



PER SESSION EMPLOYMENT FREQUENTLY ASKED QUESTIONS

HR SCHOOL SUPPORT
DIVISION OF HUMAN RESOURCES
NEW YORK CITY PUBLIC SCHOOLS

Per Session Employment FAQs

1) GENERAL TOPICS

Q: *What is per session employment?*

A: Per session employment is any work activity outside regular work hours for which pedagogic employees are paid at an hourly rate established by applicable collective bargaining agreements.

Q: *What is the “Per Session Year”?*

A: The per session year aligns with the New York City Public Schools fiscal year, beginning on July 1st and ending on June 30th during the following year.

Q: *When can an employee perform per session work?*

A: For current, active employees, per session takes place during non-work hours (i.e., after school, weekends, during summer). Except for retirees who may work during the school day based on an appropriate advertisement, per session may not be performed during the school day. Additionally, it is strongly inadvisable and not recommended for non-principal employees to work per session on school holidays. Any such work requires approval from the Division of Human Resources. Principals may not work per session on school holidays.

2) ELIGIBILITY

Q: *Who can work per session?*

A: All employees serving under a pedagogic license, including, but not limited to principals, assistant principals, and teachers. Central and administrative H-Bank staff may not work per session.

Q: *Can a substitute teacher work per session?*

A: Yes, substitutes can work per session. However, qualified, full-time pedagogic employees are given priority and must be offered positions in per session activities before per diem employees.

Q: *Can a supervisor (e.g., principal, AP, EA) work in a per session activity?*

A: Yes, provided the per session activity is different from their regular work responsibilities and is performed outside of their regular work hours.

Q: *Can a teacher hold a supervisory per session position?*

A: No, pedagogues and pupil personnel service providers cannot work a per session activity in a supervisory role.

Q: *Can a supervisor work as a teacher in a per session activity?*

A: Yes, a supervisor may work as a teacher in a per session activity, provided the supervisor meets the selection criteria as advertised in the posting **and** if all applicants meeting the selection criteria that serve as teachers in their full-time assignment have been selected

first. The supervisor would be paid the per session rate for teachers for service in the per session activity.

Q: *If an employee is absent from his/her full-time daily assignment, can he/she work in a per session activity that afternoon or evening?*

A: No, employees may not work in a per session activity on a day in which they were absent from their primary, full-time day assignment.

Q: *May an employee perform per session remotely?*

A: In alignment with Chancellor's Regulation C-175, schools and central offices may allow remote per session work consistent with the following:

- **School-Based Remote Per Session Opportunities:**
 - School supervisors may create remote (a) instructional and non-instructional, non-credit-bearing per session activities (e.g., tutoring, office hours); (b) professional learning or training for staff; (c) special education recovery services (if parents have provided tele-therapy consent); and (d) any activity that is explicitly stated in a collective bargaining agreement (CBA).
 - No other per session school-based activity can be performed remotely.
- **Central and District Based (Superintendent Sponsored) Per Session Opportunities**
 - Teachers, paraprofessionals, and administrators will be allowed to do per session remotely when participating in Centrally or District provided professional learning. This includes all centrally managed professional development sessions and any district based professional development sessions which can/may be delivered remotely. The schedule must be determined by the supervisor prior to the activity and must be specifically stated in the advertisement. A remote offering will apply to all employees selected for the activity.
 - No other per session centrally based or district-based activity may be performed remotely.
- **Related Service Providers/Supervisors:** Pedagogical staff working in the afterschool/Saturday SEED and/or Saturday Academy programs who conduct family outreach to enroll and schedule students to participate in the programs may participate in remote per session opportunities.

Supervisors must follow all other standard per session rules and procedures for remote per session work as outlined in Chancellor's Regulation C-175.

Q: *Are summer school and Summer Rising considered per session activities?*

A: Yes, per session work may be performed during the summer months.

Q: *Can an employee work in more than one per session activity during a per session year?*

A: Yes. However, retention rights may be claimed to only one activity.

Q: *Are retirees eligible for per session?*

A: Yes. However, there are conditions:

- All currently employed full-time staff must be considered for per session work first before retirees are considered. The only exception to this is that if a retiree holds retention rights, the retiree is considered for the job first.
- Retirees may work during the school day provided that the advertisement indicates such a schedule.
- Retirees are responsible for ensuring that they follow protocols regarding their pension. Waivers are not granted for retirees to earn beyond their annual earnings cap.

Q: *If a retiree covers a teaching assignment, is that considered per session work?*

A: No, it is considered per diem. Retirees who cover a teaching assignment for regular teachers or vacant positions shall be paid the per diem rate and shall **not** be paid per session. The retiree must be processed as a per diem teacher.

Q: *Can employees perform per session work while on a leave granted for an injury in the line of duty?*

A: No. During the period that a leave is granted for injury in the line of duty, a pedagogical employee shall also be granted a leave for the same period from a per session activity, provided the employee has reported at least once to that per session activity. The employee may return to the regularly scheduled per session activity upon return from the leave.

Q: *Can an employee on paid parental leave (PPL) perform per session work?*

A: No, employees on PPL are ineligible to perform per session work.

Q: *Can an employee on any type of health-related leave of absence perform per session work?*

A: No, employees on any health-related leave are ineligible to perform per session work.

Q: *Can an employee earn per session for professional development and count those hours toward the New York State Continuing Teacher and Leader Education (CTLE) requirement?*

A: Yes. An employee may earn per session simultaneously while gaining credit for CTLE if the activity follows regular per session protocol for posting, selecting, etc. Employees may consult with the NYS Education Department guidelines regarding what constitutes valid CTLE hours.

3) ADVERTISEMENTS/POSTINGS

Q: *How are per session activities advertised?*

A: Per session activities are advertised at the school, district and borough level with advertisements displayed on each school's bulletin board and citywide/central activities advertised on the DHR website.

Q: *Do all per session activities have to be advertised?*

A: Yes, all per session activities must generally be advertised for twenty (20) school days, as reflected in Chancellor's Regulation C-175. Please note that it makes no difference how many hours are spent on the activity.

Q: *What if a posting needs to be expedited?*

A: Postings may be expedited for less than the requested twenty (20) school days **if** the affiliated union agrees. For school-based postings, the principal must consult with the school's union chapter leader. For district-based postings, the HR director must consult with the district union representative. For central-based positions, requests should be made to the Division of Human Resources Executive Director who will consult with senior union leadership. Even if central offices have consulted with union representatives, there must be written documentation for expedited postings. In all cases, an **expedited posting needs significant justification.**

Q: *Who sets the qualifications for a per session activity?*

A: The principal or hiring manager, establish the qualifications. Qualifications and criteria for a per session position should be designed to ensure the most qualified applicant gets the job. Qualifications should be directly connected to the skills and knowledge required to fulfill the mission of the activity. For example, language such as demonstrated success or knowledge in..." is a legitimate way to distinguish candidates' qualifications. Under no circumstances should the advertisement include criteria for non-NYCPS employees. It must contain language that indicates if appointed, currently employed, or retired candidates are eligible.

Q: *May a per session activity be posted before there is certain funding for that activity?*

A: Postings may be made prior to certainty that funding will be available as all per session postings must state that the activity is "*subject to funding availability.*"

4) APPLICANT SCREENING

Q: *What should be done if there are no applicants for a per session activity?*

A: The HR Director should be contacted at the respective **Division of School Leadership (DSL) School Finance and Human Resources Field Team Office** with a request to have the posting changed to a district-wide circular which would then be posted in all schools in the district for an additional twenty (20) school days.

Q: *How are applicants selected for per session activities?*

A: Applicants are selected based on job qualifications as described in the advertisement. Once all qualifications are met, seniority is the deciding factor. It is up to the coordinator of the activity to make selections for the job.

Q: *Once applicants are identified, how does the eligible pool narrow down?*

A: The pool of applicants can be narrowed by screening all applications and eliminating those that do not meet the license and/or preferred criteria. Additionally, it is not required to interview all applicants who meet the minimum criteria set forth in the posting as it is possible to distinguish qualifications based on a review of the applications/resumes and determine the pool of candidates to be interviewed.

Q: *How are candidates notified that they did or did not receive the position?*

A: The principal/hiring manager should notify all applicants in writing regarding their selection status for the per session activity.

Q: *If a principal/hiring manager has a question on any phase of the per session process, whom can they call for assistance?*

A: All principals/hiring managers who have questions regarding the per session process should contact their HR Director at their respective DSL Field Team Office or the Division of Human Resources.

5) PER SESSION WORK HOURS

Q: *How many hours of per session work can be performed?*

A: The maximum total number of hours of per session work permitted for **principals, assistant principals, and educational administrators** during any per session year is 500 hours. The maximum total number of hours of per session work permitted during any per session year for **teachers, assistant principals, educational administrators secretaries, paraprofessionals, school social workers, and school psychologists** and other limited pedagogic staff is 400 hours in a per session year.

