

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Executive Order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984, is hereby repealed and Sections 1(c), (d), (e) and (f) are re-lettered (b), (c), (d) and (e) respectively.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

(a) (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.

) 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 if such disciplinary or administrative action would interfere with the criminal investigation. The Inspector General shall be notified before the initiation of formal disciplinary proceedings against an employee and shall be notified of the disposition of all formal disciplinary proceedings.

2

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).

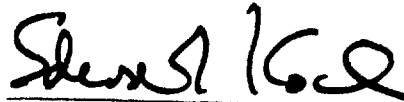
Section 6. A new Section 5 (c) is added to prior Executive Order No. 16, dated July 26, 1978, as amended by Executive Order No. 78, dated October 5, 1984, as follows:

(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  
M A Y O R