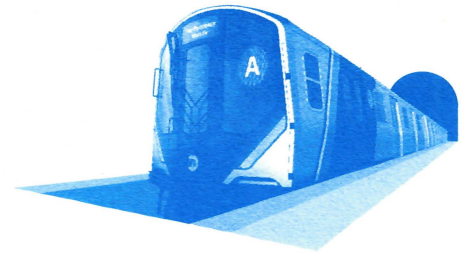


BULLETIN



BULLETIN NO.: 61-24

(Supersedes Bulletin No.: 122-17)

March 26, 2024

TO: ALL EMPLOYEES

SUBJECT: **DUAL EMPLOYMENT**

All employees who hold a second job and those seeking employment outside of NYCT, either part-time or full-time, are reminded that compliance with the MTA All-Agency Policy Directive for Outside Activities and Employment (Policy Number 11-090) and **Rule 4(g)** is mandatory:

Rule 4(g) states, in part:

“All employees must obtain Authority approval before engaging in any occupation, business or profession, including self-employment, outside the Authority. A request for approval must include written notification to their Division Heads specifying the proposed activities, the name, address and telephone number of the place of proposed employment, the date upon which they plan to commence additional employment, the days of the week and the hours during which they will be employed and the duties they will perform. Any change in any of this information, once the additional employment has commenced, must be provided in the same manner of notification...”

Employees must complete Sections 2-5 of Form HR-EMP-304 [All Agency Outside Activity Approval Request] (see Attachment) and forward the completed form via email to: MiscellaneousTimekeeping@nyct.com. Completed forms may also be forwarded via inter-office mail to: Central Timekeeping, 130 Livingston Street, 6th floor.

All employees who previously received approval for dual employment **must** seek new approval within five (5) days of notification of an assignment change, either in their NYCT employment or their outside employment, that results in changes in work days or work hours.

Employees in public-safety positions (Train Operators, Tower Operators and Conductors) **must** submit their requests annually, on the anniversary date of their current Dual Employment approval, or as required by the assignment change guidelines above.

Note that full-time employment with NYCT is deemed to be an employee’s primary employment. Dual employment approvals will be rescinded for employees who exhibit attendance or performance issues. Additionally, an employee in a safety-sensitive title, including a public-safety position, may not, at any time, engage in outside employment that would prevent the employee from having eight (8) consecutive non-working hours in the 16-hour period before reporting to work for NYCT.

Employees who violate the Directive may be subject to disciplinary action that could lead to the employee’s termination.

The All-Agency Policy Directive, along with Form HR-EMP-304 [All Agency Outside Activity Approval Request], are available on the Business Service Center (BSC) website or from your Human Resources representative.

A handwritten signature in black ink, appearing to read 'Paul J. McPhee', written over a horizontal line.

Paul J. McPhee
Chief Officer, Field Operations
Service Delivery

“EVERY SECOND COUNTS”

Attachment

BULLETIN NO.: 61-24

(Supersedes Bulletin No.: 122-17)

All Agency Outside Activity Approval Request

HR-EMP-304



This form should only be used by Employees who can not access the MTA Outside Activity Management System (OAMS)

Section 1 - Information and Instructions (Please Contact Your Agency Ethics Officer Prior to Completing this Form)

- 1) Any employee desiring to engage in activities outside the MTA as defined in the MTA Code of Ethics and MTA All Agency Outside Activity Policy should complete this form and obtain approval before engaging in any outside activity. If you are an Employee in a policy-making position, you must complete this form and possibly the New York Joint Commission ("JCOPE") on Public Ethics Outside Activity Form see the MTA Code of Ethics or the All Agency Outside Activity Policy for additional information.
- 2) Newly hired employees who wish to continue other outside activities, including outside employment, must file this form prior to their appointment date. If this request is subsequently denied, you must terminate your outside activity/employment within two (2) business days of receipt of determination or in such other time frame or manner as is requested by the employee and approved by your Agency Ethics Officer.
- 3) Prior to completing this form, you must discuss this matter with your supervisor and/or Ethics Officer who will advise you on how to complete this form, and the information you must provide about the outside activity. Please attach supporting documentation (e.g., job description, details on outside activity). Employees in Public-Safety Positions or Safety-Sensitive Titles must consult their Agency Dual/Outside Employment Policies for additional requirements.
- 4) Approval is based upon your current position and outside activity/employment. If there is any change in either, please contact your Agency Ethics Officer to determine whether a new request is required.

