

OFFICE OF THE MAYOR

EXECUTIVE ORDER NO. 26

FEBRUARY 11, 1975

EXTENSION OF EMPLOYMENT BEYOND MANDATORY RETIREMENT AGE

Whereas, Because of the fiscal situation of the City, which is being adversely affected by recession and inflation, it is necessary to reduce city expenditures; and,

Whereas, In furtherance of this objective, agencies have been required to review expenditures and effect necessary reductions; and,

Whereas, Reductions are being effected in part through overall review of personnel resources and employment requirements of agencies in light of the needs of the public service; and

Whereas, Such reductions are through restrictions in new hiring, termination of provisional employees and layoffs of permanently appointed employees; and,

Whereas, All personnel, including those employees who may request extensions of employment beyond mandatory retirement age under Section B3-38.0 of the Administrative Code, and those who are continuing in their positions by reason of extensions heretofore granted, must be considered in making determinations to reduce expenditures;

Now, therefore, by the powers vested in me as Mayor by law including those granted by section three and section one hundred twenty-three of the New York City Charter, it is hereby ordered that:

Section 1. All agency heads shall immediately refer to the Vacancy Control Board all their requests for extension of employment beyond the mandatory retirement age prior to referral to the various retirement systems for action.

§ 2. Agency heads shall personally attest to the necessity for the extension and shall submit to the Vacancy Control Board a report showing the following as to each request:

- a. the position filled by the employee;
- b. the duties of the position;
- c. the number of similar positions in the agency, filled and vacant;
- d. the facts which in the judgment of the agency head show that the duties of such position cannot be performed by any other employee;
- e. a particular statutory or other legal requirement prescribing qualifications or conditions that cannot otherwise be met;
- f. whether, unless an extension is granted, any of the following would occur:
 - (1) deterioration of services
 - (2) significant cost increases
 - (3) similar adverse conditions
- g. a summary of the reasons which in the judgment of the agency head, show that such extension would be advantageous to the public service.

§ 3. On or before March 7, 1975, agency heads shall also review all existing extensions of employment beyond the mandatory retirement age. For such purpose, the Bureau of the Budget, on or before February 21, 1975, shall provide agencies with a list of such existing extensions of employment.

§ 4. On or before March 7, 1975, each agency head shall deliver to the Vacancy Control Board a report setting forth as to all extensions of employment in such agency in effect on such date, the information required in section two of this Order.

§ 5. The Vacancy Control Board shall review each report submitted to it pursuant to section two or section four of this Order, taking into consideration existing or planned reductions of personnel in the agency involved, and shall submit its recommendations thereon to the Mayor and the agency head concerned.

§ 6. This Order shall take effect immediately.

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ABRAHAM D. BEAME, Mayor.