

NYC
Equal Employment
Practices Commission

Cesar A. Perez, Esq.
Chair

Angela Cabrera
Malini Cadambi Daniel
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

Charise L. Terry, PHR
Executive Director

Judith Garcia Quiñonez, Esq.
Deputy Director/Agency Counsel

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 615. 8931 fax

December 18, 2014

Susan J. Panepento
Deputy Chair for Dispute Resolution
Office of Collective Bargaining
100 Gold Street, 4th Floor
New York, New York 10038

Re: Resolution #: 2014/313C-35: Determination of Agency
Compliance

Dear Deputy Chair Panepento:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to formally inform you that the Commission has issued the attached Determination of Compliance to the Office of Collective Bargaining. This Commission has determined that the Office of Collective Bargaining has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and Equal Employment Opportunity Officer Amy Villafane for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,



Cesar A. Perez, Esq.
Chair

c: Amy Villafane, Principal EEO Professional
Judith García Quiñonez, Esq., Deputy Director/Agency
Counsel

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #2014/313C- 35: Determination of Compliance (Monitoring Period Not Required) by the Office of Collective Bargaining with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure 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 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPD Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the Office of Collective Bargaining's (OCB) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination dated November 10, 2014, setting forth findings and the following required corrective actions:

1. Include in the agency's EEO Policy current contact information for federal, state and local agencies that enforce laws against discrimination.
2. Include in the complaint file a *Discrimination Complaint Form* or a complaint that captures the facts (including pertinent dates) that identify the respondent(s) with reasonable specificity.
3. Include in the agency's complaint and investigation procedures a requirement to serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Include in the agency's complaint and investigation procedures a requirement to issue and maintain written confirmation when a complaint is withdrawn or resolved by agreement of the parties.

6. * Include in the agency's complaint and investigative procedure a requirement that the EEO Professional generates a confidential written report consisting of Facts, Analysis, Conclusion, and Recommendation for the agency head's review at the conclusion of each complaint investigation.
7. Include in the agency's complaint and investigation procedures a requirement that the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
8. Include in the agency's complaint and investigation procedures a requirement that communication informing the complainant and respondent of the conclusion and outcome of a complaint investigation be in writing.
9. Include in the agency's complaint and investigation procedures a requirement to notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
10. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
11. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.

Whereas, the OCB submitted its response to the EEPC's Preliminary Determination on November 24, 2014 with documentation of its actions to rectify all of the required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and accepted documentation for implementation of the aforementioned corrective actions and no corrective actions were remaining;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the OCB submitted a copy of the agency head's memorandum to staff dated December 15, 2014, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job

**No number 5 in the original document.*

applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

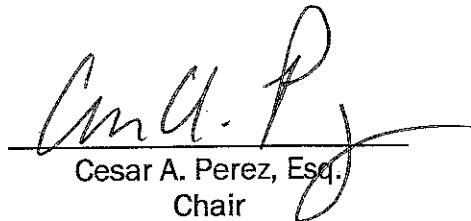
Be It Resolved, that the Office of Collective Bargaining has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved, that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Susan J. Panepento, Deputy Chair for Dispute Resolution of the Office of Collective Bargaining.

Approved unanimously on December 18, 2014.

Angela Cabrera
Commissioner

Elaine S. Reiss, Esq.
Commissioner


Cesar A. Perez, Esq.
Chair