



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

EMERGENCY EXECUTIVE ORDER NO. 304
November 29, 2021

WHEREAS, on September 2, 2021, the federal monitor in the *Nunez* use-of-force class action stated steps must be taken immediately to address the conditions in the New York City jails; and

WHEREAS, excessive staff absenteeism among correction officers and supervising officers has contributed to a rise in unrest and disorder, and creates a serious risk to the necessary maintenance and delivery of sanitary conditions; access to basic services including showers, meals, visitation, religious services, commissary, and recreation; and prompt processing at intake; and

WHEREAS, the Department of Correction's (DOC's) staffing shortages are affecting health operations, including the availability of escorts to bring patients to the clinic and of DOC personnel to staff the clinics; and

WHEREAS, this Order is given to address the effects of excessive staff absenteeism and in order to address the conditions at DOC facilities; and

WHEREAS, on September 15, 2021, I issued Emergency Executive Order No. 241 and declared a state of emergency to exist within the correction facilities operated by the DOC, and such declaration remains in effect;

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby direct that subdivisions b and c of section 9-116 of the Administrative Code of the City of New York be suspended to the extent necessary to allow the Commissioner of Correction to establish additional or alternative tours for custodial officers, including 12-hour tours that may commence at any point during a 24-hour period, to revise platoon classification to accommodate such alternative tours, and to take any other measures necessary to address the current staffing shortage.

§ 2. This Order shall take effect immediately.

Bill de Blasio,
MAYOR