



STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

EXECUTIVE ORDER

OFFICE OF THE INSPECTOR GENERAL

WHEREAS, it is necessary and appropriate that the Office of the State Comptroller model the highest standards of integrity in the workplace; and

WHEREAS, as Comptroller of the State of New York, I am committed to, and have established as one of my highest priorities, the restoration of public confidence and trust in this Office; and

WHEREAS, the Management Review Commission that I created in my first 100 days after taking office as State Comptroller recommended, among other things, the creation of an Office of the Inspector General; and

WHEREAS, it is my firm belief that an Office of the Inspector General will assist in promoting public confidence and trust in the Office of the State Comptroller, set high standards of integrity in the workplace, and serve as a model for other governmental agencies and public authorities; and

WHEREAS, I recognize the need to set standards for the operation of the Office of the Inspector General consistent with constitutional, statutory and contractual protections afforded to State employees and the need to coordinate the functions and responsibilities of the Inspector General with those of the Division of Human Resources and Administration, the Division of Investigations and the Division of Legal Services, including the Special Counsel for Ethics.

NOW, THEREFORE, I, Thomas P. DiNapoli, Comptroller of the State of New York, order as follows:

1. There is hereby established in the Office of the State Comptroller the Office of the Inspector General. The Inspector General shall report directly to the State Comptroller. The Inspector General may be assisted by a staff of investigators, internal auditors and other personnel as appropriate and as authorized by the State Comptroller. The Inspector General shall hold office until the end of the term of the State Comptroller by whom he or she was appointed and shall continue thereafter until his or her successor is appointed. However, the Inspector General is subject to removal prior to such period of time for cause, with notice and an opportunity for a hearing before an independent hearing officer.

2. The Inspector General shall:

(a) Receive and investigate complaints from any source, or upon his or her own initiative, concerning allegations of corruption, fraud, criminal activity, conflicts of interest or abuse in the Office of the State Comptroller by an officer or employee relating to his or her office or employment, by a person having business dealings with the Office of the State Comptroller relating to such dealings, by a person appointed by the State Comptroller to serve as a member of a committee of the New York State and Local Retirement System or of the Common Retirement Fund, or by a person or entity having business dealings with the Common Retirement Fund relating to such dealings;

(b) Inform the State Comptroller and his designees of such allegations and the progress of investigations related thereto, unless special circumstances require confidentiality;

(c) Conduct internal investigations;

(d) Determine, with respect to allegations of corruption, fraud, criminal activity, conflicts of interest or abuse in the Office of the State Comptroller, whether referral for disciplinary action, civil or criminal prosecution, or further investigation by an appropriate federal, State or local agency is warranted, and assist in such investigations, as appropriate;

(e) Supervise the internal audit functions of the Office of the State Comptroller;

(f) Operate a telephone hotline to receive calls from Office of the State Comptroller officers and employees and the public;

(g) Develop guidelines for the effective operation of the Office of the Inspector General that ensure fairness in the treatment of all Office of the State Comptroller officers and employees, and that ensure due process and respect for constitutional, statutory and contractual rights; and

(h) Perform any other functions that are necessary or appropriate to fulfill the duties and responsibilities of the Office of the Inspector General.

3. Every Office of the State Comptroller officer or employee should report promptly to the Inspector General any information brought to their attention or based on personal observation concerning corruption, fraud, criminal activity, conflicts of interest or abuse in the Office of the State Comptroller by an officer or employee relating to his or her office or employment, by a person having business dealings with the Office of the State Comptroller relating to such dealings, by a person appointed by the State Comptroller to serve as a member of a committee of the New York State and Local Retirement System or of the Common Retirement Fund, or by a person or entity having business dealings with the Common Retirement Fund relating to such dealings. To the extent practical, the identity of the officer or employee who reports such information to the Inspector General will be kept confidential. No officer or employee who acts in good faith pursuant to this provision by reporting information to the Inspector General shall be subject to retaliatory dismissal, discipline or other adverse personnel action.

4. Interference with, or obstruction of, an investigation conducted by the Inspector General by an officer or employee of the Office of the State Comptroller may constitute cause for disciplinary action, up to and including removal from office or employment or other appropriate penalty.

5. The Inspector General or his or her designee shall have the power to:

(a) Administer oaths or affirmations and examine witnesses;

(b) Require the production of any books and papers deemed relevant or material to any investigation, examination or review;

(c) Require any Office of the State Comptroller officer or employee to answer questions concerning any matter related to the performance of his or her official duties, consistent with contractual, statutory and constitutional protections. The refusal of any officer or employee to answer questions or to fully cooperate with the Office of the Inspector General may be cause for disciplinary action, up to and including removal from office or employment or other appropriate penalty; and

(d) Monitor the implementation by the Office of the State Comptroller of any recommendations made by the Inspector General.

6. Whenever it appears that an employee is a likely subject for disciplinary action, prior to any further questioning by the Inspector General, the Inspector General shall advise the employee of his or her right to representation in accordance with applicable contractual and statutory provisions. Prior to any such questioning or interrogation, the employee, upon request, shall be afforded a reasonable period of time to obtain such representation.

_____/s/_____
Thomas P. DiNapoli
Comptroller, State of New York

Reaffirmed Date: December 13, 2017
Original Date: February 13, 2008