

New York City Law Department Emergency Response: Frequently Asked Questions about Work Expectations

The Law Department provides these FAQs in response to questions raised after the dislocation in connection with Hurricane Sandy in the fall of 2012. We note that the information here is based on determinations made for that particular situation, and that in different circumstances, including different types of disasters, different rules and protocols may apply. We nonetheless thought it would be useful to provide the following information as a guide for Law Department employees in the event of future disasters that may result in disruptions of our normal working conditions and schedules. The information here is based on past experience, and is all subject to confirmation or change in any future situation, and may vary depending on what services and infrastructure are affected. The Law Department's emergency website, www.nyclawdepartment.com, will be the primary source of accurate and up-to-date information in any emergency situation.

What are the expectations for work schedule and/or location during an emergency?

As a general matter, so long as the City is officially open for business, as determined by the Mayor, the prioritized expectations for employees are set forth below. Please note that due to the specific needs of the Juvenile Delinquency and Interstate Child Support practices, the information for Family Court support staff and lawyers is different from the information for all other employees. Also, please see the two notes that apply to all Law Department employees at the end of this section.

- **Support Staff – All Divisions Except For Family Court:**
 - *Work at your regular work location if it is open and you are able to reach it safely.*
 - *Work at another Law Department office if you are specifically directed or authorized by your Division Chief to work there and are able safely to reach such office; **please do not report to a different Law Department office if you are not specifically authorized to do so.***
 - *If the City opens its shelter system, you may be asked to work at a shelter, whether or not you have signed up and been trained as a Coastal Storm Plan shelter worker or operator. In addition, if the shelter system opens, you may be authorized to report to work at a New York City Evacuation Center or Shelter even if you are not specifically asked to do so (see page 3 for further information).*
- **Support Staff – Family Court Division:**
 - *Work at your regular work location if it is open and you are able to reach it safely.*
 - *Work at a Family Court office other than your assigned office, if you cannot get to your assigned office safely or your assigned office is closed, and you can get to another Family Court office safely.*
 - *If the City opens its shelter system, you may be asked to work at a shelter, whether or not you have signed up and been trained as a Coastal Storm Plan shelter worker or operator. In addition, if the shelter system opens, you may be authorized to report to work at a New York City Evacuation Center or Shelter even if you are not specifically asked to do so (see page 3 for further information).*
- **Lawyers – All Divisions Except For Family Court:**
 - *Work at your regular work location if it is open and you are able to reach it safely.*
 - *Work at another Law Department office if you are specifically directed or authorized by your Division Chief to work there and are able safely to reach such office; **please do not report to a different Law Department office if you are not specifically authorized to do so.***
 - *If your regular work location is closed or you are not able to reach it safely and you have not been directed to report to another location, work from home, provided that you have the*

necessary resources available to work productively from home on your assigned matters. You do not need specific permission from your Division Chief to work from home during an emergency-related work disruption when your regular office building is closed and you have not been directed to work at another location. Please keep track of the work you perform at home as you may be asked to provide a log of your work from home, and/or the actual work produced, upon your return to the office.*