Section 2 - Employee Information

| | | |
|-----------------------|---|---------------------------|
| Employee Name | Policy Maker Yes <input type="checkbox"/> No <input type="checkbox"/> | Date of Request |
| Employee Title | BSC ID | Agency ID#(If Applicable) |
| Agency | Department | |
| Telephone Number | E-mail Address | |
| Current Work Schedule | Current Hours Worked | |

Section 3 – Category of Request (Check all that Apply) *Must complete JCOPE Outside Activity Report

| | | | |
|---|---|--|---|
| <input type="checkbox"/> Outside Activity Annual Compensation under \$5,000 | <input type="checkbox"/> Outside Activity Annual Compensation over \$5,000* Est. Annual Amount: \$ _____ | <input type="checkbox"/> Corporate Officer or Director* <input type="checkbox"/> Non Profit Officer or Director | <input type="checkbox"/> Public Office* <input type="checkbox"/> Elected Position* |
|---|---|--|---|

Section 4 – Nature of Outside Activity

| | | | |
|---|--|---------------------|--|
| Name of Organization | Your Proposed Title/Position | | |
| Organization's Address (Street Number and Name) | | | |
| City | State | Zip Code | |
| Nature and type of business, profession, or other outside activity | Does the organization conduct business with any of the following: <input type="checkbox"/> MTA or its Agencies <input type="checkbox"/> MTA Contractor or Subcontractor <input type="checkbox"/> Any MTA or MTA Agency Employee | | |
| Detailed description of services to be performed by you (Attached Separate Sheet if Needed) | | | |
| Work Schedule | Work Hours | Proposed Start Date | |

Section 5 - Acknowledgement

I acknowledge that the outside activity described above will not be conducted on MTA or Agency time or using MTA or Agency resources, and that in no way will it interfere with the performance of my responsibilities at the MTA or Agency. This activity would not, to the best of my knowledge and belief, constitute a violation of Public Officers Law §73-a, or §74 or the MTA Code of Ethics which I have reviewed.

| | |
|-----------------------|------|
| Signature of Employee | Date |
|-----------------------|------|

All Agency Outside Activity Approval Request



HR-BEN-304

| Section 6 –Approval-Supervisor | | |
|---|------------------------------|------|
| I recommend that the above-stated outside activity be approved, having determined that this outside activity would not interfere with the Employee's discharge of his or her duties to the MTA. | | |
| Signature | Approved ____ Denied ____ | Date |
| Print Name | | |
| Section 7 –Approval-Department Head | | |
| I recommend the above-stated outside activity based upon the information provided, having determined that this outside activity is appropriate, considering MTA Code of Ethics, applicable policies, procedures, and other rules or regulations governing employee conduct which may apply. | | |
| Signature | Approved ____ Denied ____ | Date |
| Print Name | | |
| Section 8 –Approval-Legal/Ethics Officer (Policy Makers Only) | | |
| I recommend that the above-stated outside activity be approved, having determined that this outside activity is appropriate, considering MTA Code of Ethics, this agency's applicable policies, procedures, and other rules or regulations governing employee conduct which may apply. | | |
| Signature | Approved ____ Denied ____ | Date |
| Print Name | | |
| Section 9 – Approval-Chief Compliance Officer (Policy Makers Only) | | |
| I approve the above-stated outside activity based upon the information provided, having determined that this outside activity is appropriate, considering MTA Code of Ethics, applicable policies, procedures, and other rules or regulations governing employee conduct which may apply. | | |
| Signature | Approved ____ Denied ____ | Date |
| Print Name Lamond W. Kearse, MTA Chief Compliance Officer | | DDR# |

NEW YORK CITY TRANSIT AUTHORITY
POLICY/INSTRUCTION

| | | | |
|---|--------------------------|---------|---------|
| Subject: | Classification | Issued: | Number: |
| POLICY/INSTRUCTION FOR DUAL EMPLOYMENT | Executive Vice-President | 4/19/00 | 4.23.2 |

I. POLICY

Full-time employment with the Authority is deemed to be an employee's primary employment. All employees must be fit for duty during their work hours. The Authority's employees may engage in other employment provided that (i) such employment does not interfere with their ability to devote appropriate time and attention to their employment with the Authority; (ii) such employment does not violate the guidelines set forth in Section IV; and (iii) they follow the procedures and obtain the required approvals as set forth in this Policy/Instruction ("P/I").

