



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: New York City Employees' Retirement System

Agency Head: Diane D'Alessandro, Executive Director

Co-EEO Officers: Claudine Rasp
Badar Malik

Audit Period: July 1, 2002 - June 30, 2004

Date of Preliminary Determination Letter:	<i>December 20, 2007</i>
Date of Response Letter:	<i>January 22, 2008</i>
Date of Final Determinations Letter:	<i>February 2, 2008</i>
Date of Response Letter to the Commission's Final Determinations Letter:	<i>February 29, 2008</i>
Compliance Initiated:	<i>March 24, 2008</i>
Compliance Completed:	<i>October 14, 2008</i>
Covering Months:	<i>April 2008 – September 2008</i>

Date: October 23, 2008

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEOC) Audit of Compliance by the New York City Employees' Retirement System (NYCERS) with the City's Equal Employment Opportunity Policy (EEOC), EEOC initiated Audit Compliance with the NYCERS in March 2008. The NYCERS' final Monthly Compliance Report was submitted on October 14, 2008.

All twenty required actions and Special Contingency were completed or accepted. The following is a summary of the compliance reports:

- 1. The agency's EEO policy should be revised to include all of the protected classes under the New York City and New York State Human Rights Laws.**

The NYCERS revised the EEO Policy in the NYCERS Employee Handbook to include all the protected classes under the New York City and New York State Human Rights Laws. It submitted a copy of the relevant page from its Employee Handbook.

The response to the required action was accepted in April 2008.

- 2. The revised EEO policy should be distributed to all current and new employees, and posted on the agency's intranet.**

The NYCERS distributed the revised EEO Policy to all NYCERS employees via an e-mail notifying them of the changes including a link to the revised EEO Policy. It provided a copy of the e-mail.

The response to the required action was completed in April 2008.

- 3. The Citywide EEO policy Handbook (with addendums) should be distributed to all current and new employees. (Sect. VB, Citywide EEO Policy)**

The NYCERS distributed the EEO Policy Handbook to all current employees.

The response to the required action was accepted in April 2008.

- 4. The NYCERS should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by the DCAS to all current and new employees. (Sect. IIB, Citywide EEO Policy)**

The NYCERS distributed the 55-A Program Brochure to its current employees and stated its commitment to participate in the Program via e-mail. It provided a copy of the e-mail to all employees from its Human Resources Department.

The response to the required action was accepted in August 2008.

- 5. The EEO Officer should formally be appointed the disabilities rights coordinator and employees should be notified in writing of that appointment. (Sect. VB Citywide EEO Policy)**

The NYCERS appointed Ms. Rasp, one of its EEO Officers the disability rights coordinator in January 2008. In July 2008, the NYCERS appointed the Interim EEO Officer the disability rights coordinator.

The required action was completed in January 2008.

- 6. The agency should follow Section VB of the Citywide EEO Policy and ensure that its EEO Policy is available in "appropriate alternate formats to employees with disabilities" (e.g., audio cassette or Braille).**

The NYCERS obtained the EEO Policy in large print format from the DCAS. It provided a copy of the first page.

The required action was completed in April 2008.

7. **The EEO officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO officer should obtain the certificate or otherwise complete the program at the institution selected by the NYCERS. (Sect. VB, Citywide EEO Policy)**

Ms. Rasp attended the DCAS Basic Training for EEO Professionals in November 2007. Mr. Malik attended the DCAS Basic Training for EEO Professionals in September 2008. The NYCERS provided a copy of an e-mail from DCAS confirming Ms. Rasp's attendance at the training, and a copy of Mr. Malik's certificate of completion.

The required action was completed in September 2008.

8. **The NYCERS should follow-up on its pledge and appoint a male EEO Counselor, who will be authorized to receive and investigate discrimination complaints. (Sect. VB, Citywide EEO Policy)**

The NYCERS appointed Badar Malik as a male EEO Counselor who is authorized to receive and investigate discrimination complaints.

The required action was completed in April 2008.

9. **The new male EEO counselor should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. (Sect. VB, Citywide EEO Policy)**

Mr. Malik attended the DCAS Basic Training for EEO Professionals in September 2008. The NYCERS provided a copy of the DCAS Certificate of Completion issued to Mr. Malik.

The required action was completed in September 2008.

10. **The EEO officer should meet with the new male EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (Sect. VC, Citywide EEO Policy)**

The NYCERS' EEO Officer and Interim EEO Officer met with the new EEO Counselor quarterly. The NYCERS provided copies of memoranda to the EEO File regarding the discrimination complaint and investigation discussed.

The required action was completed in April 2008.

11. **All internal discrimination complaint files should contain a NYCERS *Complaint of Discrimination* form. (Sect. IIA, NYCERS EEO Policy)**

The NYCERS committed to utilize the NYCERS *Complaint of Discrimination* form for each

The required action was completed in June 2008.

12. **A person who has been named as a respondent in the *Complaint of Discrimination* form should receive a copy of the complaint and have the opportunity to respond in writing. Sensitive information, such as the complainant's home address and telephone number, can be redacted or kept on a separate complaint sheet. (Sect. IIA, NYCERS EEO Policy)**

The NYCERS committed to providing each person named as a respondent in a *Complaint of Discrimination* form a copy of the complaint with a formal document to sign indicating receipt of the complaint and informing the respondent of the opportunity to respond in writing.

The required action was completed in September 2008.

13. **The parties to the complaint should be notified in writing of the outcome of the investigation. (Sect. 12b, *Discrimination Complaint Procedures Implementation Guidelines*, *Discrimination Complaint Procedures Implementation Guidelines*, DCAS, 1993)**

The NYCERS agreed to implement this required action. It provided a copy of the EEO Counselor's memorandum to the parties notifying them of the conclusion of the investigation and recommendation.

The required action was completed in July 2008.

14. **The agency head should sign each EEO investigator's report containing findings and recommendations. (Sect. 12b, *Discrimination Complaint Procedures Implementation Guidelines*, DCAS, 1993)**

The NYCERS committed to have the Executive Director sign each EEO investigator's report containing findings and recommendations. It provided a copy of such a memorandum.

The required action was completed in July 2008.

15. **It is the Commission's position that all appropriate internal discrimination complaint files should contain notice that the recommended corrective actions were implemented.**

The NYCERS agreed to implement this action. It provided a copy of an e-mail confirming that a respondent completed Workplace Diversity Training, as recommended by the EEO Counselor after the investigation.

The required action was completed in August 2008.

16. The NYCERS should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect, IC, Citywide EEO Policy)

The NYCERS Director of Human Resources conducted structured interview training for supervisors and managers involved in interviewing in July 2007, April and May 2008. The NYCERS provided copies of the sign in lists for the April 2008 and May 2008 sessions and provided clarifying information in September 2008.

The required action was completed in May 2008.

17. It is the Commission's position that appropriate documentation of meetings and other communications regarding EEO program operations decisions should be maintained.

The NYCERS EEO Officers have documented their meetings with the Executive Director. Copies of the memoranda to file were provided.

The required action was completed in July 2008.

18. The agency head should direct the human resources department to include the EEO officer in the development of recruitment strategies and selection of recruitment media. (Sect. IV, Citywide EEO Policy)

The NYCERS agreed to implement this action and provided a copy of the Executive Director's memorandum to the Director of Human Resources directing that the EEO Officer assist in the development and implementation of recruitment strategies and media placement for current and future discretionary hires.

The required action was completed in July 2008.

19. The NYCERS should develop a plan, which includes a timetable, to provide EEO training to all employees who have not received it. (Sect. IV, Citywide EEO Policy)

The NYCERS provided EEO training to all NYCERS employees. It provided a copy of an e-mail from the NYCERS Director of Human Resources confirming the last employee for training.

The required action was completed in April 2008.

20. The NYCERS should disseminate an agency-wide memorandum to discuss audit findings.

The NYCERS Executive Director issued a memorandum to NYCERS staff regarding the EEPC

maintaining fair employment practices for NYCERS employees and applicants for employment. (Attached.)

The required action was completed in August 2008.

Special Contingency

Commission staff recommended that the NYCERS consider appointing two co-EEO Officers instead of one EEO Officer to allow continuity of the EEO Program if one co-EEO Officer resigns.

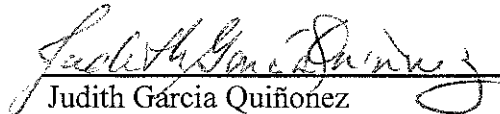
The NYCERS appointed Badar Malik as a male Co-EEO Officer and updated the NYCERS Employee Handbook to reflect the appointment. It provided a copy of the notice to staff of the appointment and update. (Attached.)

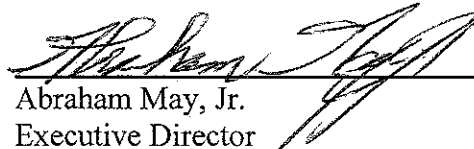
The special contingency recommendation was implemented in September 2008.

Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Executive Director Diane D'Alessandro informing her that the NYCERS has implemented the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,


Judith García Quiñonez
Agency Counsel
Compliance Director


Abraham May, Jr.
Executive Director

Attachments