Department of Education

Regulation of the Chancellor

Number: **C-175**
Subject: **PER SESSION EMPLOYMENT**
Category: **PERSONNEL**
Issued: **October 21, 2021**

SUMMARY OF CHANGES

This regulation governs the provision of per session services by pedagogic employees. It updates and supersedes the regulation issued December 21, 2017. The regulation defines per session services and the limitations on the number of per session hours that may be worked in particular titles. It also explains the circumstances under which per session may be served and the required approval process.

Summary of Changes:

- Clarifies that no remote per session activities may be performed from home unless consistent with the collective bargaining agreements, or approved in advance by the supervisor, based on policy authorized by the Chancellor (Section III.B).
- Clarifies posting and timekeeping requirements (Sections IV and X).

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ABSTRACT

This regulation governs the provision of per session services by pedagogic employees. It updates and supersedes the regulation issued December 21, 2017. The regulation defines per session services and the limitations on the number of per session hours that may be worked in particular titles. It also explains the circumstances under which per session may be served and the required approval process.

I. APPLICABILITY

This regulation applies to all DOE employees serving under a pedagogic license, regardless of where they are assigned. It also applies to retirees employed pursuant to a waiver under Section 211 of the Retirement and Social Security Law, and to employees who have been given permission to work while on approved leave of absence.

II. DEFINITIONS

Per session services comprise any activity that is not part of, or an extension of, a pedagogic employee's primary job responsibilities and for which the employee is paid at an hourly rate, with the exception of the following activities:

- Hourly compensation for trainees in training programs.
- Conversion of secretary peak load days to per session payment.
- Activities, such as adult education, which are compensated at an hourly rate but constitute primary employment.
- Extra payment for teaching in a shortage area. (See Personnel Memorandum # 4 2007-2008, "Additional Compensation for Teachers in Shortage Licenses Areas".)
- Hourly compensation for employees serving as Education Evaluators, who are entitled to extra compensation for an extended work day.
- Hourly compensation for school medical inspectors.

The per session school year commences on July 1st of a calendar year and ends on June 30th of the following calendar year.

III. POLICY

Per session work must not interfere with or be an extension of the pedagogic employee's primary job responsibilities, or be used as a means of providing additional compensation for work in an individual's primary assignment. No pedagogic employee is authorized to work in a per session activity during his/her normal working hours on a regular school day, or during the daily lunch hour. Principals performing per session work in their schools or at another site must obtain prior approval from the superintendent before performing the per session work, as further described below. The following limitations and restrictions apply to per session services:

A. The maximum total number of hours of per session work permitted during any per session school year ("cap") for the following titles is:

- 500 hours for Principals; Assistant Principals and Educational Administrators
- 400 hours for Teachers, Secretaries, Paraprofessionals, and other limited pedagogic staff; and
- 400 hours for School Social Workers and School Psychologists.

B. No per session compensation may be paid for work performed at home unless consistent with the collective bargaining agreements, or approved in advance by the supervisor, based on policy authorized by the Chancellor.

C. Pedagogues who have been reassigned from their positions may not perform per session service.

D. For school-based per session assignments that require supervisory administrators, school administrators below the level of principal, including but not limited to assistant principals, shall be notified of such positions and shall have priority before principals to receive such assignments. The principal must post the position in the school and send a notice to all supervisory administrators in the school. If none of the administrators applies for the assignment, the principal is eligible for the position, provided it does not exceed the cap on per session hours and the principal submits documentation to the superintendent demonstrating that other school supervisors have been notified of the position and have either declined it or failed to apply for it.

E. Assignments of employees to per session activities are to be made in accordance with applicable collective bargaining agreements.

F. Applicants for per session teaching positions who do not have retention rights in the positions for which they are applying and are not employed by the Department's regular day school program may be considered for selection only if no qualified day school teacher is available.

G. Teachers may not hold per session supervisory positions. Only licensed supervisors may hold these positions.

H. A valid teaching license is required for per session teaching service. However, where a teacher has gained retention rights as a result of prior satisfactory service, a license in the specific area will not be required. Any exception to this policy must be

pre-approved by the Chief Executive Officer of the Division of Human Resources. Or his/her designee.

I. While a teaching license is not ordinarily valid for per session as a school secretary, such service will be permitted when no licensed school secretary is available, provided that the person assigned in this capacity will be compensated at the hourly rate for a school secretary.

J. Evening Trade School Certificates are valid for service in that program only.

K. Administrative managers may not work per session unless they receive a waiver from the Chief Executive Officer of the Division of Human Resources, or his/her designee, prior to the commencement of the per session activity.

L. An employee may have retention rights in only one per session activity during a per session school year.

M. In accordance with the DOE's collective bargaining agreements, employees on sabbatical leave beginning August 1st must complete per session in July, and will not be permitted to commence any new per session assignments until the September following the completion of sabbatical.

IV. POSTING REQUIREMENTS

All per session activities must be posted at least 20 school days prior to the commencement of the activity. Postings must include a clear description of the job, required qualifications, selection criteria, number of hours available, work schedules, and specific work locations including what, if any, portion of the per session activity may be performed remotely. All per session employment postings at the district and borough level must be numbered consecutively and tracked by the organization providing human resources support for all the elementary, middle and high schools.

A. School Postings

1. School-based per session positions serving students in one school must be posted in a prominent location in the school at which the activity will take place. If no qualified individual within a school applies, the principal must notify the appropriate organization providing their human resources support and request that the activity be re-posted at the school and/or extended to the district/borough.
2. For school-based per session assignments that require supervisory administrators, school administrators below the level of principal, including but not limited to assistant principals, must be notified of such positions and shall have priority before principals to receive such assignments. The principal must post the position in a prominent location in the school and send a notice to all supervisory administrators in the school.

B. Districtwide and Boroughwide Postings

Positions serving students from more than one school in a community school district must be posted in all of the schools in the district by the organization providing their human resources support. Activities serving students in more than one high school must be posted in all high schools in the borough.

C. Citywide Postings

Positions serving students from more than one community school district and more than one high school borough must be posted and approved centrally by the Division of Human Resources.

D. District 75 and District 79

Positions serving more than one District 75 school will be posted by the organization providing their human resources support. Positions serving more than one District 79 program will be posted by the organization providing their human resources support.

V. APPLICATION PROCESS

Employees seeking per session activity must submit the standard application form OP-175 (Attachment No. 1), which should be retained in the responsible program/activity for review and inspection by financial monitors or auditors. Divisions, offices, and organizations providing schools' human resources support may supplement the OP-175 with additional forms for the purpose of eliciting information about particular qualifications or competencies that may be required for service in an activity. Qualification requirements must represent the background that is reasonably required to perform the duties of the position. An employee who meets such requirements is to be considered a qualified employee. Applications for per session activities using the OP-175 form must be submitted as follows:

- School-based positions: to the principal of the school at which the activity will take place, as indicated on the posting.
- Districtwide positions: to the organization providing their human resources support or to the program supervisor, as indicated on the posting.
- Citywide positions: to the program/activity, as indicated on the posting.
- District 75: to the organization providing their human resources support or to the program supervisor, as indicated on the posting.
- District 79: to the organization providing their human resources support or to the program supervisor, as indicated on the posting.
- Principal per session: to the appropriate superintendent.

VI. APPROVAL PROCESS

A. Principals performing per session work in their schools or at another site must obtain approval from the superintendent *before* performing the per session work.

B. Principals Assigned must obtain approval from the Chief Executive Officer of the

Division of Human Resources, or his/her designee, *before* performing per session work.

C. Any pedagogic employee who seeks per session service that would result in a total number of hours during the per session school year that exceeds the cap (as defined in Section III, above) must obtain a waiver (as explained in Section VIII, below) *before* accepting or beginning to work in such per session assignment.

VII. COACHING ASSIGNMENTS IN INTERSCHOLASTIC AND INTRAMURAL ATHLETIC ACTIVITIES

A. Multiple coaching assignments that are not concurrent are permitted.
B. Multiple coaching assignments that are concurrent and have overlapping hours are not permitted.
C. Multiple coaching assignments that are concurrent but do not have overlapping work hours may be permitted, depending upon the requirements in the per session posting.
D. Retention rights may be claimed in only one of these coaching positions.

VIII. WAIVERS FOR EMPLOYEES

A. A waiver is needed before a pedagogic employee in the titles listed below may exceed the per session cap. This waiver must be requested through the Online Per Session Service System and obtained *prior* to performing the additional per session work.

- For Teachers, School Social Workers, School Psychologists, Secretaries, Paraprofessionals, and other limited pedagogic staff, waivers must be requested from the appropriate Principal, Director, Superintendent, Chief Executive Officer of the Division of Human Resources or his/her designee, Chief Operating Officer, Deputy Chancellor, or other person designated by the Chancellor
- For Assistant Principals and Educational Administrators, waivers must be requested from the appropriate supervisor.
- Principals must seek permission from the appropriate superintendent or designee of the Chancellor to work beyond the maximum number of hours set forth in Section III.A above.
- An athletic coach whose total per session hours in all per session activities will exceed the cap set forth in Section III.A above must apply for a waiver. The waiver application must include a certification from the principal that the employee is working as a coach. If additional per session hours are needed to complete the athletic coaching assignment, absent extraordinary circumstances, the waiver will be granted.

