



## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14<sup>th</sup> Floor, New York, New York 10006

Telephone: (212) 788-8646 Fax: (212) 788-8652

Ernest F. Hart, Esq.

*Chair*

Manuel A. Méndez

*Vice-Chair*

Chereé A. Buggs, Esq.

Angela Cabrera

Veronica Villanueva, Esq.

*Commissioners*

Abraham May, Jr.

*Executive Director*

Eric Matusewitch, PHR, CAAP

*Deputy Director*

April 25, 2006

Ronald M. Bergmann

Acting Commissioner

Department of Information Technology and Telecommunications

75 Park Place, 9<sup>th</sup> Floor

New York, NY 10007

Re: Final Determination Pursuant to the Audit of the Department of Information Technology and Telecommunications (DoITT) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2003 through December 31, 2004.

Dear Commissioner Bergmann:

Thank you for your March 7, 2006 response to our December 14, 2005 Letter of Preliminary Determination pursuant to the audit of the Department of Information Technology and Telecommunications's Equal Employment Opportunity Policy from January 1, 2003 through December 31, 2004.

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

Agree

We agree with your responses to the following EEPC recommendations:

Recommendation #1

Whenever possible, the investigation of complaints should be completed within 90 days of the receipt of the complaint. (DCPIG; April 96 Amendment)

Recommendation #2

In circumstances where the investigation cannot be completed within the 90-day timeframe, a notification delay letter, stating the reason for the delay, should be sent to the parties of the investigation. (DCPIG; April 96 Amendment)

Recommendation #3

Since DoITT's workforce continues to show underutilization in certain protected groups, it should further expand its recruitment efforts to address underutilization by acquiring and utilizing "Making the Most of New York City's Recruitment Resources," 2004, [http://extranet.dcas.nycnet/eeo/pdf/apomasterclass\\_recruitment.pdf](http://extranet.dcas.nycnet/eeo/pdf/apomasterclass_recruitment.pdf), a list of recruitment sources compiled by DCAS. This publication provides agencies with additional recruitment resources to address the underutilization of protected groups. (Sect. IV, EEOP)

Recommendation #4

DoITT should conduct an adverse impact study. (Section IV, EEOP)

Recommendation #5

The EEO Officer should report to the agency head, or if approved by DCAS, to a direct report to the agency head. (Sect. VB, Citywide EEO Policy)

Recommendation #6

Appropriate documentation of meetings and other communications regarding EEO program operational decisions should be maintained.

Recommendation #8

DoITT should re-distribute information about the identity, location and telephone number of the career counselor to all agency employees. (Sect. IV, EEOP)

**Partially Agree**

We partially agree with your responses to the following EEPC recommendation:

Recommendation #7

DoITT should develop a plan to evaluate all employees annually.

Your Response:

DoITT recently created an agency-wide Performance Evaluation Guideline in order to streamline the agencies evaluation system and to ensure that evaluations are done properly and on an annual basis. In addition, Alexis Baraghoshi, the agency's recently appointed Performance Evaluation Coordinator, is available daily to address evaluation related concerns throughout the agency, to provide guidance to management and to increase awareness and familiarity with the evaluation process.

EEPC Rationale

It is unclear whether DoITT has developed a plan to evaluate all employees annually. The EEPC looks forward to receiving an evaluation plan indicating DoITT's intentions to evaluate its employees on an annual basis.

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 Lisa Badner 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*  
Ernest F. Hart, Esq.  
Chair