

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

Resolution #12/35-740: Preliminary/Final Determination Pursuant to the Audit of the Department of Education's (DOE) Equal Employment Opportunity Program from July 1, 2008 through June 30, 2011.

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 the Administrative Code of the City of New York, Title 8, as amended, the City established the New York City Human Rights Law, which identified other groups for protection from discrimination in employment; and

Whereas, the Equal Employment Practices Commission audited the Department of Education's 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 Education's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

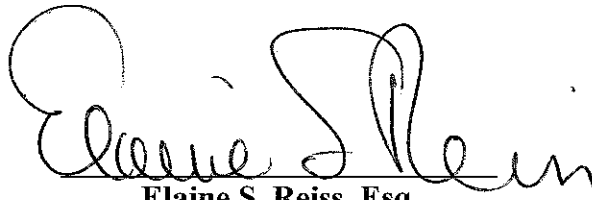
1. Although the DOE typically included the EEO tagline in advertisements, it did not include the EEO tag line for advertisements in the New York Post, The Chief Leader, and the Daily News.
2. The agency did not document that its managerial and non-managerial employees received performance evaluations an annual basis.
3. The DOE's managerial performance evaluation form/process did not contain a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner).

Be It Finally Resolved, that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Chancellor Dennis M. Walcott, 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 New York City Department of Education's will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on October 18, 2012.

Malini Cadambi Daniel
Commissioner

Arva R. Rice
Commissioner

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is written in a cursive style with a large initial "E" and "R".

Elaine S. Reiss, Esq.
Commissioner