



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

EMERGENCY EXECUTIVE ORDER NO. 100
May 23, 2022

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, the state of emergency existing within DOC facilities, first declared in Emergency Executive Order No. 241, issued on September 15, 2021, and extended most recently by Emergency Executive Order No. 84, issued on April 28, 2022, 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 section 1 of Emergency Executive Order No. 96, dated May 18, 2022, is extended for five (5) days.

§ 2. a. Notwithstanding any contrary provision of law, the Commissioner of Citywide Administrative Services is hereby authorized and directed to certify, in accordance with section 12-121 of the Administrative Code, that any position in the Department of Correction is one for which there is difficulty in the recruitment of personnel and that to restrict recruitment for such position to persons who meet the residency requirements prescribed by section 12-120 of the Administrative Code would not be in the public interest. Any person appointed to a position so

certified shall not be required to establish or maintain residency as prescribed by section 12-120 of the Administrative Code as a condition of employment in such position.

b. The Commissioner of Citywide Administrative Services is further directed to take all necessary action to ensure that, following the expiration or termination of the State of Emergency declared in Emergency Executive Order No. 241, dated September 15, 2021, and extended by subsequent orders, any person appointed to a position certified pursuant to subdivision a of this section shall not be required to establish or maintain residency as prescribed by section 12-120 of the Administrative Code as a condition of continued employment in such position.

c. Subject to applicable law, this section shall remain in effect through May 23, 2024.

§ 3. This Emergency Executive Order shall take effect immediately and shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.



Eric Adams
Mayor