



# BenchNOTES Newsletter

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## BenchNOTES - February 2017

Last Month's OATH Decisions

The documents below are in PDF format. [Download the Adobe Reader now.](#)

### Paid Leave Sick Law

**Employer fined \$1000 for failure to produce documents.**

The Paid Sick Leave Law was enacted to ensure that employees can take time off work to address their health needs or the health needs of family members.

[Dep't of Consumer Affairs v. Sky Materials Corp.](#), OATH Index No. 830/17, mem. dec. (Feb. 7, 2017).

[Read more](#)

### Licensing

**Engineer loses filing privileges for false filings.**

A professional engineer was charged with knowingly or negligently making false statements in applications filed with the Department of Buildings ("DOB") and with displaying a lack of knowledge of applicable laws because he submitted applications which called for work which was prohibited by the Zoning Resolution, the Multiple Dwelling Law or the Administrative Code.

[Dep't of Buildings v. Schnall](#), OATH Index No. 2750/15 (Feb. 10, 2017), **modified on penalty**,

Comm'r Dec. (Feb. 21, 2017).

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## Personnel

**Persistent unwillingness to perform tasks was incompetence.**

A tax auditor was charged with misconduct and incompetence for performing her duties in an inefficient manner, being discourteous to her supervisor, and time and leave violations.

[Dep't of Finance v. Kateme](#), OATH Index No. 728/17 (Feb. 2, 2017).

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## Contracts

**CDRB denies claim on tree planting contract.**

Contractor sought an additional payment of \$1,273,781, plus interest, arising from a contract to plant trees. The Contract Dispute Resolution Board ("CDRB"), chaired by ALJ Kevin F. Casey, denied the claim.

[Mana Construction Group, Ltd. v. Dep't of Parks & Recreation](#), OATH Index No. 2335/16, mem. dec. (Feb. 10, 2017).

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