NEW YORK CITY DEPARTMENT OF CORRECTION
Stanley Richards, Commissioner

Ayinde Williams, Deputy Commissioner
Mustafa Zaman, Assistant Commissioner
Human Resources

75-20 Astoria Boulevard, Suite 160
East Elmhurst, New York 11370
Tel: 718 • 546 • 3200
Fax: 718 • 278 • 6072

Mayor's Executive Order No. 16
Issued July 26, 1978

I _____ hereby acknowledge receipt of a copy of
Name

Executive Order No. 16 on _____.
Date

I read and understand Mayor's Executive Order No. 16 _____.
Signature

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 16
JULY 26, 1978

COMMISSIONER OF INVESTIGATION, INSPECTORS GENERAL AND STANDARDS OF PUBLIC SERVICE

By the power vested in me as the Mayor of the City of New York, it is hereby ordered:

Section 1. Responsibilities of Commissioner

The Commissioner of Investigation (hereafter called the Commissioner) shall have general responsibility for the investigation and elimination of corrupt or other criminal activity, conflicts of interest, unethical conduct, misconduct and incompetence

i. by City agencies,

ii. by City officers and employees, and

iii. by persons regulated by, doing business with or receiving funds directly or indirectly from the City (hereinafter called persons dealing with the City), with respect to their dealings with the City. For these purposes the Commissioner shall:

a. assist agency heads in establishing and maintaining standards of conduct together with fair and efficient disciplinary systems;

b. direct the activities of the Inspectors General of all agencies of the City;

c. conduct background investigations of employees to be appointed to or holding positions of responsibility;

d. receive complaints and information from the public with respect to City agencies, officers, and employees, as well as persons dealing with the City, and to take appropriate action with respect to such complaints;

e. undertake any investigation or study of the affairs, functions, accounts, methods, personnel or efficiency of any agency; and

f. act as liaison with federal, state and local law enforcement and regulatory agencies concerning all matters within the scope of this Order

Section 2. Responsibilities of Agency Heads

All agency heads shall be responsible for establishing, subject to review for completeness and inter-agency consistency by the Commissioner, written standards of conduct for the officials and employees of their respective agencies and fair and efficient disciplinary systems to maintain those standards of conduct.

Section 3. Responsibilities of Inspectors General

a. All agencies shall have an Inspector General who shall report directly to the respective agency head and to the Commissioner and be responsible for maintaining standards of conduct as may be established in such agency under this Order. Inspectors General shall be responsible for the investigation and elimination of corrupt or other criminal activity, conflicts or interest, unethical conduct, misconduct and incompetence within their respective agencies.

b. Except to the extent otherwise provided by law, the employment or continued employment of all existing and prospective Inspectors General and members of their staffs shall be subject to complete background investigations and approval by the Department of Investigation.

Section 4. Investigations

a. Within the scope of the general responsibility of the Commissioner set forth in Section 1 of this order, the Commissioner shall have authority to examine, copy or remove any document prepared, maintained or held by any agency except those documents which may not be so disclosed according to law. Inspectors General shall have the same authority in their respective agencies.

b. The Commissioner and, with the approval of the Commissioner, the Inspectors General and any person under the supervision of the Commissioner or the Inspectors General, may require any officer or employee of the City to answer questions concerning any matter related to the performance of his or her official duties or any person dealing with the City, concerning such dealings with the city, after first being advised that neither their statements nor any information or evidence derived there from will be used against them in a subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of an officer or employee to answer questions on the condition described in this paragraph shall constitute cause for removal from office or employment or other appropriate penalty. Beginning September 1, 1978 all contracts, leases, licenses or other agreements entered into or issued by the City shall contain a provision approved as to form by the Corporation Counsel permitting the City to terminate such agreement or to take other appropriate action upon the refusal of a person dealing with the City to answer questions in relation to such agreements on the condition of testimonial or use immunity described in this paragraph.

c. Every officer or employee of the City shall cooperate fully with the Commissioner and the Inspectors General. Interference with or obstruction of an investigation conducted by the Commissioner or an Inspector General shall constitute cause for removal from office or employment or other appropriate penalty.

d. Every officer and employee of the City shall have the affirmative obligation to report, directly and without undue delay, to the Commissioner or an Inspector General any and all information concerning conduct which they know or should reasonably know to involve corrupt or other criminal activity or conflict of interest.

