

NYCERS

RETIREMENT AND BENEFITS

NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM

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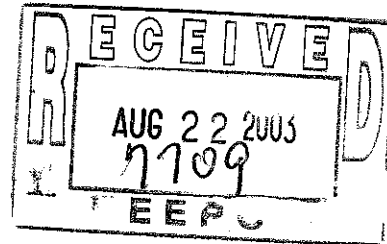
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EXECUTIVE DIRECTOR: JOHN J. MURPHY

August 19, 2003

Mr. Frank R. Nicolazzi, Vice Chairman
NYC Equal Employment Practices Commission
253 Broadway, Suite 301
New York, NY 10007



Dear Mr. Nicolazzi:

The Equal Employment Practices Commission (EEPC) of the City of New York conducted an audit of NYCERS Equal Employment Opportunity practices for the period of January 2000 to June 2002. The audit was conducted between the period of December 2002 to May 2003. NYCERS received a copy of the EEPC's draft audit on April 24, 2003 in preparation for an exit interview scheduled for the afternoon of May 5, 2003. Thereafter, on May 8, 2003 NYCERS was mailed a copy of the final audit.

On June 20, 2003 NYCERS received a Final Letter of Determination from the EEPC. In the final paragraph of the June 20, 2003 letter you stated that NYCERS can choose to respond to your letter within 30 days, otherwise you will initiate an audit compliance. On August 8, 2003 I corresponded with Hilda Auguste and asked that she allow me to respond to the June 20, 2003 letter the week of August 18, 2003. This letter shall serve as a response to the remaining audit recommendations made in the June 20, 2003 letter.

The June 20, 2003 indicated that there are only three issues outstanding between the EEPC and NYCERS. We have addressed these issues accordingly:

EEPC RECOMMENDATION #1: NYCERS should follow Section VIII of the Citywide EEO Policy and post its EEO policies and complaint procedures on agency bulletin boards.

NYCERS RESPONSE: The agency has 8 bulletin boards. On each bulletin board NYCERS has placed a notice stating that employees may find the EEOC policy on the commonly shared L Drive or in their employee handbook. We believe that this action shall serve as a compromise between what you had suggested and what NYCERS was concerned about.

EEPC RECOMMENDATION #11: To avoid the appearance or reality of conflict of interest, the agency should appoint an individual other than the Deputy Counsel to serve as EEO Officer.

NYCERS RESPONSE: The Deputy General Counsel (also the author of this letter) shall remain as the EEO Officer. She shall work in conjunction with the EEO counselor. If an appearance of a conflict arises, she will either refer the matter to her fellow EEO Counselor, or recuse herself from any relevant legal proceeding.

EEPC RECOMMENDATION #12: All employees should receive written notification of the identity, location and telephone number of the agency's EEO Officer.

NYCERS RESPONSE: NYCERS has complied with this recommendation.

It appears that the only outstanding issue is Recommendation #11. All other recommendations were accepted and are presently being implemented. If you have any questions please do not hesitate to contact me at (347) 643-3095.

Sincerely,

A handwritten signature in black ink, appearing to read 'Regina M. Calcaterra', written in a cursive style.

Regina M. Calcaterra
Deputy General Counsel

Cc: Abraham May, Jr. Executive Director