



# STANDARDS OF CONDUCT

**New York City  
Department of Health  
And Mental Hygiene**

# **Standards of Conduct for Departmental Employees**

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Commissioner of Health

**Revised February, 2018  
Bureau of Human Resources and Labor Relations**

# STANDARDS OF CONDUCT FOR DEPARTMENTAL EMPLOYEES

## Preface

These *Standards of Conduct* are hereby declared by virtue of the authority given to the Commissioner of Health by Mayoral Executive Order No. 16 (July 1978).

All employees are required to comply with each provision of the *Standards of Conduct*. No order that conflicts with, or alters in any way, the purpose or intent of any provision of the Standards of Conduct shall be issued, except by authority of the Commissioner of Health and Mental Hygiene. Additionally, all employees are required to comply with each provision, including any amendments, of the following policies:

[DOHMH Equal Employment Opportunity Policy Statement](#) (Revised Yearly)

[DOHMH Sexual Harassment Policy](#) (Revised Yearly);

Mayoral Executive Order No. 16 (July 26, 1978, as Amended by Executive Order No. 72, April 23, 1984; Executive Order No. 78, October 5, 1984; and Executive Order No. 105 of 1986)

Regarding the Commissioner of Investigation, Inspectors General and Standards of Public Service; City Charter Chapter 49 Section 1116 "Fraud; neglect of duty; willfull violation of law relative to office"; Section 1118 "Officers and employees not to be ordered to work outside public employment"; City Charter Chapter 68; the City's Conflicts of Interest law (Rules of the City of NY Title 53 Chapter 1); and NYS Penal Law Sections 155.40, 195, 195.05, 200, 200.10, 200.20, 200.25, 200.30, 200.35, 200.40, 200.45 and 200.50 regarding generally larceny, bribery, official misconduct, unlawful gratuities, and obstructing governmental administration. These documents were provided to each employee upon hiring and are posted on the Agency SharePoint.

A copy of the *Standards of Conduct* is provided during New Hire processing, and the above-referenced provisions apply to every employee of the Agency. The *Standards of Conduct* will be updated with amendments, or additions, as they are presented from time to time by Executive Orders and/or Agency Policy.

By Order of

February 28, 2018



Mary T. Bassett, MD, MPH  
Commissioner of Health

## General Conduct

An employee shall be courteous and considerate in their contact with the public and with other employees.

Employees are required to be appropriately dressed and properly groomed during the work day. Standards of dress and grooming should be consistent with the standards of comparable public and private organizations, and appropriate to persons representing a service activity of the City and to the particular duties performed by the employee.

[DOHMH Dress Code Policy](#)

An employee shall comply with all Agency 'time and leave' regulations.

An employee shall perform their duties and assignments in an orderly and efficient manner in accordance with prescribed procedures. Each employee is advised that all orders issued by supervisory/management personnel must be observed despite advice by union representatives unless the orders would be illegal or would subject the employee to harm. If the employee believes a particular order is inconsistent with the terms and conditions of employment, they must comply with the order and, after, may elect to file a complaint through the proper channels.

All employees will be held accountable for compliance with these regulations, in accordance with the Standards of Conduct.

