EXECUTIVE ORDER NO. 4 - 94

OFFICE OF THE INSPECTOR GENERAL

WHEREAS, the Office of Inspector General ("OIG")was established by Executive Order No. 10-84, dated May 22, 1984, and by Amendment No. 1 to that Order, dated March 1, 1985, to address the need for an investigative arm within the Executive Branch of City government; and

WHEREAS, the major objective of the OIG is to eliminate waste, fraud, and abuse in City government; and

WHEREAS, various Executive Orders have given the OIG the authority to compel attendance and testimony of witnesses, require production of documents and evidence, and issue subpoenas; and

WHEREAS, the Mayor's Integrity Directive of 1988 established the role of the OIG as well as the responsibilities of City officials and employees to that office; and

WHEREAS, the major objective of the OIG continues to be the elimination of fraud, corruption, and abuse with City government, with the issues of waste and inefficiencies being addressed primarily by other departments; and

WHEREAS, it is desirable to establish the current mandate and authority of the OIG and the required reporting and other responsibilities of City officials and employees to the OIG;

NOW, THEREFORE, I, Edward G. Rendell, Mayor of the City of Philadelphia, in accordance with Section 4-106 of the Home Rule Charter, do hereby order as follows:

SECTION 1. ORGANIZATION AND MISSION OF THE OIG

A. The OIG is designated as the independent centralized office within the Executive Branch with authority to receive and investigate criminal and/or serious integrity-related complaints of fraud, corruption, and abuse involving City employees/officials and contractors/vendors/consultants doing business with the City.

B. The OIG is operationally independent of all departments, offices, and agencies within City government and reports directly to the Mayor.

C. The OIG's mission is to enhance the public confidence in the integrity of the City government by establishing and implementing procedures for reporting, investigating, and resolving complaints of fraud, corruption, and abuse of office; to provide leadership and guidance in recommending programs and/or policies which educate and raise the awareness of all City officials/employees to integrity and ethics-related issues; and to provide assistance to the respective department/agency heads on all integrity and ethics-related matters through its support of the City-wide Integrity Officer System.

SECTION 2. JURISDICTION OF THE OIG

A. The OIG is authorized to investigate all complaints (as defined in Section 3) in all departments, commissions, boards, and authorities under the Mayor's jurisdiction; in any quasi-governmental agency whose director is appointed by the Mayor; and in such other cases as the Mayor shall direct.

B. The OIG is authorized to investigate other complaints (as defined in Section 3) which involve individuals, organizations, businesses, and contractors receiving City funds.

C. The OIG may also provide investigative expertise to any agency or authority requesting the assistance of that office.

SECTION 3. TYPE OF COMPLAINTS INVESTIGATED BY THE OIG

Examples of criminal violations and administrative issues which should be investigated by the OIG include, but are not limited to:

City employees/officials

1. Extortion attempts by City employees/officials
2. Disclosure of confidential information
3. Acceptance of bribes in connection with official duties
4. Theft of City property
5. Submission of fraudulent documents resulting in financial loss to the City
6. Criminal conflict of interest
7. Employee collusion with contractors/vendors/consultants
8. Drug trafficking
9. Ghost employees on the payroll
10. Fraud by employees within City programs

Citizen/Business/Contractors

1. Attempts to bribe City officials
2. Fraud by contract personnel to gain business advantage
3. Collusive bidding practices by contract personnel
4. Theft or embezzlement of City funds by contract personnel
5. Impersonation of City officials
6 Threats or assaults against City officials.

SECTION 4. FUNCTION OF THE OIG

A. The investigative resources assigned to the OIG shall be directed toward conducting and/or supervising administrative and criminal investigations and audits undertaken in connection with OIG investigations involving City officials/employees and contractors, vendors, and consultants receiving City funds.

B. Where there are indications of institutionalized integrity problems or patterns of corruption within a City department or specific program, the OIG shall undertake proactive efforts to address those matters.

C. The OIG shall provide guidance and direction to department heads concerning recommendations for specific integrity programs which emphasize detection, prevention, and correction of problems relating to fraud, corruption, and abuse within their organizations. In connection with this function, the OIG shall provide support and assistance to the respective Integrity Officers within each department.

D. The OIG shall provide continuous dialogue with the Mayor and department heads regarding significant problems or deficiencies within City operations and programs and provide recommendations to resolve those issues.

SECTION 5. PROCEDURES FOR THE OIG

The OIG may refer evidence of criminality directly to the District Attorney, United States Attorney, or the Commonwealth Attorney General as deemed appropriate by the OIG.

The OIG may refer, at its discretion, matters regarding illegal practices by City employees/officials directly to the appropriate federal investigative agency depending on the nature of the complaint (e.g., FBI, IRS, Customs, etc.).

The OIG will refer non-criminal administrative complaints involving employee/official misconduct directly to the departmental commissioner for investigation by the respective Integrity Office within the department. When requested, the OIG will provide support and advice regarding investigative referrals to the Integrity Officers.

SECTION 6. RESPONSIBILITIES OF CITY EMPLOYEES/OFFICIALS

A. All employees/officials of the City shall report promptly and directly to the OIG any knowledge, information or allegation brought to their attention that any employee or former employee may have:

1. Committed a criminal act (as defined in Section 3).

2. Violated any of the provisions of the standards of conduct or rules of conduct, issued by any office, department, or bureau or who may have committed any other misconduct.

B. Employees/officials shall immediately report any/all outside improper/illegal attempts to influence or bribe them in the course of their duties.

C. Employees/officials shall cooperate fully with representatives of the OIG by providing complete and accurate information as well as the necessary official assistance in the matters being investigated.

D. If in doubt as to whether circumstances warrant referral of a matter to the OIG, contact should be made with the OIG or the respective departmental Integrity Officer.

E. Employees/officials shall provide to representatives of the OIG in the discharge of their duties specified in this Order full, free, and unrestricted access to City activities, property, data, correspondence, and all other information, as consistent with the City Charter.

F. Employees/officials shall maintain in confidence all communications with representatives of the OIG when so requested.

G. Employees/officials shall, when requested by representatives of the OIG or by other authorized City officials, testify or provide all the appropriate response to questions in matters of official interest.

H. All Department, Office, and Agency Heads shall:

1. Promptly refer to the OIG all integrity matters which adversely affect the operations within their departments.

2. Issue further instructions as may be necessary to implement this Executive Order and ensure the widest dissemination within their offices, departments, or agencies of those instructions pertaining to employee responsibilities.

3. Emphasize that all employees report all integrity/ethics related matters to the OIG as soon as they become aware of them.

4. Instruct City employees/officials not to attempt to conduct their own investigations prior to any referrals to the OIG.

5. Ensure that, under no circumstances, will any employee or official of the City take or threaten to take any action of any sort in an attempt to retaliate against any one for submitting information to or cooperating with the OIG.

SECTION 7. ACTION ON REPORTS OF INVESTIGATION

A. The OIG shall:

1. Refer reports of any criminal violation directly to the District Attorney's Office, the United States Attorney's Office, or the Commonwealth Attorney General as it deems appropriate.

2. Upon completion of an investigation where no criminal violation is involved, submit a report of investigation to the appropriate department or agency head, or to the Mayor in investigations of senior officials, for an administrative determination.

3. Review the office or department report of administrative action and, if the OIG considers it to be inadequate, so advise the department head and, if necessary, the Mayor.

4. Safeguard all OIG reports of investigation.

B. Department/office/agency heads shall:

1. Within 30 days of receipt of a report of investigation from the OIG, submit a written report to the OIG detailing the administrative or other action

taken or plan to correct violations or other findings as outlined in the report of investigation.

2. Limit circulation and discussion of the contents of the OIG reports on a need-to-know basis, maintain precise accountability for the reports and ensure the confidentiality and security of the reports at all times.

3. Refrain from releasing any report of investigation without authorization of the OIG or the City Solicitor's Office.

SECTION 8. INTEGRITY PROGRAM OVERSIGHT

The OIG is responsible for ensuring a comprehensive integrity program within the City departments and will assist all Commissioners in maintaining the highest standards of integrity among all City employees.

A. The OIG shall:

1. Provide advice and assistance to the departments, offices, and agencies regarding their integrity programs.

2. Provide advice to department heads regarding their selection for personnel to fill the Integrity Officer positions.

3. Review and approve proposed integrity plans to assure adequacy in meeting departmental needs.

4. Conduct periodic oversight review of integrity service activities for objectivity and thoroughness and for procedures, directives, and issuance, etc.

5. Report the results of any program oversight reviews to the appropriate department, office, or agency heads and, if proposed corrective action is deemed inadequate, so advise the department head and, if necessary, the Mayor's Office.

B. Department, office and agency heads shall:

1. With assistance from the OIG, appoint Integrity Officers within their departments and provide support to the development of overall internal Integrity Plans.

2. When appropriate, submit for concurrence by the OIG any proposed annual integrity plan to include commitments in such areas as management reviews of identified "high risk" integrity-related activities, special reviews of weaknesses previously cited by the OIG, and integrity awareness training efforts.

3. Advise the OIG of systemic or significant integrity problems uncovered in their operations and the planned actions to correct them.

SECTION 10. EFFECTIVE DATE

This Order shall take effect immediately.

November 28, 1994
Date

Edward G Rendell
Edward G. Rendell, Mayor