Q: *Can an employee work more than the maximum total number of per session hours in a year?*

A: If it is anticipated that an employee will exceed the above per session cap guidelines, prior **waiver approval** is required before work commences. The employee will not receive payment until the per session waiver is approved. All waivers must be filed electronically through the EIS Portal: <https://www.nycboe.net/Applications/eisportal/EISLogin.aspx>.

Q: *What happens if an employee exceeds the maximum total number of per session hours?*

A: Payment for work above maximum number of per session hours requires both an authorization to work from the per session supervisor and an approved waiver submitted via the online system. Without these approvals, payment may be withheld. The maximum number of per session hours available for employees is either 400 or 500 hours depending on their affiliated union (see above). Waivers must be obtained for any hours exceeding the maximum number of hours based on the CBA. At no time should an employer exceed 800 hours.

6) WAIVERS

Q: *Under what circumstances is a waiver required?*

A: A waiver is required if an employee works more than the permitted number of per session hours during the per session year according to his/her title (please see above).

Q: *Who approves the waiver?*

A: The DSL Field Team Office (usually HRDs or payroll specialists) reviews and approves or denies all waiver request for school, district, and borough level per session activities. The central Division of Human Resources approves or denies waivers for central office per session activities.

Q: *How is the employee informed of the decision regarding the approval or denial of a per session waiver?*

A: The employee will receive an email from the head of activity or payroll secretary of the school/program at which the employee's per session service is performed.

Q: *If an employee is working in multiple per session activities and is approaching the maximum cap for per session service, who should approve the waiver?*

A: It is recommended that the principal/head of program for each activity submit the request for waiver to ensure that the adequate number of hours have been approved to account for each activity. All related timesheets should be kept, and proper T-Bank payroll system entries should be made.

Q: *How are all parties notified about the need for a per session waiver?*

A: Once an employee reaches 75% of the per session hours contractually allotted during the school year, his/her assigned payroll secretary will receive a warning. The payroll secretary must consult with the principal/hiring manager and inform the employee. Once an employee reaches this cap, the system will automatically block payroll input and payment, so it is therefore imperative to submit waivers in a timely manner before employment takes place.

Q: *Who can gain access to submit a waiver?*

A: To request the ability within the EIS Portal to submit waivers and to obtain additional expanded security access, you must create a ticket with the DIIT Help Desk or contacting Changes@schools.nyc.gov and/or SystemsAccess@schools.nyc.gov. Only school-based principals and certain other central staff are entitled to submit per session waiver requests. The DHR per session staff will be contacted in case of any issues.

Q: *What information is needed to review and submit a waiver application?*

A: The online Employee Per Session Waiver Request Application Form must be utilized to review and submit a per session waiver. Details that are required to be provided include: the correct fiscal year; employee personal information such as EIS number and full name; the Bulk Job ID; the accurate number of hours required; written confirmation regarding contractual accordance; the number of applications received with additional context as needed; and, a certifying declaration of the per session supervisor or, in the case of principal per session, the appropriate superintendent.

Q: *What information should be taken into consideration when reviewing a waiver?*

A: When reviewing a Waiver Request application, the HR Director must take into consideration and review:

- The information provided by the principal/hiring manager in the OP-175 form to determine if there are other employees in the per session activity that do not require a waiver, who are qualified and that can complete the per session assignment.
- The online Per Session Report to identify the number of per session hours and activities worked by the employee from the beginning of the per session year to determine if the request is reasonable.
- If there are applicants with equal qualifications who have not worked in another per session activity and/or have worked fewer per session hours to date.

Requests for waivers for all per session service, except for Principal per session service, are the responsibility of the Hiring Manager. He/she must be able to justify, in writing in the waiver form, the request to grant a waiver to an employee with multiple per session activities, or an excessive number of total hours, particularly if other applicants are available who have not worked in another per session activity during the same per session year. The Hiring Manager is to retain at the school level all documentation supporting the decision to select the applicant, i.e., evidence that there were no other equally qualified applicants who did not require a waiver because they had not worked or had worked fewer hours to date. Such documentation may be requested in the event of audit or grievance. The Waiver Approver at the DSL Field Team Office is responsible for confirming that the Hiring Manager has presented, in writing in the waiver request form, appropriate justification for selection of the candidate needing a waiver (i.e., the attestation to the basis for selection, as described above).

