§ 34. General powers and duties of the commissioner. 1. The commissioner of social services shall be the chief administrative officer of the department.

2. All the administrative and executive powers and duties of the department shall be vested in the commissioner.

3. The commissioner shall

(a) continue to have, exercise, and perform the functions, powers and duties conferred by law upon the commissioner of social services;

(b) execute and issue the determinations, decisions, orders, notices, licenses and certificates of the department as may be required in the exercise and performance of the functions, powers and duties conferred upon or vested in the department;

(c) take cognizance of the interests of health and welfare of the inhabitants of the state who lack or are threatened with the deprivation of the necessaries of life and of all matters pertaining thereto;

(d) exercise general supervision over the work of all local welfare authorities;

(e) enforce this chapter and the regulations of the department within the state and in the local governmental units;

(f) establish regulations for administration of public assistance and care within the state both by the state itself and by the local governmental units, in accordance with law;

(g) provide technical assistance, advisory and consultative services to business, industry and labor to encourage their sponsorship of day care centers;

(h) in consultation with the department of education, the department of health, the division for youth, the office for people with developmental disabilities and the office of mental health, establish guidelines for the acceptance by social services officials of notices that children in foster care are at risk of educational placements, as provided for in subparagraph four of paragraph b of subdivision one of section forty-four hundred two of the education law. Such guidelines shall be designed to assure that the social services district receiving such a notice inquire into the educational needs of the child and the circumstances of the foster care placement, and to assure that the

social services district responds as appropriate to any request by a committee on special education to participate in the proceedings of the committee;

(i) exercise such other powers and perform such other duties as may be required by law.

4. Notwithstanding any inconsistent provision of the civil service law, the commisioner may, if he finds that the chief executive officer of any county or city social services department has failed properly to perform his duties as required by law or rules and regulations of the department, present charges and specifications thereof to the appointing officer or authority of such county or city social services district. Such appointing officer or authority shall, upon receipt of such charges or specifications give notice thereof to the chief executive officer of the social services department and shall make inquiry into the merits of such specifications at a hearing thereon. The commissioner may present his evidence at such hearing and recommend removal or other appropriate sanctions. In the event the appointing authority finds the charges and specifications made by the comissioner are substantiated, the appointing officer or authority shall forthwith remove such chief executive officer or apply other sanctions. Any deputy or other employee of any such officer may also be removed or sanctioned upon the recommendation of the commissioner, in the same manner. Such removal or other sanction may not be appealed to a civil service commission, but may be subject to review pursuant to article seventy-eight of the civil practice law and rules. The provisions of this section shall not be deemed to preclude the exercise of the power of removal or sanction by the officer or authority having the power of appointment.

5. The commissioner or any official by him authorized so to do

(a) may conduct any inquiry pertinent or material to the discharge of the duties imposed upon him by law;

(b) is empowered to subpoena witnesses, administer oaths, take testimony and compel the production of such books, papers, records and documents as may be relevant to any such investigation.

6. The commissioner may exercise such additional powers and duties as

may be required for the effective administration of the department and of the state system of public aid and assistance.