

EXECUTIVE ORDER No. 50

September 20, 2004

TRANSFER TO DEPARTMENT OF INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS OF CERTAIN COMPUTER FUNCTIONS  
FOR THE BENEFIT OF THE DEPARTMENT OF EDUCATION

WHEREAS, section 1072(p) of the Charter grants the New York City Department of Information Technology and Telecommunications (DOITT) the power to perform such responsibilities with respect to information technology and telecommunications as the Mayor shall direct;

WHEREAS, in an effort to promote greater efficiency through consolidation of information technology functions, certain computer functions further described below are to be performed by DOITT for the benefit of New York City Department of Education (DOE) subject to the concurrence of DOE;

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

Section 1. Effective October 31, 2004, or as soon as practicable thereafter, the following functions currently performed by DOE shall be transferred to DOITT:

- a. all operations with respect to the mainframe computer of DOE, provided that the functions of providing printing services and monitoring of print jobs shall not be transferred;
  - b. maintenance of the tape library associated with such mainframe computer;
  - c. supervision and management of the functions set forth in subdivisions a and b;
- and
- d. ancillary functions to those set forth in subdivisions a, b, and c.

§ 2. With the purpose of ensuring continuity in operation of the functions described in Section 1, DOE and DOITT may make appropriate arrangements, prior to the transfer date, with respect to: (a) use by DOITT of DOE facilities and real and personal property; and (b) appropriate disposition of contracts and agreements entered into by DOE in relation to functions being transferred.

§ 3. The Department of Citywide Administrative Services and DOITT 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 functions described in Section 1. 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 DOE until the resolution of the adjudicative or administrative proceedings and until any outstanding disciplinary penalty has been served or paid.

§ 4. In accordance with applicable law, employees of DOE, upon becoming employees of the City, may elect to transfer their pension service credit from the Board of Education Retirement System (“BERS”) to the New York City Employees Retirement System or may elect to remain in BERS as transferred contributors.

§ 5. The transfer of functions authorized and directed by this order shall be contingent upon the written concurrence of the Chancellor of DOE at least twenty days before the effective date of such transfer.

§ 6. This Order shall take effect immediately.

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Michael R. Bloomberg  
Mayor