

EXECUTIVE ORDER NO. 32

JULY 25, 1979

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

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

Section 1. *Office Established.* The Office of Administrative Trials and Hearings (hereinafter called the Office) is hereby established in the Department of Personnel. The Office shall be directed by the Chief Administrative Law Judge.

§ 2. *Purposes of the Office.* The Office shall conduct administrative trials and hearings at the direction of the Mayor and may conduct such trials upon the written request and delegation of the head of any City Agency.

(a) *Civil Service Hearings.* Except as otherwise provided by law or agreed by the Chief Administrative Law Judge, all agency heads shall delegate to the Chief Administrative Law Judge the authority to conduct disciplinary, disability or other trials and hearings permitted or required by the New York State Civil Service Law and to make written reports and recommendations with respect to such trials and hearings. The Office may conduct such trials and hearings as the Director of Personnel may request.

(b) *Other Trials and Hearings.* Except as otherwise provided by law, or agreed by the Mayor, all agency heads may delegate to the Chief Administrative Law Judge the authority to conduct trials and hearings with respect to a license issued or contract entered into by a City agency or such other matters as to which trials or hearings may be permitted or required by law or contract. The office may conduct such trials and hearings as may be requested by a non-Mayoral agency, board of commission.

§ 3. *Chief Administrative Law Judge.* The Chief Administrative Law Judge shall be an attorney admitted to practice in the State of New York and appointed by the Mayor who shall have the following responsibilities in addition to presiding over administrative trials and hearings:

(a) To direct the Office with respect to its organization and management and to appoint its Executive Director;

(b) To appoint to the position of Administrative Law Judge such persons as may be admitted to the practice of law in the State of New York and otherwise suited by training and experience for such duties;

(c) To establish rules for the conduct of administrative trials and hearings, including charges, specifications, motions, pre-hearing and post-hearing matters;

(d) To collect and publish reports and recommendations of Administrative Law Judges and other hearing officers; and

(e) To make recommendations to the Mayor concerning the proper conduct of civil service and other administrative trials and hearings.

§ 4. *Administrative Law Judges.* Administrative Law Judges shall maintain the standards of, and preside over administrative trials and hearings in accordance with, the Canons of the Code of Judicial Conduct of the American Bar Association as promulgated by the Bar Association of the State of New York.

§ 5. *Effective Date.* This Order shall take effect immediately.

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EDWARD I. KOCH, Mayor.

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