



# EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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December 11, 2002

William C. Bell  
Commissioner  
Administration for Children's Services  
150 William Street  
New York, New York 10038

Re: Final Determination Pursuant to the Audit of the Administration for Children's Services and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 1997 to December 31, 1999.

Dear Commissioner Bell:

Pursuant to Section 832 of Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) was required to monitor Audit Compliance by the Administration for Children's Services (ACS) pursuant to our Audit of Compliance by your agency with the City's Equal Employment Opportunity Policy (EEOP) from July 1, 1997 to December 31, 1999. The goal of monitoring is to ensure that ACS implements all of the recommended corrective actions.

On April 26, 2001 we issued our Letter of Preliminary Determination. On May 25, 2001 you issued your Response. On March 6, 2002 we met with your EEO Officer, Ms. Mary Ann Salley, and Mr. Hal Greenberg, to present informally, our final determination pursuant to your Response. At that meeting we discussed your responses and identified the documentation required to demonstrate that ACS has implemented the recommended corrective actions to meet the compliance standards of the City's EEOP and Chapters 35 and 36 of the New York City Charter.

Since then, there have been several correspondences between your Office of Equal Employment Opportunity (OEEO) and this office to assist the EEO Office in implementing the required corrective actions. During that period, your EEO Officer submitted six Monthly Compliance Reports detailing your agency's efforts to implement the required corrective actions.

On September 12th, your EEO Officer submitted your agency's sixth and final Compliance Report with a signature page confirming your review and agreement with the Report. On October 10th, in response to questions raised by our Compliance Coordinator regarding your final Report during a telephone conversation on October 8th, your EEO Officer submitted additional documentation that has been included as an Addendum to your final Report.

Commission staff has prepared, and submitted to this Commission for review, a Summary Compliance Report detailing your agency's response to all of the recommendations for corrective actions that your agency was required to address. The Commission also reviewed your Final Monthly Compliance Report with Addendum during our discussion of the Summary Report.

## **FINAL DETERMINATION**

### **Implementation of Corrective Actions**

Based on our review of the Summary Compliance Report, and your Final Report with Addendum, this Commission has determined that the Administration for Children's Services has complied with, or EEPC has accepted ACS's responses to, the following recommendations:

#### Recommendation #1

The EEO Officer should periodically monitor agency bulletin boards to ensure posting of EEO policy statements in ACS facilities throughout the five boroughs.

#### Recommendation #2

All supervisors/managers should be rated on EEO performance in the annual performance evaluations.

#### Recommendation #4

ACS should investigate and resolve all internal discrimination complaints within the 90-day time frame required by the EEOP's Discrimination Complaint Procedures Implementation Guidelines.

#### Recommendation #5

The agency should appoint an EEO Counselor for each borough.

#### Recommendation #7

ACS should petition the Office of Citywide Equal Employment Opportunity of DCAS to obtain the necessary assistance to conduct adverse impact studies.

#### Recommendation #8

To ensure that employees receive career guidance from a trained professional, ACS should officially appoint a person familiar with civil service and provisional jobs to provide career counseling to employees who request it. In addition, ACS should inform all employees in writing of the identity, location and telephone number of that individual.

Recommendation #11

Supervisors/managers should hold documented meetings with their staffs to emphasize their (supervisors') commitment to the agency's EEO policies and reaffirm the right of each employee to file a discrimination complaint with the EEO Office.

Recommendation #12

To meet its obligations under the EEOP, ACS should develop an internal method which allows its EEO Officer easy and regular access to the race and sex data of its employees.

Recommendation #13

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

Recommendation #14

ACS' Commissioner should disseminate an agency-wide memorandum to discuss audit findings.

**Note:** Although ACS's Commissioner disseminated an agency-wide memorandum to discuss the audit findings, the memorandum incorrectly stated that the audit covered a six-month period ending on August 31, 2002. The audit covered a thirty-month period from July 1, 1997 to December 31, 1999.