## Prohibited Conduct

### *That may provide a basis for disciplinary action*

#### **RULE 1 — UNLAWFUL/IMPROPER CONDUCT**

- 1.1 Striking or attempting to strike a supervisor/manager, City employee, or private citizen.
- 1.2 Disorderly or disruptive conduct.
- 1.3 Making a false statement under oath.
- 1.4 Making any report or false entry in or on any Agency record or any other official record in connection with any Agency operation or activity.
- 1.5 Making, attempting to submit or submitting any false record, report, document, or instrument including, but not limited to time records, medical or jury duty absence documentation, and knowing or having reason to know that such record, report, document, or instrument is false or contains false information.
- 1.6 Official Misconduct—A public servant is guilty of official misconduct when with intent to obtain a benefit for themselves or for another, or to injure/deprive another person of a benefit, they:
  - a. Commit an act unauthorized by the functions of their position, or
  - b. Knowingly refrain from performing a duty which is imposed upon them by law, regulation, or is clearly inherent in the nature of their office.
- 1.7 Receiving reward for official misconduct— A public servant is guilty of receiving reward for official misconduct when they solicit, accept or agree to accept any benefit from another person for having violated their duty as a public servant, or directing another individual to violate their duty as a public servant.
- 1.8 Bribery— A public servant is guilty of accepting a bribe when they solicit, accept or agree to accept any benefit from another person upon an agreement or understanding that such employee's vote, opinion, judgment, action, decision or exercise of discretion (or those of an individual acting under the employee's direction) as a public servant will thereby be influenced.
- 1.9 Gratuities— A public servant is guilty of receiving unlawful gratuities when they (or another individual acting under their direction) solicit, accept, or agree to accept any benefit, including honorariums, for having engaged in official conduct which the employee is required or authorized to perform and for which the employee is not entitled to any special or additional compensation.
- 1.10 Stealing, misappropriating, converting or causing to be stolen, misappropriated or converted, the property of the City or Department, or property of another employee.
- 1.11 Conviction of a felony or misdemeanor.
- 1.12 Discriminating against any employee, a job applicant or a member of the public based on the following protected classes: race creed color; age; national origin; alienage or citizenship status; gender (including gender identity and sexual harassment); sexual orientation; disability (including pregnancy); marital status and partnership status; arrest or conviction record; status as a victim of domestic violence, stalking, and sex offenses; unemployment status; military status; predisposing genetic characteristics; credit history; caregiver status; and any Equal Employment Opportunity (EEO) protected factor (see the Department of Health and Mental Hygiene (DOHMH) EEO Policy Statement).
- 1.13 Any conduct that is prohibited by city, state or federal law.
- 1.14 Engaging in any activity which constitutes a conflict of interest, as defined in Chapter 68 of the New York City Charter (see Chapter 68).
- 1.15 Failing to report any arrest or criminal conviction to the Director of the Employment Law Unit (or designee) and to the Inspector General, within three business days of such arrest or conviction.

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- 1.16 Failing to report the suspension or revocation of a job related license, permit, certification, and/or driver's license.
- 1.17 Failing to complete an Outside Activities e-Form on SharePort, the Agency's intranet, to disclose an outside position.
- 1.18 Failing to cooperate in an internal EEO or disciplinary investigation.

## **RULE 2 — ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES**

- 2.1 Indulging in, being under the influence of, or possessing open containers of alcoholic beverages while on duty or on Agency premises or property.
- 2.2 Indulging in or being under the influence of Illegal drugs or compounds while on duty or on Agency premises or property.
- 2.3 An employee under the influence of drugs, even drugs prescribed by a medical professional, and impaired while attempting to or performing work duties.

## **RULE 3 — UNBECOMING CONDUCT**

- 3.1 Disclosing to any unauthorized person any information contained within or relating to government records, operations, or activities.
- 3.2 Removal of official records from officially designated areas without authorization.
- 3.3 Addition to, deletion of, or modification of government records without authorization.
- 3.4 Permitting any unauthorized person to remain in or on Agency premises or property.
- 3.5 Permitting City premises or property to be used by unauthorized persons or for unauthorized purposes.
- 3.6 Being uncivil or discourteous in dealings with the public or with another City employee.
- 3.7 Directing obscene or abusive language towards a superior, City employee or a private citizen.
- 3.8 Threatening or intimidating a superior, city employee or private citizen.
- 3.9 Causing or allowing avoidable or unnecessary noise on City premises or property, or in the conduct of official duties.
- 3.10 Refusing to obey any oral and/or written direct order of a supervisor.
- 3.11 Sleeping while on duty.
- 3.12 Unauthorized absence from an assigned work location.
- 3.13 Gambling while on duty or while on City premises or property.
- 3.14 Smoking or vaping in prohibited areas, including City vehicles, premises or property, or when in uniform.
- 3.15 Selling or offering to sell any item on City premises or property, when on or off duty.
- 3.16 Damaging, losing, or improperly using City premises or property or allowing or permitting such premises or property to be damaged, lost, or improperly used.
- 3.17 Incompetence and/or the inability to perform an assignment within your job duties.
- 3.18 An employee is expected to carry out and complete all work assignments given to them by their supervisor. If an employee is unable to carry out an assignment they must notify their supervisor promptly, giving specific reasons for their inability to do so.
- 3.19 Inefficient, negligent, or careless performance of duties.
- 3.20 Rendering improper or unauthorized service.
- 3.21 Soliciting contributions or payments while on duty or on City premises or property. This regulation shall not apply to payment of regular dues, collected by authorized employee organizations or money collected for another purpose

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authorized by the Commissioner.