Q: *How many waivers can a person receive?*

A: There is no limit to the number of waivers that can be requested by an employee. However, principals/hiring managers must review the online Per Session Report to identify the number of per session hours and activities worked by the employee from the beginning of the per session year to determine if the request is reasonable.

Q: *Is there a limit to how many hours can be granted under a waiver?*

A: Yes, waivers can only be approved for a maximum of 100 additional hours. However, it is strongly advised to request that waivers reflect an accurate and precise number of hours related to the work will be performed. For instance, if a program necessitates that an employee work 45 more hours of per session work and the employee is already at the per session cap of 400 hours, a waiver for only 45 hours may be approved; a blanket waiver of 100 hours will not.

Q: *How many per session hours can an employee work with additional waivers?*

A: The absolute limit of per session work hours that certain pedagogic staff may perform is 800.

Q: *Is the process for submitting principal per session requests the same?*

A: No. Superintendents must review requests by principals to perform per session work as well as requests for waivers prior to all principal per session service. The Superintendent should review the online Per Session Report to identify the number of hours and activities worked by the principal from the beginning of the per session year to determine whether the request should be granted. Principals may only perform a maximum of 500 hours of per session work. Superintendents may continue to approve additional hours beyond that.

7) RETENTION RIGHTS

Q: *What are retention rights and how does an individual claim retention rights for a per-session activity?*

A: After two consecutive years in the same per session activity with satisfactory performance ratings, retention rights can be claimed by completing the OP-175 form when applying for a position. An employee in certain titles with retention rights in an activity must be offered

the opportunity to work in the activity before other applicants without retention rights. Employees who are U Rated in the per session activity will lose retention rights. Employees who are U rated in their regular jobs will not be eligible to continue in the per session activity despite having retention rights.

Q: *Can an individual claim retention rights to more than one program?*

A: No, retention rights can be claimed in **one** program only.

Q: *If a person retires who has retention rights, does that individual still hold retention rights?*

A: Yes, if and only if the retiree continues to work in the same per session activity continuously and is satisfactorily rated.

Q: *Can someone in a supervisory title claim retention rights?*

A: No, employees serving in supervisory title cannot claim retention rights.

Q: *Can someone in a supervisory title claim retention rights to an activity that they have held in a teacher per session position?*

A: No, such retention rights cannot transfer from a teacher position to a supervisory title, even if the supervisor is being paid as a teacher.

Q: *Can retention rights be transferred to a similar but incongruent position?*

A: No, such retention rights cannot transfer from one position to a similar but not identical position.

Q: *What happens to retention rights if a position does not run for one school year but returns?*

A: Retention rights **can** be honored if a position does not run for one school year but returns in the next school year due to budgeting, policy changes, etc. In this case, retention rights will be honored by seniority **within** that specific position. Retention rights **will not be honored** if a similar but **substantially changed and not identical** position is posted instead according to labor union arbitration.

8) PAYROLL

Q: *When must per-session time sheets be submitted for payments?*

A: Each per session employee is required to submit a time sheet for service that was performed during the prior per session period within one (1) school day of the per session period immediately following each period of service.

Q: *What role does the Payroll Secretary have in the per session process?*

A: The Per Session Payroll Secretary will collect timesheets for employees working in the activity and enter per session payroll in the T Bank Per Session Payroll system. The Payroll Secretary will receive a message through the T Bank Payroll screen when an employee is within 25% of the per session cap for their title. This message must be shared with the principal/hiring manager so that they can consult with the employee to determine if a waiver will be needed.

Q: *How and when does the Payroll Secretary enter per session time?*

A: Time worked by employees in a per session activity is entered into the EIS - T Bank Per Session Payroll system twice a month by the close date for each pay period, as outlined on the Payroll Schedule posted by the Per Session Payroll Office.

Q: *How often is per session payroll information entered?*

A: Per Session Payroll may be entered at any time, however, payroll runs twice a month. Payroll entered must be made by the close dates reflected in the T Bank Payroll schedule.

Q: *What is to be done after receiving notification that a person is within 25% of the cap? Will the person still get paid?*

A: When a message is received that the employee is approaching the hour cap, the Payroll Secretary must share this message with the principal/hiring manager so that they can consult with the employee to determine if a waiver will be needed. The person will continue to get paid up to the hourly cap. However, payment for any work completed above the hour cap requires **(a)** authorization from the per session supervisor and **(b)** an approved waiver that is entered into the online waiver system. Payment will not be rendered without a waiver.

Q: *What are the reasons that an employee may not get paid?*

A: There can be several reasons why an employee may not be paid:

- Was their time entered correctly?
- Was it approved correctly?
- Has the employee reached the maximum hourly cap without a waiver being entered and approved into the online waiver system by the respective HR Director?
- Does the Bulk Job have sufficient funds to pay the employee?
- Time worked by employees in a per session activity is entered into the EIS – T-Bank Per Session Payroll system by the Per Session Payroll Secretary twice a month by the close date for each pay period, as outlined on the Payroll Calendar Schedule posted in T-Bank by the Per Session Payroll Office.

If an employee does not get paid, it is the responsibility of the payroll secretary to rectify the situation based on the information above. If a person was hired for a per session activity and does not have a current line of service, or a retiree line of service, **that person is working without approval**. Therefore, that person may not be paid. There is **no retroactive staffing for per session employees** and the person will have to file a grievance to be paid.

Q: *Does an individual working in a per session activity earn sick time?*

A: Yes. The following context-specific protocols should be heeded:

- For per session work during the regular school year, every twenty consecutive sessions worked in a specific activity earns an individual one session of sick leave. The individual is entitled to CAR credit equal to the length of one per session activity. If the session was 2 hours and the individual worked 20 consecutive sessions, the individual would be entitled to 2 hours of sick leave). If the sick time is not used during the remainder of the activity it is transferred to the individual's

regular CAR for future use. The employee must request such time right after the activity ends.

- For work during the summer, employees must be assigned during the first five (5) days of a program in July and work the entire month of July to earn a session of sick leave for July. One additional session of sick leave is earned if the employee works the full program in August. Unused sick leave is transferred to the employee's regular CAR at the end of the program at the request of the employee.

Q: *Is per session income pensionable?*

A: For pedagogic employees, all per session income is pensionable.

Q: *Can per session employment be earned while an employee is performing jury duty?*

A: No, employees are not paid for hours **not worked** in a per session activity while serving on jury duty. Employees are only compensated for per session hours worked.

Q: *Can new employees retroactively earn summer per session work after being officially hired in the proceeding September?*

A: No, new employees who are onboarded and officially hired on payroll during September are not eligible for per session **or any form of payment** for any hours performed during the preceding/previous summer **except for** time worked during the new teacher week. Participation by any employee prior to the onboarding and payrolling process is considered voluntary and cannot be compensated.

9) RECORD-KEEPING

Q: *What information needs to be maintained at the school level regarding per session positions?*

A: All employee records regarding per session employment must be maintained by the principal/hiring manager for review by auditors, which includes but is not limited to the following: Posting, all applications, daily timecards/time logs, timesheets, and ratings. It is strongly recommended that all applicable documentation (letters to the file, notes on selections/justifications for hiring if applicable) be maintained in anticipation of possible grievances.

Q: *Does documentation need to be maintained for all per session roles for which hiring is done (e.g., supervisory, secretary, teacher, paraprofessional, etc.)?*

A: Yes, the same comprehensive documentation must be maintained for all titles working in a per session activity.

Q: *What happens if an applicant files a grievance regarding a per session activity?*

A: Principals/hiring managers should be able to provide relevant documentation regarding the advertisement and applicant screening process(es) and articulate reasons that support the hiring decision based on the criteria listed in the posting(s).

Q: *Are there any guidelines regarding record-keeping when it comes to remote per session?*

- A: In accordance with Chancellor’s Regulation C-175, supervisors must follow all the applicable rules and procedures including:
- Posting for twenty (20) school days
 - Specify in the posting if the work shall be done in-person, remotely, or a combination of both.
 - For example, include the following text under Selection Criteria: “This per session activity shall be both in-person and remote. Selected staff will be able to conduct all duties remotely as determined by the administration.”
 - The schedule must be determined by the supervisor prior to beginning the activity and in writing.
 - Staff must maintain and submit a detailed log of their activities and evidence of their completed work.
 - Schools must utilize an online timekeeping form to record all per session work; this template may be used to create your own copy of the timekeeping form and customize it for the activity.
 - Schools must retain the posting, all applications, employee work logs, and timekeeping records.
 - In addition, all school supervisors must advise their superintendents of remote per session activities prior to posting the activity. **Any school-based remote per session activity must be approved by the superintendent prior to the activity taking place.**