THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

RECEIVED

April 28, 1988

PERSONNEL ORDER NO. 88/5

TO THE HEADS OF ALL AFFECTED CITY DEPARTMENTS AND AGENCIES:

Pursuant to the powers vested in me by law, there is hereby established the attached "Leave Regulations for Management Employees". These Regulations shall, effective this date, supersede the "Leave Regulations for Management Employees" established by Personnel Order No. 86/2, dated January 21, 1986, as amended October 30, 1986.

There is also hereby established the attached "Standards Applicable to Outside Activities of Management Employees", which shall, effective this date, supersede Personnel Order No. 78/9, dated January 13, 1978, as amended May 22, 1978.

The City Personnel Director is authorized to interpret these Regulations upon request of an agency head or interested employee.

All officers or agencies of the City having any jurisdiction over matters provided in this Order are hereby requested, pursuant to the powers vested in them, to take the steps necessary to effectuate the provisions of this Order.

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ORIGINAL SIGNED
BY MAYOR

Edward I. Koch
MAYOR

(4) The total number of days paid for current and banked sick leave may not exceed 120 days.

c. Overtime credits which were earned prior to such assignment, appointment or promotion shall be placed in a sub-managerial overtime bank. Employees shall be compensated for all banked overtime balances.

Payment for unused overtime credits in the employee's sub-managerial overtime bank upon separation or termination shall be made at the rate of pay the employee was earning prior to assignment, reassignment, appointment or promotion to a position subject to these regulations or the current rate of pay the employee would have been earning in the title held immediately prior to appointment, promotion, assignment or reassignment to a position covered by these regulations if he/she had not been appointed, promoted, assigned or reassigned to a position covered by these regulations, if such rate is greater.

14. LUMP SUM PAYMENT ON DEATH WHILE IN THE CITY'S EMPLOY

14.0 The beneficiary or estate of an employee covered by these regulations who dies while in the City's employ shall be paid a lump sum for unused accrued annual leave, sick leave and compensatory time in accordance with the provisions of Sections 7, 12 and 13 of these regulations.

14.1 This section supersedes Executive Order No. 34, dated March 26, 1971.

15. LUMP SUM PAYMENT LIMITATION

15.0 Upon termination, separation or death, lump sum payments for such time and at the rate of pay indicated in Sections 7, 12 and 13 or Section 14 of these regulations, shall not exceed the salary earned or earnable during the last 12 months of service.

STANDARDS APPLICABLE TO OUTSIDE ACTIVITIES OF MANAGEMENT EMPLOYEES

1. OUTSIDE EARNED INCOME

1.0 Management employees in mayoral agencies serving in unclassified, exempt or non-competitive titles and management employees in mayoral agencies serving provisionally in competitive titles are not permitted to expend time or otherwise engage in any private employment, profession, business or other activity from which compensation, direct or indirect, is derived, except upon a specific determination by the Board of Ethics that such activity will not interfere or conflict with the proper and effective discharge of their official duties.

2. OUTSIDE FIDUCIARY POSITIONS

2.0 Management employees in mayoral agencies serving in unclassified, exempt or non-competitive titles and management employees in mayoral agencies serving provisionally in competitive titles are not permitted to serve as directors or officers of any corporation or institution except upon a specific determination by the Board of

Ethics that such activity will not interfere or conflict with the proper and effective discharge of their official duties.

3. POLITICAL PARTY POSITIONS

3.0 Management employees in mayoral agencies serving in unclassified, exempt or non-competitive titles or serving provisionally in competitive titles are not permitted to serve as officers of any political party or political organization or serve as members of any political party committee, including political party district leader (however designated).

4. REPORTING PROCEDURES

4.0 Management employees in competitive titles shall submit to the Department of Investigation, on a form provided by that Department, information indicating whether, during the twelve months preceding the submission of the form, the employee:

a) expended time or otherwise engaged in any private employment, profession, business or other activity from which compensation, direct or indirect, was derived;

b) served as a director or officer of any corporation or institution; or

c) served as an officer of any political party or political organization, or served as a member of any political party committee, including political party district leader (however designated).

This information shall be furnished to the Department of Investigation no later than 30 days from the date of this order and may be required to be submitted at regular intervals thereafter by the Commissioner of Investigation. The Commissioner of Investigation may forward this information to the Board of Ethics for a determination, pursuant to Section 2604 of the New York City Charter, whether any of these activities interferes or conflicts with the proper and effective discharge of the employee's official duties. Managers newly appointed from civil service lists have 30 days from their appointment dates to complete and submit this form.

4.1 All employees referred to in this order are required, upon any change in status of classification (e.g., provisional to non-competitive), to furnish the Department of Investigation within 30 days of such change with information regarding outside earned income, outside fiduciary positions or political party positions.

4.2 All forms and letters of determination shall be made part of the employee's agency personnel file as well as maintained centrally at the Department of Personnel.