B. Every waiver request must bear the signature of the appropriate supervisor, and must be submitted sufficiently in advance to allow time for appropriate action. If an employee exceeds the maximum number of hours permitted without first obtaining a waiver, the hourly professional payroll unit shall withhold further per session payment.

C. For district and borough-based per session positions, the organization providing HR support reviews and approves waivers. For central-based and citywide positions, the Chief Executive Officer of the Division of Human Resources or his designee reviews and approves waivers.

IX. RETENTION RIGHTS

A. Retention rights may be claimed in accordance with the criteria established in DOE collective bargaining agreements with teachers and other categories of non-supervisory pedagogical personnel. Form OP-175 is to be used for this purpose. Employees covered by the DOE collective bargaining agreement with CSA do not have retention rights.

B. Persons who are not primarily employed by the DOE (e.g., retirees and part-time employees) and employees who are covered by agreements between the DOE and 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 contract in which there is a provision for per session employment may not gain retention rights to a position that 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 the teachers' collective bargaining agreement. They may, however, gain retention rights to guidance counselor positions under the guidance counselors' collective bargaining agreement. Individuals who achieved such rights previously will continue to hold them.

D. Retention rights may be claimed only by employees who have at least two years of continuous satisfactory service in a 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 the employee is assigned may vary from one per session school year to another depending on the needs of the program. If a teacher has served for more than two years in 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.

F. 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 per session employment in the job for which there is entitlement to retention.

X. TIMEKEEPING/ATTENDANCE

A. Individuals who have never worked on the hourly professional payroll (DE470) must submit a Personal and Tax Data Change Form to HR Connect, 65 Court Street, Room 102, Brooklyn, New York 11201, in order to ensure that checks will be mailed to the correct home address.

B. A time clock must be used wherever possible in recording the hours of per session employment. If a time clock is not available, the employee must record their time in a manner consistent with this regulation, consistent with the collective bargaining agreements, as directed by their supervisor, and the supervisor is responsible to verify/sign a daily record of attendance reflecting the exact time of arrival and departure. Failure to maintain satisfactory time records will result in the withholding of compensation or the recoupment of payment already made.

- No employee may work more than five hours without an unpaid lunch break of at least one half hour.
- Per session employees are not compensated for any sessions lost as a result of jury service.
- Employees who are absent from a regular school assignment due to illness may not work the same day in an afternoon or evening per session activity.

C. No employee may work on a per session basis during his/her normal working hours on a regular school day, or during the daily lunch hour. No employee may work on a per session basis at home unless consistent with the collective bargaining agreements, or approved in advance by the supervisor, based on policy authorized by the Chancellor. 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 of a regular school day position cannot be altered for the convenience of a staff member merely to accommodate a per session activity.

D. Sick Time

Sick time entitlements for per session work are calculated in accordance with applicable collective bargaining agreements.

XI. RECORD KEEPING

The Division of Human Resources' Monthly Online Cumulative Per Session Report will track the amount of per session work completed by each employee using the Hourly Professional Payroll System. This report will be updated as per session payrolls are processed monthly and shared with organizations providing human resources support, superintendents, principals and hiring managers for review and action where needed. The report will generate a message to per session payroll secretaries when per session payroll is entered for an employee within 25% of the maximum number of per session

hours permitted without an approved waiver. This information must be shared with the principal/hiring manager and discussed with the employee to determine if a waiver is needed. If an employee's hours exceed the maximum number of hours permitted without first obtaining a waiver, the hourly professional payroll unit shall withhold further per session payment.

XII. INQUIRIES

Inquiries pertaining to this regulation should be addressed to the organization providing human resources support to the school where the per session activity takes place.

New York City Department of Education
HR Connect or the organization providing your human resources support.
Telephone: 718-935-4000

2025-2026 APPLICATION FOR PER SESSION EMPLOYMENT AND CLAIM FOR RETENTION RIGHTS (OP-175)

Directions: This form must be completed and submitted to the per session supervisor prior to commencement of employment in a per session activity. A copy of this form must be retained by the per session supervisor. An applicant who wishes to claim retention rights must assert such a claim on this form. Retention rights may be claimed ONLY in one per session activity. No person may work more than 400 hours in one or a combination of per session activities (with a maximum of 400 hours in a school psychologist and/or school social worker position) without prior written approval of the Division of Human Resources in accordance with Chancellor's Regulation C-175.