i. by another City officer or employee, which concerns his or her office or employment, or

ii. by persons dealing with the City, which concerns their dealings with the City. The knowing failure of any officer or employee to report as required above shall constitute cause for removal from office or employment or other appropriate penalty.

e. Upon receipt of any information concerning corrupt or other criminal activity or conflict of interest related to his or her agency, the Inspector General of such agency shall report directly and without undue delay such information to the Department of Investigation, and shall proceed in accordance with the Commissioner's directions.

f. No officer or employee other than the Commissioner, an Inspector General, or an officer or employee under their supervision, shall conduct any investigation concerning corrupt or other criminal activity or conflicts of interest without the prior approval of the Commissioner or an Inspector General.

Section 5. Formal Disciplinary Proceedings

a. Within six months of the effective date of this Order, the Inspector General of each agency shall be responsible for the preparation and prosecution of all formal administrative proceedings, including removal and other disciplinary proceedings for misconduct or incompetency, initiated by such Inspector General or any other person authorized by the agency head to initiate such proceedings on behalf of the agency. The Inspector General or an attorney-designee (including attorneys of the Department of Investigation) shall prosecute such matters. Any agency head may for good cause apply to the Commissioner for the modification or waiver of any provision of this paragraph.

b. The Inspector General of an agency may, with the approval of the agency head, suspend any officer or employee of that agency, pending the timely service of formal charges.

c. Officers or employees of the City convicted of a crime relating to their office or employment, involving moral turpitude or which bears upon their fitness or ability to perform their duties or responsibilities, shall be removed from such office or employment, absent compelling mitigating circumstances set forth in writing by the head of the employing agency. Proof of said conviction, as a basis for removal or other disciplinary action, must be established in accordance with applicable law.

Section 6. Informal Disciplinary Proceedings

a. Each agency head shall, with the advice of the Commissioner, establish appropriate reporting requirements, disposition standards and other administrative procedures for informal disciplinary proceedings to permit the fair and expeditious resolution of minor violations of the standards of conduct established by such agency head under this order, without prejudice to any rights provided to officers or employees of the City by law or by contract

b. Informal disciplinary proceedings may be undertaken on the following conditions: (i) the employee or official who is the subject of such proceedings shall consent to accept a predetermined penalty upon a finding of cause in lieu of the filing of a formal disciplinary charge; and (ii) the record and result of the informal disciplinary proceedings shall be expunged from all permanent personnel or employment files of the subject official or employee after one year in which such person has not been penalized as a result of any subsequent formal or informal disciplinary proceedings.

c. The Inspector General of each agency shall be notified of the disposition of all informal disciplinary proceedings.

Section 7. Background Investigations

a. The Department of Investigation shall conduct background investigations of all persons to be appointed to or employed in positions with salary rates equal to or greater than the minimum rate of the management Pay Plan or any successor plan, whether or not the person is to become a member of such plan.

b. Background investigations need not be made under this Order with respect to the appointment or employment of persons for positions with salary rates equal to or greater than the minimum rate of the Management Pay Plan or any successor plan where such person is to be appointed to a permanent civil service position in the competitive class.

c. The Mayor or an agency head may in the public interest direct that the appointment, employment or assignment of any person be subject to a background investigation by the Department of Investigation.

d. The appointment or employment of any person requiring background investigations under this Order shall be made subject to the completion of such investigation and a determination by the appointing authority that the appointee has the appropriate qualifications, is free from actual or potential conflicts of interest and is one in whom the public trust may be placed.

e. All Prospective appointees and employees subject to background investigation under this order shall comply with all procedures established by the Commissioner for such purpose, including the completion of a background questionnaire and full disclosure of financial holdings and relationships.

f. Background investigations conducted under this Order shall include the collection of all available criminal history information relating to the prospective appointee, which shall be considered in accordance with applicable law.

g. The making by a person of an intentional false or misleading statement in connection with a background investigation required under this Order, or otherwise failing to comply with the background investigation procedures established by the Commissioner, may constitute cause for removal from office or employment or other appropriate penalty.