**Non-Implementation of Corrective Actions**

This Commission finds that the Administration for Children's Services has failed to implement the following recommendations:

Recommendation #3

To ensure that individuals of both sexes are available to receive and investigate discrimination complaints, ACS should aggressively seek approval to hire the male EEO Investigator/Trainer.

ACS Response:

ACS stated that OEEO is seeking a male EEO Investigator/Trainer.

EEPC Response:

To date ACS has neither implemented this recommendation nor provided a satisfactory alternative. Section VII (1) of the EEOP explicitly states that agency heads "must appoint at least one EEO professional of each gender to receive discrimination complaints and conduct investigations." This is an especially necessary requirement given the size and cultural diversity of the agency.

Recommendation #6

ACS should ensure that all employees involved in interviewing receive structured interview training, either through internal training or training provided by DCAS.

ACS Response:

ACS said that due to its size, internal structured interview training would not be practical. ACS will have DCAS provide the structured interview training. DCAS has informed OEEA that scheduling for structured interview training would not resume until later this Fall.

EEPC Response:

ACS has not fully implemented this recommendation. Commission staff has requested that ACS inform us of the number of employees who have been, and who have yet to be trained, and the projected schedule for training those employees when DCAS has resumed structured interview training. ACS has only provided a list of those employees who have completed training. ACS has not demonstrated a method for identifying which employees need structured interview training.

Recommendation #9

The EEO Officer should be involved in developing recruitment strategies and selecting recruitment media, including newspapers and other publications.

ACS Response:

ACS said that it recruits candidates by utilizing internal job vacancy notices. It also participates in the citywide job vacancy program. In addition, ACS Personnel representatives attend job fairs scheduled at city and private colleges and universities to recruit qualified candidates. The Personnel Unit also advertises vacancies in meetings with community board leaders as well as in newspapers, and some journals where appropriate.

ACS also said the EEO Officer, using information provided through NYCAPS, will advise the Personnel Director of any underutilization in EEO job categories so that strategic efforts can be made to reach these groups when filling vacancies.

EEPC Response:

ACS has not implemented this recommendation or provided a satisfactory alternative. Section VII (A)(1) of the EEOP states: "...agency heads must develop agency-specific EEO policies and plans identifying any unfair barriers in the agency's recruitment, selection, compensation, training and/or promotion procedures. Corrective strategies must be developed to eliminate such barriers which are identified."

Commission staff requested documentation from ACS to support its response that the EEO Officer and Personnel Unit have met and will continue to work closely together to develop recruitment strategies and select recruitment media, including newspapers and other publications. ACS has not submitted any such documentation.

#### Recommendations #10

To meet its obligations under the EEOP, ACS should hire another EEO Investigator in addition to the male Investigator awaiting hiring approval.

#### ACS Response:

ACS said that OEEO will bring this recommendation to the attention of the agency's Deputy Commissioner of Administration. ACS said it is recruiting another EEO investigator.

#### EEPC Response:

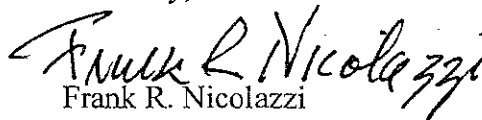
To date ACS has neither implemented this recommendation nor provided a satisfactory alternative.

#### **Conclusion**

Pursuant to Chapter 36 of the New York City Charter, we request your response to this Letter of Final Determination within thirty days, detailing your intention to implement the outstanding corrective actions. Based on your response this Commission will establish a post-compliance period of no more than sixty days for the implementation of these outstanding corrective actions. If after the post-compliance period, the Commission determines that you have not taken appropriate and effective corrective action, this Commission shall notify you in writing of this determination and the Commission may thereafter publish a report and recommend to the Mayor whatever appropriate corrective action(s) the Commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the New York City Charter.

Thank you for your cooperation.

Sincerely,

  
Frank R. Nicolazzi  
Vice-Chairman