

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #06/22-057: Preliminary Determination Pursuant to the Audit of the New York City Fire Department's (FDNY) Equal Employment Opportunity Program from July 1, 2003 to June 30, 2005.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, the Equal Employment Practices Commission audited the New York City Fire Department's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the New York City Fire Department's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's EEO Policy booklet (2001) and the separate EEO Policy Statements (2004) were never updated and, consequently, did not contain the current list of "protected classes" under the New York City and New York State Human Rights Laws.
2. The agency's EEO policies were not available in alternate formats for persons with disabilities.
3. The agency never distributed the Section 55-A Program brochures to all employees. (Sect. IIB, EEOP)
4. The agency did not have individuals of both sexes available to investigate discrimination complaints during the audit period.
5. There were an insufficient number of EEO professionals to handle a large backlog of discrimination complaints during the audit period.
6. Seventeen of the newly chosen EEO Counselors had not been scheduled for EEO training. (Sect. VB, EEOP)

7. For the majority of internal discriminations filed during the audit period, the EEO investigator's confidential written report was not issued within 90 days of the filing of the complaint. (DCAS, Discrimination Complaint Procedures Implementation Guidelines, April 2, 1996 Amendment)
8. Files of four of the 10 most recently filed complaints indicate that the investigations were not completed within 90 days and did not contain the required delay notification letters. (DCAS, Discrimination Complaint Procedures Implementation Guidelines, April 2, 1996 Amendment.)
9. FDNY did not provide structured interview training for employees who conducted job interviews. (Sect. IV, EEOP)
10. The agency did not conduct adverse impact studies. (Sect. IV, EEOP)
11. The agency did not notify all employees in writing of the name, location, and telephone number/email of the Career Counselor. (Sect. VB, EEOP)
12. The EEO Officer could not provide the EEPC with copies of her handwritten notes with the Commissioner regarding EEO program operational decisions.
13. The EEO Officer was not involved in selecting recruitment media or developing recruitment strategy. (Sect. VC, EEOP)
14. The EEO Officer was unsure if supervisors and managers were directed to discuss the Department's EEO policies with their subordinates. (DCAS, "Model Agency EEO Commitment Memo")

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the New York City Fire Department's Commissioner, Nicholas Scoppetta, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the New York City Fire Department will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on December 14, 2006.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair