

City Service Commission (cont'd)

The Charter is silent as to how the appointing officer shall comply with the foregoing requirement. The present method is by sending to your Commission a partly written and partly printed paper called, in one instance, "the entry ticket" and the other the "change ticket". In your letter of December 6, 1950, you refer to these tickets as "documents", and say:

"It is essential that the above described documents bear the signature of the appointing officer * * *.

"It appears to us that, under the City Charter, the appointing power with respect to the City Comptroller's office rests with the City Comptroller. In other words, we feel that the City Comptroller should sign all such documents. We are not certain of his authority to delegate this power. At the present time the following individuals sign documents for the various branches of the City Comptroller's Office."

You then name the Budget Director, the Chief of the Central Payroll Bureau, the Superintendent of the Bureau of Markets, the Supervisor of Municipal Telephone Exchange, the City Purchasing Agent and the Deputy Comptroller. You request this office to advise you of the legal requirements in the premises.

As you point out, the appointing officer in several of the departments of the City government is a Board consisting of nine persons in the case of the Department of Education (Section 91), seven persons in the Department of Recreation and Parks (Section 94), and five persons in the Department of Aviation (Section 137). While it is true that the appointing officer, whether he be an individual or a Board, should exercise the discretion involved in making an appointment in the Classified City Service, it does not follow that the report of his or its action to the City Service Commission must be signed by the appointing officer where he is an individual, or by each member of the Board where the "appointing officer" is a Board. The Charter does not require, in the case of the Department of Education, for instance, that each member of that Board should sign the report made to you.

The appointing officer can legally direct a subordinate to send your Commission a written report of his or its action, stating in the report that it is made by direction of the appointing officer.