- 3.22 Failing to visibly wear Agency identification on Agency premises or property. An employee, upon request by a supervisor or member of the public, must identify themselves by stating their name, title, work unit, and, if in-person, producing or displaying agency photo identification.
- 3.23 Receiving personal mail at City premises or property.
- 3.24 Conduct prejudicial to good order and discipline.
- 3.25 Conduct that may bring the City or the Agency into disrepute.
- 3.26 Engaging in sexual or physical relations, on duty or off, with an employee in a subordinate position or with an employee whose terms of employment you may affect.
- 3.27 Engaging in lewd act(s) while on duty or off, on City premises or property, or at any location that can be reasonably regarded as an extension of the workplace.

### **RULE 4 — CITY EQUIPMENT**

An employee of the Agency is responsible for the good care and proper maintenance of City property issued for their use. Charges may be initiated against an employee who engages in the following prohibited conduct:

- 4.1 Unauthorized use or operation of City equipment including, but not limited to, misusing, tampering, defacing, or vandalizing City equipment.
- 4.2 Permitting any unauthorized or unqualified person to operate or use any City equipment.
- 4.3 Improperly interfering with the operation or use of City equipment.
- 4.4 Failing to report any damage to or loss of City equipment as soon as an employee becomes aware; or by the time they reasonably should become aware, of such damage or loss.
- 4.5 Failing to keep and/or maintain City equipment and/or other property assigned to the employee in good condition.
- 4.6 Failing to maintain the place of work in a neat and orderly condition.

### **RULE 5 — CITY ISSUED AND OTHER MOTOR VEHICLES AUTHORIZED FOR CITY USE**

An employee of the Agency is responsible for the good care, proper maintenance and serviceable condition of a motor vehicle issued for their use. Charges may be initiated against an employee who engages in the following prohibited conduct with respect to motor vehicles used to perform City duties:

- 5.1 Operating a City-issued motor vehicle in an illegal, negligent or careless manner, on or off duty.
- 5.2 Operating a motor vehicle authorized for City use in an illegal, negligent, or careless manner, while on duty.
- 5.3 Operating a City-issued motor vehicle while under the influence of alcohol or a drug that impairs an employee, on or off duty.
- 5.4 Operating a motor vehicle authorized for City use while under the influence of alcohol or a drug that impairs an employee, while on duty.
- 5.5 Operating or riding in a City-issued or other motor vehicle authorized for City use without proper authorization.
- 5.6 Permitting any person to operate or ride in a City-issued or other motor vehicle authorized for City use without proper authorization.
- 5.7 Failing to have the appropriate and valid license in their possession while operating a City-issued motor vehicle, on or off duty.



- 5.8 Failing to have the appropriate and valid license in their possession while operating a motor vehicle authorized for City use, while on duty.
- 5.9 Causing or permitting damage to be caused to a City-issued motor vehicle.
- 5.10 Failing to promptly report any accident involving damage to, or defects of, a City-issued motor vehicle entrusted to their care.
- 5.11 The use of any mobile and/or other electronic device, that is not hands-free, while operating a City-issued motor vehicle.
- 5.12 Failing to keep a City-issued motor vehicle clean and orderly at all times.

## RULE 6 — SUPERVISORY PERSONNEL

In addition to prohibited conduct set forth elsewhere in these Standards of Conduct, charges may be initiated against supervisory personnel for the following:

- 6.1 Failing to properly supervise a subordinate.
- 6.2 Borrowing money or anything of value from a subordinate.
- 6.3 Soliciting contributions or payments from a subordinate at any time, on or off City premises or property. (This regulation shall not apply to payment of regular dues or assessments of authorized employee organizations or money collected for other purposes authorized by the Commissioner).
- 6.4 Failing to document a violation of City and/or Agency rules and procedures.
- 6.5 Failing to furnish documentation of a violation of City and/or Agency rules and procedures to the Employment Law Unit or the Office of the Inspector General, as appropriate.
- 6.6 Failing to enforce City and/or Agency rules, orders, directives or procedures.
- 6.7 Failing to maintain order over and discipline subordinates.
- 6.8 Permitting any criminal or other unauthorized activity on City and/or Agency premises or property.

