



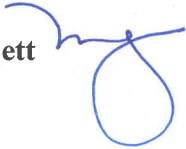
The City of New York
Department of Investigation

MARGARET GARNETT
COMMISSIONER

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MEMORANDUM

TO: Mayoral Agency Heads
Personnel Directors

FROM: Commissioner Margaret Garnett 

DATE: March 13, 2020

SUBJECT: Background Investigation Criteria and Process

Pursuant to Mayoral Executive Order 16, as amended by Mayoral Executive Order 72, the criteria for requiring city employees to undergo background investigations by the Department of Investigation (DOI) is amended as follows. Effective on the date of this memo, all individuals to be appointed to or employed in positions within any of the following categories of employment will be required to undergo background investigations by DOI:

1. All employees (regardless of civil service status) who are members of management pay plan level M4 or higher;
2. All employees appointed or promoted to a non-competitive or provisional position with a salary of \$125,000 or more at the time of appointment or promotion. This category **does not include** an incumbent employee whose salary increases above \$125,000 only as the result of a regular citywide salary rate increase, **but does include** incumbent employees whose salary increases above \$125,000 as a result of a change in title, duties, or responsibilities;
3. All employees (regardless of civil service status) **who have authority** to enter into financial agreements valued at \$10,000 or more;
4. All employees (regardless of civil service status) **who have authority** to negotiate, authorize, or approve contracts, leases, franchises, revocable consents, concessions, or applications for zoning changes, variances, and special permits;
5. All employees (regardless of civil service status) whose regular duties provide them with **administrator-level access** to: (i) digital security systems established to prevent the unauthorized use of city networks; (ii) computer systems containing confidential city information; or (iii) electronic systems used for the handling of negotiable instruments.

This category **does not include** employees whose duties involve only data-entry or read-only access to these systems; and

6. All employees (regardless of civil service status) assigned to DOI.

Except as noted herein, the requirement that a background investigation be conducted by DOI applies to any individual being appointed to or employed in a position described above, whether the individual is a new, promoted, transferred, reappointed, or reemployed employee.

If DOI has issued a closing letter regarding a City employee that is dated within the last five years, and the employee has been in City service continuously since the closing letter was issued, the employee **is not required** to undergo a new or supplemental background investigation when the individual is promoted, transferred, or appointed to a position described above. However, the Mayor and all mayoral agency heads may request, in the public interest, that DOI conduct a background investigation in those circumstances.

The Mayor and all mayoral agency heads retain the authority under Executive Order 16 to direct, in the public interest, that the appointment, employment, promotion, or assignment of any person to a City position be subject to a background investigation by DOI.

Responsibilities in the Background Investigation Process

Hiring agencies are responsible for:

- Identifying what individuals require a background investigation under the above criteria and providing DOI with the paperwork required to commence a background investigation.
- Forwarding required paperwork to DOI within 30 days of the appointment, promotion, or transfer of any individual requiring a background investigation.
- Reviewing an individual's Traveling Personnel Folder (if any) for information regarding the individual's employment history with the City of New York and any relevant disciplinary action.
- Complying with federal law regarding employment eligibility verification (*i.e.* Form I-9).
- Determining whether the position has a New York City residency requirement and ensuring compliance with such requirement.

Agencies and individuals have an obligation to cooperate in DOI's background investigation process. A false statement or intentional omission made in connection with a background investigation conducted by DOI may result in the imposition of disciplinary penalties, including but not limited to termination of employment or removal from appointment, disqualification from future employment, and criminal prosecution.

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Thank you for your continued cooperation with DOI's background investigation process.