

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #07/27-009: Preliminary Determination Pursuant to the Audit of the New York City Employees Retirement System (NYCERS) Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007.

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, program, 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 New York City Employees Retirement System 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 New York City Employee Retirement System'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. The NYCERS EEO Policy does not contain an up-to-date list of the "protected classes" under the New York State and City Human Rights Laws.
2. The EEO officer informed the EEPC auditors that NYCERS has no recollection of distributing the Citywide EEO Policy Handbook (*About EEO: What You Need to Know*). (Sect. VB, Citywide EEOP)
3. Although the NYCERS has permanent titles, it does not participate in the Section 55-A Program and has not distributed the Department of Citywide Administrative Services' (DCAS) Program brochures. (Sect. IIB, Citywide EEOP)

4. Although the EEO officer functions as the disabilities rights coordinator, she has not been formally given that title. (Sect. VB, Citywide EEOP)
5. The agency's EEO Policy is not available in alternate formats for persons with disabilities. (Sect. VB, Citywide EEOP)
6. The current EEO officer and EEO counselor have not completed the DCAS training for EEO professionals. (Sect. VB, Citywide EEOP)
7. The agency does not have individuals of different genders available to receive and investigate discrimination complaints. (Sect. VB, Citywide EEOP)
8. The EEO officer did not meet with the EEO counselor to ensure that she (counselor) was carrying out her EEO functions satisfactorily and was kept abreast of internal and external EEO developments. (Sect. VC, Citywide EEOP)
9. NYCERS' five internal discrimination complaint files submitted to the EEPC do not contain the agency's complaint of discrimination form. (Sect. IIA, NYCERS EEO Policy)
10. NYCERS' five internal discrimination complaint files submitted to the EEPC contain no indication that the respondents received a copy of the discrimination complaint. (Sect. IIA, NYCERS EEO Policy)
11. NYCERS' five internal discrimination complaint files submitted to the EEPC contain no indication that the parties to the complaint received written notification of the outcome of the investigation. (Sect. 12b, *Discrimination Complaint Procedures Implementation Guidelines*, DCAS, 1993)
12. NYCERS' five internal discrimination complaint files submitted to the EEPC contain indication that the confidential written reports were actually reviewed, or the recommendations approved, by the agency head. (Sect. 12b, *Discrimination Complaint Procedures Implementation Guidelines*, DCAS, 1993)
13. The one internal discrimination complaint file which received a "probable cause" determination contains no evidence that the EEO professional's recommended corrective actions were implemented.
14. The EEO officer is unaware if the NYCERS provided structured interview training to personnel involved in the recruitment and hiring process. (Sect. IC, Citywide EEOP)
15. None of the EEO officers during the audit period kept agendas or notes of their meetings with the executive director regarding EEO matters.
16. The EEO officer was not involved in developing recruitment strategies or selecting recruitment media. (Sect. IV, Citywide EEOP)

17. Fifty-seven percent of employees surveyed by the EEPC indicated they had not received EEO training. (Sect. IV, Citywide EEOP)

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Executive Director of the New York City Employees Retirement System, Diane D'Alessandro, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipt of the letter indicating what corrective actions the New York City Employees Retirement System will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on December 20, 2007.

Chereé A. Buggs, Esq.
Commissioner

Veronica Villanueva, Esq.
Commissioner



Angela Cabrera
Commissioner