II. PURPOSE

This P/I establishes procedures for employees who wish to engage in outside employment in addition to their regularly scheduled Authority employment, and provides criteria to guide departments with respect to determination of dual employment requests, in accordance with the Authority's Rules and Regulations and its Ethics P/I.

III. DEFINITIONS

Authority: The New York City Transit Authority (NYCTA), the Manhattan and Bronx Surface Transit Operating Authority (MaBSTOA), and/or the Staten Island Rapid Transit Operating Authority (SIRTOA).

Department Head: An executive of the Authority who reports directly to the President of the Authority.

Division Head: An individual of highest rank in a Division, who reports to the Department Head.

Dual Employment: Employment with the Authority held concurrently with any other employment, public or private, including self-employment.

Employment: The performance of services conducted on a regular basis, for or on behalf of any entity or individual including oneself (self-employment) to obtain economic or other material benefit.

Policy-Making Positions: Management and non-management positions designated by the Authority due to the incumbent's responsibilities in formulating plans for implementing Authority action or policy or positions that have effective or substantial influence on an individual in such a position, as more fully described in the Ethics P/I No. 5.6.4, or any subsequent revisions to that P/I.

Public-Safety Titles/Positions: Bus Operator, Conductor, Tower Operator and Train Operator.

Safety-Sensitive Titles/Positions: Positions, as defined by the Federal Transit Administration, in which the incumbents perform the following functions: operate, dispatch, control or maintain revenue service vehicles including when not in revenue service; operate nonrevenue service vehicles that require drivers to hold Commercial Driver's License; or provide security services that require the incumbent to carry a firearm.

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**NEW YORK CITY TRANSIT AUTHORITY
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| Subject: | Classification | Issued: | Number: |
| POLICY/INSTRUCTION FOR DUAL EMPLOYMENT | Executive Vice-President | 4/12/00 | 4.23.2 |

IV. GUIDELINES

Requests for dual employment will be reviewed and approved on a case-by-case basis. Employees' Department Heads, with the approvals of the Vice Presidents, Human Resources, Labor Relations and Law, may create and disseminate department-specific standards which may be more stringent than standards set forth in this P/I, as warranted to assure the safety of the public and of Authority employees.

Employees who wish to engage in dual employment, and Division/Department Heads responsible for approval of dual employment requests, must determine whether the proposed outside employment complies with the following guidelines:

A. For all employees:

1. The dual employment shall not interfere with the proper and effective discharge of the employee's duties with the Authority or otherwise render the employee unfit for duty.
2. The dual employment shall not create a conflict of interest or an appearance of a conflict in the performance of the employee's employment with the Authority.
3. A current employee may not commence a secondary job until his/her dual employment request has been approved in writing.
4. New hires will be informed of the Authority's Dual Employment Policy when they are initially processed for appointment. The position with the Authority will be considered the primary employment and the possibility of working at a second job or occupation will be subject to the individual departmental needs.

A new hire who wishes to continue other employment must file a dual employment request prior to his/her appointment date. If the department subsequently denies the request, the employee will be required to terminate the outside employment within two (2) days of receiving notice of the determination.

5. The proposed outside employment:
 - a) may not make use of Authority time, resources, facilities, or equipment.
 - b) may not use and/or disclose any Authority proprietary or confidential information.
6. Division/Department Heads, in making determinations on dual employment requests, will take into consideration the total, combined work time, type of work being performed, and commuting time.
7. An employee is prohibited from being employed concurrently in more than one position with the Authority. An employee of the Metropolitan Transportation Authority (MTA) or one of its subsidiaries (the "employing Authority") who is on permanent assignment to

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**NEW YORK CITY TRANSIT AUTHORITY
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| Subject: POLICY/INSTRUCTION FOR DUAL EMPLOYMENT | Classification Executive Vice-President | Issued: 4/19/00 | Number: 4.23.2 |
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one of the Authorities covered by this P/I is prohibited from working concurrently for, and being compensated by, his/her employing Authority.

