



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

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amended
E.O. 105
12/26/86

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 as follows:

"§ 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 an Inspector General.

(g) No officer or employee of the City 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.

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Section 2. Section 6 of prior Executive Order No. 16, dated July 26, 1978 is hereby amended to read as follows:

§6. Informal Disciplinary Proceedings.

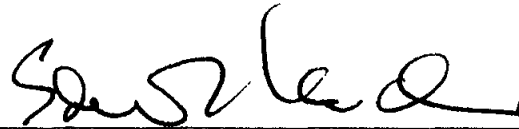
(a) Each agency head [shall] **may** with the advice of the Commissioner establish appropriate reporting requirements, disposition standards and other administrative procedures for informal disciplinary proceedings **in addition to those already provided by law or collective bargaining agreements** to 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
M A Y O R

Note: Text in **bold** is new; that in brackets [] is to be omitted.