



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

EXECUTIVE ORDER No. 48

June 13, 2019

TRANSFER OF CERTAIN FUNCTIONS AND EMPLOYEES  
FROM THE ADMINISTRATION FOR CHILDREN'S SERVICES  
TO THE DEPARTMENT OF EDUCATION

WHEREAS, the City of New York Administration for Children's Services ("ACS") provides early care and education services to children and families within New York City through its EarlyLearn NYC program, a subsidized system of care for children and families that combines Head Start, Child Care and Universal Pre-K services to create high quality early care and education programs for eligible infants, toddlers and preschoolers in New York City, through contracts with community-based providers for the provision of such services ("Contracted Services");

WHEREAS, on April 24, 2017, the launch of the 3K for All initiative was announced and, as part of this initiative, responsibility for the administration of the Contracted Services was to be transferred from ACS to the New York City Department of Education ("DOE") to create a more unified system of services for children from birth to age five (the "EarlyLearn Transfer");

WHEREAS, to facilitate the EarlyLearn Transfer, ACS and DOE entered into a contract, dated May 1, 2019, through which ACS will purchase such child services and related functions from DOE and assign to DOE its currently contracted child care and related agreements;

WHEREAS, the transfer of the responsibility of operating the EarlyLearn Contracted Services and all related responsibilities from ACS to DOE will require a functional transfer of certain ACS employees pursuant to Civil Service Law §70(2); and

WHEREAS, the City of New York, ACS and DOE have entered into a Memorandum of Understanding ("MOU"), dated June 11, 2019, containing the terms and conditions of a transfer from ACS to DOE of certain functions associated with monitoring, coordinating, and providing support to the EarlyLearn Contracted Services, to take effect on July 7, 2019 or as soon as practicable thereafter;

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

Section 1. Transfer and Assumption of Functions. Upon the transfer of certain functions pursuant to the terms and conditions of the MOU dated June 11, 2019 specifying such functions, the DOE shall assume the performance of such functions, consistent with such terms and conditions.

§ 2. Disposition of Contracts and Agreements. To the extent practicable, prior to the date of the transfer of functions, ACS and DOE may make arrangements, with the purpose of ensuring continuity in monitoring, coordinating, and providing support to the EarlyLearn Contracted Services, with respect to appropriate disposition of contracts and agreements entered into by ACS for the benefit of the system.

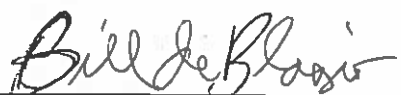
§ 3. Transfer of Employees. (a) All steps necessary, consistent with applicable law, to implement this Order, including ensuring the transfer, pursuant to section 70(2) of the Civil Service Law, of necessary employees substantially engaged in the performance of the functions to be assumed pursuant to this Order.

(b) 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 ACS until the resolution of the adjudicative or administrative proceedings and until any outstanding disciplinary penalty has been served or paid.

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

§ 4. Additional Transfers. The transfer from ACS to DOE of additional functions associated with monitoring, coordinating, and providing support to the EarlyLearn Contracted Services is hereby authorized, subject to the execution of one or more additional memoranda of understanding between ACS and DOE specifying such additional functions, in accordance with law, including applicable provisions of the Civil Service Law.

§ 5. Effective Date. This Order shall take effect immediately.

  
Bill de Blasio  
Mayor