8. In accordance with Section 7.2.3 of the City Personnel Director's Rules and Regulations, an employee is prohibited from being employed concurrently with NYCTA and an agency of the City of New York unless pre-approved by both NYCTA and the City agency.
9. While on sick leave from the Authority, employees may not work for another employer without express written authorization from the Authority.

B. For employees in FTA safety-sensitive titles, in addition to the guidelines set forth in subsection A above:

1. The proposed outside employment may not result in total, combined work time that prevents the employee from having eight consecutive non-working hours in the 16-hour period before reporting to work for the Authority.
2. Employees who previously received approval for dual employment must seek new approval within five (5) days of notification of an assignment change, either in their NYC Transit employment or their outside employment, that results in changes in work days, shift changes, work location changes, and/or work assignments.

When such changes occur, the employees must seek new approval of their Division/ Department Head by completing a new *Dual Employment/Outside Activity* form (Attachment A). Requests that are not submitted timely will result in the previous approval being null and void.

C. For employees in public-safety positions (Bus Operators, Train Operators, Tower Operators and Conductors), in addition to the guidelines set forth in subsections A and B above:

1. Dual employment requests may be approved for a maximum of one year; employees must resubmit requests for review and approval annually, or as required by Subsection IV.B.2, above.

V. ILLUSTRATIONS

A. The following are illustrations of dual employment requests that may be denied:

1. Conflict of Schedules:

An employee cannot properly discharge his/her duties for the Authority if the other employment includes hours/days of service or necessary travel time which overlap the days and hours of service the employee works for the Authority.

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**NEW YORK CITY TRANSIT AUTHORITY
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Example: A Car Maintainer, who is employed on a fixed schedule of 8:00 a.m. to 4:00 p.m. at the Coney Island Yard, seeks approval to also work at an auto repair shop in the Bronx that requires him to begin work at 4:30 p.m.

2. Inadequate Rest Time:

The job duties of an employee in a safety-sensitive position require that he/she be alert and capable of safely operating a vehicle or equipment. The employee may not work in other employment that does not result in having a block of eight continuous non-working hours in the 16-hour period before reporting to work for the Authority.

Example: A Train Operator, who works an 6:00 a.m. - 2:00 p.m. shift, seeks approval to also work as a cashier on a 6:00 p.m. to midnight shift.

3. Conflict of Interest:

Authority employees who are engaged in the award or administration of contracts are required to perform their duties without any impropriety or appearance of impropriety in their selection of contractors or in the administration of contracts for the Authority.

Example: A Procurement Specialist's job duties involve the award of contracts. She seeks approval to also work for XYZ Office Supply Company which bids on Authority purchase requisitions.

This type of activity is prohibited by the guidelines set forth in this P/I and in Ethics P/I.

B. The following are illustrations of dual employment requests that may be approved, subject to the restrictions (e.g., eight-hour rule, conflict of interest) provided in this P/I:

Example #1: A Conductor, who works a 7:00 a.m. - 3:00 p.m. shift, seeks approval to work in a restaurant from 5:00 p.m. until 9:00 p.m.

Example #2: A Confidential Secretary, who works Monday through Friday, seeks approval to work in a retail store on Saturdays.

Example #3: A computer programmer, who works Mondays through Friday, seeks approval to develop websites ten hours per week.

VI. ADMINISTRATION AND RESPONSIBILITIES

A. Requests for Dual Employment:

1. All requests for dual employment must be made on the *Dual Employment/Outside Activity Form*. Information on this form, including specifics pertaining to the proposed activity, is necessary to properly determine whether the proposed employment is permissible under this P/I. Request forms may be obtained from the employees' departmental Human Resources Representative.

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2. Employees must submit dual employment requests to their Division/Department Heads. Division/Department Heads must submit their dual employment requests to their immediate supervisor.
3. If the Division Head denies or fails to respond to an employee's request, the employee has the right to appeal to the Department Head. The appeal must be made in writing and explain why the employee believes the denial for dual employment should be reversed. The Dual Employment/Outside Activity request form must accompany the request. The decision of the Department Head is final.

Division/Department Heads shall not have a right to appeal a denial of their dual employment requests.

4. Employees in policy-making positions are also subject to the dual employment instructions and procedures of the Authority's Ethics P/I §3.07 (Attachment B) as such may be amended from time to time.