## RULE 7 — TIME AND LEAVE RULES

An employee is required to follow all time and leave rules as set forth in the DOHMH Time and Leave Manual. In addition, an employee is also required to follow all rules, orders, policies and regulations of the City; all Executive Orders of the Mayor and the Commissioner of Health; all established Agency policies and service orders; and all labor contract provisions. All employees are required to precisely record their time daily, including meal start/end times, and submit their weekly time record, that documents the employee's actual time worked and leave requested. Failure to comply with any component of the time and leave rules may result in disciplinary action, up to and including termination of employment.

- 7.1 **Annual Leave**— Earned annual leave shall be taken at times convenient to the Work Unit/Bureau. A request for annual leave must be submitted and approved in advance. An employee who is absent and has not followed this procedure will be deemed absent without authorization.
- 7.2 **Lateness**— An employee who is not at their work location and ready to work at the scheduled time is late. Each employee is expected to take the necessary measures to ensure arrival at their work assignment at, or before, the required starting time.

A grace period of five (5) minutes is allowed at the start of the workday for an employee on compressed time, traditional work schedule or staggered hours only. An employee who is assigned a (flexband) schedule is not entitled to the five (5) minute grace period.



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Employees are expected to anticipate and allow for minor travel delays. Only lateness caused by a verified major failure of public transportation or other instance of similar severity will be excused.

- 7.3 **Sick Leave**— Sick leave applies only to illness suffered by the employee. However, effective July 1, 2004, a Managerial, Original Jurisdiction, District Council 37, OSA, Local 1180 and Local 300 employee may use three (3) days per year from their sick leave balance for the care of ill family members.

An employee who does not accrue twelve (12) sick days is limited to one-fourth (1/4) of the total sick leave hours accruable in the current leave year to attend to illness of a family member.

The employee must notify their supervisor by telephone no later than fifteen (15) minutes after the employee's regularly scheduled start time on each day the employee seeks to charge to their sick leave balance. An employee **working** in certain Bureaus/**Divisions** such as Health Police, Operations, and custodial staff, and in positions responsible for opening up a facility to the public, may be required to call a supervisor at least one (1) hour before the employee's regularly scheduled start time.

Sick leave documentation must be provided by the employee when: the absence is more than three (3) consecutive work days; or five (5) undocumented "sick days" are taken within any six-month sick leave period ("period" is defined as January 1 through June 30 and July 1 through December 31); or undocumented sick leave is taken immediately before or after a holiday or scheduled day off (i.e., weekend or annual leave) and such practice occurs more than four times in the six-month sick leave period mentioned.

An employee who anticipates a series of three or more medical appointments that will require a repeated use of sick leave in units of one day or less shall submit medical documentation to their supervisor or the Employee Health Program indicating the nature of the condition and the anticipated schedule of treatment.

- 7.4 **Jury Duty**— Employees serving jury duty must send to the City the amount paid to them for jury service rendered, deducting any amount received as reimbursement for travel expenses. Proof of service as a juror must be submitted.

**RULE 8 — HUMAN RESOURCES AND OTHER AGENCY POLICIES**

8.1 An employee is required to comply with all Agency policies, posted and available on DOHMH [SharePort](#), including, but not limited to:

- Acceptable Use Policy for Office and Technology Resources
- Arrest and Conviction Reporting
- Confidentiality
- Derogatory Remarks
- Diversity and Inclusion
- Disability Rights
- Dress Code
- Dual City Employment
- Email Use and Retention
- Employee Compliance with Job Requirements
- Equal Employment Opportunity
- Flex Band
- Flu
- Nepotism Disclosure
- New Hire Orientation
- Return To Work
- Sexual Harassment
- Smoke Free Workplace
- Verification of Credentials
- Workplace Violence
- Workplace Gender Transition Guidelines

Inquiries:  
Office of the General Counsel  
Employment Law Unit (ELU)