

# EXECUTIVE ORDERS

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**Executive Order No. 18: Appointing a Commissioner to Study, Examine, Investigate and Review the Management and Affairs of the Waterfront Commission of New York Harbor.**

WHEREAS, the Waterfront Commission of New York Harbor ("Waterfront Commissioner"), an instrumentality of the States of New York and New Jersey, has stated that it is charged with the mission "to investigate, deter, combat, and remedy criminal activity and influence in the Port of New York and New Jersey," and to ensure "fair hiring and employment practices, so the Port and region can grow and prosper"; and

WHEREAS, the Waterfront Commission was created in response to serious problems of criminal activity on the waterfront, and while the Waterfront Commission and other law enforcement agencies have made notable progress in addressing such problems over the years, these conditions unfortunately persist at a level that requires continuing and concerted attention; and

WHEREAS, there have recently been allegations of misfeasance and nonfeasance by personnel of the Waterfront Commission, including allegations of misconduct, conflicts of interest, abuse, and waste; and

WHEREAS, it is important that these allegations be fully reviewed and investigated, to ensure that the Waterfront Commission remains firmly dedicated and effective in the pursuit of its intended mission;

NOW THEREFORE, I, Eliot Spitzer, Governor of the State of New York, by virtue of the power and authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

1. Pursuant to section six of the Executive Law, I hereby appoint Kristine Hamann, the Inspector General of the State of New York, as Commissioner to study, examine, investigate, review and make recommendations with respect to the management and affairs of the Waterfront Commission of New York Harbor.

2. The Commissioner is hereby empowered to subpoena and enforce the attendance of witnesses; to administer oaths or affirmations and examine witnesses under oath; to require the production of any books, records or papers deemed relevant or material to any investigation, examination or review; and to perform any other functions that are necessary or appropriate to fulfill the duties and responsibilities of office, and I hereby give and grant to the Commissioner all powers and authorities which may be given or granted to persons appointed by me for such purpose under authority of section six of the Executive Law. The Commissioner may exercise any such powers in cooperation with any other body or government agency. This order shall not in any way limit the Commissioner's powers or responsibilities to inquire into these or any other matters as Inspector General.

3. Every State department, agency, office, division, board, bureau, council, authority and public benefit corporation shall cooperate with the Commissioner and shall furnish such information and assistance as the Commissioner determines is reasonably necessary to fulfill her duties.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this fifteenth day of October in the year two thousand seven.

*BY THE GOVERNOR*

*/S/ Eliot Spitzer*

*/s/ Richard S. Baum*

*Secretary to the Governor*

**Executive Order No. 19: Requiring the Adoption of Domestic Violence and the Workplace Policies.**

WHEREAS, domestic violence is a serious public policy concern for the State of New York, requiring the State's participation in the coordinated community response to support victims and hold abusers accountable; and

WHEREAS, domestic violence permeates the lives and compromises the safety of thousands of New Yorkers each day, with tragic, destructive, and sometime fatal results; and

WHEREAS, domestic violence occurs within a wide spectrum of intimate relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, and couples who are or have been a dating or sexual relationship, including same gender couples; and

WHEREAS, domestic violence is a widespread community problem that affects thousands of New York families, and that extends beyond the family into all areas of society, including the workplace; and

WHEREAS, the State of New York, as an employer, is additionally affected by domestic violence, which compromises the safety of both victims and co-workers, and results in lost productivity, increased health care costs, increased absenteeism and increased employee turnover; and

WHEREAS, a proactive response to domestic violence by the State of New York can also serve as a model for other employers in the state; and

WHEREAS, the Office for the Prevention of Domestic Violence (OPDV) formulated a model workplace policy for state agencies to address domestic violence (the "Model Domestic Violence and the Workplace Policy"), and released that policy in July 2000, but many state agencies have not yet adopted such a policy;

NOW, THEREFORE, I, Eliot Spitzer, Governor of the State of New York, by virtue of the authority invested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

1. OPDV shall review the Model Domestic Violence and the Workplace Policy released in July 2000 and formulate any appropriate revisions to that policy. OPDV shall also formulate sample written procedures for the implementation of the revised Model Domestic Violence and the Workplace Policy.

2. OPDV shall distribute the revised Model Domestic Violence and the Workplace Policy, along with the sample implementation procedures, to each state agency no later than February 1, 2008. For the purposes of this order, "State agency" shall mean: (1) any state agency, department, office, board, commission or other instrumentality of the state; and (2) any public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.

3. Each State agency, no later than August 1, 2008, shall formulate and issue a Domestic Violence and the Workplace policy for that agency. In formulating such policy, the state agency (a) shall refer to the revised Model Domestic Violence and the Workplace Policy distributed by OPDV, and use it for guidance as appropriate; (b) may contact OPDV for assistance; and (c) should collaborate appropriately with interested parties, including union representatives at the statewide and local levels.

4. Each state agency, in formulating its Domestic Violence and the Workplace policy, shall give due regard to the importance of increasing awareness of domestic violence and informing employees of available resources for assistance; ensuring that personnel policies and procedures are fair to domestic violence victims and responsive to their needs; developing workplace safety response plans; complying with State and federal law including restrictions of possession of firearms by a person convicted of a domestic violence related crime or subject to an order of protection; encouraging and promoting domestic violence education and training for employees; and holding accountable employees who misuse state resources or authority or violate their job duties in committing an act of domestic violence.

5. Each state agency, when it issues its Domestic Violence and the Workplace policy, shall provide a copy of that policy to OPDV, and shall notify OPDV of any subsequent modifications of the policy.

6. OPDV shall:

a. provide consultation and technical assistance to each state agency in the development and implementation of its Domestic Violence and the Workplace policy, either upon the agency's request or at the initiative of OPDV upon review of the policy as submitted by the agency;

b. receive and maintain copies of the Domestic Violence and the Workplace policies as issued and modified by the various state agencies;

c. collaborate with supervisory personnel, employee assistance professionals, human resources personnel, law enforcement agencies, unions, and security staff in the design and development of training and materials; and

d. prepare and submit to the Governor, no later than October 1, 2009, a report regarding the implementation of this order.

7. Every state agency shall cooperate with OPDV and furnish such information and assistance as OPDV determines is reasonably necessary to accomplish the purposes of this order.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this twenty-second day of October in the year two thousand seven.

*BY THE GOVERNOR*

/S/ Eliot Spitzer

/s/ Richard S. Baum

*Secretary to the Governor*