B. Employee:

1. All current employees must obtain the Authority's approval in writing, on the prescribed application form, before engaging in any occupation, business or profession, including self-employment, outside the Authority.
2. All newly appointed employees who wish to continue other employment must file a dual employment request prior to commencing employment with the Authority. If the department subsequently denies the request, the employee must terminate the outside employment within two (2) days of receiving notice of the determination.
3. Employees in FTA safety-sensitive titles who previously received approval for dual employment must seek new approval within five (5) days of notification of an assignment change, either in their NYC Transit employment or their outside employment, that results in changes in work days, shift changes, work location changes, and/or work assignments. Requests that are not submitted timely will result in the previous approval being null and void.
4. Employees in public-safety positions (Bus Operators, Train Operators, Tower Operators and Conductors) must resubmit their request for dual employment annually, or as required by item # 2 (above).
5. An employee who files a workers' compensation claim relating to his/her employment with the Authority is obligated at the time of filing to report his/her dual employment status to NYC Transit's Workers' Compensation Unit, Law Department.
6. Violation of these procedures may subject an employee to discipline, up to and including termination of employment, and/or may expose an employee to civil or criminal penalties.

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C. Division Head:

1. The Division Head will review and approve/deny the employee's application for dual employment, taking into consideration the standards set forth in Section IV, the employee's work history such as attendance and performance issues which may be relevant to a dual employment application, and the needs of the department. If the employee is in a policy-making position, the Division Head is responsible for ensuring that the employee follows the procedures set forth in the Authority's Ethics P/I §3.07 as such may be amended from time to time.

Division Heads should process the requests as expeditiously as possible, and are encouraged to reach their determination within 10 business days of receipt of the request.

Division Heads may not delegate their authority to determine dual employment requests to subordinates. The Chief Transportation Officers in the Department of Subways and the Department of Buses are division heads for purposes of determining requests by operating personnel in their departments.

Department Heads or the President may rescind dual employment requests that were improperly granted.

2. Division Heads shall document the reasons(s) for disapproval of dual employment requests on the *Dual Employment/Outside Activity* form.
3. Division Heads shall notify the employee requesting approval for dual employment of the determination reached.
4. When the employee requesting dual employment is a Division/Department Head, his/her immediate supervisor shall carry out the responsibilities of this section.
5. All *Dual Employment/Outside Activity* forms are to be retained by the Department, with a copy to the employee. For policy-making employees subject to the requirements of the Ethics P/I relating to outside activities, a copy is to be forwarded immediately upon the Division Head's approval to the NYC Transit Ethics Committee, attention of the Vice President and General Counsel, Committee Chair.

D. Department Head

1. Department Heads are responsible, with the approvals of the Vice Presidents, Human Resources, Labor Relations and Law, to create and disseminate department-specific standards, which may be more stringent, as warranted to assure the safety of the public and of Authority employees.
2. The Department Head is responsible for reviewing appeals of dual employment requests disapproved by the Division Heads, and for approving/disapproving requests from Division Heads.

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Department Heads should process the appeals as expeditiously as possible, and are encouraged to decide such appeals within 10 business days of receipt of the appeal.

3. The Department Head is responsible for ensuring that applicable guidelines meet the safety needs of their department.

VII. RECORD RETENTION

The *Dual Employment/Outside Activity* form will be maintained in the employee's department file, in accordance with the Record Retention Schedule.

VIII. ATTACHMENTS

Attachment A: Dual Employment/Outside Activity Form
Attachment B: Ethics Policy Instruction §3.07

APPROVED:



Lawrence G. Reuter
President

4-19-2000
Date

| | | | |
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| Issued By: Lawrence G. Reuter President | | 6.41.2 | Page 7 of 7 |
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Directions for Completing the Dual Employment/Outside Activity Form

Any employee desiring employment outside of NYC Transit should complete this form and obtain approval from your department **before** engaging in any occupation, business or profession, including self-employment, outside the Authority.

All NYC Transit employees are reminded that they have a continuing obligation to disclose any employment with a Contractor, or Subcontractor to a Prime Contractor, who is doing business with, or seeking to do business with the NYCT or any other MTA agency. This disclosure will enable the person responsible for approving the activity to evaluate whether there may be a conflict of interest, or require referral of the matter to the NYC Transit Ethics Committee.

