



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: New York City Employees Retirement System

Agency Head: John J. Murphy, Executive Director

EEO Officer: Jodi Nagel, Esq.

Audit Period: January 1, 2000 - June 30, 2002

Date of Preliminary Findings Letter:	<i>May 8, 2003</i>
Date of Response Letter:	<i>June 2, 2003</i>
Date of Final Determinations Letter:	<i>June 20, 2003</i>
Date of Response Letter to the Commission's Final Determination Letter:	<i>August 19, 2003</i>
Compliance Initiated:	<i>December 2003</i>
Compliance Completed:	<i>May 2004</i>
Covering Months:	<i>November 2003 - April 2004</i>

Date: June 25, 2004

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the New York City Employees Retirement System (NYCERS) with the City's Equal Employment Opportunity Policy (EEOP), EEPC initiated Audit Compliance with NYCERS on December 1, 2003. NYCERS' Final Compliance Report was submitted on May 7, 2004. Additional information and documentation was submitted on June 7 & 23, 2004.

All thirteen required actions were completed or accepted. The following is a summary of the compliance reports:

1. **NYCERS should follow Section VIII of the Citywide EEO Policy and post its EEO Policies and Discrimination Complaint Procedures on agency bulletin boards.**

NYCERS said that the EEO Policies and Complaint Procedures have been posted on agency bulletin boards.

The required action was completed in April 2004.

2. **The current Discrimination Complaint Procedures should be revised to include the name, location, and telephone number of the EEO Officer.**

NYCERS stated that the Discrimination Complaint Procedures have been revised to include the name, location, and telephone number of the EEO Officer. A copy of the amended page was submitted.

The required action was completed in May 2004.

3. **The agency should follow Section VII of the Citywide EEO Policy and ensure that its EEO Policies are available in formats accessible to applicants and employees with disabilities, e.g., audio cassette and Braille.**

NYCERS said that a tape-recorded reading of the agency's EEO Policies and Procedures is now accessible to individuals with visual impairments or blindness.

The required action was completed in March 2004.

4. **All agency recruitment literature, including website job advertisements, should indicate that NYCERS is an equal opportunity employer.**

NYCERS said that it will comply with the above-stated required action. NYCERS submitted a copy of a job vacancy notice and a website job advertisement, which contained the equal opportunity employer tagline.

The required action was completed in November 2003.

5. **NYCERS should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by DCAS.**

NYCERS stated that it disseminated the Section 55-A Program brochures to staff on January 29, 2004.

The required action was completed in January 2004.

6. **To ensure that persons of both sexes are available to receive and investigate discrimination complaints, NYCERS should follow-up on its pledge to appoint a male EEO Counselor.**

NYCERS said that it has appointed Mr. Stephen Seunarine as the male EEO Counselor. He completed the DCAS EEO training.

The required action was completed in November 2003.

7. **The agency head should sign each EEO investigator's report containing findings and recommendations.**

NYCERS has complied with the above-stated required action. A copy of an EEO investigator's report containing findings and recommendations and signed-off by the Executive Director was submitted.

The required action was completed in November 2003.

8. **The EEO investigator should inform all parties in writing of the outcome of the investigation.**

NYCERS said that the EEO Officer will provide written notification of the outcome of the investigation to all parties. NYCERS submitted a copy of a formal email notification sent to all parties of the outcome of an investigation.

The required action was completed in November 2003.

9. **The EEO Officer should be involved in developing recruitment strategies and selecting recruitment media, including newspapers and other publications.**

NYCERS pledged that the EEO Officer will be involved in the development of recruitment strategies and selecting recruitment media when the opportunity for new hires arises. Copies of memoranda indicating meetings between EEO Officer/Counselor and the NYCERS Director of Human Resources regarding their involvement in recruitment and hiring strategies for the agency were submitted.

The response to the required action was accepted in June 2004.

10. **The agency EEO Officer should devote 100% of his or her time to EEO matters.**

NYCERS stated that it is a mid-size agency of approximately 350 employees. NYCERS indicated that according to EEPC audit there were no egregious EEO violations thus the EEO Officer's allocated time (less than 5%) spent on EEO matters is adequate.

The response to the required action was accepted in June 2003.

11. **To avoid the appearance or reality of conflict of interest, the agency should appoint an individual other than the Deputy Counsel to serve as EEO Officer.**

NYCERS said: "it is a small to midsize agency. As a result most employees at NYCERS have civil servant status and such responsibility does not fall within their written job description. Of those that are non-civil servant the present EEO Officer is one of the most qualified employees to carry out the duties of the EEO Officer. If a matter does arise that may even slightly appear to be a conflict of interest, the EEO Officer will quickly recuse herself and pass the matter off to her new male colleague. If there is further conflict arising that will compromise her legal ethical duties the EEO Officer will pass any legal matters arising out of the potential conflict off to her legal colleagues to pursue."

The response to the required action was accepted in June 2004.

- 12. All employees should receive written notification of the identity, location, and telephone number of the agency's EEO Officer.**

NYCERS stated that all employees have received written notification of the identity, location and telephone number of the EEO Officer. A copy of the email notification dated May 26, 2004 was submitted.

The required action was completed in May 2004.

- 13. The Executive Director should disseminate an agency-wide memorandum to discuss audit findings.**

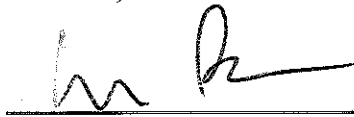
The attached memorandum from Executive Director John J. Murphy was distributed on May 5, 2004.

The required action was completed in May 2004.

Recommendation

Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Executive Director John J. Murphy informing him that his agency has implemented the recommended corrective actions to the Commission's satisfaction.

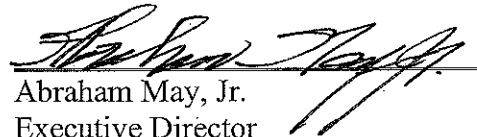
Respectfully Submitted,



Lisa Badner, Counsel



Eric Matusewitch
Deputy Director



Abraham May, Jr.
Executive Director

Attachment