

# NYCERS

RETIREMENT AND BENEFITS

NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM

MAIL ONLY:  
335 ADAMS STREET,  
SUITE 2300  
BROOKLYN, NY 11201-3751

ALL OTHER SERVICES:  
340 JAY STREET,  
MEZZANINE LEVEL  
BROOKLYN, NY 11201-3751

TEL: (347) 643-3000

EXECUTIVE DIRECTOR: JOHN J. MURPHY

June 2, 2003

Mr. Frank R. Nicolazzi, Vice Chairman  
NYC Equal Employment Practices Commission  
253 Broadway, Suite 301  
New York, NY 10007



Dear Mr. Nicolazzi:

The Equal Employment Practices Commission (EEOC) of the City of New York conducted an audit of NYCERS Equal Employment Opportunity practices for the period of January 2000 to June 2002. The audit was conducted between the period of December 2002 to May 2003. NYCERS received a copy of the EEOC's draft audit on April 24, 2003 in preparation for an exit interview scheduled for the afternoon of May 5, 2003. Thereafter, on May 8, 2003 NYCERS was mailed a copy of the final audit. This letter shall act as a response to the recommendations listed in the final audit which were also discussed at the May 5, 2003 exit interview.

## PLAN DISSEMINATION - INTERNALLY

**EEOC RECOMMENDATION:** NYCERS should follow Section VIII of the Citywide EEO Policy and post its EEO policies and complaint procedures on agency bulletin boards.

**NYCERS RESPONSE:** The EEO policy is much too voluminous to post on a physical bulletin board. However, in addition to bulletin boards NYCERS has what we deem our electronic bulletin board, which we refer to as the *L Drive*. The *L Drive* is a drive that is available on the PC's of all NYCERS' employees. Any policies or procedures that apply to NYCERS staff, including EEO policies, are listed on the *L Drive*. When changes occur to any policies staff is notified electronically. It is understood that the present Citywide EEO Policy is being redrafted. We hope that the parties involved in the redrafting consider that the requirement to post copies of the EEO policy on bulletin boards is antiquated. Rather electronic posting of policies are much more efficient for management and even more accessible to staff than one physical copy of a policy being posted on a bulletin board.

**EEOC RECOMMENDATION:** The current Discrimination Complaint Procedure should be revised to include the name, location and telephone number of the EEO Officer.

**NYCERS RESPONSE:** In response to the EEOC's recommendation NYCERS has already amended the list of important contacts to include the name of the EEO Officer (female) and the EEO Counselor (male) and the Current Discrimination Complaint Procedure has been revised to include the name, location and telephone number of the EEO Officer and the EEO Counselor.

**EEOC RECOMMENDATION:** 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. audiocassette and Braille.

**NYCERS RESPONSE:** NYCERS shall work towards recording the EEO Policy on audiocassette so it may be readily available to individuals who are visually impaired or blind.

#### **PLAN DISSEMINATION – EXTERNALLY**

**EEPC RECOMMENDATION:** All agency recruitment literature, including website job advertisements, should indicate that NYCERS is an equal opportunity employer.

**NYCERS RESPONSE:** All agency recruitment literature, including website job advertisements indicate that NYCERS is an equal opportunity employer. The one posting that the EEPC refers to was an oversight. Somehow for reasons unknown to NYCERS the EEO tag line was inadvertently omitted.

#### **AFFIRMATIVE ACTION AND REASONABLE ACCOMMODATIONS**

**EEPC RECOMMENDATION:** NYCERS should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by the Department of Citywide Administrative Services.

**NYCERS RESPONSE:** NYCERS will begin looking into utilizing the Section 55-A program immediately.

#### **EEO COMPLAINT AND INVESTIGATION SYSTEM**

**EEPC RECOMMENDATION:** To insure that persons of both sexes are available to receive and investigate discrimination complaints, NYCERS should follow-up on its pledge to appoint a male EEO Counselor.

**NYCERS RESPONSE:** NYCERS has identified Stephen Seunarine as the male EEO Counselor. Mr. Seunarine is scheduled to attend the DCAS EEO training to begin this week.

**EEPC RECOMMENDATION:** The agency head should sign each EEO Investigator's report containing findings and recommendations.

**NYCERS RESPONSE:** Since the former EEO Officer is no longer in NYCERS employ, NYCERS cannot adequately respond to the lack of record keeping in the past. Although there is no record of the Executive Director's review of two EEO complaints reviewed during the audit period, recent records indicate that such review has occurred for more current complaints. The present EEO Officer has ensured such compliance of Executive Director review.

**EEPC RECOMMENDATION:** The EEO Investigator should inform all parties in writing of the outcome of the investigation.

**NYCERS RESPONSE:** The EEO Officer shall provide written notification of the outcome of the complaints going forward.

#### **EEO OFFICER RESPONSIBILITIES**

**EEPC RECOMMENDATION:** The EEO Officer should be involved in developing recruitment strategies and selecting recruitment media, including newspapers and other publications.

**NYCERS RESPONSE:** The present EEO Officer believes that NYCERS has been exemplary in hiring and promoting diversity in the workforce. The Audit's findings also appear to reflect NYCERS commitment to a diverse workforce. Going forward, the EEO Officer will be involved in the development of recruitment strategies when the opportunity for new hiring arises. ✓

#### **SPECIAL PROBLEMS**

**EEPC RECOMMENDATION:** During previous audits, the Commission 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 agency EEO Officers should devote 100% of their time to EEO matters.

**NYCERS RESPONSE:** NYCERS is known to be a midsize agency by virtue of having approximately 350 employees. Comparing NYCERS to *other agencies* may not be reasonable. If the EEPC is recommending that the EEO Officer should spend more time on EEO issues than it should be based on 1) a comparison of a comparable agency and 2) egregious EEO violations that the would be rectified by allocating more time to EEO issues. According to the audit presented to NYCERS it appears that the time spent on EEO matters is appropriate and there were no egregious or even mildly egregious EEO violations. Thus, leading NYCERS to believe that the EEO Officer's allocated time is more than adequate. ✓

**EEPC RECOMMENDATION:** To avoid the appearance or reality of conflict of interest, the agency should appoint an individual other than the Deputy Counsel to serve as EEO Officer.

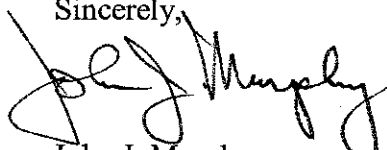
**NYCERS RESPONSE:** Once again NYCERS is a midsize agency. As a result most employees at NYCERS are civil servant status and such responsibility does not fall within their written job description. Of those that are non-civil servant the present EEO Officer is one of the most qualified employees to carry out the duties of the EEO Officer. If a matter does arise that may even slightly appear to be a conflict of interest, the EEO Officer will quickly recuse herself and pass the matter off to her new male colleague. If there is a further conflict arising that will compromise her legal ethical duties the EEO Officer will pass any legal matters arising out of the potential conflict off to her legal colleagues to pursue.

**EEPC RECOMMENDATION:** All employees should receive written notification of the identify, location and telephone number of the agency's EEO Officer.

**NYCERS RESPONSE:** All employees have access to the *Important Contact Lists*, if 66% of those surveyed stated that they do not know who the EEO Officer is, it is because they did not READ the contact person list. This list is available to ALL employees on their L Drive and they were notified of such list in the past. Furthermore, since the EEO Policy has been amended to reflect the contact information for the EEO Officer and her male counterpart, all employees will be notified electronically of the updated information.

NYCERS thanks the EEPC, especially Hilda Auguste and Eric Matusewitch for conducting the audit on our internal EEO policies. At all times the EEPC staff was professional and courteous, thus making the audit process run seamlessly.

Sincerely,



John J. Murphy