



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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August 22, 2008

Mark Davies

Executive Director

Conflicts of Interest Board

2 Lafayette Street

New York, NY 10007

Re: Resolution #08/12-312/Final Determination Pursuant to the Audit of the Conflicts of Interest Board (COIB) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2005 through December 31, 2006.

Dear Executive Director Davies:

Thank you for your August 8, 2008 response to our June 23, 2008 Letter of Preliminary Determination pursuant to the audit of the Conflicts of Interest Board's Equal Employment Opportunity Program from January 1, 2005 through December 31, 2006.

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

Agree

We agree with your responses to the following EEPC recommendations, pending documentation that can be attached to your reply or provided during the compliance period:

Recommendation #1

The agency's EEO Policy should be revised to include all of the protected classes under the New York City and New York State Human Rights Laws.

Recommendation #2

The revised EEO Policy should be distributed to all current and new employees, and posted on the agency bulletin boards.

Recommendation #3

The COIB should ensure that EEO policies and procedures are available in alternate formats for persons with disabilities (i.e. large print, audio tape and/or Braille). (Sect. VC, Citywide EEO Policy)

Recommendation #4

The COIB should formally appoint a disabilities rights coordinator and employees should be notified in writing of that appointment. (Sect. VB, Citywide EEO Policy)

Recommendation #5

Since knowledgeable EEO professionals are essential to the success of the EEO program, and to ensure that EEO professionals have a uniform body of knowledge, both EEO counselors should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO counselors should obtain the certificate or otherwise complete the program at the institution selected by the COIB. (Sect. VB, Citywide EEO Policy)

Recommendation #6

The EEO officer should meet with the EEO counselors at least at quarterly intervals to ensure that they are carrying out their EEO functions satisfactorily and are kept abreast of internal and external EEO developments. (Citywide EEO Policy, sect VC)

Recommendation #7

In addition to sexual harassment EEO training, the COIB should develop a plan, which includes a timetable for providing non-sexual harassment EEO training. (Sect. IV, Citywide EEO Policy)

Recommendation #9

To ensure fair employment practices, the agency head should direct the human resources department to include the EEO officer in the development of recruitment strategies and the selection of recruitment media. (Sect. IV, EEOP)

Requires Clarification

For the following reasons, hereafter identified as EEPC Rational, we request clarification of your response to the following recommendations, which can be addressed in your response or during the compliance period:

Recommendation #8

The COIB should ensure that all employees involved in job interviewing receive structured interview training, either from DCAS or another appropriate organization. (Sect. IV, Citywide EEO Policy)

Your Response:

The Board will consider giving employees involved in job interviewing structure interview training.

EEPC Rationale

It is unclear whether employees involved in job interviewing who have not yet received structured interview training will receive this training.

Recommendation #10

It is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding EEO program operational decisions be maintained.

Your Response:

The EEO officer will begin keeping a log with regard to his meetings with the agency head regarding EEO matters.

EEPC Rationale

It is unclear whether the log will include a narrative description and/or notes regarding EEO operational decisions.

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 to the aforementioned determinations 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 shortly thereafter. EEPC Counsel Judith Garcia Quiñonez or her designee will contact your EEO Officer in seven days to ascertain your intentions.

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

c: Sung Mo Kim, EEO Officer
Judith Garcia Quiñonez, Agency Counsel, EEPC