

EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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July 11, 2003

Florence L. Finkle
Executive Director
Civilian Complaint Review Board
40 Rector Street, 2nd Floor
New York, New York 10006

Re: Final Letter of Determination Pursuant to the Audit of the Civilian Complaint Review Board (CCRB) Equal Employment Opportunity Program from January 1, 2000 through June 30, 2002

Dear Ms. Finkle:

Thank you for your June 6, 2003 response to our Letter of Preliminary Determination pursuant to the audit of the Civilian Complaint Review Board's Equal Employment Opportunity Program from January 1, 2000 through June 30, 2002. After reviewing your response, our Final Determination is as follows:

Agree

We agree with your responses to the following EEPC recommendations:

Recommendation #1

CCRB should issue a general EEO Policy Statement.

Recommendation #3

The agency should follow Section VII of the Citywide EEO Policy and ensure that its EEO policies are available in formats accessible to applicants and employees with disabilities, e.g., audio cassette and Braille.

Recommendation #4

To provide additional information and guidance to agency employees and EEO professionals, the CCRB should adopt and tailor the "Reasonable Accommodation Procedure" and "Request for Reasonable Accommodation" form contained in the Citywide EEO Policy (Appendices 3 & 4).

Recommendation #5

CCRB should obtain and distribute Section 55-A Program brochures issued by the Department of Citywide Administrative Services.

Recommendation #6

The EEO Officer should be scheduled for DCAS training or attend Cornell University School of Industrial and Labor Relations (EEO Studies Program).

Recommendation #7

The EEO Officer should follow the Discrimination Complaint Procedures Implementation Guidelines (issued by DOP, now DCAS, in 1993).

Recommendation #8

In keeping with Section 12 (b) of the Discrimination Complaint Procedures Implementation Guidelines (issued by DOP, now DCAS, in 1993), the investigator's written report should be addressed to and signed off by the agency head.

Recommendation #9

In keeping with section 12 (b) of the Discrimination Complaint Procedures Implementation Guidelines, the EEO investigator should always inform all parties to complaints in writing of the outcome of the investigation.

Recommendation #10

CCRB should maintain and update a monthly discrimination complaint log. (Sect. III, Citywide EEO Policy)

Recommendation #11

During previous audits, the Commission has found numerous EEO program deficiencies in agencies that did not have full-time EEO Officers. For this reason, the Commission has adopted the position that the agency EEO Officers should devote 100% of their time to EEO matters.

We accept your response, but would like to reiterate that the functions of the EEO Officer are not limited to logging complaints and conducting investigations.

Recommendation #12

The EEO Officer should perform all of the EEO functions identified in the City's EEO Policy.

We agree that the EEO Policy delineates primary functions of the EEO Officer, which does not prevent the Officer from delegating responsibilities to the EEO Counselor in furtherance of the Equal Employment Opportunity Program.

Disagree

~~For the following reasons, hereafter identified as "EEPC Rationale," we respectfully disagree in part with your response to the following recommendation:~~

Recommendation #2

All EEO Policy Statements and Discrimination Complaint Procedures should be distributed to all employees. (Sect. VIII, Citywide EEO Policy)

Your Response:

The CCRB agrees with this recommendation and will forward copies by e-mail its EEO policy statements and discrimination complaint procedures to all current CCRB employees.

The CCRB will include a copy of its EEO policy statements and discrimination complaint procedures in the orientation materials distributed to new employees.

EEPC Rationale

We agree with and accept the second half of your response, that the policies will be distributed in the orientation materials for new employees.

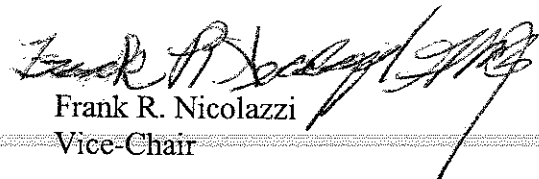
The first part of your response indicates an internal inconsistency with the CCRB's own policy, namely, that new employees will receive hard copies while current employees will only receive electronic copies. Although we mistakenly indicated during the audit exit meeting that electronic distribution of the policies is acceptable, it is not in compliance with the Citywide EEO Policy. Until such time as the Citywide EEO Policy indicates that e-mail attachments are an appropriate means for distributing the EEO Policies to employees, we must insist that agencies provide all employees with hard copies of such.

Conclusion

Pursuant to Section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond to the aforementioned determinations prior to the initiation of audit compliance. If you choose to respond, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. Please have your EEO Officer contact our Executive Director, Mr. Abraham May, Jr., in seven days to inform us of your intentions.

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 process.

Sincerely,


Frank R. Nicolazzi
Vice-Chair