Section 8. Dissemination of Information

a. All agency heads shall distribute to each officer and employee of their respective agencies within 90 days of the effective date of this Order and to each officer and employee appointed thereafter, a statement prepared by the Commissioner explaining the responsibilities of the Commissioner, Inspectors General, agency heads and all City officers and employees under this Order.

b. Knowledge of the responsibilities of the Commissioner of Investigation and the Inspectors General and of relevant provisions of Articles 195 and 200 of the Penal Law, the City Charter, the Code of Ethics and this Order shall constitute an employment responsibility which every officer and employee is expected to know and to implement as part of their job duties and is to be tested in promotional examinations beginning January 1, 1979.

Section 9. Regulations and Procedures

The Commissioner may establish such regulations, procedures and reporting requirements with respect to Inspectors General or as may be otherwise necessary or proper to fulfill the Commissioner's responsibilities under this Order and other applicable law. The Inspectors General may, with the approval of the Commissioner and the respective agency heads, establish such regulations and procedures as may be necessary or proper to fulfill their responsibilities under this Order and other applicable law.

Section 10. Waiver of Provisions

Any agency head may for good cause apply to the Commissioner for the modification or waiver of any provision within the jurisdiction of the Commissioner under this order.

Section 11. Construction with Other Law

Nothing in this Order shall be deemed to limit the powers and duties of the Commissioner, the Department of Investigation, the Department of Personnel, the Office of Municipal Labor Relations or any other agency under the City Charter or as may otherwise provided by law.

Section 12. Preservation of Rights

Nothing in this Order shall be deemed to limit the rights of any person under law or contract.

Section 13. Revocation of Executive orders

Executive Order No. 21, dated August 19, 1970, Executive Order No. 21, dated October 17, 1974, and Personnel Policy and Procedure No. 715-77, dated February 15, 1977 are hereby revoked.

Section 14. Effective Date

This order shall take effect immediately.

Edward I. Koch
MAYOR

THE CITY OF NEW YORK

OFFICE OF THE MAYOR
NEW YORK, NY 10007

EXECUTIVE ORDER NO. 72
April 23, 1984
Amendment of Executive Order No. 16
July 26, 1978

COMMISSIONER OF INVESTIGATION,
INSPECTORS GENERAL AND
STANDARDS OF PUBLIC SERVICE

By the power vested in me as Mayor of the City of New York, it is ordered:

Section 1. Prior order amended

Paragraph (a) of Section 7 of prior Executive Order No. 16, dated July 26, 1978 is hereby amended to reads as follows:

Section 7. Background Investigations.

a. The Department of Investigation shall conduct background investigation of all persons to be appointed to or employed in positions with salary rates equal to or greater than the minimum rate of the Management pay Plan or any successor plan, whether or not the person is to become a member of Such plan. The Commissioner shall have the discretion to waive this requirement when he determines that the investigation is not necessary

Section 2. Effective Date

This Executive Order shall take effect immediately.

Edward I. Koch
MAYOR

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THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

Executive Order No. 78
October 5, 1984

Amendment of Executive Order No. 16
(July 26, 1978)

COMMISSIONER OF INVESTIGATION, INSPECTORS GENERAL AND STANDARDS OF PUBLIC SERVICE

By the power vested in me as Mayor of the City of New York, it is ordered:

Section 1. Prior Order Amended

Section 4 of prior Executive Order No. 16, dated July 26, 1978 is hereby amended to read a follows

Section 4. Investigations

e. Upon receipt of any information concerning corrupt or other Criminal activity, [or] conflict of interest, gross mismanagement, or abuse of Authority related to his or her agency, the Inspector General of such agency shall report directly and without undue delay such information to the Department of Investigation, and shall proceed in accordance with the Commissioner's directions.

f. No officer or employee other than the Commissioner, an Inspector General, or an officer or employee under their supervision, shall conduct any investigation concerning corrupt or other criminal activity, {or} conflicts of interest, gross mismanagement or abuse of Authority without the prior approval of the Commissioner or Inspector General.

g. No officer or employee of the shall take an adverse personnel action as defined in Local Law No. 10 of 1984 with respect to another officer or employee in retaliation for his or her making a report of information concerning corrupt or other criminal activity, conflict of interest, gross mismanagement, or abuse of authority to the Commissioner or an Inspector General.

Section 2.

