



City of New York
Parks & Recreation

The Arsenal
Central Park
New York, New York 10065

Adrian Benepe
Commissioner

10341

January 31, 2011

Honorable Abraham May
Executive Director
Equal Employment Practices Commission
40 Rector Street, 14th Floor
New York, NY 10006

Re: Preliminary Determination Pursuant to the Audit of the Department of Parks & Recreation and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2006 through December 31, 2008

Dear Mr. May:

We are in receipt of your letter dated December 15th and submit the following response. Based on your review, the Agency is either in full compliance or partial compliance with most of the audit requirements. As indicated during the December Audit meeting, all recommendations were implemented prior to our meeting. Our analysis of your Summary of Recommended Corrected Actions is as follows:

Recommendation # 1: The Distribution of the Communication to identify the Disability/Accessibility Coordinator

The identity and contact information of the Disability Rights Coordinator has been listed on the Agency's website for six (6) years. Two to four times a year EEO and related information is distributed electronically and with paychecks. There have been more than fifty (50) requests for reasonable accommodations and 55-A which suggest that the information is available and accessible to those employees who require those particular services. Those employees who are unaware of the identity of the Coordinator may not have a need or interest in the service. The information will be retained on the site and a broadcast and letter was drafted for distribution in January 2011.



Recommendation #2: Completion of Forms for Each Complaint

As conveyed in the Audit meeting, 95% of our complaints are conveyed via telephone by employees who work out of doors and who do not have access to technology that would facilitate writing. Literacy is also an issue for many of our staff. All verbal complaints are memorialized in a written "Communication Log." That information is then transferred into the written complaint format. As a result, Complaint forms only existed for those who had submitted forms. Upon receipt of your suggestion before the Audit meeting, we implemented this recommendation and transferred information from the Communication Log to the complaint forms.

Recommendation #3: Written Indication of Corrective Action

The written corrective action is already contained in the reports. Therefore, this recommendation is most relevant to the follow up. We already have the practice of a written nine month follow-up with complaints and will follow up with either the Disciplinary Division or Management as recommended.

Recommendation #4: Agency Head Sign-Off on Final Determinations

This is already the practice and has been for the past six years.

Recommendation #5: Maintenance of Complete Applicant Logs

Our Personnel division already maintains applicant logs. The logs are contained in the Vacancy Accountability and Tracking System (VAT) and are reviewed by the EEO office for all fulltime hires. The VAT contains a Discretionary Applicant Form, which contains demographic data, resumes, rating sheets, etc.

**Recommendation #6: The Use of an Adverse Impact analysis for "Mid-to High Level"
Discretionary Positions**

We will explore this recommendation, but it is important to note that "mid to high" level positions are usually governed by the VAT process (see above) and include strict scrutiny by the EEO office.



Recommendation #7: Annual Distribution of the Identities of Career Counselors

The Career Counselors are listed on the Agency's intranet site and written communications have been distributed electronically and with paychecks, at least twice a year, and as many as quarterly in some years. A communication will be transmitted in January.

Recommendation #8: An EEO Rating Section on Manager's Evaluation

This was previously negotiated and was implemented four years ago.

Recommendation #9: Twice a Year Supervisors/Managers Must Emphasize their Commitment to EEO Policies and Affirm the Right of Employees to File Complaints

While this affirmation is contained in the on-line EEO/Harassment Training, we will prepare an affirmation for distribution.

Recommendation #10: Documentation of Meetings with the Agency Head

This Recommendation was implemented after the December Audit meeting. The memorandum reflects the existence of a meeting, but does not memorialize the communications of the meeting.

Based on your Audit, the Agency is in compliance with most practices relative to EEOP. With regard to your recommendations, the Agency had already been implementing most of the practices, and has implemented those that were new, i.e. memoranda reflecting meetings with Agency head, corrective action follow up. Thank you for your professionalism and guidance during this process. We are pleased because this audit reflects a significant improvement over the prior audit.

Respectfully Submitted,



Adrian Benepe

Cc: Ricardo Granderson, Alessandro Olivieri, Robert Garafola, David Stark, David Terhune

