

**EQUAL EMPLOYMENT PRACTICES COMMISSION  
CITY OF NEW YORK**

**RESOLUTION #13/09-858C:** Determination of **Partial Non-Compliance** by the Department of Information Technology & Telecommunications with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from July 1, 2008 through June 30, 2011.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the Department of Information Technology & Telecommunications' (DOITT) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated July 26, 2012, setting forth its findings and recommended corrective actions; and

**Whereas**, the DOITT submitted its response to the EEPC's preliminary determination letter, on August 24, 2012 with documentation of its actions to rectify seven of the eight areas of non-compliance identified in the preliminary determination; and

**Whereas**, in the remaining area of non-compliance, the DOITT records, maintains, and reviews applicant information in the recruitment and selection process; however, the DOITT designates hiring managers to record this information; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a final determination on December 4, 2012, in which it reiterated that the EEPC recommends the DOITT strengthen the structure of its recruitment and selection process by delegating the responsibility for recording applicant information to individuals who are separate from the selection process; and

**Whereas**, the DOITT submitted its response to the EEPC's final determination letter, on January 3, 2013 in which it stated that it would not implement this remaining action;

**Whereas**, the EEPC subsequently acknowledged that the DOITT's EEO Office reviews and approves the agency's interview logs; and

**Whereas**, all of the EEPC's recommended corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

**Be It Resolved**,  
that this Commission accepts the Department of Information Technology & Telecommunications' implementation of the required corrective actions pursuant to the requirements of Chapters 35 and 36 of the New York City Charter.

**Be It Further Resolved**,  
that pursuant to Sections 831(d)(5) and 832(c) of the New York City Charter, the Equal Employment Practices Commission may initiate another audit of DOITT prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter, or publish a report indicating action that the DOITT did not take in accordance with the Commission's recommendation for ensuring a fair and effective affirmative employment program of equal opportunity.

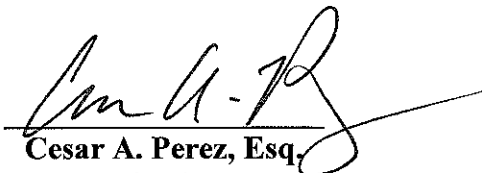
**Be It Finally Resolved**,  
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward this Determination to Rahul N. Merchant, Chief Information and Innovation Officer of the Department of Information Technology & Telecommunications.

Approved unanimously on May 9, 2013.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair