

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #06/01-072: Preliminary Determination Pursuant to the Audit of the New York City Department of Correction's Equal Employment Opportunity Program from July 1, 2001 through December 31, 2003.

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, the Equal Employment Practices Commission audited the New York City Department of Corrections' (DOC) 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 New York City Department of Correction's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's EEO Policy for FY 2004 did not include "gender identity" in the list of protected classes.
2. The agency's EEO Policy for FY 2004 contained an out-of-date address for the US Equal Employment Opportunity Commission.
3. The agency head did not sign all confidential written reports to indicate they had been reviewed and whether the recommendation(s) if any, had been approved.
4. The agency's discrimination complaint files did not include discrimination complaint intake forms completed by the EEO investigators or the complainants.
5. The confidential written reports were not consistently divided in three sections in accordance with section 12b of the DCPIG; nor were they consistently divided in five sections, consisting of: Background, Investigation, Documentation, Conclusion and Recommendations.
6. Some EEO trainers did not receive DCAS's training for EEO professionals.

7. During the audit period, the agency was not trained to conduct adverse impact studies.
8. The Deputy Commissioner of EEO did not participate in the development of recruitment strategies and selection of recruitment media.
9. Eighty-nine percent of survey respondents did not know the name of the person in the agency responsible for providing career counseling.
10. Seventy-seven percent of supervisors interviewed were not aware that their performance evaluations contained a rating for EEO performance and 90% interviewed indicated that they were unaware that EEO performance would be part of their overall performance evaluations.
11. The agency specific plan did not reflect a realistic training goal.

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq. to forward a letter to the Department of Correction's Commissioner, Martin Horn, 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 receipt of the letter indicating what corrective actions the Department of Sanitation will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on January 24, 2006.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair