the courts. The responsibility for and authority over the New York State Unified Court System is vested in the Chief Judge, who also serves as Chief Judge of the Court of Appeals, New York's highest court. On behalf of the Chief Judge, the Chief Administrative Judge supervises the administration and operation of the state's trial courts.

The court system is made up of 11 separate trial courts: New York City Civil, New York City Criminal, City, District, Town and Village, Supreme, County, Family and Surrogates's Courts, the Court of Claims; and also includes the intermediate Appellate Terms and Appellate Divisions and the Court of Appeals.

II. EMPLOYMENT PRACTICES

EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the court system to ensure equal employment opportunity for all employees without regard to race, color, national origin, religion, creed, sex, sexual orientation, gender identity or expression, age, marital status, disability, or, in certain circumstances, prior criminal record.

There are both formal and informal procedures for the investigation and resolution of claims of discriminatory treatment. An employee may file a formal claim concerning potential discrimination with the court system's Office of the Inspector General. Additionally, an employee may seek assistance using the court system's informal process for resolution of a complaint. Using the informal procedure does not prohibit an employee from filing a formal complaint with the Inspector General or a regulatory agency. For more information, refer to the *Discrimination Claim Policy and Procedure* booklet available on the court system's intranet or contact your supervisor or administrative office, the Office of the Inspector General or the Workforce Diversity Office.

SEXUAL HARASSMENT PREVENTION

The court system will not tolerate any form of sexual harassment in the workplace. Sexual harassment is defined as any type of sexually-oriented conduct that is unwelcome and has the purpose of creating a work environment that is hostile, offensive or coercive. It may include sexually explicit derogatory statements or sexually discriminatory remarks made by someone in the workplace that are offensive or objectionable to an employee, cause an employee discomfort or humiliation or interfere with an employee's job performance. For more information, refer to the *Sexual Harassment Claim Policy and Procedure* booklet available on the court system's intranet or contact your supervisor, administrative office, the Office of the Inspector General or the Workforce Diversity Office.

WORKPLACE VIOLENCE PREVENTION

The court system is committed to providing a safe work environment for all employees. The court system will respond promptly to threats, acts of violence and acts of aggression against employees by coworkers, members of the public or others.

DOMESTIC VIOLENCE POLICY

The court system is committed to increasing employee awareness of domestic violence and access to information about available sources of assistance, ensuring that personnel policies and procedures do not discriminate against victims of domestic violence and assisting victimized employees in addressing workplace-related safety issues. For more information, refer to the Domestic Violence Policy available on the court system's intranet.

AMERICANS WITH DISABILITIES ACT

The court system is committed to providing reasonable accommodations to qualified individuals with a disability who are employees in accordance with the provisions of the Americans with Disabilities Act. To discuss an accommodation, contact your administrative office. Information on the ADA is available on the court system's intranet.

III. CAREER PROGRESS AND PROFESSIONAL DEVELOPMENT

There are many exciting and challenging employment opportunities in the court system. Finding out how to take advantage of these opportunities is important to your career advancement and development. You are encouraged to take an active role in planning your future with the court system by gaining an understanding of its civil service system and becoming familiar with career opportunities in the competitive, noncompetitive and exempt titles. You also should inquire about training opportunities that may be available. Learning about opportunities, asking questions, setting goals and following through are key to planning your career.

THE CIVIL SERVICE SYSTEM

Civil service systems that cover most state and local public employees evolved in the late 19th century. Before civil service systems were adopted by state and local governments, people were employed through a spoils system that allowed elected officials to reward friends and supporters with government jobs without much regard for whether they were qualified for the position.

The impetus for reform traces back to the actions of the New York Civil Service Reform Association whose hard work led to the elimination of the spoils system and the establishment of merit principles for public service employees in New York State. Today, the state constitution mandates the hiring of state and local government employees based on merit and fitness. New York was the first state to pass a civil service law that applies to state and local employees and the first state to require public employers to implement a merit and fitness system.

The authority and responsibility for administering this merit and fitness system rests with the court system's Division of Human Resources Civil Service Administration Office.

EXAMINATION ANNOUNCEMENTS AND APPLICATIONS

The court system issues an examination announcement for each open-competitive and promotional examination. The examination announcement provides important information about the examination including the examination dates, the deadline date for filing the examination application and information regarding job requirements.

The open-filing period for an examination is usually announced three or four months prior to the examination date and applications must be properly filed prior to the deadline date. Applicants are notified of their admission to the examination a few weeks prior the examination date. An open-competitive examination, open to all qualified members of the public, may be held in conjunction with a promotional examination.

Examination announcements and applications are available on the court system's intranet. Refer questions regarding examinations via e-mail to **Exam_Unit@courts.state.ny.us** or call the Division of Human Resources Examination Unit at **(212) 428-2580**.

NON-COMPETITIVE AND EXEMPT CLASSES PROMOTIONAL OPPORTUNITIES

Positions in the non-competitive and exempt classes are filled by individuals whose merit and fitness are determined by comparing the candidates' qualifications to the job requirements listed in the title standards.

COMPETITIVE CLASS PROMOTIONAL OPPORTUNITIES

Within a job series, an employee can move from an entry level position to a higher position through promotional opportunities. Generally, positions in the competitive class above the entry level are filled by promotion from employees who hold related, lower-graded competitive class positions for a specified time period. Court employees with permanent competitive class status in a qualifying title(s) are eligible to take promotional examinations and compete with other court system employees holding the same qualifying status.

ELIGIBLE LISTS

An open-competitive eligible list is a roster of all individuals, whether or not they are court system employees, who have taken and passed an open-competitive examination. A promotion eligible list is a roster of eligible court system employees who have passed a promotional examination. An eligible list is established for at least one year, and with a few exceptions, no longer than four years.

Every applicant who passes a competitive examination and meets the prescribed qualifications for the position is placed on an eligible list in rank order according to the final rating adjusted by applicable veterans' and/or seniority credits. All eligible candidates with the same final score are equally reachable on the list for appointment. For example, if 300 candidates have the same final rating, they are placed on the list in random order, but all 300 have equal standing among themselves for consideration for appointment.

If an open-competitive examination is held in conjunction with a promotional exam, the resulting promotion list must be used first.

Promotion lists are divided into separate promotion units. Job vacancies are filled by candidates on a promotion list in the appropriate promotion unit. All trial courts and agencies comprise a single statewide promotion unit including the Court of Claims and the Office of Court Administration. There are separate units for each Appellate Division and the Court of Appeals.

If your name appears on any eligible list, you must notify the Division of Human Resources Appointments and Systems Management Office in writing of any change in your name or address in order to be properly canvassed from any list.

CHANGING WORK LOCATION

Procedures are in place to facilitate in-title movement of employees who hold a competitive-class title and movement of employees from one work location to another. These procedures are governed by the

Rules of the Chief Judge and the collective bargaining agreements. The rules that apply when employees seek to change their work location vary depending upon their title, jurisdictional classification and representation status.

REASSIGNMENT

Reassignment is movement in a title from a court, district or office under the jurisdiction of one administrative judge or the administrative director to a court district or office under the jurisdiction of another administrative judge or administrative director.

Reassignment procedures do not apply to employees who hold non-competitive titles. Vacancies in non-competitive titles are filled through the posting process. Employees who hold non-competitive titles and are interested in moving in title to another work location under the jurisdiction of a different administrative authority, should apply for posted opportunities in the court, district or office where they are interested in working.

TRANSFER

Transfer is movement in title from one promotion unit to another. There are six promotions units: trial courts statewide including the Court of Claims and the Office of Court Administration; the four Appellate Divisions; and the Court of Appeals.

CHANGE IN ASSIGNMENT

Changes in operating requirements or workload priorities may result in a change in your work assignment. A change in assignment is movement in title to a different court or court agency under the jurisdiction of the same administrative judge or administrative director.

Refer any questions regarding reassignment, transfer and change in assignment including eligibility requirements to your administrative office.

TRAINING OPPORTUNITIES

The court system offers a variety of training programs aimed at enhancing job performance, job satisfaction and career development. These programs are designed to cover a broad range of topics including court operations and procedures, managerial and supervisory programs, automation and technology, legal education and personal and professional development.

Additionally, the court system sponsors training programs specific to job titles including uniformed personnel, attorneys, office clericals, court clerks, court interpreters and court reporters. Depending on the subject matter and employee participation, training programs may be offered by your local court or district, the Judicial Institute, the Career Services Office, the Court Officers Academy and the Divisions of Court Operations, Human Resources and Technology.

You must have prior approval from your supervisor and administrative office to attend training programs. Certain training programs are mandatory for employees. For more information on training programs, refer to the court system's intranet or speak with your supervisor or administrative office.

IV. GENERAL EMPLOYMENT INFORMATION

COMPENSATION

Upon appointment to a position, you are advised of your title, salary grade/rate of compensation, jurisdictional classification and representation. Refer any questions to your administrative office.

Certain employees may be eligible to receive additional compensation, including location pay for permanent work assignment to a specific geographical region, shift differential (for working certain hours) and uniform and equipment allowances.

Graded employees are paid according to a statutory salary schedule. Salary schedules are published in each collective bargaining agreement and are available on the court system's intranet.

Other employees classified as non-statutory (NS) are paid a set salary.

Additionally, cost of living increases for represented employees are negotiated between the court system and the unions. Cost of living increases for unrepresented employees are determined by the Chief Administrative Judge.

PAYCHECKS

You will receive a paycheck every other Wednesday covering a two-week pay period. Employees are on a lag payroll and do not receive their first paycheck until at least four weeks after their hire date. From that date forward, employees are paid every two weeks for the period that ended two weeks before the pay date. Generally, four weeks after your separation of service you will receive your final paycheck.

Deductions are made from paychecks for federal, state and local income taxes and for social security, medicare, union dues, agency shop fees, health insurance premium contributions and retirement system contributions.

You also may elect to have other deductions taken from your paycheck for flexible spending account programs, life insurance, NYS-Ride and the deferred compensation program. Refer to "Health Benefits: Programs and Services."

DIRECT DEPOSIT

The court system encourages you to participate in a direct deposit program which allows you to have your paycheck deposited directly into your bank account. You must complete the Direct Deposit Form for NYS Employees and return it to your administrative office in order to participate in this program.

OFFICIAL IDENTIFICATION CARDS

You will be issued an official identification card upon hire. Employees (not including uniformed officers) are required to visibly display their official identification cards on their person while at work. You are responsible for safeguarding your identification card. If your identification card is lost or stolen, contact your supervisor and administrative office immediately. Upon separation from service, your identification card must be returned to your administrative office.

WORK SCHEDULE

The court system workweek is 35 hours. Your supervisor will advise you of your hours of work and your scheduled lunch hour.

PART-TIME AND JOB SHARING

In limited circumstances, part-time opportunities may be available to employees and may involve sharing the job with another employee.

OVERTIME

The court system has a 35-hour workweek which begins on a Thursday and ends on a Wednesday. For hours worked between 35 and 40 hours,

an overtime eligible employee (OTE) is compensated either in cash or in compensatory time, at the employee's election, at the straight-time rate of pay. For work in excess of 40 hours, an OTE employee is compensated in cash at one and one-half times the straight-time rate. Part-time OTE employees who work more than their regular schedule, but not in excess of 40 hours, must be compensated in cash at the straight-time rate.

Overtime ineligible employees (OTI) may be required to work more than 35 hours in a given work week.

COMPENSATORY TIME

Compensatory time is earned on a minute-for-minute basis for hours worked between 35 and 40 hours per week. Compensatory time is used in the same manner as annual leave.

AUTOMATED TIMEKEEPING SYSTEM

As an employee, you are responsible for maintaining an accurate record of your attendance at work. This record is required as the basis for paying your salary and accruing leave credits. Employees maintain time records using an automated timekeeping system. Your automated timesheet reports a two-week pay period. Based on your eligibility to earn overtime, employees are assigned either an overtime eligible (OTE) or overtime ineligible (OTI) automated timecard.

OTE employees record time using a swiping device and their official court system identification card. OTE employees are required to swipe their identification cards daily at the beginning of their work schedule and again at the end of their work schedule.

OTI employees' timecards are pre-populated based on work schedules. OTI employees are responsible for maintaining their timecards and recording all charges to the appropriate leave accruals.

TIMECARD APPROVALS

At the end of each two-week pay period, you are responsible for approving your timecard. Timecards also require your supervisor's approval.

PROBATIONARY PERIOD

New permanent appointees and promotees serve a probationary period of not less than 26 nor more than 52 weeks. A probationary period may be extended in certain circumstances.

During the probationary period, your supervisor will measure your performance and progress and discuss them with you. Particular attention is paid to identifying your strengths as well as areas that may need improvement.

Upon successful completion of the probationary period, you will continue to be evaluated pursuant to the Performance Evaluation Program.

PERFORMANCE EVALUATION PROGRAM

The Performance Evaluation Program calls for periodic meetings between you and your supervisor and results in an annual written performance evaluation. The program is designed to structure and encourage dialogue between you and your supervisor concerning job-related issues. It keeps you informed about the duties, responsibilities and specific tasks of your job. An employee may prepare a written response that is included as part of the final evaluation. Performance evaluations are kept in your personnel folder.

An employee whose overall job performance is rated "unsatisfactory" on the final evaluation form will be given a written statement on the right to appeal including time limits (within 10 workdays of receipt of the final evaluation) and an appeal form. An unsatisfactory rating may affect certain salary benefits. An unsatisfactory rating in one year, however, will not be a bar to receiving such benefits in future years.

PERSONNEL FOLDERS

Personnel folders are maintained in your administrative office. Material relating to appointments, promotions, transfers and/or reassignments, commendations, counseling memoranda, performance evaluations, disciplinary matters and other personnel actions are placed in your folder. These materials are used when you are being considered for promotion, reassignment and/or transfer and disciplinary action.

You can review your personnel folder at least once each year upon written request to your administrative office or at any time when an adverse personnel action is initiated against you.

You may submit for inclusion in your personnel folder any material relating to your career in the court system, including commendations, awards or replies to material you feel is unfavorable.

YOUR ADDRESS AND CHANGES TO YOUR PERSONAL INFORMATION

You must provide your administrative office with the complete address of your home residence. Post Office Box Numbers do not qualify as a home residence and may only be used for mailing address purposes.

To avoid errors in your records, use one form of your name consistently (e.g., first, and/or middle and last name, and/or the use of initials). When your name or address changes, notify your supervisor and administrative office so that your records can be updated.

In the event there is a change in your name or address, it also is your responsibility to notify the Division of Human Resources Examination Unit in writing to ensure you will be properly canvassed from any eligible lists.

EMPLOYMENT INFORMATION

There may be situations when you will need information regarding your employment verified for personal or business reasons. The court system will only verify that you are an employee, your title and com-

pensation and your dates of employment. Request for written verification must be made in writing along with your signature and submitted to your administrative office.

Our policy with regard to release of information on former employees is to confirm titles held and dates of employment. Additional information is not provided without written release.

BUSINESS TRAVEL

If your duties require you to travel, you must obtain authorization in advance from your supervisor. Travel vouchers for reimbursement of expenses and allowances must be completed in accordance with regulations in order to receive payment. Travel between your residence and your official work station is not reimbursable.

The fare for bus, train or air travel must not exceed the regular fare charged the general public. Airplane travel may be used only for trips in excess of 200 miles one way and with the prior approval of your administrative office. Receipts must be secured for all services paid in cash (e.g., taxi or bus fares) and must be attached to your travel voucher for reimbursement. Meals will be allowed only when leaving your official work station or place of residence at least one hour before your official scheduled starting time, or arriving at your official work station or place of residence at least two hours after your official scheduled ending time.

Original lodging receipts are required as evidence of an overnight stay. When lodging at the home of relatives or friends where no lodging expenses are incurred, only meal and travel allowances are paid.

LAWSUITS BROUGHT AGAINST YOU AS AN EMPLOYEE

The State will represent you, as a court employee, in any lawsuit brought against you and will indemnify you for any judgment obtained in such lawsuit that involves acts committed by you in the scope of your

employment that are not the result of intentional wrongdoing. Court employees served with lawsuits should immediately, but not later than 5 days after service, contact Counsel's Office at 25 Beaver Street, New York, NY 10004 or call **(212) 428-2150**.

V. STANDARDS AND EXPECTATIONS FOR THE WORKPLACE

ATTENDANCE AND PUNCTUALITY

The court system depends on its employees to be present and on time at the start of their scheduled workday. Reporting to work means that you are ready to begin work, not just arriving at work, at your scheduled starting time. If you will be late or unable to report to work, you must notify your supervisor.

In general, absences from work must be approved in advance by your supervisor and must be accounted for in accordance with the time and leave rules and procedures.

Lateness may be charged against your annual leave or compensatory time accruals on a minute-for-minute basis. You may not charge sick leave accruals or Pre-Tour Prep Time accruals for lateness. It is within your supervisor's discretion to permit you to charge annual leave or compensatory time accruals for lateness. If you are not permitted to charge appropriate accruals, your pay will be deducted accordingly. You cannot work through your meal period to "make up" for lateness.

DRUG AND ALCOHOL-FREE WORKPLACE

The court system is a drug and alcohol-free workplace. The possession, use, consumption, sale, distribution, or unlawful manufacture of controlled substances (including alcohol) is strictly prohibited on court system premises (including parking areas).

Confidential referrals to alcohol and substance abuse treatment are available through the Work/Life Assistance Program.

SMOKING POLICY

The New York State Clean Indoor Air Act requires employers to provide a smoke-free environment for all employees in the workplace. There

is no smoking in public buildings. Additionally, smoking may be restricted within certain distances, such as 25 feet of building entry and exit areas, in order to comply with emergency evacuation requirements.

CONFIDENTIALITY

As an employee, you may have access to confidential information. The disclosure or dissemination of confidential information in any form (e.g., documentation, oral communication, electronic data), without express authorization, is prohibited.

DRESS CODE

Non-Uniformed Personnel

The dress code for non-uniformed personnel is contained in the collective bargaining agreements. In general, employees' apparel must be consistent with reasonable standards of office attire, cleanliness, safety and decency. Dress also should be appropriate for the type of work employees are assigned to perform taking into consideration such factors as courtroom decorum, public visibility and sensitivities of fellow employees.

Uniformed Personnel

Employees required to wear a uniform in the performance of their duties must purchase and wear the approved uniform at work. Uniformed personnel receive a uniform and equipment allowance. The court system conducts periodic (at least annual) uniform and equipment inspections. An employee who fails to meet the minimum standards established by the court system will not receive the allowance until all noted deficiencies are corrected.

Uniform and equipment allowance is considered gross income required to be reported on an employee's W-2 Form and subject to withholding taxes.

USE AND CARE OF COURT SYSTEM EQUIPMENT AND SUPPLIES

Any equipment, supplies or other court system property provided for your business use is entrusted to your care. Court system equipment (e.g., computers, communication devices, copiers) and/or supplies (e.g., paper, envelopes) may not be used for personal business of any kind. Contents of desks and filing cabinets are court system property and any personal items stored inside may be subject to inspection by court system personnel.

Equipment and supplies should not be removed from one work location to another without permission. If you are transferred, reassigned or otherwise leave your position, all equipment, supplies, keys, official identification cards and electronic devices must be returned to your supervisor.

E-MAIL POLICY

The court system's e-mail system is designed to facilitate and expedite court-related communication.

All electronic communication systems and all communication and information transmitted by, received from or stored in these systems are the property of the court system, and these systems are to be used for job-related communications. Privacy is not guaranteed. The court system reserves the right to review the contents of employees' e-mail communications when necessary for business purposes.

Use of the court system's e-mail for communications that are inconsistent with non-discrimination policies will not be tolerated. Other prohibited uses of e-mail include, but are not limited to, transmission of vulgar, profane, insulting or offensive messages or chain letters, advertising for personal enterprises or soliciting for non-court system purposes.

Court system e-mail may be accessed for personal use sparingly and never in a way that will interfere with court system business or policies.

Employees are not permitted to access other employees' e-mail or retrieve any stored communication unless authorized to do so.

INTERNET POLICY

Employees may be authorized to use the internet for court system business. Individual access is granted by the employee's administrative office. Prospective users must complete an "Internet Access Request Form."

Access to the internet is for court business only. The court system prohibits any internet use that is unrelated to official assignments or responsibilities. Examples of such unacceptable use include, but are not limited to, personal communications, personal business activities, solicitation for religious or political causes, unauthorized not-for-profit business activities, transmittal of threatening, obscene or harassing materials or correspondence, transmittal of materials or communications that are inconsistent with the court system's non-discrimination policy, any illegal purposes or activities and recreational activities.

Employees are expected to respect copyright and license protections for programs and data and respect the integrity of computing systems. Programs that harass others or infiltrate computer systems should not be used. Employees are prohibited from intentionally seeking information on, obtaining copies of or modifying files or data belonging to others unless authorized.

PERSONAL CALLS, VISITS AND BUSINESS

Reasonable use of communication devices is permitted for personal matters. Such communications must be limited in frequency and duration and any cost to the court system must be reimbursed. In no event may personal communications, visits or business interfere with court system business.

SOLICITATION

Fund raising and the sale of products and goods at the workplace is strongly discouraged. Court system equipment and supplies should not be used for soliciting for personal business ventures or raising funds for charitable, religious or political causes or organizations.

VI. ETHICAL CONDUCT

THE CODE OF ETHICS

A fair and independent court system is essential to the administration of justice. Employees must observe and maintain high standards of ethical conduct in the performance of their duties in order to inspire public confidence and trust in the fairness and independence of the courts. Part 50 of the *Rules of the Chief Judge*, which can be viewed in its entirety on the court system's intranet, states the basic principles of ethical conduct for all employees so that the court system can fulfill its role as a provider of effective and impartial justice.

As an employee of the court system, you need to be mindful to:

- avoid impropriety and the appearance of impropriety in all your activities; perform your official duties impartially without favoring any litigant or attorney;
- not disclose any confidential information received in the course of your official duties;
- not use your position to gain unwarranted privileges for yourself or others;
- conduct your outside activities in a manner that does not conflict with your employment duties;
- not engage in any political activity during scheduled work hours or at the workplace; and
- not hold any elective office in a political party, club or organization, except that an employee may be a delegate to a judicial nominating convention and may be a member of a county, town or village committee, other than the executive committee of a county, town or village committee.

EMPLOYEES SUBJECT TO ADDITIONAL ETHICAL RULES

Quasi-judicial officials such as support magistrates, judicial hearing officers and court attorney-referees are subject to the rules governing

judicial conduct in Part 100 of the *Chief Administrator's Rules Governing Judicial Conduct.*

Personal appointees of a judge are subject to certain limitations on their political activity as stated in Part 50.2(c) of the *Rules of the Chief Judge* and Part 100.5(C) of the *Chief Administrator's Rules Governing Judicial Conduct.*

Attorneys employed by the court system remain subject to the applicable rules of professional conduct for attorneys.

NONJUDICIAL ETHICS HELPLINE

Employees may call the Ethics Helpline **1-888-28-ETHIC** or **1-888-283-8442** for advice regarding ethical issues under Part 50 of the *Rules of the Chief Judge.*

THE OATH OF OFFICE

At the time of your initial appointment to court system service, you are required to sign an Oath of Office and pledge to support both the Constitution of the United States and the Constitution of New York State and to faithfully perform the duties of your position.

FINANCIAL DISCLOSURE

Unless specifically exempted, employees who receive annual compensation at or above the rate of JG-24 or who are designated as being in policy-making positions for purposes of financial disclosure, must file annual financial disclosure statements with the court system's Ethics Commission. Employees must file financial disclosure statements by May 15; new employees or newly promoted or newly designated policy-making employees, must file within 30 days commencing employment. For more information or to file financial disclosure statements online, visit the court system's intranet. Questions concerning financial disclosures should be referred to the Ethics Commission's Executive Director.

GIFTS AND GRATUITIES

You are prohibited from receiving any gift or gratuity, whether in the form of money, meals, goods or services, from any person (e.g., attorney, litigant or vendor) having or likely to have any official transaction with the court in which you work. Even small gifts may not be accepted. If a gift is delivered, you should immediately return it, tell your supervisor and inform the sender in writing that you are returning the gift.

OUTSIDE EMPLOYMENT

Outside employment of any kind, paid or unpaid, must not create a conflict of interest or interfere with the performance of your official duties. Before engaging in outside employment, you are required to report and discuss the outside employment and any relevant restrictions with your supervisor and obtain approval from the appropriate administrative authority.

Peace Officers

Employees with peace officer status must obtain prior written approval for all off-duty security employment.

Peace officers are prohibited from working off duty at a location where illegal activity is taking place and/or at a location owned or operated by individuals with involvement in organized criminal enterprises. Peace officers also are prohibited from engaging in any security employment off duty where the primary business activity of the employer is the selling of alcohol for consumption on the premises, for example, bars and taverns. Employment is allowed at locations where alcohol is sold for on-premise consumption as long as this is not the primary business activity, for example, hotels or stadiums hosting sporting events. Off-duty security employment also is strictly prohibited at any night club or dance hall including locations not required to be licensed by the State Liquor Authority.

Dual Employment or Other Public Employment

Section 50.2 of the *Rules of the Chief Judge* prohibits employees from accepting full-time or part-time employment with another branch of

State government or a political subdivision (e.g., town, county or city) without appropriate written approval. Refer questions to your administrative office.

PRIVATE PRACTICE OF LAW

Section 50.6 of the *Rules of the Chief Judge* restricts the outside practice of law by court system attorneys. These prohibitions apply even where the matter is uncontested or where the matter is handled pro bono by the attorney. An attorney who is employed full time in any court or agency may not engage in the outside practice of law without prior approval of the appropriate administrative authority. A written application for approval must be submitted in advance for each separate engagement other than pro bono work. Questions concerning the private practice of law should be referred to the **Ethics Helpline** at **1-888-28-ETHIC**.

NOTARY SERVICES PERFORMED BY COURT SYSTEM EMPLOYEES

Employees who have a notary public license may not perform non-work related notarial services for a fee during regular working hours.

VII. SAFETY AND SECURITY

The court system is committed to providing and maintaining a safe work environment for judges, employees and all court users.

The Department of Public Safety is responsible for overseeing the delivery of court security services to all courts and for ensuring that each courthouse or court building operates in a safe and secure environment.

Most courthouses and court buildings are designed for multi-purpose use and for easy access by the public. It is vital that employees be diligent in following security procedures and maintain an awareness of potential security risk. If you see anything that appears suspicious, notify your supervisor.

OFFICIAL IDENTIFICATION CARDS

Employees (not including uniformed officers) are required to visibly display their official identification cards on their person while at work.

KEY CONTROL

If you are issued access keys, whether traditional or electronic, it is your responsibility to safeguard the keys. You should never make copies of keys or give your keys to any unauthorized employee or person. Immediately report lost or stolen keys to your supervisor.

METAL DETECTORS AND X-RAY SCANNERS

All members of the public entering courthouses and court buildings must pass through a magnetometer and have their personal belongings scanned. X-ray machines are used to scan for weapons and contraband. Employees must not provide access to any person who has not followed security procedures.

RIGHT TO KNOW

The New York State "Right to Know Law" is a provision of Article 28 of the New York State Labor Law which guarantees employees the right to information, training and education regarding toxic substances in the workplace. Your local administrative office ensures compliance.

EMERGENCY PROCEDURES

Each courthouse and court building has established evacuation procedures and a designated meeting place. Every employee is issued an emergency procedures wallet card. You must complete the backside of your wallet card indicating the emergency meeting place or any other emergency procedures specific to your work location. This card must be carried at all times. All employees are required to participate in building evacuation drills.

FIRE EMERGENCY MEASURES

If fire or smoke is discovered, one or all of the following procedures should be followed: telephone 911; activate building alarms; and/or notify the Fire Warden or Deputy Fire Warden.

FIRE DRILLS AND SAFETY

In an effort to reinforce fire safety and evacuation plans, fire drills are conducted regularly in each courthouse and court building. It is mandatory that you participate in all fire drill activities. Additionally, you need to know the location of all emergency exits, fire extinguishers and fire alarm boxes in your courthouse or court building.

BOMB THREATS

In the event you see an unaccompanied or suspicious package or you receive a suspicious package, letter or envelope, contact your supervisor immediately. If you receive a bomb threat via telephone, remain

calm, listen and try to record as much detailed information as possible. If possible, notify your supervisor while the caller is on the line.

MEDICAL EMERGENCIES

In the event of a medical emergency, notify your supervisor and/or telephone 911.

VIII. LEAVE BENEFITS

Your leave benefits are a valuable part of your total compensation. New full-time employees begin to accrue annual leave and sick leave on the seventh date of employment. Your supervisor is directly responsible for managing and authorizing your use of time and leave benefits. Your supervisor also is responsible to ensure that the time and leave rules are administered consistently in accordance with the provisions in each collective bargaining agreement and the *Rules of the Chief Judge*.

HOLIDAYS

The court system provides the following paid holidays to employees: New Year's Day, Martin Luther King, Jr.'s Birthday, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veterans Day, Thanksgiving Day and Christmas Day.

You must be in pay status the day before the holiday and the day after the holiday in order to be eligible to be paid for the holiday. Pay status is when an employee is present at work or is absent and charging leave accruals or is on an approved leave.

Employees required to work on official court system holidays will be entitled to compensatory time or holiday pay. In addition to holiday pay, employees who are required to work on Thanksgiving Day, Christmas Day or New Year's Day are entitled to a 100% cash premium.

Employees on alternative work schedules are only entitled to 7 hours holiday pay and may be required to charge additional appropriate leave accruals for any hours they did not work beyond the 7 hours provided for by the holiday.

When a holiday falls on a Saturday or Sunday, the preceding Friday or the following Monday will be designated as a holiday.

SICK LEAVE

Sick leave accruals provide income in times of personal illness or other disability and also are a valuable benefit upon retirement.

Full-time employees earn sick leave accruals only if they are in full-pay status for 49 hours out of 70 hours in a bi-weekly pay period.

Part-time, per diem and hourly-paid employees who work at least half-time, and who are expected to be employed nine months without a break in service exceeding one-full pay period, earn sick leave accruals on a prorated basis.

Employees who are absent from work for personal or family illness and who have no other accruals to charge will have the lost time deducted from subsequent paychecks.

IF YOU ARE ILL

You must notify your supervisor within a specified time period after the starting time of your work schedule if you are ill and unable to report to work. Some assignments require early notification, but usually no earlier than two hours before the beginning of your workday.

You also may use accumulated sick leave accruals for visits to a doctor, dentist or other medical practitioner subject to advance approval from your supervisor.

You may be required to provide proof of illness before charging sick leave accruals for your absences. Such proof is not routinely required for absences of three days or less. In addition, where an employee's illness presents a question regarding the ability to safely or adequately perform the essential functions of the position, the employee may be required to provide detailed medical documentation.

Sick leave is not transferable from you to another employee.

CARE FOR SICK FAMILY MEMBERS

An employee may charge up to 15 days of sick leave accruals in any one calendar year to care for a spouse, domestic partner, natural, foster

or step parent or child or any relative who resides with the employee during a time of illness.

USE OF SICK LEAVE FOR PREGNANCY AND CHILDBIRTH

For purposes of eligibility and entitlement to sick leave benefits, disability due to pregnancy or childbirth is treated the same as any other disability.

SICK LEAVE AND RETIREMENT

Upon retirement directly from state service, you may use accumulated sick leave to help pay your share of the premium cost for health insurance in retirement. Additionally, accumulated sick leave may be used for retirement service credit.

SICK LEAVE BANKS

Sick Leave Banks are administered by joint-labor management committees and provide additional sick leave accruals to employees who are bank members and who suffer a catastrophic illness, disease or injury. The court system also sponsors a sick leave bank program for unrepresented employees.

Sick leave accruals are credited at the discretion of the committee to employees who have exhausted their accruals due to catastrophic illness, disease or injury.

ANNUAL LEAVE

Annual leave is used for vacation, religious holidays or personal purposes. You must obtain advance approval from your supervisor before annual leave may be used. Procedures may vary throughout the courts and offices regarding when annual leave may be used and when and to whom requests for the use of annual leave must be made. Annual leave must be requested in 15-minute intervals.

ACCUMULATING ANNUAL LEAVE

In order to accrue annual leave, you must be in full-pay status 49 out of 70 hours in a bi-weekly pay period. New employees earn 5 hours and 20 minutes of annual leave each bi-weekly pay period. Employees also earn an annual leave bonus day for each year of service plus a 1 hour and 20 minute adjustment each year on their anniversary date of hire.

Upon completion of 7 years of service, you will earn 27 days of annual leave which will accrue at the rate of 7 hours per pay period with one additional annual leave day credited on your anniversary date.

After 25 years of service, you earn one additional annual leave day each year (a total of 28 days of annual leave per year). A second additional annual leave day each year (a total of 29 days of annual leave per year) will be earned upon completion of 30 years of service.

Part-time, per diem and hourly-paid employees who work at least half-time, and who are expected to be employed nine months without a break in service exceeding one-full pay period, earn annual leave credits on a prorated basis subject to restrictions in the collective bargaining agreements and the *Rules of the Chief Judge*. The maximum number of hours of annual leave that you may accumulate depends upon the terms of your collective bargaining agreement or, for unrepresented employees, the *Rules of the Chief Judge*, but, generally, the limit is 54 days (378 hours). Annual leave in excess of 54 days converts to sick leave at the end of the fiscal year.

MOVEMENT BETWEEN NEW YORK STATE AGENCIES AND THE TRANSFER OF LEAVE ACCRUALS

A reciprocal agreement between the court system and the Executive Branch, Department of Civil Service provides for the transfer of annual and sick leave accruals, with certain restrictions, between the Executive and Judicial Branches. There also are reciprocal agreements with the NYS Senate, the NYS Assembly, the Commission on Judicial Conduct

and the NYS Police for the transfer of sick leave accruals. All of these agreements provide for the transfer of your time and leave and anniversary date. If you are transferring to or from a New York State public agency, notify your administrative office.

PAYMENT OF ANNUAL LEAVE CREDITS UPON SEPARATION FROM SERVICE

You may be eligible to receive compensation for unused accruals at the time you separate from court system service. The number of hours compensable depends on the terms of your collective bargaining agreement or, for unrepresented employees, the *Rules of the Chief Judge*. If you resign, you must provide written notice two weeks prior to your last day at work to be eligible to receive compensation for unused accruals.

PRE-TOUR PREPARATION TIME

Represented uniformed employees are credited with Pre-Tour Preparation Time on a quarterly basis on July 1, April 1, October 1 and January 1, at the rate of 8:45 hours. Pre-Tour Preparation Time is used by uniformed employees similarly to annual leave and compensatory time. Pre-Tour Preparation Time must be used within the year it is earned.

FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) requires the court system to extend to eligible employees the right to be absent from work for certain family and medical reasons without loss of job security or group health insurance benefits for up to 12 weeks each calendar year. Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves may use the 12 weeks to address certain military events. FMLA also includes a special leave that permits eligible employees to take up to 26 weeks to care for a covered service member during a single 12-month period. FMLA leave generally runs concurrently with certain paid or unpaid leave benefits.

If you are required to be absent from work to provide care for your spouse, child or parent who has a serious health condition, due to the birth of your child, the adoption of a child or the foster care placement of a child with you, due to your own serious health condition or for military family leave, contact your administrative office for information concerning your rights and responsibilities under FMLA. For more information, refer to the *Guide to the FMLA Act for Nonjudical Employees* available through your administrative office. This guide is available on the court system's intranet.

CHILD CARE LEAVE

An employee who becomes the parent of a child up to four years of age, either by birth or by adoption, is entitled to child care leave without pay for up to 12 months following the birth or adoption. Leave beyond this 12-month period may be granted, up to an additional 12 months, at the discretion of the appropriate administrative authority. If you anticipate being absent from work due to the birth of a child or due to adoption or foster care placement of a child under age 18, consult your administrative office for leave options available to you under the applicable collective bargaining agreements, the *Rules of the Chief Judge* and/or the Family and Medical Leave Act.

OTHER LEAVES WITH PAY

Leave with pay is granted to employees for the following purposes and in general must be approved in advance by your supervisor. Some leaves with pay also may require completing a Leave Application Form and/or the submission of specific documentation.

CIVIL DEFENSE DUTIES

Leave for participation in civil defense drills, if properly certified and approved, may be excused with pay up to 5 days per calendar year.

CONFERENCE/PROFESSIONAL EDUCATION LEAVE

Certain employees may receive up to 4 days of leave with pay per year to attend meetings or conferences of professional organizations, and employees in certain negotiating units may use such leave to attend continuing legal education programs or other educational seminars which are directly related to their work duties.

BLOOD DONATIONS

An employee may be excused from work for up to 3:30 hours, including travel time, to donate blood during the employee's normal work hours. To receive compensatory time for a blood donation, an employee must meet the following three conditions: the donation must be made at a court-sponsored blood drive; the employee must be required by a supervisor to return to work immediately after making the donation; and the employee must not receive a fee for the donation.

BONE MARROW AND ORGAN DONOR LEAVE

Employees are granted leave with pay for purposes of bone marrow donation (up to 7 days) or organ donation (up to 30 days).

BREAST CANCER SCREENING

Employees are permitted up to 4 hours of leave with pay each calendar year for breast cancer screening. Part-time employees are entitled to the full 4 hours of leave per calendar year. Employees should request approval from their supervisor in advance of using the leave benefit and furnish satisfactory medical documentation. The 4 hours do not carry over from year to year. Travel time is included and any additional time away from work should be charged to appropriate accruals. Employees who choose to have this screening outside their scheduled hours of work are not entitled to compensatory time.

PROSTATE CANCER SCREENING

Employees are permitted up to 4 hours of leave with pay each calendar year for prostate cancer screening. Part-time employees are entitled to the full 4 hours of leave per calendar year. Employees should request approval from their supervisor in advance of using the leave benefit and furnish satisfactory medical documentation. The 4 hours do not carry over from year to year. Travel time is included and any additional time away from work should be charged to appropriate accruals. Employees who choose to have this screening outside their scheduled hours of work are not entitled to compensatory time.

COURT SYSTEM INTERVIEWS AND CIVIL SERVICE EXAMINATIONS

The collective bargaining agreements provide employees with reasonable paid leave time for court system interviews including adequate travel time to and from the interview site. Employees also receive paid leave to take civil service examinations for positions in the court system.

DEATH IN THE IMMEDIATE FAMILY LEAVE

A leave with pay of up to 4 consecutive workdays (not to exceed 28 hours) is granted to an employee immediately following the death of the employee's spouse, domestic partner, natural, step or foster child, parent, brother or sister, father-in-law or mother-in-law, grandparent or grandchild, domestic partner's parent or child or any relative residing with the employee or for an individual for whom the employee was the primary caregiver.

A leave with pay of up to 2 consecutive workdays (not to exceed 14 hours) is granted immediately following the death of the employee's son-in-law or daughter-in-law and the employee's domestic partner's son-in-law or daughter-in-law.

In exceptional cases, where the deceased is unavailable for burial or services, the requirement that Death in the Immediate Family Leave be used immediately following the death may be waived.

The collective bargaining agreements also provide this leave immediately following the death of an individual for whom the employee has been the primary caregiver. While there is no requirement that the deceased individual have lived with the employee, the employee must provide some type of reasonable objective proof that the employee acted as the decedent's primary caregiver.

JURY ATTENDANCE

Employees are granted leave for absences resulting from jury service. An employee who is absent due to personal illness or disability and serves jury service during the time of disability will not be able to deduct accrual charges for jury duty during this leave. Employees who are unable to report to jury service due to illness must charge the days to sick leave. It is the employee's responsibility to notify the supervisor, as well as the jury clerk, that the employee is unable to report for jury duty and unable to report to work.

Although you are entitled to receive your full pay for any day you serve on a jury in the court system under the jury leave provision of your collective bargaining agreement and by law, you may not receive a fee for court system jury service. You should notify the Commissioner of Jurors or County Clerk when you report for jury service that you are not eligible to receive a jury fee. If you receive a jury fee, it must be returned to your administrative office.

MILITARY LEAVE

An employee is generally entitled to 22 workdays or 30 calendar days (whichever is greater) of paid military leave per calendar year or period of continuous absence. An employee activated for military duty who has exhausted all other military leave benefits may be placed on a military leave without pay status.

SUBPOENAED APPEARANCE

Upon application and submission of satisfactory proof, an employee will be granted leave with pay for absences resulting from subpoenaed appearances as a witness unless the employee has a personal interest in the action or proceeding or is receiving a fee for testifying as an expert witness.

IX. HEALTH BENEFITS: PROGRAMS AND SERVICES

HEALTH INSURANCE

New York State offers a comprehensive health insurance program for employees who work at least a 50 percent work schedule. Under the New York State Health Insurance Program (NYSHIP), you may select coverage with the Empire Plan or with a Health Maintenance Organization (HMO) in your geographic area. You may select a family plan or an individual plan. These programs are administered by the Department of Civil Service and participation is optional.

You pay for a portion of your health insurance premium through a payroll deduction and the court system pays a portion of the health insurance premium while you are on the payroll. There may be a waiting period before your health insurance coverage becomes effective.

For more information on health benefits, contact your administrative office or the Judiciary Benefits Office.

HEALTH INSURANCE ON A LEAVE WITHOUT PAY

If you are on a leave without pay and you want to continue your health insurance coverage, you are required to pay the state's share of the premium in addition to your contribution. The Department of Civil Service will bill you directly for your health insurance premiums. If you are on a leave without pay pursuant to the Family and Medical Leave Act (FMLA), your health coverage continues and you pay only the employee share of the premium.

CONVERSION OF HEALTH INSURANCE BENEFITS

If you are no longer eligible for employer-funded health insurance coverage, you may be eligible to convert to a direct payment contract. A direct payment contract may differ from your present health insurance

program. For more information, contact your administrative office or the Judiciary Benefits Office.

UNION WELFARE FUNDS

If you are represented by a union, you may be eligible for additional benefits such as dental insurance and/or vision care under union-sponsored benefit programs. For more information, contact your union representative or union office.

BENEFITS FOR UNREPRESENTED EMPLOYEES

The court system provides managerial or confidential (M/C) and unrepresented employees with vision and dental care benefits. You also may participate, at your own expense, in Group Auto, Homeowner/Renter and Excess Liability insurance programs.

Employees designated as managerial or confidential (M/C) are eligible for Group Life Insurance and Accidental Death and Dismemberment Insurance for themselves and Group Life Insurance for their eligible dependents.

WORKERS' COMPENSATION BENEFITS

The Workers' Compensation Law provides protection for medical expenses and loss of income resulting from an occupational injury or disease. If you are injured as a result of an on-the-job accident, you should seek treatment immediately. Report any accident, however minor, to your supervisor so that a report can be filed with your administrative office. Delay in reporting an accident may result in the denial of any later claim for Workers' Compensation benefits.

WORK/LIFE ASSISTANCE PROGRAM

A Work/Life Assistance Program is available to provide free, confidential voluntary referral services to assist employees and their family members. The program can assist you and your family members by

providing information regarding a variety of matters including dependent care services, emotional-well being, substance or alcohol abuse, bereavement, smoking cessation and financial management. For more information, go to **www.corporatecounseling.com**. Click Member Log In. Enter Company Code: UCS.

FLEXIBLE SPENDING ACCOUNTS

The Flex Spending Accounts provide employees with a tax savings benefit. Employees may enroll, during the open enrollment period, in a Health Care Spending Account and/or a Dependent Care Advantage Account. Both accounts allow employees to pay for either health care or dependent care expenses with pre-tax dollars. For more information, go to **www.flexspend.state.ny.us**.

DEFERRED COMPENSATION

The New York State Deferred Compensation Plan is a voluntary retirement savings plan available to state employees. The plan is governed by Section 457(b) of the Internal Revenue Code. For more information, or to enroll, go to **www.nysdcp.com**.

DEATH BENEFIT

The New York State Retirement System provides for the payment of a benefit to the surviving beneficiary of a member who dies, naturally or accidentally, before the effective date of retirement. Certain eligibility requirements govern the payment of benefits to surviving beneficiaries. Changes in personal circumstances may necessitate changes in your designated beneficiaries.

Specific questions regarding retirement benefits, including projections and calculations, should be addressed directly to the retirement system. For more information, go to **www.osc.state.ny.us/retire**.

NYS RIDE

NYS Ride is a transportation benefit that provides employees with the opportunity to save money on eligible public transportation expenses by paying for those costs on a pre-tax basis through bi-weekly payroll deductions. For more information, or to enroll, go to: **www.nysride.com**.

PUBLIC EMPLOYEE LONG-TERM CARE INSURANCE

As an employee you are eligible to participate in NYPERL. Covered services may include assistance with activities of daily living, home health care, respite care, hospice care, adult day care, care in a nursing home and care in an assisted living facility. For more information, go to **www.nyperl.net**.

529 COLLEGE SAVINGS PROGRAM

The 529 College Savings Program is a state-sponsored savings program that enables you to save for college tuition, room and board, books, supplies and other qualified higher education expenses. For more information go to **www.nysaves.org**.

X. SEPARATION FROM SERVICE

RESIGNATION

If you decide to resign, notify your supervisor and submit a written resignation to your administrative office. If you do not provide 14-calendar days written notice, you may not receive a lump sum payment for unused annual leave and compensatory time accruals.

