

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #11/03-041: Preliminary Determination Pursuant to the Audit of the Teachers' Retirement System's (TRS) Equal Employment Opportunity Program from January 1, 2007 to December 31, 2009.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, the Equal Employment Practices Commission audited the Teachers' Retirement System's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Teachers' Retirement System's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's EEO Policy did not include the current addresses and phone numbers of the New York City Commission on Human Rights, the New York State Division of Human Rights and the U.S. Equal Employment Opportunity Commission for employee wishing to file an external complaint with a local, state, or federal administrative agency.
2. The agency's EEO Policy did not include all of the protected classes under New York City and New York State Human Rights Laws.
3. The agency did not have a training plan to ensure that all individuals who work within the agency, including managers and supervisors, are trained concerning EEO-related policies, rights, and responsibilities.

4. The agency's recruitment literature did not indicate that the agency is an equal opportunity employer.
5. The agency did not appoint at least one EEO professional of each gender to receive and investigate discrimination complaints.
6. Sixty-two percent of the respondents to the *EEPC's Employee Survey* stated they did not know who the agency's EEO Officer is.
7. The agency's organizational chart did not indicate the reporting relationship between the EEO Officer and the Agency Head. The EEO Officer title is not indicated on the chart.
8. The EEO Officer did not maintain appropriate documentation of meetings and other communications with the agency head regarding decisions that impact the administration of the agency's EEO program.
9. The agency's EEO policy was not available in alternate formats for person with disabilities.
10. Sixty percent of the respondents to the *EEPC's Employee Survey* stated they do not know who the agency's Disabilities Rights Coordinator is.

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Executive Director Nelson Serrano, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipts of the letter indicating what corrective actions the Teachers' Retirement System will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

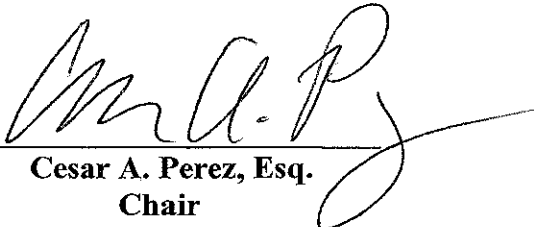
Approved unanimously on April 14, 2011.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva A. Rice
Commissioner


Cesar A. Perez, Esq.
Chair