Section 6 of prior Executive Order No. 16, dated July 26, 1978 is hereby amended to read as follows:

Section 6. Informal Disciplinary Proceedings

a. Each agency head [shall] may with the advice of the Commissioner establish appropriate reporting requirements, disposition standards and other administrative procedures for informal disciplinary proceedings in addition to those already provided by law or collective bargaining agreements to permit the fair and expeditious resolution of minor violations of the standards of conduct established by such agency head under this Order without prejudice to any rights provided to officers or employees of the City by law or by [contract] collective bargaining agreement.

b. Informal disciplinary proceedings may be undertaken on the following conditions: (i) the employee or official who is the subject of such proceedings shall consent to accept a predetermined penalty upon a finding of cause in lieu of the filing of a formal disciplinary charge; and (ii) the record and result of the informal disciplinary proceedings described in (a) above shall be expunged from all permanent personnel or employment files of the subject official or employee after one year in which such person has not been penalized as a result of any subsequent formal or informal disciplinary proceedings.

c. The expungement of records and results of informal disciplinary proceedings described in (b) above applies only to those informal disciplinary proceedings promulgated pursuant to this Executive Order and is not applicable to any of the records, results or procedures provided by law or by collective bargaining agreement.

d. The Inspector General of each agency shall be notified of the disposition of all disciplinary proceedings.

Section 3. Effective date

This Executive Order shall take effect immediately.

Edward I. Koch
MAYOR

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

EXECUTIVE ORDER NO. 105
December 26, 1986
Amendment of Executive Order No. 16 (July 26, 1986)
and No. 78 (October 5, 1986)

COMMISSIONER OF INVESTIGATION, INSPECTORS GENERAL AND STANDARDS OF PUBLIC SERVICE

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1

Prior order amended. Section 1(b) of prior Executive Order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984, is hereby repealed and Sections 1(c), (d), (e) and (f) are re-lettered (b), (c), (d) and (e) respectively.

Section 2

Section 3 of prior Executive Order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984, is hereby amended to read as follows:

Section 3. Inspectors General

a.

i. The Inspector General system shall be a single aggregate of personnel and resources within the Department of Investigation under the direction of the Commissioner. There shall be an Inspector General for each agency who shall report directly to the commissioner and shall be responsible for the investigation and elimination of corrupt or other criminal activity and conflicts of interest within the agency to which he or she is designated. The Commissioner shall allocate the personnel and resources of the Inspector General system to the Inspector General offices as needed to develop strategies and programs for the investigation and elimination of corruption and other criminal activity affecting the City of New York. Such investigations and programs shall proceed in accordance with the Commissioner's direction.

ii. The Commissioner shall be responsible for developing policy and strategy for the Inspector General system, for the preparation and allocation of a system-wide budget, and for the assignment, direction, and evaluation of all Inspector General personnel in the various agencies and departments. This responsibility shall be carried out, however, in a strict, regular, ongoing, meaningful and comprehensive consultation and collaboration with each agency head.

b. Agency heads shall remain principally responsible for maintaining corruption-free agencies through this formal collaborative arrangement by developing procedures and systems to protect against corrupt and other criminal activity affecting their agency, by hiring employees of integrity and competence, by careful managerial oversight and high-quality supervision of agency employees, and by adequate review and monitoring of fiscal commitments and processes within their respective agency. In order to accomplish these objectives in coordination with the Department of Investigation, each agency head, the Commissioner and the Inspector General designated for each agency shall, in consultation, in January of each year beginning in 1988 formulate a comprehensive anti-corruption program for each agency to identify, evaluate, and eliminate, corruption hazards and to identify significant areas warranting investigation. Thereafter, on December 31 of each year the Commissioner, after consultation with each agency head, shall provide the Mayor with an assessment of the progress made in the annual anti-corruption program for each agency. Should other issues, conditions, or problems arise during the year which, in the judgment of an agency head, require investigative action or attention, the agency head may direct the Inspector General to modify the annual objectives to the extent necessary to address the new problems and the Inspector General shall take such action unless the Commissioner, for good cause, objects to such action. For 1987, an interim anti-corruption program shall be developed by July 1, 1987 and the Commissioner after consultation with each agency head, shall report to the Mayor by December 31, 1987 as to the progress made toward achieving the objectives of that program.

c. Agency heads shall, on a regular basis, be informed by the Inspector General of the progress of the anti-corruption program and on all pending corruption studies and investigations except those investigations which the Commissioner determines should not be disclosed. Such a determination of non-disclosure may only be made by the Commissioner when there is a factual basis indicating that investigative interests might be contravened by sharing knowledge of a particular investigation with an agency head.