All NYC Transit employees are reminded that they have a continuing obligation to disclose any non-work related business relationships with fellow NYC Transit employees or any other MTA Agency employees. This disclosure will enable the person responsible for approving the activity to evaluate whether there may be a conflict of interest, or require referral of the matter to the NYC Transit Ethics Committee.

Newly hired employees who wish to continue other employment must file a dual employment request **prior to his/her appointment date**; if the request is subsequently denied, the employee will be required to terminate the outside employment within two (2) days of receiving notice of the determination.

Employees in **Public-Safety Positions** must resubmit their request for dual employment annually.

Employees in **Safety-Sensitive Titles** who previously received approval for dual employment must seek new approval within five (5) days of notification of an assignment change, either in their NYC Transit employment or their outside employment, that results in changes in work days, shift changes, work location changes, and/or work assignments.

Refer to the NYC Transit Policy Instruction Dual Employment 4.23.2 (or applicable revisions) for additional information.

If you are an employee in a **policy-making position**, you may be required to submit a dual employment/outside activity request to the NYC Transit Ethics Committee *after* the department head's approval is received; approval of the NYS Commission on Public Integrity may also be required.

1. Employees in positions other than policy-making positions must complete this form and obtain approval from your department. Distribute completed form accordingly:

Original ----- **Department**
Copy ----- **Employee**
Copy ----- **Employment Services Support**
180 Livingston Street, Room 4067
Brooklyn, NY 11201

2. Employees in policy-making positions must request authorization from the NYC Transit Ethics Committee, *after department head's approval is received, to perform outside activities. Forward completed form accordingly:*

Original ----- **NYC Transit Ethics Committee**
130 Livingston Street, Room 1207
Brooklyn, NY 11201
Copy ----- **Employee**
Copy ----- **Department**

NYC Transit Ethics Committee forwards a copy of the final determination to the Department Head and to Employment Services Support, 180 Livingston Street, 4th Floor, Brooklyn, New York 11201.

Directions Regarding Workers' Compensation Claims

An employee who files a workers' compensation claim relating to his/her employment with the Authority is obligated at the time of filing to report his/her dual employment status to the Authority's Transit's Workers' Compensation Unit, Law Department.

ATTACHMENT B

Ethics Policy Instruction No. 5.6.4, §3.07

Classification: Legal

Issued: May 11, 1999

Dual Employment. The Authority requires that employees devote appropriate time and attention to their employment with the Authority. Employees are prohibited from employment, Business, professional or other outside activity which interferes or is in conflict with the proper and effective discharge of the individual's official duties or responsibilities. Employees may engage in other employment in certain limited circumstances, subject to approval. See the Dual Employment Policy/Instruction which is applicable to outside employment or self-employment of all Authority employees. An employee in a Policy-Making Position, in addition to compliance with the Dual Employment P/I, is subject to the following specific restrictions on dual employment and other outside activities.

(a) He or she may not serve as: i) an officer of any political party or political organization; ii) a member of any political party committee, including political party district leader or member of a political party national committee. "Political organization" means any organization affiliated with a political party but does not include an organization supporting a particular cause with no partisan activities (e.g., the League of Women Voters), or a campaign or fundraising committee.

(b) He or she may not hold any other public office or public employment for which more than \$4,000 in annual compensation is received, without the prior approval of the Authority and the State Ethics Commission.

(c) He or she may not engage in any private employment, profession or Business or other outside activity, without the following prior approvals:

(i) Annual compensation of \$0 to \$1,000 -- No approval required.

(ii) Annual compensation of \$1,001 to \$4,000 -- Authority approval.

(iii) Annual compensation of \$4,001 or more -- Authority and State Ethics Commission approval.

(d) He or she may not serve as a director or officer of a corporation or institution engaged in profit-making activities, without the prior approval of the State Ethics Commission.

Any individual who requests approval from the State Ethics Commission to engage in outside activities must file a written request with the Commission which contains the Authority's approval of the activity. Appendix B sets forth a copy of the form to be used to request the Authority's Ethics Committee approval of such outside activity. The Authority's Ethics Committee acts as the Authority's agent in approving or disapproving such requests. The Authority's disapproval is final.

Denzel McLarty
Asst. Transit Mgmt. Analyst
Administration, Operations Support
Department of Subways



New York City Transit

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