

OFFICE OF THE MAYOR

EXECUTIVE ORDER NO. 20

August 1, 1974

ADMINISTRATION OF BUDGET APPROPRIATIONS

Whereas, The New York City Charter empowers and charges the Mayor with the responsibility of administering the Expense Budget for the 1974-1975 fiscal year, and

Whereas, Certain itemized information and supporting schedules of appropriations, as last modified as of February 15, 1974, were contained in the Mayor's 1974-1975 Budget Message, in accordance with Section 117(b)2 of the New York City Charter, and it is necessary to provide for certain actions taken subsequent to February 15, 1974.

Now, therefore, in order to carry out and provide for an effective administration of the 1974-1975 Expense Budget, it is hereby ordered as follows:

Section 1. The budget appropriations of all departments and agencies shall be administered during the fiscal year 1974-1975 under the terms of this Executive Order.

§ 2. The term "Agency" as used in this Executive Order means any office, administration, department, division, board, bureau, commission, corporation, institution or other unit of government, the expenses of which are paid in whole or in part from the City Treasury.

§ 3. Schedules of the appropriations contained in the Mayor's Message which accompanied the Executive Budget, or of such appropriations as amended by the City Council and Board of Estimate in adopting the Expense Budget for the 1974-1975 fiscal year are hereby approved.

§ 4. (a) All actions taken in accordance with the New York City Charter, subsequent to February 15, 1974, approving modifications of the supporting schedules as contained in the Mayor's 1974-1975 Budget Message are hereby carried over, effective July 1, 1974.

(b) All adjustment of rates of positions in accordance with the provisions of special pay plans or reallocations, effective but not implemented prior to June 30, 1974, are hereby included in the 1974-1975 Budget, effective July 1, 1974.

§ 5. All of the powers of budget modification, as granted in Section 124(a) of the New York City Charter are hereby withdrawn from all agencies except for the following: the Boards of Education and Higher Education, the Community Colleges, the Offices of the Borough Presidents, the Comptroller, the Board of Elections, the District Attorneys, the President of the City Council, the City Council, Health Services Administration, Transportation Administration, Human Resources Program, Addiction Services Agency, Finance Administration, Municipal Services Administration, Environmental Protection Administration, Parks, Recreation and Cultural Affairs Administration, Police Department, Fire Department, Economic Development Administration, Department of Social Services and Youth Services Agency; provided that the Mayor may, as a condition of making these exceptions, require these agencies to cooperate with the Bureau of the Budget in realizing savings required to meet potential budget deficits that may arise during the fiscal year, and to conform to the terms of certificates governing the apportionment of Personal Service budget appropriations during the fiscal year.

§ 6. Those agencies not specifically excepted from the provisions of Section 5 herein, providing for the withdrawal of the power of budget modifications, shall be governed by the following special terms and conditions in the administration of budget appropriations:

(a) VACANCIES

(1) The Bureau of the Budget is hereby authorized to act in such a manner as to give the various agencies maximum flexibility in filling vacancies, consistent with the responsibility of operating the City government within the amounts appropriated for the fiscal year 1974-1975. However, the heads of agencies must cooperate with the Bureau of the Budget to the maximum extent possible in realizing savings required to meet potential budget deficits that may arise during the fiscal year.

(2) Requests for filling of vacancies and the processing of certificates will be made in accordance with current instructions of the Bureau of the Budget.

(3) A monthly report shall be sent to the Bureau of the Budget, stating the number of positions in the agency, the number filled, the number of vacancies (both regular and leave of absence), the number pending establishment, and the position each agency expects to fill. Accompanying this report should be a list of vacancies by code and line number, title, schedule line rates, and the rate at which the position will be filled.

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(4) All agencies shall forward to the Bureau of the Budget monthly a listing of the positions that have been filled, giving the code, the line number, the title, the schedule rate and the appointment rate.

(5) The reports required by Paragraphs (3) and (4) are necessary for review of requests for filling of vacancies by the Bureau of the Budget. Consideration of filling of vacancies shall be deferred in all cases where agencies have failed to comply, until such time as the agency submits such reports.