The Commissioner shall give notice to the Mayor of any determination to apply this exceptional procedure, shall document the reasons for the determination and shall, upon the closing of the investigation, file a determination of the extent to which the investigative findings support or contravene the initial determination of non-disclosure. These provisions relating to non-disclosure do not apply when the Commissioner is constrained by Grand Jury secrecy requirements from disclosing information.

d. The Inspector General for each agency shall be notified of all complaints received within an agency involving corrupt or other criminal activity, conflicts of interest, unethical conduct, misconduct and incompetence by (i) City agencies, (ii) by City officers and employees, and (iii) by persons dealing with the City and has jurisdiction to investigate any such complaint.

e. In furtherance of these objectives, the Inspectors General shall be informed of and have unrestricted access to all regular meetings of agency executives and managerial staff, and to all records and documents maintained by each agency. Each agency shall provide and maintain at its
central office sufficient office space for the Inspector General and his or her staff in a condition equivalent to the average condition of professional offices throughout the agency.

f. Except to the extent otherwise provided by law, the employment and continued employment of all Inspectors General shall be by the commissioner after consultation with the respective agency head. An equitable, system-wide salary structure will be established. The Department shall develop cross-agency career paths by which the most capable members of the Inspector General system shall be retained and rewarded and their knowledge and experience shared throughout the Inspector General system. Inspectors General and Deputy Inspectors General shall henceforth be prohibited from promotion into managerial and executive positions within the agency to which they are assigned. This prohibition shall remain in effect for three years from the date of termination of their employment as Inspector General or Deputy Inspector General. However, prior to July 1, 1987 any Inspector General or Deputy Inspector General may be transferred to a unit of an agency which will after July 1 be responsible for handling disciplinary matters. Effective July 1, 1987, the Inspectors General and their staffs shall be employees of the Department of Investigation. The tasks and standards used to evaluate the performance of the Inspectors General and Deputy Inspectors General shall be determined jointly by the Commissioner and the respective agency heads. Agency heads shall submit their own annual performance evaluation of the resident Inspector General and Deputy Inspector General, based on the agreed upon tasks and standards, to the Commissioner, which evaluations shall be considered in determining the Commissioner's final evaluation of such persons.

g. Prior to submitting executive budget requests for the Offices of the Inspectors General for fiscal year 1987 and thereafter, the Commissioner shall consult with the respective agency head.

Section 3

Section 5 (a) of prior Executive Order
No. 16, dated July 26, 1978, as amended by Executive Order
No. 78, dated October 5, 1984, is hereby amended to read as follows:

Section 5. Formal Disciplinary Proceedings

a. Effective July 1, 1987, each agency shall be responsible for the preparation and prosecution of all formal administrative proceedings, including removal and other disciplinary proceedings for misconduct or incompetency. Each agency head shall establish a system for such formal disciplinary proceedings in consultation with the Commissioner. An Inspector General may request an agency to hold disciplinary or other administrative action in abeyance pending the completion of a criminal investigation. The Inspector General shall be notified before the initiation of formal disciplinary proceedings of the disposition of all formal disciplinary proceedings.

Section 4

Section 5(b) of prior Executive Order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984 is hereby repealed.

Section 5

Section 5(c) of prior Executive Order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984 is hereby renumbered Section 5(b).

Section 6

A new Section 5(c) is added to prior Executive Order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984, as follows:

c. The Commissioner, after consultation with an agency head, shall have the right to assume the responsibility for a particular disciplinary investigation, except that the disposition of the charges and the penalty to be imposed in connection with such proceeding shall remain the responsibility of the agency head.

Section 7

Section 9 of prior Executive order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984, is hereby amended to read as follows:

Section 9. Regulations and Procedures. The Commissioner may establish such regulations, procedures and reporting requirements with respect to Inspectors General or as may be otherwise necessary or proper to fulfill the Commissioner's responsibilities under this Order and other applicable law.

Section 8 Effective date.

This Executive Order shall take effect immediately.

Edward I. Koch
MAYOR