

## PERSONNEL SERVICES BULLETINS (PSBs)

### 410-1R

**Subject:** Citywide Employee Lateness Policy

**Supersedes:** Personnel Services Bulletin No. 410-1

**Source:** "Leave Regulations for Employees Who are Under the Career and Salary Plan"

**Date:** April 17, 2000

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#### I. Policy

All employees are obligated to report to work on time. Employees not at their work sites ready to work at the scheduled time are late. Each lateness, regardless of whether it is at the beginning of the scheduled work day or upon return from lunch, is a separate unauthorized lateness.

With the exception of the employees described below, there shall be a five-minute grace period at the beginning of each work shift. When a tardy employee's lateness exceeds the five-minute grace period, the full period of time between the scheduled reporting time and the actual reporting time shall be charged against the employee (e.g., an employee whose starting time is 9:00 a.m. who reports to work at 9:05 a.m. is not late, but an employee who reports to work at 9:06 a.m. is six minutes late). Lateness beyond the five-minute grace period shall be classified as "excused" or "not excused." Excused lateness shall not be charged against the employee.

The following employees are not entitled to the five-minute grace period:

- A. Emergency personnel, including but not limited to: Fire Alarm Dispatchers, Police Communication Technicians and Emergency Medical Specialists;
- B. Employees whose positions require that, in the event of their lateness, another employee be held over from a previous shift or be called in to substitute for him/her at premium rates of pay; and
- C. Effective December 5, 1999, employees subject to flexible work schedules.

Upon satisfaction of the agency head or individual designated by the agency head to implement lateness policy, lateness caused by unforeseen transportation circumstances beyond the ability of the tardy employee to control shall be excused.\* The tardy employee may be required to furnish proof of the cause of lateness. A request for excusal shall not be unreasonably denied. A refusal to excuse a lateness may be appealed to the Commissioner of Labor Relations, whose decision shall be final.

Lateness caused by a verified major failure of public transportation, such as a widespread or total power failure of significant duration or other catastrophe of similar severity shall be excused.

The City reserves the right to discipline or discharge an employee for excessive lateness.

\*The phrase "transportation circumstances beyond the ability of the tardy employee to control" encompasses circumstances, which cannot be anticipated, after the employee leaves for work (e.g., elevator breakdowns or private transportation breakdowns).

## II. Procedure

Each agency will establish timekeeping procedures appropriate to the agency and consistent with the Citywide Agreement and the "Leave Regulations for Employees Who are Under the Career and Salary Plan."

Deductions for unexcused lateness shall be made on a minute for minute basis from any compensatory time credited to the employee. If the employee has no compensatory time, the time will be deducted from the employee's annual leave balances.

The following procedure shall be uniform in all agencies:

### 1. Notification

Within two days after an unauthorized lateness, the immediate supervisor will notify the employee of the amount of leave deducted as a result of the lateness.

### 2. First Warning

Upon the fourth occurrence of an unauthorized lateness, the immediate supervisor will meet with the employee to explain the lateness policy and to develop methods to help the employee avoid future lateness. At this time, remedies such as alternative work schedules should be discussed. The results of the meeting are to be recorded and signed by the supervisor and the employee and placed in the employee's personnel folder.

### 3. Second Warning

Upon the fifth occurrence of unauthorized lateness, the immediate supervisor will again meet with the employee to review the employee's lateness record. At this time the employee should be warned that additional lateness may result in disciplinary action. The results of the meeting are to be recorded and signed by the supervisor and the employee and placed in the employee's personnel folder.

### 4. Third Warning

Upon the sixth occurrence of unauthorized lateness, the immediate supervisor will again meet with the employee to review the employee's lateness record. The employee will be warned that the next unauthorized lateness will result in disciplinary action. The results of the meeting are to be recorded and signed by the supervisor and the employee and placed in the employee's personnel folder.

### 5. Disciplinary Action

If excessive lateness persists, the agency head will take disciplinary action against the employee utilizing Section 75 of the New York State Civil Service Law.

An unauthorized lateness shall not be considered if it occurred more than twelve months prior to the occurrence of the next lateness.

William J. Diamond  
Commissioner