(6) Any increase in the rate provided for employees of the competitive class, employed pursuant to Rule X of the Rules and Regulations of the New York City Civil Service Commission, shall be granted only upon approval of the Mayor.

(b) BUDGET MODIFICATION

Subject to the provisions of Civil Service Law or other applicable statutes, changes in schedules within units of appropriations may be made as follows:

(1) In accordance with the provisions of the Career and Salary Plan or any special pay plan, or to provide increments not provided in the schedules.

(2) Modifications increasing a rate of compensation not in accordance with provisions increasing salary scales, may not be done by the head of an agency unless approved by the Mayor.

§7. All agencies shall be subject to the following general terms and conditions in the administration of budget appropriations.

(a) CHANGES IN APPROPRIATIONS

Any change in appropriations by transferring funds between Personal Service and Other Than Personal Service shall be done only upon approval of the Mayor.

(b) CLASSIFICATION OF LABORERS

The provisions of Interpretive Memorandum No. 6, issued by the City Director of Labor Relations and dated June 26, 1969 on Classification of Laborers, are to be fully complied with in filling vacant "A," "B," "C," "D," "E" positions of Laborer.

(c) SUBMISSION OF REPORTS

For those agencies to which the provisions of Section 6 do not apply, the head of each such agency shall submit to the Director of the Budget on or before the 10th day following the end of each quarter, a complete summarized list of vacancies existing on the last day of the preceding quarter in each and every personal service appropriation in his agency. For those agencies governed by the apportionment of personal service budget appropriations, the requirements of the Bureau of the Budget for expenditure and other reports must be complied with.

(d) SCHEDULE MODIFICATIONS

Any modification changing any schedule as allowed by these terms and conditions, shall be on a schedule basis, and not on a cash basis, unless otherwise directed by the Mayor.

(e) SALARY ADJUSTMENTS AND INCREMENTS FOR POSITIONS COVERED BY CAREER AND SALARY PLANS

Salary adjustments and increments are to be provided in accordance with the provisions of a resolution adopted by the Board of Estimate on June 23, 1955 (Cal. No. 498), as amended.

(f) SALARY ADJUSTMENTS FOR POSITIONS UNDER COLLECTIVE BARGAINING AGREEMENTS OR SPECIAL PAY PLANS

Positions for which salary adjustments are provided in accordance with Collective Bargaining Agreements or Special Pay Plans, are to be provided in accordance with the provisions of the personnel orders approved by the Mayor covering such positions.

(g) SKILLED AND UNSKILLED LABOR

(1) The supporting schedules contained in the Mayor's 1974-1975 Budget Message, contain provisions for the employment of certain positions for a specific number of days. A payroll certificate shall be submitted in such form as the Comptroller may prescribe, establishing the fact that employees of such positions are working the required number of days, and the compensation of employees not working such number of days shall be reduced proportionately. It is not the purpose of the condition to deduct compensation for absences due to vacation, sick leaves, holidays, weather or other permissible cause.

(2) No skilled laborer whose position is provided for in this budget at a prevailing rate and on per diem basis shall be permitted to work in excess of five days in any one week, or two hundred and fifty days in one year, except in case of seasonal work or in an emergency, and then, only upon approval of the Mayor authorizing an increased number of days. The foregoing general provision shall be superseded by any special provision attached to any particular line or code in this budget.

(3) Where the number of days of employment is indicated, each day shall constitute such working hours as specified in the "Notes on Terms of Employment" in the Supporting Schedules contained in the Mayor's 1974-1975 Budget Message.

(h) SNOW AND ICE REMOVAL

Funds provided for this purpose in Code 098-98-901 "Snow and Ice Removal" shall be allocated only upon approval of the Mayor, and payment to all persons engaged in Snow and Ice Removal shall be made in accordance with the terms and conditions contained therein. All laborers or skilled mechanics and all other employees whose duties are appropriate thereto, shall, upon request of the Commissioner of Sanitation,

be required to work, consistent with their titles, upon or in connection with snow removal, and if their compensation is fixed upon a per annum basis, no extra compensation shall be paid them for such work for that number of days upon which their per annum compensation is based. If any such employee shall fail or refuse to work upon or in connection with snow removal, his per annum compensation shall be reduced proportionately to the number of days during which he fails so to work.

(i) MAINTENANCE CHARGES

Incumbents receiving full or partial maintenance are to receive full compensation and increments in accordance with the Career and Salary Plan and other special pay plans approved by the Board of Estimate. Such employees are to reimburse the City of New York in accordance with the schedules of charges heretofore approved by the Board of Estimate on February 23, 1956 (Cal. No. 217), or any amendments thereto, in the following manner:

(1) Charges shall be debited against the total compensation the incumbent is entitled to (inclusive of increments and other differentials), and shall be paid for by the incumbent from such total compensation received.

(2) Administration for the collection of charges shall be the responsibility of the department or agency employing the incumbent, subject to audit by the Comptroller.

(j) PAYMENT OF OVERTIME FOR CITY EMPLOYEES

Overtime may be paid only pursuant to the provisions of Administrative Order No. 8, dated May 1, 1974, as supplemented by the Deputy Mayor's memorandum, dated May 3, 1974.

(k) LIMITATIONS OF EXPENDITURES

No liability is to be contracted for in excess of funds available for the purpose. The head of a department or other agency shall be held strictly accountable for exceeding appropriations without specific itemized approval of the Mayor. All balances of appropriations for which no contract liability is registered on the books of the Office of the Comptroller shall expire six months after the close of the 1974-1975 fiscal year and disposed of pursuant to law, except for encumbered balances in General Purchase Fund accounts, which shall expire one year after the close of the 1974-1975 fiscal year.

The Department of Purchase shall accept no requisitions encumbering appropriations after June 30, 1975, and for purposes of efficient operation may set a date earlier in that month. Agencies shall place neither orders chargeable to, nor further encumbrances on, annual requirement contracts issued for the fiscal year 1974-1975 after June 30, 1975.

(l) SPECIFICATIONS

(1) All contracts and open market orders, except those of the Board of Education, for supplies, materials, and equipment, chargeable to appropriations classified as "Other Than Personal Service", shall be based upon specifications which have been approved by the Board of Standardization in accordance with the New York City Charter. In the absence of such Standard or Tentative Standard Specifications for the particular supplies, materials or equipment required, contracts and open market orders shall be based upon specifications which are definite and certain and which permit of competition, as required by the New York City Charter, or which comply with Section 12 of the regulations of the Board of Estimate adopted June 30, 1949 (Cal. No. 318-A).

(2) The head of the agency awarding the contract shall, at the time the contract is transmitted to the Comptroller for registration, certify that such contract is based upon specifications which comply with the above provisions. All open market orders issued shall contain a certificate by the head of the agency issuing the orders that such order is based upon specifications which comply with the above provisions.

(3) No contract chargeable to this budget shall, after an award is made, be cancelled, nor shall any contract be modified in a manner materially affecting the substance thereof, unless such cancellation or such modification is approved by the Mayor or his duly authorized representative. This rule, however, shall not apply to a case where the terms of the contract reserve to the head of an agency the right to void a contract for default or abandonment of the work by a contractor.

(i. APPROVAL OF CONTRACTS

(1) No contract or proposal for work to be performed chargeable to this budget, except for work to be performed for the Board of Education, the cost of which is estimated to be in excess of \$20,000, shall be advertised until such contract and specifications or proposal shall have been submitted to and approved by the Director of the Budget. No contract or proposal for work to be performed chargeable to this budget, for the Board of Education, the cost of which is estimated to be in excess of \$50,000, shall be advertised until such contract and specifications or proposal shall have been submitted to and approved by the Director of the Budget.

