

Summary and Contents

This revised regulation delineates the policy with respect to per session employment and describes generally the processes of announcing vacancies, selecting candidates and requesting variances from established limitations. A more specific delineation of the required procedures is given in the appropriate section of the Standard Operating Procedures Manual.

Section

- 1. Objectives.....
- 2. Applicability.....
- 3. Definitions.....
- 4. Advertising Regulations.....
- 5. Application Procedures.....
- 6. General Limitations.....
- 7. Exclusions.....
- 8. Coaching Assignment in Interscholastic  
and Intramural Athletic Services.....
- 9. Retention Rights.....
- 10. Timekeeping and Payroll Information.....
- 11. Central Control on Per Session Employment.....
- 12. Requests for Waivers and Questions  
Concerning Per Employment.....

Attachments

- 1. Application for Per Session Employment and Claim for Retention Rights  
(OP-175)
- 2. Request to Create a Per Session Assignment in an Administrative Office  
(OP-175A)
- 3. Request For a Waiver of Restrictions on Per Session Employment  
(OP-175W)
- 4. Model Per Session Vacancy Circular for Positions Advertised Citywide
- 5. Model Per Session Vacancy Circular for Positions Advertised within  
School District

continued on reverse side

6. Model Unused Sick time Transfer From (OP 175S)

7. Model - Typical Reasons for Rejecting/Returning Waiver Requests  
(OP 175W) to Responsibility Centers.

8. Current Rates of Payment for Per Session Employment.

REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 2

Issued: 08/27/90

1. OBJECTIVES

These regulations, which are a revision of those issued originally on August 28, 1984, are aimed at avoiding possible abuses in per session employment. They continue to be predicated on two fundamental points of Board of Education policy: (1) no employee is to spend an inordinate amount of time in per session activity because to do so would interfere with a primary responsibility and (2) available per session jobs are to be distributed as equitably as possible among qualified applicants. This revision does not alter the school system's basic philosophy with respect to per session employment, but it contains instructions and admonitions of greater specificity, based upon audit findings. The Chancellor or his designee (the Executive Director of the Division of Human Resources) has the authority to waive limitations and specific sections of these regulations which are not mandated by collective bargaining agreements in exceptional circumstances where special employment arrangements are necessary.

While this Regulation sets forth the school system's general policy for per session employment, more specific operating procedures which must be followed will be found in the appropriate section of the Standard Operating Procedures Manual, Chapter DE 470 Payroll, Hourly Professional Service. It is incumbent upon applicants for per session employment and program supervisors to be familiar with and adhere to all applicable rules and procedures. These basic sources of information will be supplemented by periodic Personnel Memorandum announcing the prescribed number of hours of Per Session employment annually and conveying revised versions of the required application form.

2. APPLICABILITY

- a. These regulations apply to all Board of Education per session employment; whether in tax levy, reimbursable or "self-sustaining" activities.
- b. These regulations apply to all employees serving under a pedagogical license, whether or not they are employed by the Board of Education in a day school position. Administrative (civil service) employees working full time in tax levy or reimbursable programs who serve as pedagogical employees in their per session jobs are also covered.
- c. These regulations apply to retirees employed on a waiver pursuant to Section 211 of the Retirement and Social Security Law. Such a waiver does not exempt the retirees from the general limitations set forth in subdivision 6, below, for all persons engaged in per session employment.

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 3

Issued: 08/27/90

- d. These regulations apply to persons on approved leaves of absence who have been given permission to work for the school system. (See subdivision 6.c., below for the special restriction concerning personnel on sabbatical leave.)

3. DEFINITION

- a. With the exception of those activities specifically excluded in subdivision 7, below, the term "per session activity" as used herein means any activity in which pedagogical employees are paid at an hourly rate.
- b. The term "per session school year" as used herein means the period commencing on September 1st of a calendar year and ending on August 31st of the following calendar year.

4. ADVERTISING REGULATIONSa. General Procedures

- (1) Openings for per session positions must be advertised for no less than 20 school days prior to the commencement of the activity. A sample advertisement is attached to this regulation. All information on the sample advertisement must be incorporated into all postings. Positions should be advertised as far in advance as is possible. If a vacancy occurs fewer than twenty school days before the commencement of the program, or during the course of the program, it must be advertised for at least 20 school days in accordance with the regulations enumerated above.
- (2) The opening must be advertised by posting on bulletin boards in appropriate schools, or by posting on centrally located bulletin boards for central programs, for the designated period of time. The number of hours of employment provided for the position and the specific working schedule of the incumbent must be indicated in this notice, also the date posted and an indication of where to apply.
- (3) Advertisements must include all the essential information given in the model attached to this regulation. A copy of the advertisement must be kept in the appropriate office for a period of three (3) years, and made available to the Division of Human Resources on request.
- (4) The announcement must contain a clear statement of the required qualifications. Specific qualifications or priorities for filling a position which are set forth in the agreements with UFT or CSA must be adhered to.

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 4

Issued: 08/27/90

Qualification requirements must represent the background which is reasonably required to perform the duties of the position. An employee who meets such requirements is to be considered a qualified employee.

b. Specific Advertising Requirements

- (1) Administrative Offices in Community School Districts and the Divisions of High Schools and Special Education and All Other Central Board Offices

Positions in these installations may only be filled with prior approval of the Division of Human Resources. Requests for such approval must be submitted on Form OP-175A, a copy of which is attached. This form may be reproduced locally. Where necessary to save time, approval can be requested concurrently with advertising the position.

- (2) Community School Districts

If the opening is for a position in a per session activity which serves pupils in one school in a Community School District, then it must be advertised by posting in that school. The Community Superintendent should decide whether to advertise the position in all schools in the district, in schools in neighboring districts, or in high schools located in the district. The Community Superintendent may also exercise the option to advertise the position throughout the City School District.

If the opening is for a position which serves pupils from more than one school in a Community School District, then it must be advertised by posting in all of the schools in the district. The Community Superintendent should be notified so that a decision may be made on whether to advertise in schools in neighboring districts or in high schools located in the district.

In all cases per session advertisements issued under the jurisdiction of a Community Superintendent must be numbered consecutively.

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 5

Issued: 08/27/90

A copy of advertisement must be sent to the Per Session Monitoring Unit, 65 Court Street, Brooklyn, N.Y. 11201, within two days of said posting.

(3) Division of Special Education

If the opening is for a position which serves pupils in special education from one school, then it must be advertised by posting in the school. The Executive Director should be notified, so that a decision may be made on whether to advertise the position in other schools in the district which serve special education students, it must also be advertised in schools in the community districts in which the activity is located.

If the opening is for a position which serves pupils in special education from more than one school, then it must be advertised by posting in all of the schools in the district. The Executive Director should be notified so that a decision may be made on whether to advertise in schools in neighboring districts throughout the special education region.

(4) Division of High Schools

If the opening is for a position which serves pupils in more than one high school, then it must be advertised throughout the borough. The appropriate Superintendent should be notified so that a decision may be made on whether to advertise in other boroughs.

(5) Centrally Operated Programs

If the opening is for a position in a per session activity which is operated by the Central Board of Education and serves pupils from more than one school, e.g., summer high schools, Adult Basic Education, then it must be advertised in all appropriate schools in the city through the Division of Human Resources, Office of Recruitment and Counseling. Persons in charge of per session programs should send a copy of the advertisement to that office at 65 Court Street, Room 102, Brooklyn, New York 11201.

5. APPLICATION PROCEDURES

- a. Persons seeking employment in any per session activity, as defined in this Regulation, must submit the standard application form (OP-175 revised 6/90), a copy of which is appended. This revision replaces all previous editions of the form and effective

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 6

Issued: 08/27/90

immediately, it is the only one that may be used. The current application form may be reproduced locally. Henceforth, OP-175 will be revised each year and the amended form will be transmitted to all community school districts and headquarters units in an annual Personnel Memorandum.

- b. Completed OP-175 forms should be retained in the files of the employing program or activity and the appropriate Community School District or High School Borough Office. Although such individual forms need not be forwarded to the Division of Human Resources, they must be available for review and inspection by financial monitors or auditors.
- c. Form OP-175 is used, also, to claim retention rights, which are limited to only one activity in each per session year. A more complete discussion of retention rights will be found in Subdivision 9.
- d. Districts, bureaus or offices may supplement OP-175 with any additional forms they may desire to use for the purpose of eliciting specific information about particular qualifications or competencies that may be required for service in a per session activity. Such ancillary forms, however, are not to be regarded as substitutes for the standard application.

6. GENERAL LIMITATIONS

- a. Limitation on holding more than one per session job. No employee may be employed in more than one per session activity during any per session school year except that those persons covered by certain collective bargaining agreements will be permitted to serve in more than one activity if the position has been duly advertised and no other qualified applicant is available. (Refer to the appropriate article of the collective bargaining agreements.) At the time an employee applies for a second per session position in any per session year (or for any per session position when the employee claims retention rights in another position), the employee must notify the supervisor involved of the need for an exception to the single per session activity limitation. An applicant must assert a claim for retention rights no later than the time the first application for employment in any per session year is submitted.

Employment in a second per session position where retention rights are not claimed may not begin until written approval has been received from the Executive Director of the Division of Human Resources waiving the restriction.

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 7

Issued: 08/27/90

b. Hours Limitation on per session employment

The maximum number of hours of per session work that may be performed annually by employees will be announced in periodic Personnel Memorandums from the Division of Human Resources. Any change in th maximum number of hours will be subject to all required negotiations and consultations with the appropriate collective bargaining representatives. Per session activities should be scheduled so that no position will entail more than the maximum in a per session school year. For example, if a program exceeds that total, then in order to comply with the prescribed maximum, the assignment should be divided so as to conform to the limitation and also to insure that each employee will serve during the entire activity. This may be done by having the employee work on alternate days or by having the employee work fewer hours than the total number of hours in the session. Service exceeding the maximum in one or a combination of per session activities in a per session year requires the prior specific written approval of the Executive Director of the Division of Human Resources, waiving the restriction.

c. Other Restrictions

- (1) Per session employment, whether funded from the same or a different source, may not be used as a means of providing additional compensation for work in an individual's primary assignment.
- (2) A person may not be hired for a per session assignment where such employment would entail either (a) supervision of that individual's own responsibilities in a primary assignment or another per session activity, or (b) reporting to the position held by that same individual in a primary assignment or another per session activity.
- (3) Assignments of persons to per session activities are to be made in accordance with the Agreements negotiated by the Board of Education with the United Federation of Teachers and the Council of Supervisors and Administrators.
- (4) Applicants for per session teaching positions who do not have retention rights in those positions and who are not employed in the Board's regular day school program shall be considered for selection only if no qualified day school teacher is available.

NEW YORK CITY PUBLIC SCHOOLS

REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 8

Issued: 08/27/90

- (5) Teachers may not hold per session supervisory positions.
- (6) Supervisors may not hold per session teaching positions, with the exception of the situations mentioned in Subdivision 7.b.
- (7) Only teaching licenses are valid for per session teaching service. However, where an employee has gained retention rights as a result of satisfactory service, the requirements of a specific license will not be imposed (See subdivision 9 below, on Retention Rights.)
- (8) While a teaching license is not ordinarily valid for per session service as a school secretary, such service will be permitted when no licensed school secretary is available, with the understanding that the person assigned in this capacity will be compensated at the hourly rate for a school secretary.
- (9) Licenses issued for employment in community centers, playgrounds or vacation day camps are valid for service in such programs only.
- (10) Evening Trade School Certificates are valid for service in that program only.
- (11) A temporary per diem certificate is valid only for the specific location and time period for which it is issued, unless exceptions are approved in the Office of Pedagogical Personnel.
- (12) The normal working schedule of high level managerial personnel contemplates service of whatever duration is required to discharge the duties of such positions. Accordingly, executives paid at salary Level VI and above may not claim per session employment.
- (13) No per session compensation may be paid for work performed at home.
- (14) In accordance with collective bargaining agreements, employees on sabbatical leaves beginning August 1 must complete per session activities in which they are serving during July, but they will not be permitted to commence any new per session assignments until the September following the completion of the sabbatical.

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 9

Issued: 08/27/90

d. Procedure for Requesting Waivers

A written request for a waiver of any of the restrictions or limitations may be made only by the appropriate Community Superintendent, Executive Director, Assistant Superintendent of the Division of High Schools, or the Chief Administrator or Assistant Superintendent of the Division of Special Education. Requests for such a waiver are to be submitted on form OP 175W, a copy of which is attached.

Every request must also bear the signature of the employee as proof of awareness of the need for written approval of the Executive Director of the Division of Human Resources prior to payment for service beyond the applicable limitations. Employment may not exceed any of the limitations without prior written approval of the Executive Director of the Division of Human Resources. Consequently, the request should be submitted sufficiently in advance to allow ample time for review and appropriate action. Requests for such exceptions should be sent to the office indicated in subdivision 12, below.

7. EXCLUSIONS

- a. The following activities, while paid at hourly rates, are not considered to be per session activities. They fall outside the purview of these regulations and contract clauses which govern per session activities.
- (1) Hourly compensation for pedagogues serving in schools with extended days, e.g., John Dewey High School.
  - (2) Hourly compensation for trainees in training programs. The service of trainers, however, is considered to be a per session activity.
  - (3) Conversion of secretary peak load days to per session payment.
  - (4) Activities which, while compensated at hourly rates, constitute primary employment (e.g., Adult Education.)
  - (5) Extra payment for teaching in a shortage license area.
  - (6) Hourly compensation for those employees serving as education evaluators, who are entitled to extra compensation for an extended work day.
  - (7) School Medical Inspectors, who are paid on an hourly basis.

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 10

Issued: 08/27/90

b. Only supervisors working in the following activities may hold a second per session job in a per session year. Supervisors working in these activities must complete and submit form OP 175W if they hold more than one per session job.

(1) After School Workshops for Newly Assigned Teachers. Supervisors in this program should be compensated at the hourly rate for Teacher Trainers (position symbol TT), unless they are exercising supervisory authority over other Teacher Trainers. In no case should a Principal serve under the supervision of an Assistant Principal.

(2) Curriculum and examination writing for the Division of Curriculum and Instruction or a Community School District for not more than 30 hours. Supervisors working in this capacity must be compensated at the hourly rate for Teachers Assigned (position symbol TA).

8. COACHING ASSIGNMENTS IN INTERSCHOLASTIC AND INTRAMURAL ATHLETIC ACTIVITIES

a. Concurrent (seasonally overlapping) coaching assignments are not permitted, except in extraordinary circumstances (e.g., no other qualified applicant available), where the assignments do not conflict. In such cases, a prior waiver of restrictions must be requested and approved, in accordance with subdivision 6.d.

b. For the purposes of the limitation on holding more than one per session job, non-concurrent (non-overlapping) coaching assignments totaling not exceeding the prescribed limit in a per session school year may be considered as a single activity as follows:

(1) Two coaching positions in a high school involving interscholastic sports activities.

(2) Three intramural coaching positions in a high school or junior high school or a special, day treatment center or institutional setting involving interscholastic sports activities.

(3) A combination of three coaching positions listed in (1) and (2) above, provided that the sports activities are not concurrent.

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 11

Issued: 08/27/90

Note: The foregoing paragraph shall not be construed as increasing the maximum number of sessions or hours for various coaching activities, as listed in the Board of Education - United Federation of Teachers Agreement.

- c. Retention rights may be claimed in only one of these coaching positions.

9. RETENTION RIGHTS

- a. Retention rights may be claimed in accordance with the criteria established in the Board of Education's collective bargaining agreements with teachers or other categories of nonsupervisory pedagogical personnel. Form OP-175 is to be used for this purpose. Persons covered by the Board's Agreement with CSA cannot have retention rights.
- b. Persons who are not primarily employed by the Board of Education and employees who are covered by Agreements between the Board of Education and the UFT which do not have per session provisions may claim retention rights under the Teachers' Agreement if they serve in a position covered by the Teachers' Agreement.
- c. Employees other than day classroom teachers who are covered by a contract in which there is a provision for per session employment may not gain retention rights to a position which is outside of their bargaining unit. For example, guidance counselors may not gain retention rights to per session teaching positions, because there is a per session provision in their Agreement. They may, however, gain retention rights to guidance counselor positions under the Guidance Counselors' Agreement. Those persons who achieved such rights previously will continue to hold them. (See subdivision 6.c. (7.) above.)
- d. Retention may be claimed only by such employees who have two years of continuous satisfactory service in particular activity.
- e. An individual who has established retention rights in a particular activity must be assigned to work for the entire duration of the activity. The total number of hours for which the employee is assigned may vary from one per session school year to another depending on the needs of the program.

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 12

Issued: 08/27/90

- f. In the event that a teacher has served for more than two years in each of two or more activities, a preference for the specific retention rights must be claimed by the entitled individual at the start of the per session school year. An employee may have retention rights in only one per session activity during a per session school year. The claim for retention rights may not be changed during a per session year. However, an employee may elect to claim retention rights in a different per session activity at the start of each per session school year.
- g. If retention rights are claimed in one job, then an application for another job, even one which comes earlier in the per session school year than the retained job, must be recognized as an application for a second job, and may be approved by the Executive Director of the Division of Human Resources only if no other qualified applicant is available.
- h. If a teacher is entitled to retention rights in a per session activity but fails to claim those rights before, or at the time of, application for a different per session job in which the teacher has no retention rights, then the teacher may be denied employment in the job for which there is entitlement to retention.

10. TIMEKEEPING AND PAYROLL INFORMATIONa. Method of Reporting Attendance

In recording the hours of per session employment, a time clock must be used wherever possible. If a time clock is not available, a daily attendance report, with exact time of arrival and departure, must be approved by a supervisor. In every case, regardless of the specific manner in which time is reported, supervisors are accountable for verifying the record of attendance. Approval by a co-worker is not acceptable. Failure to maintain satisfactory time records will result in the withholding of compensation or recoupment of payment already made. A detailed description of the time reports required is given in the Standard Operating Procedures Manual.

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 13

Issued: 08/27/90

b. Limitation on Working Hours

No employee may work on a per session basis during his or her normal working hours on a regular school day, or during the daily lunch hour. Per session employment is intended only for service of a supplemental nature and may not be used as a means of staffing during the regular school schedule in situations where employment on a per diem basis or on a regular part time schedule would be appropriate. Working hours at a regular day school position may not be altered for the convenience of a staff member, merely to accommodate a per session activity.

c. Lunch Breaks

No employee may work more than five hours without an unpaid lunch break of a least one half hour.

d. Sick Time

See the appropriate contract clauses.

e. Jury Duty

Per session employees are not compensated for any sessions lost as a result of jury service.

f. Individuals who have never worked on the hourly professional payroll (DE 470) must submit a Personnel Change Form (OP85) to 65 Court Street, Room 801, Brooklyn, New York 11201, in order to assure that checks will be mailed to their correct home address.

g. Service reports for hourly professional service should be submitted at the completion of each month's service to the Hourly and Per Diem Payroll Unit - 65 Court Street - Room 1402, Brooklyn, New York 11201. Information regarding submission of payroll may be obtained from that office. Employees should not withhold claims for payment until the completion of the assignment. The Payroll Unit will not accept service reports claiming arrears for an excessive number of hours. A certification by the Community Superintendent must be submitted in order to receive arrears payments.

h. The employing unit must forward the forms to the Hourly Professional Payroll Unit, in batch, by the due date and complete the certification attesting to the transmittal. (Refer to SOPM for specific procedures.)

## REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 14

Issued: 08/27/90

- i. If an employee is absent because of illness from a regular day school assignment and reports for work on the same day in an afternoon or evening per session activity, the day school absence may not be charged to cumulative absence reserve and a salary deduction must be made.

11. CENTRAL CONTROL ON PER SESSION EMPLOYMENT

- a. Information will be maintained by the Division of Business and Administration on the amount of per session work completed by each employee on the hourly professional payroll and a monthly report on the cumulative total of hours served during the per session year will be prepared. A copy of this report will be sent to the Community Superintendent and the Division of Human Resources.

The Division of Human Resources will send notification to affected employees and their supervisors in cases where:

- (1) There is an indication of multiple per session employment for a single file number irrespective of the aggregate number of hours with no record of a waiver by the Executive Director of the Division of Human Resources as described in Subdivision 6 a., above.
- (2) The data reflects completion by a single employee of a number of hours of service that is within 75 hours of the prescribed maximum limitation in one or more per session activities and no request for a waiver of the maximum limitation has been received, in accordance with the requirements of subdivision 6.b., above.

- c. If, after notifications described in paragraph b., above, have been sent, the Division of Human Resources fails to receive a written request for a waiver of either the multiple job or the maximum hours restriction, as appropriate, the Bureau of Pedagogic Compensation will withhold further payment for any per session service, under the following conditions:

- (1) Immediately, where the next monthly report reveals a continuance of multiple per session activity without benefit of a waiver;

REGULATION OF THE CHANCELLOR

Category: PEDAGOGICAL PERSONNEL

No: C-175

Subject: REGULATIONS ON PER SESSION EMPLOYMENT

Page: 15

Issued: 08/27/90

- (2) When the cumulative per session service during the period beginning the previous September exceeds the maximum number of hours and there is no record of approval of an exception to that limitation.

12. REQUESTS FOR WAIVERS AND QUESTIONS CONCERNING PER SESSION EMPLOYMENT

All requests for waivers by the Executive Director of the Division of Human Resources of restrictions on per session employment, as well as inquiries relating to definitions and interpretations of these regulations should be addressed in writing to the Division of Human Resources - Per Session Employment Monitoring Unit, 65 Court Street, Brooklyn, New York 11201. Inquiries relating to the provisions of the Standard Operating Procedures Manual should be directed to the Division of Business and Administration - Bureau of Internal Consulting, at 65 Court Street, Brooklyn, New York 11201.

hs/1051H(rev.8/90)