

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #10/12-846: Preliminary Determination Pursuant to the Audit of the Department of Parks and Recreation's (DPR) Equal Employment Opportunity Program from January 1, 2006 through December 31, 2008.

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 Department of Parks and Recreation'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 Department of Parks and Recreation's compliance with the City's 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. Seventy-three percent of respondents to the *EEPC's Employee Survey* indicated they did not know the identity of the Disability Rights Coordinator, who is responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities. (Sect. VB and VC, EEOP)
2. Complaints EEO 08-06 and EEO 08-08 did not contain an *Agency Complaint of Discrimination Based on Anonymous/Oral Complaint Form* or a complaint that captures the information required on this form. (DCPIG Sect. 10/12 and Appendix D)

3. Complaints EEO 08-02, EEO 08-03, EEO 08-10, and EEO 08-11, did not contain documentation that corrective action was taken as a result of the EEO Officer's investigation. (Sect. III and IV, EEOP and EEPC Position)
4. The confidential written reports for complaints EEO-08-02 and EEO 08-06 did not contain the agency head's signature to indicate that the final determinations were reviewed and approved. (Sect. VB, EEOP and Sect. 12b, DCPIG)
5. The agency did not maintain complete applicant logs (which include the *Division/Unit, JVN#, Civil Service Title, Office Title, Interviewers' Names, Applicants Names, Security Number, Ethnicity, Gender, Disability, Veteran, Interview Date, Result, Reason Selected/Not Selected, and Recruitment Source*) for all discretionary appointments. The applicant logs/rating sheets omitted information such as the reason for selection/rejection. (Sect. IV, EEOP and DCAS issued *Applicant Log*).
6. Although the agency conducted an assessment of its selection criteria for discretionary titles, the results of the study were inconclusive as to whether there was adverse impact on any particular racial, ethnic, disability, or gender group, or whether the agency head, Human Resources Director and EEO Officer used the results to determine a recruitment strategy for positions where underutilization existed. (Sect. IV, EEOP)
7. Sixty-nine percent of respondents to the *EEPC's Employee Survey* indicated they did not know the names of the persons responsible for providing career counseling in their agency. (12/14/ 2006 *Addendum to EEOP Standards and Procedures to Be Utilized By City Agencies (2005)* and Sect. VF, EEOP)
8. The agency's managerial performance evaluation form did not contain a rating for EEO – which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner. (EEOP, Sect. VE)
9. Managers and supervisors did not emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office at least twice a year during normal staff meetings. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)
10. Appropriate documentation of meetings and other communications between the EEO Officer and the agency head regarding decisions that impact the administration of the agency's EEO program was not maintained. (Sect. VB, EEOP, and EEPC Position)

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Adrian Benepe, 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 Department of Parks and Recreation will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

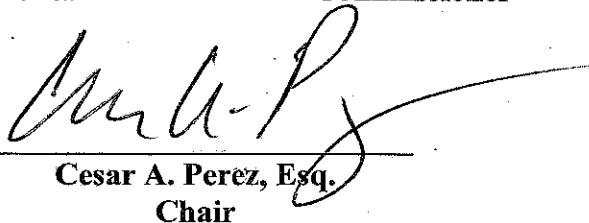
Approved unanimously on December 15, 2010.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva A. Rice
Commissioner



Cesar A. Perez, Esq.
Chair