(2) When specifications have been approved, addenda to such specifications also must be approved by the Director of the Budget. The specifications for the supplies, materials, and equipment in such contracts shall comply with the requirements of subdivision (1) herein.

(3) Contracts for professional services must be submitted to the Mayor for his approval.

(4) The provisions of Paragraph 3 of subdivision (m) of this section shall not apply to the Board of Education.

(5) All contracts in accordance with Section 343(a) of the New York City Charter to be awarded without public letting, must be submitted to the Mayor and approved by the Board of Estimate.

(6) All contracts to be awarded in accordance with Section 349 of the New York City Charter, must be approved by the Board of Estimate.

(n) TELEPHONE SERVICE AND TABULATING EQUIPMENT

(1) Modifications of telephone service contracts shall not be effective without the approval of the Mayor, except that such modifications which incur additional costs not in excess of \$40 monthly, plus the one-time installation charges, may be processed without the approval of the Mayor.

(2) No call directors, automatic switchboards, leased lines, except for Civil Defense services, etc., shall be contracted for unless approved by the Mayor.

(3) Telephone Service Orders issued by the New York Telephone Company will reflect the required installations, deletions and changes, but not the cost thereof. The using agency shall certify the charges reflected on the telephone bills and certify the bills for payment in accordance with the tariff chart. These certified bills are to be forwarded promptly to the Comptroller's Office for payment. If there are discrepancies holding up certification of a previous month's bill, an agency shall process subsequent monthly bills without delay where such bills can be certified. Where questionable toll charges appear on a bill, such charges shall be deducted from the bill on which they appear and the remainder of the bill processed for payment immediately.

(4) All contracts for the rental of tabulating and auxiliary tabulating equipment shall be restricted to the equipment provided for under the contract in force when this budget takes effect. Modifications or proposals involving additional equipment shall not be effective except and in the manner approved by the Mayor.

(5) The provisions of subdivision (n) shall not apply to the Board of Education.

(o) GENERAL PURCHASE FUND

Subject to the provisions of subdivision (l) herein, the appropriations provided for the various agencies for supplies, materials, equipment, and certain contractual services, are hereby made to the Department of Purchase to the extent of the amounts set forth in the amended schedules of the Mayor's Budget Message for this fiscal year and as also indicated in brackets opposite departmental appropriations for Other Than Personal Service, and the Comptroller is hereby authorized and directed to transfer from the respective appropriations the amounts stated in the said schedule to the General Purchase Fund herein established for the Department of Purchase. The balance remaining in the said appropriations, after the amounts stated in the said schedule have been transferred to the General Purchase Fund, shall be under the jurisdiction of and control of the various agencies.

Certain allowances set up in this budget which are payable from other than tax levy funds appropriated to agencies, subject to the provisions of law, for supplies, materials and equipment, shall be made upon requisitions for purchase by the Department of Purchase.

(p) AUTHORITY FOR PETTY CASH EXPENDITURES

Requests for permission to draw upon the Comptroller and the Finance Administrator by requisition for such amounts as may be required to defray the cost of minor and incidental expenditures chargeable to appropriations included in the Budget for

this fiscal year, may be made upon the Comptroller or vouchers filed by the agency for the amount required.

(q) FEES

Appropriations to the various agencies for Witness Fees and Expenses, Juror Fees and Expenses, and Stenographer Fees (including minutes) shall be subject to administration by the Comptroller who is authorized and directed to adjust such accounts of the various agencies when necessary to provide for expenditures; but the total of such appropriations shall not be exceeded. In addition to the foregoing, the Comptroller is authorized to distribute the budget appropriations for Judgments and Claims to Other Judgments and Claims Accounts, namely, Accounts 710 to 719, inclusive.

