



*** UPDATED ***

January 8, 2018

To: Managers, Supervisors, Bus Operators, Hourly-Rated Personnel and All Concerned

Subject: **ALL AGENCY OUTSIDE ACTIVITY APPROVAL REQUEST**

MTA New York City Transit Policy Instruction No. 4.23.2, prohibits NYCT and MTA Bus employees from participating in dual employment or specified activities (e.g., political), outside of NYCT/MTA Bus, without first obtaining written approval from management on the **All Agency Outside Activity Approval Request form (HR-EMP-304)** (see attachment) this form is also located on the BSC. Restrictions include the engagement in any occupation, business, profession, self-employment, or business ownership, which is outside of NYCT/MTA Bus. Furthermore, to comply with the City Personnel Director's Rules and Regulations, an employee is prohibited from being employed concurrently with NYCT/MTA Bus and any agency of the City of New York, unless approved by NYCT/MTA Bus and the City agency.

The procedures for filing the **All Agency Outside Activity Approval** forms have changed. Specific filing requirements, according to title, have been established for employees as follows:

- **All employees are to complete an All Agency Outside Activity Approval Request (HR-EMP-304) form, which will be kept in their personnel file.**
- Forms are available on the BSC.
- Newly hired employees are required to file an All Agency Outside Activity Approval Request form prior to their appointment date, in order to obtain approval to continue their secondary employment.
- All employees who are denied approval, including newly hired employees, must terminate their secondary employment within two (2) days of receiving notice of the decision and submit *another* All Agency Outside Activity Approval Request form to confirm that the secondary employment was terminated.

Employees in positions classified as safety sensitive or public safety, are subject to additional restrictions.

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Safety Sensitive Positions

The Federal Transit Administration (FTA) defines safety sensitive positions as jobs that require an employee to operate, dispatch, control or maintain revenue service vehicles, or non-revenue vehicles (in or out of service), for which a Commercial Drivers License (CDL) is required. The responsibilities of safety-sensitive employees could *potentially* affect the safety of the public.

Safety Sensitive Positions			
Title	Title Code	Title	Title Code
Bus Maintainer Chassis	100	Bus Maintainer Trainee (B)	335
Bus Maintainer Body	101	Helper	448
Bus Maintainer Trainee Chassis	107	Light Maintainer	606
Revenue Collecting Agent (Armed Security)	258	Maintainer Helper B	616
Dispatcher (Surface Transit)	300	Mechanical Maintainer C	637
Bus Maintainer B	321		

Safety Sensitive - Public Safety Positions			
Title	Title Code	Title	Title Code
TA Bus Operator (Revenue Vehicle)	325	OA Bus Operator (Revenue Vehicle)	609
TA Bus Operator (Non-Revenue Vehicle)	326	Bus Operator (Utility)	683
OA Bus Operator (Non-Revenue Vehicle)	608	Bus Operator (Shifter)	700
MTA Bus Operator (Revenue Vehicle)	609	MTA Bus Operator (Non-Revenue Vehicle)	610

Public Safety Positions

In addition to having a safety sensitive classification, bus operators are the only DOB employees who are classified as public safety employees. Public safety employees have a *direct effect on the safety of the public. Bus operators are considered both safety sensitive and public safety employees and are subject to the regulations governing both classifications.* Consequently, bus operators are held to a higher standard and, therefore, their approval for dual employment and/or outside activity is for a *maximum* of one year. **Bus operators, who are approved for dual employment or outside activity, must renew this status annually by submitting a new All Agency Outside Activity Approval Request form at every General or System Pick, or prior to the expiration of the one-year period.**

Safety Sensitive and Public Safety Positions

In addition to the specific requirements stated under their headings in this bulletin, safety sensitive and/or public safety employees who have approval for dual employment must file new All Agency Outside Activity Approval Request forms within five (5) days of notification of an assignment change (in their NYCT/MTA Bus or outside employment), which results in changed work days, shifts, work assignments, or termination of the second job. *At picks, employees who are currently approved for dual employment or outside activity must notify their supervisor when a change in their work schedule or regular days off occurs.*

Safety sensitive and public safety employees are prohibited from working any secondary employment that does not permit the employee to have eight (8) continuous hours off in the sixteen (16) hour period prior to reporting for duty with NYCT/MTA Bus. Employees approved for dual employment on their regular days off are prohibited from working overtime assignments on the same day as the secondary employment. Furthermore, approved employees must have eight (8) continuous hours off after finishing the secondary employment, before working an overtime assignment on their next scheduled day off.

Job Performance and Prohibitions

At all times, while on duty, NYCT/MTA Bus employees must be in condition to perform their job functions effectively. Public safety and safety sensitive employees must be especially alert and be capable of operating NYCT/MTA Bus vehicles and/or equipment safely. Secondary employment that prevents an employee from obtaining adequate rest, or causes the employee to work excessive hours, perform hard physical labor, or operate a vehicle, may contribute to fatigue and render the employee unfit for duty. For these reasons, employees whose essential functions are to operate DOB vehicles and/or equipment may be prohibited from performing similar functions as secondary employment.