- *If the City opens its shelter system, you may be asked to work at a shelter, whether or not you have signed up and been trained as a Coastal Storm Plan shelter worker or operator. In addition, if the shelter system opens, you may be authorized to report to work at a New York City Evacuation Center or Shelter even if you are not specifically asked to do so (see page 3 for further information).*
- **Lawyers – Family Court Division:**
 - *Work at your regular work location if it is open and you are able to reach it safely.*
 - *Work at a Family Court office other than your assigned office, if you cannot get to your assigned office safely or your assigned office is closed, and you can get to another Family Court office safely.*
 - *Confer with a supervisor, if feasible, to apprise the supervisor of whether you can report to work, including to an alternate Family Court office and, if not, you may request to work from home. If you cannot reach a supervisor, and cannot get to any Family Court Division office safely, then you may work from home, provided that you have the necessary resources available to work productively from home on your assigned matters.* Please keep track of the work you perform at home as you may be asked to provide a log of your work from home, and/or the actual work produced, upon your return to the office.*
 - *If the City opens its shelter system, you may be asked to work at a shelter, whether or not you have signed up and been trained as a Coastal Storm Plan shelter worker or operator. In addition, if the shelter system opens, you may be authorized to report to work at a New York City Evacuation Center or Shelter even if you are not specifically asked to do so (see page 3 for further information).*
- **For All Law Department Employees:**
 - *If you cannot work using one of the preceding options, based on past experience you will likely be charged Annual Leave. That is, if you are not able to work at your regular work site, not authorized to work at another Law Department office, not authorized and able to work from home, and you are not working at a shelter (or the shelter system is not activated), you will probably be charged Annual Leave. Charges to Annual Leave may occur even if your inability to get to the office or to a shelter, or to work from home, is due to events beyond your control, such as disrupted transportation, or power outages, or inoperable computer and or/phone systems, or closed schools or other intervening events. Employees who do not have sufficient leave balances to cover such charges to Annual Leave may be advanced leave for that purpose. After the emergency, regular rules will apply to advancing leave, including that Annual Leave may not be advanced for other purposes such as planned vacations following the emergency.*
 - *If an emergency disrupts your transportation to work and you cannot report to your regular work location due to a disability, the City’s contingency plans allow for alternate arrangements, including, when appropriate, allowing employees with disabilities to work from an alternative work location.*

** If you have been admitted to practice in New York for at least two years, your work at home may include Continuing Legal Education (CLE) credits on topics relevant to your practice. Options for accessing CLE programs remotely include the Law Department’s online CLE system, available at https://cemanager.micronapps.com/log_in.asp or, if you have previously registered with PLI, the PLI On Demand Learning programs, available at <http://www.pli.edu/Content>.*

If the NYC shelter system opens, who can work at shelters, where and when should they report, and how should they document their work for shelters?

- Who: *If the shelter system is open, Law Department employees may be authorized to report to work at City shelters, whether or not they are on the Law Department's list of Coastal Storm Plan (CSP) volunteers or have received training on the CSP. The Law Department will report on whether employees are allowed or requested to report to shelters on the emergency website.*
- Where: *Employees can find locations of the City evacuation centers nearest their homes, where they should report if they are authorized and seek to work at shelters, at www.nyc.gov/oem, by following the links for the "evacuation zone finder." A complete list of NYC Evacuation Centers is also attached to this document.*
 - *If an employee seeking to work at a shelter is told by the shelter's management that no additional workers can be accommodated, the employee may either seek to work at a different shelter or may return to that shelter at a different time. Based on past experience, shelters that are overstaffed during the day may need additional staff at night. **Employees will get credit for working at shelters only if they actually are permitted by the shelter's management to do so.** Unfortunately, at this time, we are not aware of any way to learn whether shelters are accepting additional staff other than by going to shelters and asking the managers.*
 - *It is currently City policy that employees may not substitute volunteering for other emergency shelters, including shelters run by other governments or not-for-profit organizations, for working hours.*
- When: *Employees' work schedules at shelters may vary, both in terms of time of day and duration of shifts, from ordinary work schedules. For instance, shelters may need employees to work at night rather than during the day, and some shelter managers require 12-hour shifts.*
 - *If any employee works at a shelter at night during the workweek, that work will be substituted for work during the normal workday.*
 - *If support staff work more than a total of 35 hours in a work week, the extra hours will be compensated at the employee's regular hourly rate for up to 40 hours in the week and at time and a half for work hours over 40 in the week.*
 - *Attorneys and managers are authorized to shift hours within a five-day workweek to accommodate working at shelters. That is, so long as an attorney or manager can demonstrate that he or she has worked at least 35 hours between a Monday and the following Friday (combining Law Department work from authorized locations and work at approved shelters), he or she will not be charged annual leave. However, hours worked at shelters on weekends may not be substituted for workweek hours for attorneys or managers.*
- How employees should document their work at shelters: *Employees should use the preprinted orange documentation cards printed by the NYC Office of Emergency Management, which are to be signed by shelter managers. If shelters do not have those cards, employees should make best efforts to document their service, e.g. by requesting the manager's signature on time notes.*