

# EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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September 17, 2007

Bridget G. Brennan  
Special Assistant District Attorney  
Office of Special Narcotics  
80 Centre Street, 6<sup>th</sup> Floor  
New York, New York 10013

Re: Final Determination Pursuant to the Audit of the Office of Special Narcotics (OSN) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2005 through June 30, 2006.

Dear Brennan:

Thank you for your September 5, 2007 response to our July 12, 2007 Letter of Preliminary Determination pursuant to the audit of the Office of Special Narcotics' Equal Employment Opportunity Policy from January 1, 2005 through June 30, 2006.

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

**Agree**

We agree with your responses to the following EEPD recommendations:

**Recommendation #1**

The OSN should distribute all of its EEO Policies to employees at least annually. (Sect. VB, Citywide EEOP)

Recommendation #2

The OSN should follow-up on its pledge and issue a Discrimination Complaint Procedure. (Section VC, Citywide EEOP)

Recommendation #3

The OSN should amend its "Reasonable Accommodation Procedure" to indicate who to contact regarding a reasonable accommodation and how to make such a request. (Section VB, Citywide EEOP)

Recommendation #4

The OSN should distribute the EEO Policy Handbook, "*About EEO: What You May Not Know*," to all current and new employees. (Sect. VB, Citywide EEOP)

Recommendation #5

The OSN should follow section VB of the Citywide EEO Policy and ensure that its EEO policies are available in formats accessible to applicants and employees with disabilities (e.g., large print, audio cassette or Braille).

Recommendation #6:

The OSN should officially appoint a disability rights coordinator and notify staff about that individual. (Sect. VB, Citywide EEOP)

Recommendation #7:

The agency should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by the DCAS. (Sect. IIB, Citywide EEOP)

Recommendation #8:

To ensure that there are EEO professionals not of the same gender available to investigate discrimination complaints, the agency should appoint a person of a different gender than the EEO officer and provide that individual with appropriate EEO training. (Sect. VB, Citywide Policy)

Recommendation #9:

The EEO officer should maintain and update a monthly EEO complaint log to indicate the monthly status of internal and external complaints. (DCAS, DCPIG, 1993, Sect. 12(a))

Recommendation #10:

The OSN should develop a plan, which includes a timeframe, to train all existing and new employees (supervisors and non-supervisors) on EEO. (Sect. VC, Citywide EEOP)

Recommendation #11:

It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head or direct report to the agency head regarding EEO decisions should be maintained.

Recommendation #12:

In order to show the reporting arrangement of the EEO officer and other staff within the various levels of the organization, the OSN should develop an organization chart to delineate its organizational structure. (Sect. VB, Citywide EEOP)

Recommendation #13:

The OSN should develop a plan, which includes a timeframe, to provide structured interview training to personnel involved in the recruitment and hiring process. (Sect. IV, Citywide EEO Policy)

Recommendation #14:

All staff, managerial and non-managerial, should receive an annual performance evaluation. (“Personnel Rules and Regulations of NYC,” p.59; “Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies,” p. 1; and Sect. VB, Citywide EEOP)

*[Note] In a September 11<sup>th</sup> telephone conversation with EEPC staff the EEO officer said that the OSN did and does conduct written annual performance evaluations for all non-managerial staff. However, it only performed oral managerial performance evaluations. The EEO officer said that the OSN will develop a managerial performance evaluation protocol and conduct written performance evaluations for managerial staff.*

Recommendation #15:

Evaluations for managerial staff should include their EEO performance. (Sect. VB, Citywide EEOP)

Recommendation #16:

The OSN should appoint an EEO officer who is not involved in setting or implementing human resources policies.

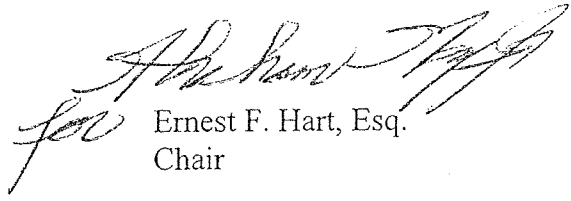
**Conclusion**

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 Quinonez 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,

A handwritten signature in cursive script, appearing to read "Ernest F. Hart". The signature is written in dark ink and is positioned above the printed name.

Ernest F. Hart, Esq.  
Chair