

# NYCERS

RETIREMENT AND BENEFITS

NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM

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January 22, 2008

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Ernest F. Hart, Esq.  
40 Rector Street, 14<sup>th</sup> Floor  
New York, NY 10006

Re: NYCERS EEPC Audit- July1, 2005- June 30, 2007  
Preliminary Determination Pursuant to Audit

Dear Mr. Hart:

This letter and enclosures shall serve as a response to your Preliminary Determination Pursuant to the Audit of NYCERS sent to NYCERS Executive Director, Diane D'Alessandro, dated December 20, 2007.

The EEPC made recommendations to NYCERS for corrective actions as a result of the audit. The following are a response to those recommendations.

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

Corrective Action: NYCERS will revise the agency's EEO Policy to include all protected classes under the New York City and the New York State Human Rights Laws. Specifically we will revise the EEO Policy to include "status as a victim of domestic violence, sex offenses or stalking", predisposing genetic characteristics" and alienage or citizenship status".

2. Recommendation: The revised EEO Policy should be distributed to all current and new employees and posted on agency intranet.

Corrective Action: NYCERS revised EEO Policy will be emailed to all NYCERS employees. NYCERS employees will be instructed to print a copy of the revised policy and replace it in their Employee Handbooks. The revised EEO Policy will be placed in a public folder on NYCERS mainframe system which is accessible to all employees.

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

**Corrective Action:** The Citywide EEO Policy Handbook (with addendums) has been reproduced and NYCERS' Directors have distributed them to each employee within their division.

4. **Recommendation:** 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)

**Corrective Action:** NYCERS has never had any requests for Section 55-A. NYCERS has reproduced DCAS' Section 55-A Program brochure and NYCERS' Directors will distribute them to each employee within their division.

5. **Recommendation:** 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)

**Corrective Action:** NYCERS will appoint the EEO Officer the disability rights coordinator. NYCERS will notify employees via e-mail and will add a provision to their EEO Policy in the Employees Handbook stating that the EEO Officer is the Disability Rights Coordinator.

6. **Recommendation:** 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)

**Corrective Action:** NYCERS has never been asked for the EEO Policy in an alternative format but will provide if requested.

7. **Recommendation:** 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)

Corrective Action: NYCERS EEO Officer attended DCAS EEO training from November 13 through 16, 2007. DCAS yet to issue a certificate to the EEO Officer. Attached is email correspondence confirming the EEO Officer's attendance at this training. (See attachment A)

8. Recommendation: 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)

Corrective Action: NYCERS has designated Badar Malik as the male EEO counselor. NYCERS will notify all employees of this appointment by the end of January 2008.

9. Recommendation: 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)

Corrective Action: NYCERS has contacted DCAS and requested that he attend the next available DCAS EEO training. We are awaiting DCAS response. (See attachment C)

10. Recommendation: 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)

Corrective Action: NYCERS newly appointed EEO Officer and EEO Counselor are scheduled to meet by the end of January 2008. Thereafter they will meet quarterly to ensure that all EEO functions are being carried out satisfactorily and kept abreast of internal and external EEO developments.

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

Corrective Action: NYCERS has a Complaint of Discrimination form. All future internal discrimination complaint files will contain a NYCERS Complaint of Discrimination form. (See attachment D)

12. Recommendation: 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)

Corrective Action: In all future complaints of discrimination, NYCERS will provide the respondent in the complaint a redacted copy of the form and provide him/her an opportunity to respond in writing.

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

Corrective Action: In all future Complaints of Discrimination, all parties will be notified in writing of the outcome of the investigation.

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

Corrective Action: NYCERS Executive Director will sign each EEO investigator's report containing findings and recommendations.

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

Corrective Action: In all future, the appropriate internal discrimination complaint files will contain notice that the recommended corrective actions were implemented.

16. Recommendation: 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)

Corrective Action: Felita Ramsami, NYCERS Director of Human Resources, trains all interviewing supervisors and managers on structures interview training. This training is conducted every summer for all interviewing supervisors and managers.

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

Corrective Action: NYCERS EEO Officer will keep notes of meetings with the Executive Director regarding EEO matters.

18. Recommendation: 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)

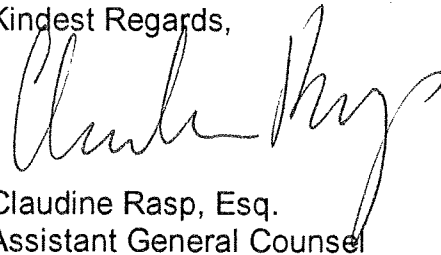
Corrective Action: The recruitment strategies and selection media NYCERS currently uses included the prior EEO officer's insight and have not been changed. In the future, if NYCERS changes or updates the recruitment strategies, policies or recruitment media NYCERS will include the EEO officer in the process of the development.

19. Recommendation: 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)

Corrective Action: NYCERS EEO Officer trains all new employees on NYCERS EEO Policy through its New Employees Orientation training.

NYCERS looks forward to working with the EEOC on these corrective actions during this audit period and providing our employees with the up date EEO policy and assistance in all EEO related matters.

Kindest Regards,



Claudine Rasp, Esq.  
Assistant General Counsel