(r) TRAVEL EXPENSES

Expenditures of the various agencies for travel expenses shall receive prior approval of the Deputy Mayor in those cases where such estimated expenditures will exceed \$500 for an employee or \$500 for a group of employees making the same trip. In cases where such estimated expenditures are less than \$500, such approval shall be received from the Bureau of the Budget, except where agency self-approval is permitted by a blanket certificate issued to the agency, such self-approval being conditional upon compliance with the terms and conditions specified therein. Expenditures incurred for lodging and meals shall be itemized and stated in chronological order, and shall be supported by receipted bills for every expense for which a receipt can be obtained. Agencies should arrange to have Forms 1-2 arrive at the Bureau of the Budget not later than two weeks prior to the starting time of a trip.

(s) PURCHASE OF EQUIPMENT

Expenditures for the purchase of executive office furnishings, rugs, drapes, air conditioners, motor vehicles (unless a similar vehicle is surrendered to the Division of Salvage of the Department of Purchase and such replacement is in accordance with the motor vehicle replacement standards) and items of a similar nature must be approved by the Mayor.

(t) REPORTS ON STATE, FEDERAL AND OTHER GRANTS AND AID

(1) Any agency making an application for a State, Federal, Foundation or other grant or aid, shall submit to the Bureau of the Budget a "Grant Application Monitoring System Report" on Form BBG-10 prior to submitting such application to the grantor. In addition, any application for a Federal Grant shall include a provision for claiming indirect costs as provided by Federal Office of Management and Budget Circular A-87.

(2) In addition, any agency making an application for a State, Federal, Foundation or other grant or aid, receipt of which involves a commitment of City funds (for example, in the form of matching commitments of cash or personal services), shall submit a copy of such application to the Bureau of the Budget for its comments as to the availability of City funds before the application is filed with the grantor.

(3) In addition, any agency having any grant awards or aid shall submit quarterly reports on such grants or aid on Form BBG-1, "Quarterly Grant and Aid Report" in accordance with the instructions relating to such form and in accordance with the Budget Director's memorandum to all agency heads, entitled, "Grant and Aid Reporting". Such reports shall be submitted to the Bureau of the Budget not later than 30 days after the end of each quarter.

(u) NEW FACILITIES FUNDS IN THE HEALTH AND HOSPITALS CORPORATION

Funds included in the Expense Budget for the New York City Health and Hospitals Corporation reserved for New Facilities (within Programs IIa and IIb "Hospital Care Services including Corporate Administration") may be expended only upon the approval of the Director of the Budget. This approval will include a maximum annualized spending rate authority for appropriate uses.

(v) FORMS

All modifications and changes in units of appropriations shall be transmitted to the Director of the Budget on forms provided by the Bureau of the Budget (Revised Form M).

(1) The Departmental Modification form submitted by a department in accordance with Section 124 (2) and Section 124 (b) of the New York City Charter shall be approved or validated, as appropriate, by the Director of the Budget or his authorized representative and distributed as follows: two (2) copies to the Office of the Comptroller, one (1) copy returned to the Department for payroll entry, and one (1) copy to be retained by the Bureau of the Budget and used to update the Master Budget.

(2) The Department Modification form submitted by a department in accordance with Section 124 (c) of the New York City Charter shall, after review and examination, be attached to the necessary Calendar Memos and Reports for submission to the City Council and the Board of Estimate and forwarded to the Mayor for his signature and processing. After action by the Mayor, the Board of Estimate and the City Council, a certificate of the Budget Director shall be issued and distributed as follows: two (2) copies to the Office of the Comptroller, one (1) copy to the Bureau of the Budget for updating the Master Budget.

(3) All modifications of appropriations for which proportionate supplementary revenue such as state and federal aid is anticipated shall reflect the changes in such supplementary revenue in addition to the changes made in the tax levy.

(4) Personal Service expenditures, etc., made pursuant to this Executive Order are to be reported periodically as required by the Director of the Budget on forms provided by his office.

§ 8. In any case where the provisions of this Executive Order are not complied with, the Comptroller shall not pay any compensation to any person appointed on or after July 1 of this year unless the Mayor or his duly authorized representative shall approve such payment.

§ 9. This Executive Order shall take effect immediately.

EX. ORDER
No. 21

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OFFICE OF THE MAYOR

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