Last Name: _____ First Name: _____ MI: _____

Home Address: _____ Zip Code: _____

Home Phone: (____) _____ File No.: _____ Email Address: _____

1. Are you a full-time employee of the NYC Public Schools? Yes ____ No _____

   If yes, indicate current work location: CFN _____ District _____ School/Office _____

   License or Title _____ Hours of Employment from _____ to _____

2. Per Session Position for which you are Applying: Program Name: _____

   CFN ____ District _____ Approximate Start Date _____ Do you claim retention rights? Yes ____ No ____

   School/Office _____ Approximate Total No. of Hours in Activity _____

   Work Hours Monday – Friday _____ to _____ Saturday – Sunday _____ to _____

3. **Between July 1, 2025 and June 30, 2026, have you worked or do you plan to work in any other per session activity? Yes _____ No _____. If yes, indicate all positions below. Use additional sheets if necessary.**

   a. Program Name: _____

      CFN _____ District _____ Approximate Start Date _____ **Do you claim retention rights?** Yes ____ No ___

      School/Office _____ Approximate Total No. of Hours in Activity _____

      Work Hours Monday – Friday _____ to _____ Saturday – Sunday _____ to _____

   b. Program Name: _____

      CFN _____ District _____ Approximate Start Date _____ **Do you claim retention rights?** Yes ____ No ___

      School/Office _____ Approximate Total No. of Hours in Activity _____

      Work Hours Monday – Friday _____ to _____ Saturday – Sunday _____ to _____

4. Will your total per session hours for this year, including the hours for the position for which you are applying, exceed 400? Yes _____ No _____

5. If yes, have you submitted a waiver request to exceed the 400 hour maximum? Yes _____ No _____

6. **Declaration:** I have read and understand the requirements in Chancellor's Regulation C-175. I understand that I am bound by this regulation. I affirm that the information given above is, to my knowledge, accurate and complete, and I understand that a willfully false answer to any question contained herein is a Class E felony which shall render this application null and void and may result in loss of retention rights, cancellation of per session employment, loss of pay, recoupment of compensation already paid, and/or disciplinary action.

_____ _____

Signature of Applicant Date

7. **Approval by Per Session Supervisor:** I certify that this applicant possesses the qualifications established for the position and that the selection was made after following advertising procedures set forth in Chancellor's Regulation C175.

_____ _____

Signature of Per Session Program Supervisor Date

Summary of Chancellor's Regulation C-175

Chancellor's Regulation C-175 is available for review at https://www.schools.nyc.gov/about-us/policies/chancellors-regulations. Each school maintains a copy of the Standard Operating Procedures Manual for Schools (SOPM). Individuals may review a copy of these procedures in order to familiarize themselves with the process by which per session employees are processed and paid.

1. All per session employees must complete an application for per session activity (OP175) prior to commencing service.
2. Individuals who have been approved for waivers in prior years must resubmit new waiver applications each year. For this purpose, the per session year is from July 1 ***through*** June 30.
3. Individuals must submit a waiver form for exceeding the limit on the maximum number of hours that can be served in a per session year. The maximum number of hours of per session work that may be performed annually is available in the C-175 regulation.
4. No individual is authorized to work in a per session activity during a normal school workday.
5. 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 similar to that which is performed in an individual's primary assignment.
6. Individuals cannot serve in a per session activity for which, in their primary assignment, they are responsible for hiring, rating, or coordinating or which they normally supervise in their primary assignment.
7. No per session compensation may be paid for work performed at home ***unless*** consistent with collective bargaining agreements or approved in advance by the supervisor based on Chancellor-authorized and DHR policy.
8. Employees on sabbatical leaves beginning August 1 must complete per session activities in which they are serving in July. They will not be permitted to commence any new per session assignments until the September following the completion of the sabbatical.
9. Each per session employee is required to use a time clock to record the exact time of arrival and departure. The timecard is to be maintained at the work site and should serve as the basis of entries on the Personnel Time Report. If a time clock is not available, a daily attendance report with exact time of arrival and departure must be provided, maintained and 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 records will result in the withholding of compensation or recoupment of payment already made.
10. Each per session employee is required to submit a time sheet for service that was performed during the prior per session period within one school day of the per session period immediately following each service.
11. ***Time sheets submitted for per session work which required a waiver that was not previously approved will result in the withholding of per session payment***.
12. 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, the teacher may then be denied employment in the job for which there is entitlement to retention.

Notes: Requests for waivers must be submitted sufficiently in advance to allow time for review and appropriate action. ***Failure to obtain a valid waiver may result in the withholding of payment for hours worked beyond the maximum hours as outlined in Chancellor's Regulation C-175.***