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While on sick leave, employees may not report to work for the secondary employer, without written permission from NYCT/MTA Bus. No sick leave will be granted to an employee who is unfit for work due to an on-the-job injury which occurred while working for another employer. Fraudulent claims for sick leave are valid grounds for dismissal. Employees filing Workers' Compensation claims relating to their NYCT/MTA Bus employment, must notify supervision immediately so their dual employment status will be reported to the NYCT Workers' Compensation Unit, Law Department or MTA Bus Company General Counsel Claims Unit.

Factors Management Shall Consider

Factors considered during the review of All Agency Outside Activity Approval Request forms include, but are not limited to, the employee's NYCT/MTA Bus job title, whether or not there are eight (8) continuous hours off in the sixteen (16) hour period before reporting to duty for NYCT/MTA Bus, the total number of work hours, conflict in hours during tour of duty, necessary commuting time between jobs, performance issues, attendance, type of secondary employment (i.e., doesn't involve driving a vehicle), potential risks, safety and environmental issues.

Outside activities, which may be prohibited or require approval, include the holding of elected political offices and other involvements that may constitute a conflict of interest, impair judgment, or interfere with the proper and effective discharge of duties with NYCT/MTA Bus. Various laws and the All Agency Code of Ethics prohibit dual employment with businesses that hold contractual agreements with NYCT/MTA Bus. Additionally, DOB prohibits dual employment with competing companies and agencies. Approvals shall rest solely with NYCT/MTA Bus, the NYC Transit Ethics Committee, NYS Ethics Commission, or the City of New York.

Policy-Making Positions

Managers and other employees in policy-making positions, may be required to submit an All Agency Outside Activity Approval Request form to the NYC Transit Ethics Committee after Department Head approval is received. The approval of the NYS Ethics Commission may also be required. Refer to All Agency Code of Ethics, Section (4.07) for additional information.

Recording Outside Activity

For each All Agency Outside Activity Approval Request form that is submitted, entries must be made by a supervisor/manager in the **Recording Outside Activity Log** (attached). Each page of the Recording Outside Activity Log consists of columns, and are to be completed with the following information:

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Recording Outside Activity Log
<ol style="list-style-type: none">1. Date the All Agency Outside Activity Request form is submitted.2. Employee's name.3. Pass or Payroll Number.4. Title.5. Run/Route or Trick No.6. Tour of Duty & RDOs.7. Reason for Filing All Agency Outside Activity Request form. <i>(e.g., change in employment, annual renewal, pick, etc.)</i>8. Outside Activity Termination [Date]9. Entered into the UTS System <i>[Supv. Name & Pass/Payroll No.] [Date]</i>10. Request Status [Approved] [Denied] [Date]

A copy of the All Agency Outside Activity Approval Request form submitted will be given to the employee and placed in that employee's personnel file. If approved, an entry must be made in the Unified Timekeeping Control System (UTS), Dual Employment Module located in Employee Information.

Assistant General Managers, Assistant Chief Officers, and/or the highest level manager of each location/office will monitor to ensure compliance with this bulletin. In doing so, that manager will ensure that the All Agency Outside Activity Approval forms submitted by employees at their locations/offices are properly submitted to the Chief Officer or General Manager for approval and that the location's outside activity log is being completed properly. All decisions regarding All Agency Outside Activity Request form requests will be made in accordance with this bulletin and the applicable Policy/Instruction Dual Employment (4.23.2) and the All-Agency Code of Ethics Section (4.07).



Edwin Melendez
Chief Officer,
Transportation
Support



George Menduina
Vice President &
Chief Facilities
Officer



John Higgins
Chief Maintenance
Officer



Frank Annicaro
Chief Officer, Central
Maintenance
Facility

(Attachments)

All Agency Outside Activity Approval Request



HR-EMP-304

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

- 1) Any employee desiring employment outside the MTA and any of its Agencies ("MTA") 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 to request permission to: (a) hold elected or appointed public office, (b) serve as a director or officer of a profit-making corporation or institution, (c) serve as a director or officer of a not for profit-making corporation or institution, that qualifies as a Prohibited Source, or (d) engage in an outside activity from which you expect to receive more than \$5,000 in annual compensation. See **MTA Code of Ethics and your Agency Dual/Outside Employment Policies for additional information.**
- 2) Newly hired employees who wish to continue other outside activities/employment should 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 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) Any approval is based upon your current position and outside activity/employment. If there is any change in either, please contact your Supervisor or Agency Ethics Officer to determine whether a new request is required. You may be required to certify annually that there has been no change in either your outside activity or your position with the MTA.
- 5) If approved, a copy of the completed form will be sent by your Agency to the Business Service Center for inclusion in your personnel file.

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 or Pass# (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*
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Section 4 – Nature of Outside Activity

Name of Organization	Your Proposed Title/Position		
Organization's Address	City	State	Zip Code
Nature and type of business, profession, or other outside activity	Does the organization conduct business with any of the following (If Yes, contact your Agency Ethics Officer) : <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
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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
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All Agency Outside Activity Approval Request

HR-EMP-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	Date
Print Name:	
Section 7 –Approval-Department Head	
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	Date
Print Name:	
Section 8 –Approval-Legal/Ethics Officer (Required for Policy Makers and All MTAHQ Employees)	
I approve the above-stated outside activity, 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	Date
Print Name:	
Section 9 – Approval-Chief Compliance Officer or Designee (Required for Agency Presidents and all MTAHQ Employees)	
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	Date
Print Name:	DDR#