DISCIPLINE AND DISMISSAL

If your conduct or performance fails to meet acceptable standards, you may be subject to disciplinary action, including termination. Certain employees may not be terminated from their job without the benefit of due process disciplinary procedures contained in the applicable collective bargaining agreement or the *Rules of the Chief Judge*.

An "Alternative Disciplinary Procedure" has been established under the collective bargaining agreements and the *Rules of the Chief Judge* which provides an informal procedure for disciplining employees for minor infractions.

RETIREMENT

All new full-time employees are required to participate in the New York State Employees' Retirement System. The retirement system provides service and disability retirement benefits to court system employees.

The retirement system is organized by tiers. Employees are assigned to a tier based on the date they first began working for the state or a participating municipality. Employees in Tiers I, II, III and IV are vested in the retirement system after five years of credited service. Employees in Tier V are vested in the retirement system after ten years of credited service. Your tier assignment determines your retirement benefit options.

DISABILITY RETIREMENT

Employees who become disabled and, as a result, are unable to perform their duties, may be eligible for disability retirement. Minimum years of service credit, age and other eligibility requirements determine the payment of a disability retirement benefit. For more information, contact the retirement system, or go to **www.osc.state.ny.us/retire**.

CONSIDERING RETIREMENT

As you approach retirement age, you may wish to attend a pre-retirement workshop which provides information on how to plan for retirement and describes the available benefits. For more information, go to **www.osc.state.ny.us/retire**.

In general, for a regular retirement, you must file an application for retirement at least 30 days, but no more than 90 days, before the effective retirement date. Before filing the necessary forms with the retirement system, you should notify your supervisor and administrative office of your intention to retire.

Upon retirement, you may use up to 200 days of accumulated sick leave for retirement service credit. You also may use the same 200 days of accumulated sick leave to help pay your share of the premium cost for health insurance in retirement. For information on the continuation of health insurance benefits upon retirement, contact your administrative office or the Judiciary Benefits Office.

REINSTATEMENT

Employees who resign from permanent positions and ask to be rehired within one year of the date they left service may apply for reinstatement to the same position. A position must be available and granting a reinstatement request is discretionary based on the operational needs of the court.

XI. LABOR RELATIONS

UNION MEMBERSHIP

When you are appointed to a position in the court system, you are advised as to whether you are represented by a union. If you are represented by a union, membership in the union is optional. If you choose not to join the union, you will nevertheless be required by New York State law to pay an "agency shop fee." Questions concerning union dues and agency shop fees should be directed to your union representative.

A copy of the collective bargaining agreement between the court system and the union that represents you may be obtained from your administrative office or union office. Collective bargaining agreements and a union directory are available on the court system's intranet.

MANAGEMENT/CONFIDENTIAL AND UNREPRESENTED EMPLOYEES

Section 201(7)(a) of the Civil Service Law provides that the Public Employment Relations Board may designate certain employees as managerial or confidential based upon the duties and responsibilities they perform. There also are a limited number of positions in the court system that are eligible for representation by a union but are not represented. The rights and benefits of managerial or confidential and unrepresented employees are found in the *Rules of the Chief Judge*.

GRIEVANCE PROCEDURES

Grievances are claims made by an employee or union that a certain management action or inaction was inappropriate or improper. Each union has a collective bargaining agreement with the court system that specifically defines what constitutes a grievance and establishes a formal procedure for resolving grievances. For unrepresented and Management/Confidential employees, the grievance procedure is found in Part 23 of the *Rules of the Chief Judge*.

If you are unable to resolve a problem with your supervisor, you have the right to file a formal grievance as outlined in the applicable agreement or the *Rules of the Chief Judge*. Note that there are specific time limitations for the filing of a grievance. You must adhere to these limitations and should gauge the time available when waiting for an informal response from your supervisor.

If your grievance is related to your job duties and responsibilities, you must perform the at-issue duties until the grievance is resolved, unless performing the at-issue duties would be detrimental to your health or safety or that of others.

XII. COMMUNICATIONS

The court system is dedicated to ensuring employees and court users have easy access to information. In meeting this commitment, the court system issues publications covering a broad range of topics including court services, operations and procedures, new programs and initiatives and status reports.

BULLETIN BOARDS

Employment announcements, training opportunities and many other matters of interest can be found on bulletin boards in courthouses and court buildings. It is recommended that employees refer to bulletin boards regularly for updates or the court system's intranet.

THE INTRANET

Inside_UCS is the court system's internal website and is an importance source of information for employees. The intranet provides information on appellate and trial courts including local administrative offices and the Office of Court Administration. You also can access information regarding policies and procedures, special programs and new initiatives, legal reference and technology services, employee benefits and general information.

Aside from serving as a reference guide, the intranet is a practical administrative tool which contains court forms, statistical forms, operational manuals, legislative updates, collective bargaining agreements and information regarding employment.

THE INTERNET

The public website provides information on the court system and serves as a resource to litigants, jurors, attorneys and other court users. You may access the public website at **www.nycourts.gov** or through **Inside_UCS**.

PRESS AND MEDIA RELATIONS

Under the law, there is a presumption of public access to all court proceedings except under certain specified circumstances where a judge has the discretion to exclude some portion to the public. Case files and court records, unless they are sealed or contain confidential information, are public information and should be provided to the media according to procedures established in each court.

If you are asked by a member of the press or media for information, refer the request to your supervisor and/or administrative office.

Remember to refrain from making comments in both public and private about pending cases.

XIII. OFFICE OF THE INSPECTOR GENERAL

The Office of the Inspector General is responsible for the investigation, prevention and detection of corruption, misconduct, malfeasance and other violations of law involving nonjudicial employees and persons or corporations that conduct business with the court system. The Inspector General receives complaints and information from employees, the public and other external sources regarding alleged acts of wrongdoing and violations of internal rules and procedures. In certain instances, investigations are referred for prosecutorial review and criminal prosecution.

There also are two specialized units within the Office of the Inspector General.

The Office of the Managing Inspector General for Bias Matters investigates allegations of bias based upon race, sex (including sexual harassment), sexual orientation, gender identity or expression, age, marital status, disability, national origin or religion that affect the workplace or the terms and conditions of employment of court system personnel including acts that relate to services provided by employees to the public.

The Office of the Managing Inspector General for Fiduciary Appointments investigates allegations of unsatisfactory performance or conduct incompatible with appointment on the part of individuals who have applied to be eligible for appointment by the court as a fiduciary.

Employees must cooperate fully with any inquires and/or investigations conducted by the Office of the Inspector General. Failure to cooperate may lead to disciplinary action.

You may contact the Office of the Inspector General via e-mail to: **ig@courts.state.ny.us**.

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NEW YORK STATE UNIFIED COURT SYSTEM

DIVISION OF HUMAN RESOURCES

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