



**THE CITY OF NEW YORK  
DEPARTMENT OF SANITATION  
GENERAL ORDER 2012-23**

EFFECTIVE DATE: June 28, 2012

SUBJECT: **SUMMARY SUSPENSION PROCEDURES**

AFFECTED DIRECTIVES: General Order 96-14 is hereby rescinded

REFERENCE: Policy and Procedure 2012-02; General Order 2010-06;  
Executive Order 16; Civil Service Law Section 75

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**INTRODUCTION**

This General Order reestablishes the basis for summary suspension and delegates the authority to suspend prior to the outcome of formal disciplinary proceedings, to certain Department Officials. This suspension is an extreme act which is taken only when necessary. Summary suspension, prior to the service and disposition of disciplinary charges, may under no circumstances be used as a form of punishment.

**BASIS FOR SUSPENSION:**

Unless otherwise directed by the Commissioner, an employee may be suspended prior to a disciplinary hearing only for the following reasons:

1. Acts, other than accidents, causing injury to a person or damage to property or an immediate threat to commit such acts.
2. Job related acts involving violation of law such as solicitation or receipt of money or thing(s) of value or other allegations of corruption such as, but not limited to, trade waste violations.
3. When the opportunity for a medical evaluation does not exist, an employee may be suspended for being physically or mentally unfit for duty.
4. Conduct which impedes or hinders the ability of other employees to properly perform their duties.
5. Gross insubordination such as, but not limited to, refusal to obey an order when such refusal will disrupt Department operations; refusal to obey a safety regulation when such refusal may result in injury to a person or property damage.
6. Conduct by a supervisor which causes or permits a subordinate to commit a serious violation of Department Rules and/or Regulations such as, but not limited to, failing to maintain control of his/her subordinates; failure to require subordinates to perform their duties in a safe manner.
7. Suspension pursuant to the authority vested in the Inspector General by Mayor's Executive Order 16, dated July 26, 1978.
8. Other acts which the Commissioner may, from time to time direct a suspension.

## **THE AUTHORITY TO SUSPEND:**

The authority to suspend is delegated to all Deputy Commissioners and the Inspector General pursuant to authority under Executive Order 16, dated July 26, 1978.

In addition, the following are delegated the authority to suspend under the indicated circumstances:

### **BUREAU OF CLEANING AND COLLECTION**

The Chief, Bureau Operations or during off shifts, the Night City Superintendent or Ranking Officer in Operations may suspend an employee in violation of this order. Such superior officer or designee shall make every effort to go to the location where the suspension may be warranted and make an evaluation. As directed by the Chief, Bureau Operations, a conference will be held with the employee(s), their union representative, officer(s) involved and the Borough Chief. After the conference a decision will be made as whether the suspension will be continued, lifted or rescinded and whether further disciplinary action is required.

### **BUREAU OF WASTE DISPOSAL**

Suspensions may be ordered by the Deputy Director or Director of Bureau Waste Disposal or designee.

### **ALL OTHER BUREAUS**

The authority to suspend an employee is delegated to the site supervisor after consultation with the Bureau Head, Deputy Bureau Head or Bureau official of equivalent rank.

### **DIRECTOR OF SAFETY AND TRAINING**

May suspend for unsafe acts, by employees which would result in an unsafe situation.

### **DIRECTOR OF THE MEDICAL DIVISION**

Shall have the authority to suspend an employee for those matters, as set forth above and for which it has functional responsibility, when such acts affect the operation of the Clinic or its ability to perform its function.

### **DIRECTOR OF DRUG AND ALCOHOL TESTING**

Shall have the authority to suspend for those matters for which the Unit is functionally responsible.

### **ENFORCEMENT**

Suspensions may be ordered by the Special Assistant to the First Deputy Commissioner or during off hours, BCC procedures will be adhered to.

### **DEPARTMENT ADVOCATE**

In all those instances relating to the adjudication of disciplinary charges.

## **THE AUTHORITY TO REINSTATE:**

The authority to reinstate suspended employees is delegated to the First Deputy Commissioner and Deputy Commissioners, or their designee, for employees under their jurisdiction. The Department Advocate shall have the authority to lift suspensions consistent with adjudication of disciplinary complaints.

## **SUSPENSION AND REINSTATEMENT PROCEDURE FOR PRE-HEARING SUSPENSIONS:**

After a suspension has been approved, it is the responsibility of the supervisor ordering the suspension to do the following:

1. The suspended employee is to be informed of the reason for the suspension and advised that disciplinary charges will be filed against them based on the situation which caused the suspension.

2. The supervisor ordering the suspension must prepare written charges against the suspended employee and forward these charges to the supervisor's bureau head through channels within twenty-four hours of the suspension. The Bureau Head shall upon receipt and after review of the charges immediately forward them to the Department Advocate for a hearing when the charges are preferred against a uniformed employee or an employee without contractual alternative disciplinary procedures. Employees with contractual disciplinary procedures must have an informal conference prior to a formal adjudication of the charges.
3. In addition to the foregoing, the supervisor ordering the suspension must immediately notify the Department Advocate of such suspension if it occurs during regular business hours Monday through Friday. If a suspension occurs during off hours or on a weekend or holiday, the notification of the Advocate's office must take place at on or before 0900 hours, on the next regular business day.

If an employee is suspended for being unfit for duty, the procedure established in Policy and Procedure 2012-02 shall be adhered to:

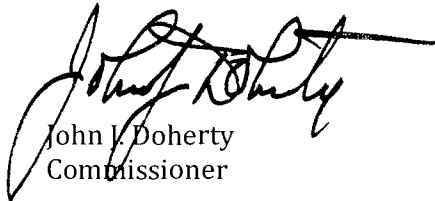
- A suspended employee, who has not had a meeting to discuss the charges against that employee and is seeking to be reinstated prior to a hearing or other disposition of the charges, may apply for reinstatement to First Deputy Commissioner or the Deputy Commissioner in charge of the bureau or unit in which the employee is assigned.
- An employee suspended pursuant to Policy and Procedure 2012-02 will be required to comply with the procedures as set forth in such Policy and Procedure prior to reinstatement from suspension.
- These procedures are to affect pre-hearing suspensions only and not suspensions resulting from the disposition of charges as a result of conference or settlement.

NOTE: Civilian managers and uniformed managers are not to be suspended without pay either before or as a result of a Civil Service Law Section 75 Proceeding. The only exception would be where the manager commits an infraction of a safety rule of major significance which creates a serious danger to the work site or to other employees or an infraction of work-place conduct rules..." In such a case, a manager may be suspended.

CANCELLATION:

This Order shall remain in effect until it is cancelled.

ISSUING AUTHORITY:



John J. Doherty  
Commissioner

DISTRIBUTION:

All Management Personnel