

EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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April 24, 2006

Martin Horn

Commissioner

Department of Correction

60 Hudson Street, 6th Floor

New York, NY 10013

Re: Final Determination Pursuant to the Audit of the Department of Correction (DOC) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2001 to December 31, 2003.

Dear Commissioner Horn:

Thank you for your March 7, 2006 response to our Letter of Preliminary Determination pursuant to the audit of compliance by the Department of Corrections with the City's Equal Employment Opportunity Policy from July 1, 2001 to December 31, 2003.

After reviewing your response, our Final Determination is as follows.

Agree

EEPC agrees with your responses to the following recommendations, pending documentation, which can be provided during or prior to the compliance period.

Recommendation #1

In accordance with the City's Discrimination Complaint Procedures Implementation Guidelines (DCPIG, 1993, available at the DCAS website) the agency head should sign each confidential written report to indicate it has been reviewed and whether the recommendation(s) if any, have been approved and adopted. (DCPIG, sec. 12b)

Note

While the complaints provided during the audit did not indicate that this was the case, we accept your response that you will ensure that all future approvals contain your signature.

Recommendation # 2

All discrimination complaint files should include a Discrimination Complaint Form completed by complainant or the EEO investigator. (DCPIG, sections 5 and 12a (1993))

Note

We agree that you will modify your procedures to ensure that all folders contain a blank Discrimination Complaint Form prominently placed in the front of the folder that the investigator will refer to.

Recommendation #3

All confidential written reports should be divided in either three sections in accordance with section 12b of the DCPIG or five sections, consisting of: Background, Investigation, Documentation, Conclusion and Recommendations.

Note

We agree that the confidential written reports will be properly structured. We reiterate that the files reviewed during the audit did not consistently contain written reports with either the three or five sections.

Recommendation #5

To ensure fair employment practices, the Commissioner should direct the Personnel Director to include the Deputy Commissioner of EEO in development of recruitment strategies and selection of recruitment media. (Sect. IV, EEOP)

Note

We accept your response and look forward to receiving documentation of same.

Recommendation #6

Supervisors should be informed that they will be rated on EEO Performance. (Sect. VE, EEOP)

Recommendation #7

DOC should either adhere to the goals projected in its Agency-Specific EEO plan, or develop a more practical training plan in which all new and existing employees will receive EEO training. (Sect. IV, EEOP)

Disagree

For the following reasons hereafter identified as "EEPC Rationale," we respectfully disagree with DOC's response to the following recommendation:

Recommendation #4

All EEO trainers should receive DCAS's training for EEO Professionals.

Your Response

All EEO instructors are either trained directly by DCAS or by those who attended DCAS training. It is our position that this fully meets the requirements of EEO Policy.

EEPC Rationale

This Commission maintains that all EEO trainers should receive EEO Professionals' training from DCAS. If this cannot be achieved, we request documentation confirming that all instructors have been trained by DOC Personnel who have received both EEO Professionals training and "train the trainer" training.

Your request that your March 7, 2006 response be included in the body of our final determination cannot be granted. Procedurally, all official audit correspondence: preliminary determination, agency response (required), final determination and agency response (optional) constitute the "audit document." This complete document is forwarded to the City Hall Library (Charter requirement) and issued in response to FOIL requests. Consequently, we do not include the agency response in our final determination letter.

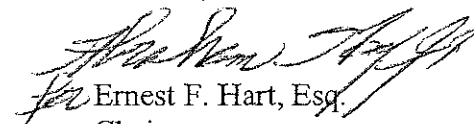
Conclusion

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond in writing to our final determination prior to the initiation of audit compliance.

If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance in the next two weeks. Towards that end, EEPC Counsel Lisa Badner or her designee will contact your EEO Director to ascertain your intentions. You may provide documentation in response to the corrective actions prior to commencing compliance, or, you can do so after the compliance period is initiated.

In closing, we want to thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,


Ernest F. Hart, Esq.
Chair