

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #08/01-071: Preliminary Determination Pursuant to the Audit of the Department of Homeless Services' (DHS) Equal Employment Opportunity Program from January 1, 2005 through June 30, 2006.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure 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 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, the Equal Employment Practices Commission audited the Department of Homeless Services' Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, therefore,

Be It Resolved,

that pursuant to the audit of the Department of Homeless Services' compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's new hire packet did not include the Citywide EEO Policy and the EEO Policy Handbook.
2. The agency's new hire packet did not include the 55-A Program brochure.
3. All twenty-five DHS facilities are not accessible to, and usable by, persons with disabilities.
4. The agency's EEO policies were not available in alternate formats for persons with disabilities.
5. Six of the 10 discrimination complaint files submitted by the DHS do not contain a written notice to the complainant/respondent regarding the EEO office's determination.
6. All of the complaint files provided to EEPC auditors were missing investigative interview notes.

7. The investigation of four complaints took more than 90 days to complete. (DCPIG, April 1996 Amendment)
8. The four files that indicated that the investigations were not completed within 90 days did not contain the required notification letters. (DCPIG, April 1996 Amendment)
9. The 10 most recent complaint files did not contain a confidential written report with the agency head signature. (DCPIG, Sect.12b)
10. The DHS agency head did not sign each confidential written report to indicate that it had been reviewed and whether the recommendation, if any, was approved and adopted. (Sect. VB, EEOP and DCPIG, Sect. 12b)
11. The agency did not conduct adverse impact studies. (Sect. IV, EEOP)
12. There is no EEO component included in the managerial performance evaluation form that the DHS provided to EEPC auditors.
13. The DHS EEO officer does not keep notes or documentation of meetings on EEO matters with the direct report to the agency head.
14. The DHS EEO officer was not involved in developing recruitment strategies or selecting recruitment media. (Sect. IV, EEOP)
15. Meetings between supervisors/managers and staff reaffirming their commitment to EEO are not documented.
16. Seventy-four percent of the DHS survey respondents indicated that they do not know the name of the person in the agency responsible for providing career counseling.

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest Hart, Esq., to forward a letter to the Department of Homeless Services' Commissioner, Robert V. Hess, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the Department of Homeless Services will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on March 20, 2008.

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair