

NYC
**Equal Employment
Practices Commission**

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January 15, 2013

Dennis M. Walcott
Chancellor
New York Department of Education
52 Chambers Street
New York, NY 10007

Re: Final Determination Pursuant to the Audit of the Department of Education's (DOE) Equal Employment Opportunity Program from July 1, 2008 through June 30, 2011.

Dear Chancellor Walcott:

The Equal Employment Practices Commission makes this Final Determination after having an Audit Completion Meeting on December 27, 2012, in which the Department of Education (DOE) responded to our October 24, 2012 Letter of Preliminary Determination. The General Counsel, Director of OEO, and Associate Director of OEO represented DOE at the meeting.

After reviewing your response, our Final Determination is as follows:

Agree

We agree with your responses to the following EEPD recommended corrective actions:

Corrective Action #1

All agency recruitment literature should indicate that the agency is an equal opportunity employer.

Agency Response

The EEO tagline has been included in all advertisements since the recommendation was made.

EEPC Response

We are please the agency has taken action to indicate that the agency is an equal opportunity employer. Submit a sample of the recruitment literature for review during the compliance monitoring period.

Corrective Action #2

The agency should direct supervisors/managers to conduct annual formal performance evaluations of the employees under their supervision. Completion of annual evaluations for all individuals who are employed by the agency should be documented.

Agency Response

DOE currently does not have a formal annual evaluation process. The agency will establish procedures for managers to conduct performance evaluations annually.

EEPC Response

We are pleased the agency will establish these procedures for managers to conduct performance evaluations annually, and will maintain documentation that its managerial and non-managerial employees receive performance evaluations on an annual basis. Documentation of implementation will be reviewed during the compliance monitoring period.

Corrective Action # 3

The agency's managerial performance evaluation form should contain a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner).

Agency Response

DOE agreed to develop language in its managerial evaluation which will provide a rating for EEO responsibilities.

EEPC Response

Documentation of the agency's efforts to implement this corrective action will be reviewed during the compliance monitoring period.

Note:

The EEPC audit found that the DOE primarily utilized its website to advertise and distribute available job opportunities; and that individual DOE offices had the option to employ other recruitment resources to advertise. However, the DOE did not maintain a central or system-wide record of advertising resources utilized by individual offices or advertising resources geared toward females, minorities or individuals with disabilities.

The EEPC did not specify required corrective actions based on the agency's representation that pursuant to the Schools Governance Law, it had instituted new initiatives in which the OEO will conduct analyses for recruitment and retention activities and will work with hiring managers to standardize outreach efforts to a broader audience. Therefore, during the compliance monitoring period, we request the DOE to substantiate this with documentation of the initiatives, the standardization of its outreach efforts, and how it is maintaining a centralized or system-wide record of resources.

In addition to the above recommendations, pursuant to Section 815.a.(19) of the New York City Charter, corrective action #4 is a memorandum from you informing all employees of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum should also re-emphasize your commitment to the agency's Equal Employment Opportunity Program.

Conclusion


Please issue a written response to the aforementioned determinations, with appropriate documentation, within thirty days. Consistent with §815.a.(15), this Commission requires that the written response is signed by the agency head.

Pursuant to Section 832 of the New York City Charter, this Commission will commence monitoring audit compliance by your agency for a six-month period from February through July, 2013. During the compliance monitoring period, the agency is required to report its progress in implementing the corrective actions. The first month will begin with your agency's response to this document. Subsequent reports are due on or before the 7th business day of each month.

If there are further questions regarding this Letter of Final Determination or the compliance process, please have the Director of OEO call or schedule a meeting at our main office with the EEPC Counsel and Director of Compliance Judith Garcia Quiñonez within two weeks.

In closing, we want to thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance monitoring process.

Sincerely,


Charise L. Hendricks, PHR
Executive Director