



Regulation of the Chancellor

Number: **C-601**

Subject: **ATTENDANCE AND SERVICE OF SCHOOL STAFF**

Category: **PEDAGOGICAL PERSONNEL**

Issued: **November 18, 2021**

SUMMARY OF CHANGES

This regulation supersedes and replaces C-601 dated 6/17/2021.

The regulation sets forth the attendance and service required of pedagogical employees in schools, including procedures in cases of lateness and fractional absence from duty.

Changes:

- Aligns hours of service with applicable collective bargaining agreements. Section 2
- Corrects missing language from clerical error. Section 3.g



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1. SERVICE REQUIRED IN SCHOOLS

During the hours established for such service, each member of the pedagogical staff employed in a school or equivalent organizational unit shall perform the duties of the position as prescribed by the principal or organizational unit head. Similarly, each principal or organizational unit head shall perform the duties prescribed by the Chancellor, responsible superintendent or executive director.

- a. To ensure continuity of instruction, an essential element of employment in the pedagogical service is regular attendance and service. Appointment or assignment to the pedagogical service and the acceptance of such employment is contingent upon the ability and the willingness of the employee to render continuous service.
- b. Unauthorized absence constitutes grounds for disciplinary action which may include dismissal from the service for that cause alone.
- c. While actual absence which has been excused in accordance with regulations does not, of and by itself, constitute grounds for disciplinary action, absences which are so numerous as to limit the effectiveness of service may lead to disciplinary action for incompetent service or unfitness to perform obligations properly to the service. The fact that excuse or leave was applied for and granted properly does not preclude disciplinary action which may range from adverse rating to the institution of proceedings for dismissal or termination of service. Such disciplinary action shall not be precluded even when the cause of absence is a medical or physical condition. However, before proceeding with disciplinary action for excessive absences based on a medical or physical condition, the supervisor should review, on a case by case basis, whether a reasonable accommodation is needed, has been requested, or is already in place. If a new reasonable accommodation is needed or has been requested, the supervisor shall proceed with the interactive process/cooperative dialogue consistent with Chancellor's Regulation A-830, Personnel Memorandum No. 5 (2020-2021) (or any successor), DOE's anti-discrimination policy, and all applicable laws.

2. HOURS OF SERVICE

a. Work Schedules

Each principal or equivalent organizational unit head shall establish a schedule of hours of work for each employee actually serving within the school unit. This schedule shall take into account the needs of the instructional program, the hours of service including conference time pursuant to regulations or contractual agreement and the annual school calendar adopted by the Board of Education.

- 1) For teachers in schools, the school day shall be six hours and twenty minutes inclusive of the lunch period, with extended time blocks totaling 150 minutes each week, and such additional time as the bylaws may require. Teachers in elementary schools, including special education teachers in such schools and teachers in the School for the Deaf, shall be given a duty-free lunch period of fifty minutes. Teachers in intermediate schools, junior high schools and high schools, including special education teachers in such schools, shall be given a duty-free lunch period.
- 2) For school secretaries, school secretary assistants, and substitute school secretary interns in schools, the working day shall be seven hours and 20 minutes inclusive of the lunch period. School secretaries and school secretary assistants shall be given a duty-free lunch period equal to that of teachers in the same school. School secretaries and school secretary assistants shall be given a relief period of ten minutes each day.
- 3) For guidance counselors in schools, the work day shall be six hours and 30 minutes exclusive of the lunch period and such additional time as the bylaws provide. The lunch period shall not in any case be less than thirty minutes.
- 4) For laboratory specialists and laboratory technicians in schools, the working day shall be six hours and thirty minutes exclusive of the lunch period. Laboratory specialists and laboratory technicians shall be given an uninterrupted duty-free lunch period equal to the length of the lunch period of classroom teachers. In addition, laboratory specialists and laboratory technicians shall be given a total of twenty minutes relief time each day and such time may be scheduled for one or more relief periods during the day, as approved by the supervisor.
- 5) For teachers of agriculture who qualify for the ten percent salary differential accorded to such staff, the work day during the summer vacation period shall not exceed eight hours inclusive of a duty-free lunch period.
- 6) School psychologists and social workers in schools shall have a continuous work day of six hours and fifty minutes exclusive of the lunch period. The work day shall be scheduled to start no earlier than 8:00 a.m. and to end no later than 4:00 p.m., taking into account the preference of the employee. The lunch period shall be no less than thirty minutes per day and no longer than the lunch period at the school or facility in which they are serving. As an exception to subdivision 6 of this

regulation relative to compensatory time, school psychologists and school social workers who give approved in-service courses shall be given equivalent compensatory time off.

b. Unauthorized Absence

Except as noted below or when properly applied for and excused as absence, non-attendance or leave, the failure of any member of the teaching, supervisory or other staff in a school or equivalent organizational unit to be present and to perform any portion of assigned duties constitutes unauthorized absence. No salary payment is due for unauthorized absence and the period of any such absence must be reported for appropriate payroll deduction. Such deduction shall not preclude any disciplinary action which the Chancellor, responsible superintendent or executive director deems appropriate, including preferral of charges of unauthorized absence from duty and/or excessive lateness.

3. LATENESS AND RELATED FRACTIONAL ABSENCE OF CLASSROOM TEACHERS

a. Normal Workday for Teachers

On a day during which no additional time is required, the school day for teachers in school is six hours and twenty minutes including the lunch period. For a school with a normal schedule and dismissal time of 3:00 p.m., teachers must report for service no later than 8:40 a.m. regardless of whether or not they have a specific class assignment or coverage at that time. If a teacher reports at 8:43 a.m., this teacher is considered three minutes absent.

b. Conference Days

On a day during which additional time is required as, for example, when a school conference is scheduled following dismissal, such additional time does not alter the time at which service for the day must commence. If teachers are required to report for duty at 8:40 a.m. on a day when there is no conference, they must also report for duty at 8:40 on a conference day.

c. Teachers with Special Schedules

In certain cases, a teacher may be assigned a schedule which requires commencement of service prior to the time for teaching or possible coverage of classes. In such cases, a classroom teacher who reports after the time set for reporting for duty but before the time fixed for teaching or possible coverage of classes, shall be considered late. Should such a teacher report after the time fixed for teaching or possible coverage of classes, the teacher shall be considered absent for the entire period of actual absence from duty.

Example: Mr. Jones is assigned to a school with an 8:40 a. m. to 3:00 p.m. class schedule. However, Mr. Jones has a special schedule which calls for arrival to perform non-teaching duties at 8:10 a.m. in the morning and departure 2:30 p.m. each day. One day, Mr. Jones arrives seven minutes later than usual. He reports for duty at 8:17 a.m.

instead of 8:10 a.m. On that day, Mr. Jones is seven minutes late. Because he reported before class began, Mr. Jones is not considered fractionally absent.

Example: On another day, Mr. Jones (with the same schedule as given in the previous example) arrives 38 minutes later than usual and reports for duty at 8:48 a.m. instead of 8:10 a.m. because he reported not only after 8:10 a.m. but after 8:40 a.m. when classes began, Mr. Jones may not be considered “late” but must be reported as “fractionally absent.” On the day in question, Mr. Jones is 38 minutes absent.

d. Reporting for Duty

For purposes of service, “reporting for duty” means reporting to the location where assigned duties are to be performed and not merely signing or clocking in. Thus, a teacher who is assigned to take charge of students at 8:40 a.m. must be in the designated classroom or pick-up area not later than 8:40 a.m. regardless of the time the teacher clocked or signed in.

e. Deductions for Fractional Absence

Other than fractional absence which has been approved at the discretion of the principal as non-attendance (e.g., transportation delay), personal business (e.g., the illness of a teacher’s child), or the personal illness of the employee, all fractional absences occasioned by late arrival must be recorded for possible payroll deduction. Fractional absence totaling 30 minutes or less during a school year will not result in an actual deduction from salary but will be recorded as a lateness. When the total is greater than 30 minutes within a school year, a salary deduction will result.

For details concerning the technical procedures for timekeepers to follow, please refer to the EIS Timekeeping User Guide (page 89).

f. Fractional Absence Excused as Non-Attendance

Fractional absence at the start of the day which is excused as non-attendance is recorded and reported for pay in accordance with regulations. In general, there is no deduction in such cases.

g. Fractional Absence Excused as Personal Illness

Fractional absence at the start of the day which is excused on account of the illness of the employee is recorded and reported as indicated below. However, a teacher with classroom responsibilities who is sick early in the day may not report for duty later without permission from the principal or equivalent organizational unit head.

1) When the sick leave balance (or C.A.R.) permits, fractional absence for personal illness shall be charged to the C.A.R. and no deduction from pay is required. All fractional absence which is to be charged to the C.A.R. must be recorded but an immediate deduction from the C.A.R. is not always required.

a) When the total of fractional absences charged to the C.A.R. is six hours or more, one day must be deducted from the C.A.R. for each six hours of fractional absence recorded during the same school year.

- b) When the total or the remainder after deduction of each such six hours is less than six hours but more than 3 hours 20 minutes at the close of the school year or upon cessation of service, one day must be deducted from the C.A.R.
 - c) When the total or the remainder after other deductions is 3 hours and 20 minutes or less, that total is left on the record but is not deducted from the C.A.R. While such a charge for "less than half a day" is left on the record at the close of the school year, it is neither deducted nor carried over to the next school year. In such cases, the employee will commence the new school year without any chargeable or deductible fractional absence.
- 2) When the sick leave balance in the C.A.R. is not sufficient to cover the time, fractional absences resulting from personal illness must be reported for deduction from pay of the amount which corresponds to the actual time lost.

4. LATENESS AND RELATED FRACTIONAL ABSENCE OF NON-TEACHING SCHOOL STAFF

Any non-teaching member of the staff of a school or equivalent organizational unit who reports within five minutes after the time set for reporting for duty at the beginning of the day, or within three minutes after the time set for reporting for duty after the lunch period, shall be considered late, but any such member who reports later than the five or three minutes specified, shall be considered absent for the whole period of time lost.

- a. For the purpose of service, "reporting for duty" means reporting to the assigned work location and not merely signing or clocking in.
- b. Other than for non-attendance, or the illness of the employee, a fractional absence occasioned by late arrival must be reported for deduction from pay in the amount corresponding to the duration of the fractional absence.
- c. Fractional absence at the start of the day which is excused as non-attendance is recorded and reported for pay in accordance with regulations. In general, there is no deduction in such cases.
- d. Fractional absence at the start of the day which is excused on account of the illness of the employee is reported and compensated for either by a charge to the sick leave balance or by a payroll deduction in the manner prescribed by subdivision 3g. above.
- e. In cases when a payroll deduction is not required, the lack of such deduction shall not preclude any disciplinary action which the Chancellor, responsible superintendent or executive director deems appropriate, including preferral of charges of excessive lateness.

5. FRACTIONAL ABSENCE OF SCHOOL STAFF COMMENCING DURING THE DAY

- a. Required Notice and Computation of Time Lost

Any member of the teaching or non-teaching staff who ceases to perform duty before the scheduled time of departure at the end of the day must inform the principal or equivalent organizational unit head as soon as the need becomes apparent and before

leaving the school premises. Fractional absence commencing after the start of the day is computed on the basis of service time lost.

- 1) **If absence commences at or before the beginning of the lunch period**, fractional absence is calculated from the actual time of departure through the normally scheduled time of departure less the time scheduled for lunch on the day in question.

Example: Ms. Brown has an 8:40 a.m. to 3:00 p.m. schedule including a lunch period of 40 minutes. One day, she is excused and leaves at 11:10 a.m. (before the lunch period). For service reporting purposes, Ms. Brown is considered 3 hours and 10 minutes absent (3 hours and 50 minutes actually out of school less the 40 minutes scheduled for lunch).

- 2) **If absence commences at or following the end of the lunch period**, fractional absence is calculated from the actual time of departure through the normally scheduled time of departure. The length of the lunch period has no bearing in such cases.
 - 3) **If absence commences during the lunch period**, fractional absence is calculated from the end of the lunch period through the normally scheduled time of departure.
- b. Other than for non-attendance or the illness of the employee, all fractional absence commencing during the day must be reported for deduction from pay in the amount corresponding to the duration of fractional absence.
 - c. When early departure is excused as non-attendance, the time lost is recorded and reported for pay in accordance with regulations. In general, there is no deduction in such cases.
 - d. When early departure is excused on account of the illness of the employee, the time lost is reported and compensated for in either of the following two ways:
 - 1) When the sick leave balance (or C.A.R.) permits, fractional absence for personal illness shall be charged to the C.A.R. and no deduction from pay is required. All fractional absence which is to be charged to the C.A.R. must be recorded but an immediate deduction from the C.A.R. is not always required.
 - a) When the total of fractional absences is less than six hours but more than 3 hours 20 minutes at the close of the school year or upon cessation of service, one day must be deducted from the C.A.R.
 - b) When the total of fractional absences is six hours or more, one day must be deducted from the C.A.R. for each six hours of fractional absence recorded during the same year. If, after deducting 1 day for each 6 hours of fractional absence, more than 3 hours and 20 minutes remain in the C.A.R., an additional day must be deducted.

- 2) When the sick leave balance in the C.A.R. is not sufficient to cover the time, fractional absences resulting from personal illness must be reported for deduction from pay in the amount which corresponds to the actual time lost.
- e. Early departure without notice and permission constitutes unauthorized absence and neglect of duty. The time lost must be recorded for payroll deduction as unauthorized absence.

6. COMPENSATORY TIME NOT GENERALLY AUTHORIZED FOR SCHOOL STAFF

Because school service is directly related to the provision of instruction, compensatory time off for overtime work is not authorized and may not be taken by pedagogical employees who work in a school or equivalent organizational unit nor may time lost be made up by additional service at a later date. The sole exception to this prohibition is set forth in subdivision 2a (6) relative to the work for which provision is made by contract with the U.F.T.

7. OVERTIME PAY NOT AUTHORIZED FOR SCHOOL STAFF

Because normal salary of school staff takes into account the need for preparation outside of actual duty hours, overtime payment for work which constitutes part of normal duties or functions but which is performed outside normal duty hours is not authorized and may not be claimed by pedagogical employees who work in a school or equivalent organizational unit, nor may payment be authorized for such work which is performed during vacation periods.

8. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Office of Employee Relations

NYC Department of Education

65 Court Street, Room 200

Brooklyn, NY 11201

EmployeeRelations@schools.nyc.gov