

EXECUTIVE ORDER No. 99

January 3, 2007

CONSOLIDATION OF HEALTH BENEFITS PROGRAM ASSISTANCE

WHEREAS, the Mayor is authorized by section 8 (a) of the New York City Charter to establish policies that further the effectiveness of City government operations;

WHEREAS, the Commissioner of Citywide Administrative Services is responsible for citywide personnel matters pursuant to section 811 of the Charter, and is further empowered by section 814(b)(7) of the Charter to “administer personnel programs of a city-wide nature or common to two or more departments where administration by separate agencies would be impracticable and uneconomical”;

WHEREAS, the Office of Labor Relations is responsible for the administration of the City’s Health Benefits Program and has provided oversight to all agencies and their employees in furtherance of the administration of the City’s Health Benefits Program;

WHEREAS, in an effort to promote efficiency and consistency, functions currently performed by the agencies to support the Office of Labor Relations and agency employees in furtherance of the administration of the City’s Health Benefits Program, further described below, will be consolidated within the Department of Citywide Administrative Services to the extent practicable;

WHEREAS, the City has undertaken a project to integrate various human resources computer software systems including benefits administration into one-state-of-the-art system known as the New York City Automated Personnel System (“NYCAPS”);

WHEREAS, the Department of Citywide Administrative Services will use NYCAPS to support the Office of Labor Relations in the administration of the Health Benefits Program; and

WHEREAS, overall administration of the City’s Health Benefits Program shall continue to be performed by the Office of Labor Relations in accordance with section 12-126(d) of the Administrative Code;

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

Section 1. The function of providing support to agency employees and the Office of Labor Relations in furtherance of the administration of the City's Health Benefits Program shall be transferred to the Department of Citywide Administrative Services from agencies specified by section 2 of this Order, or from additional agencies in accordance with section 4 of this Order, on dates specified by or in accordance with this Order. Further, such department may also perform duties for other agencies related to providing such support without the formal transfer of personnel in accordance with section 5 of this Order. The function to be transferred, or duties to be performed, shall be implemented in accordance with all applicable requirements of the Office of Labor Relations for the City's Health Benefits Program and shall include:

- a. providing employees with assistance (including oral and written assistance) concerning health benefits programs;
- b. processing employee health benefit elections and changes with regard to new hires, open enrollment, leaves of absence, family members and similar matters that may affect coverage;
- c. working in conjunction with the Office of Labor Relations and agencies to resolve issues related to employee health benefit coverage including ensuring accuracy of data; and
- d. functions or duties ancillary to the functions or duties specified in this section, including directly supervising such functions or duties.

§2. Effective February 18, 2007, or as soon as practicable thereafter, the function described in section 1 of this Order shall be transferred to the Department of Citywide Administrative Services from the following agencies: the Department of Buildings; the Department of Finance; the Department of Health and Mental Hygiene; the Department of Homeless Services; and the Department of Information Technology and Telecommunications.

§3. The Department of Citywide Administrative Services and the agencies specified in section 2 of this Order shall take all steps necessary, consistent with applicable law, to implement this Order, including ensuring the transfer, pursuant to section 70(2) of the Civil Service Law, of employees substantially engaged in the performance of the function described in section 1 of this Order. Employees who are subject to pending disciplinary charges on the date of the functional transfer, or against whom a disciplinary penalty has been assessed but not yet served or paid on or prior to such date, shall be retained in the employment of the agency until the resolution of the adjudicative or administrative proceedings and until any outstanding disciplinary penalty has been served or paid.

§4. In accordance with sections 811 and 814(b)(7) of the Charter, the Commissioner may exercise authority to direct transfers of the function of providing support to agency employees and the Office of Labor Relations in furtherance of the administration of the City's Health Benefits Program, as described in section 1 of this Order. Such transfers shall be in addition to those specified in section 2 of this Order and shall be consistent with section 70(2) of the Civil Service Law, where such provision is applicable. Such transfers shall include arrangements for employees subject to pending disciplinary charges consistent with section 3 of this Order.

§5. In addition to performing duties related to the function transferred in accordance with sections 2 and 4 of this Order, the Department of Citywide Administrative Services may, without the formal transfer of personnel, perform duties as listed in section 1 for any other City agency designated by the Commissioner of Citywide Administrative Services. Such commissioner may specify the effective date of any such performance of duties, taking into consideration the reasonable needs of affected agencies.

§6. In the case of any City agency that is headed by an officer who is neither appointed by the Mayor nor appointed by a mayoral appointee, or that is headed by a board or commission that does not have a majority of members appointed by the Mayor or a mayoral appointee, any formal transfer of personnel in accordance with section 4 of this Order shall be effective only upon the written concurrence of the head of such agency or a designee of such head.

§ 7. This Order shall take effect immediately.

Michael R. Bloomberg
Mayor