



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14th Floor, New York, New York 10006

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Deputy Director

March 9, 2006

Hildy J. Simmons

Chair

Board of Correction

51 Chambers Street, Room 923

New York, NY 10007

Richard T. Wolf

Executive Director

Board of Correction

51 Chambers Street, Room 923

New York, NY 10007

Re: Resolution #06/04-073/Preliminary Determination Pursuant to Desk Audit of Board of Correction and its Compliance with the Equal Employment Practices Commission's Minimum Standards for Equal Employment Opportunity by Non-Mayoral Agencies with less than 15 Employees from July 1, 2003 to December 31, 2004.

Dear Chair Simmons and Executive Director Wolf:

Pursuant to the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the employment practices, programs, policies, and procedures of City agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women. (Chapter 36, Section 831(d)(2) and (5).)

The Charter defines City agency as any "agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury." The Board of Correction is funded by the City of New York and is therefore considered a City agency pursuant to Chapter 36, section 831(a) of the New York City Charter.

Inasmuch as the Board of Correction (BOC) has just 13 employees, this Commission has determined that our standard audit procedure would be inappropriate. Therefore, Commission staff has established a set of "Minimum Equal Employment Opportunity Standards for Non-Mayoral Agencies with less than 15 Employees." These standards provide that non-mayoral agencies must:

1. Adopt the Citywide EEO Policy and Discrimination Complaint Procedure or issue EEO policies and a Discrimination Complaint Procedure that are consistent with the Citywide EEO Policy.
2. Distribute the Citywide EEO Policy and Discrimination Complaint Procedure or the agency's EEO policies and Discrimination Complaint Procedure to all current and new employees.
3. Post the Citywide EEO Policy and Discrimination Complaint Procedure or the agency's EEO policies and Discrimination Complaint Procedure on agency bulletin boards.
4. Appoint, and provide appropriate EEO training to, an EEO Officer.
5. Provide basic EEO training (which includes a component on preventing sexual harassment) to all current and new employees.
6. Conduct an underutilization analysis to determine if minorities and/or women are underrepresented in the agency's job categories.
7. If underutilization exists, engage in targeted recruitment efforts to address the underutilization.
8. Post all vacancies internally and citywide.
9. Include the EEO tag line in all job recruitment literature.

This letter contains the preliminary determinations of the EEPC staff pursuant to its desk audit of compliance by BOC with the above minimum standards. A desk audit questionnaire, consistent with the aforementioned standards, was forwarded to BOC on December 12, 2005. The completed questionnaire was received on January 30, 2006. The following preliminary determinations indicate where BOC has complied or failed to comply, in whole or in part, with the minimum standards.

Recommendations for corrective actions are included in this letter and are consistent with the aforementioned Minimum Equal Employment Opportunity Standards for Non-Mayoral Agencies with less than 15 Employees and the equal employment opportunity requirements of New York State, New York City, and Federal laws.

Scope and Methodology

Audit methodology consisted of an analysis of BOC's responses to 24 specific desk audit questions (attachment) and follow-up questions to the EEO Officer.

Description of the Board of Correction

The Board of Correction evaluates the performance of the Department of Correction, establishes and ensures compliance with minimum health standards, mental health standards and standards of confinement in all City correctional facilities, reviews inmate and employee grievances, investigates serious incidents and makes recommendations in critical areas of correctional planning.

The Board is composed of nine members, three appointed by the Mayor, three by the City Council, and three by the Mayor on the nomination jointly by the presiding justices of the appellate division of the Supreme Court for the first and second judicial departments on a rotating basis. The Mayor designates one member as Chair.

The Board of Correction has 13 employees: Two are Caucasians, nine are African-Americans, two are Hispanics, and 9 are female.

BOC is a non-mayoral agency and has not received technical assistance from the Department of Citywide Administrative Services for the preparation of its Equal Employment Opportunity Program. Consequently, BOC was not aware of its obligations under the Citywide Equal Employment Opportunity Policy.

PRELIMINARY DETERMINATIONS

Following are the preliminary determinations with the required corrective actions and recommendations pursuant to BOC's compliance with the aforementioned minimum equal employment opportunity standards.

Issuance, Distribution and Posting of EEO Policy

BOC is not in compliance with the following minimum standards:

BOC has not adopted the Citywide EEO Policy and Discrimination Complaint Procedure or issued an EEO Policy and a Discrimination Complaint Procedure that are consistent with the Citywide EEO Policy. Corrective action is required.

1. Recommendation: BOC should adopt the Citywide EEO Policy and Discrimination Complaint Procedure or issue an EEO Policy and a Discrimination Complaint Procedure that are consistent with the Citywide EEO Policy.

2. Recommendation: BOC should distribute the Citywide EEO Policy and Discrimination Complaint Procedure or its own EEO Policy and Discrimination Complaint Procedure to all current and new employees.

3. Recommendation: BOC should post the Citywide EEO Policy and Discrimination Complaint Procedure on agency bulletin boards.

Appointment and Training of EEO Officer

BOC is in partial compliance with the following minimum standards:

BOC appointed an EEO Officer in November 1994 and notified employees of that appointment at staff meetings. The EEO Officer, however, did not receive EEO training from either the Department of Citywide Administrative Services (DCAS) or another appropriate organization or school. Corrective action is required.

4. Recommendation: The agency's EEO Officer should receive EEO training from either DCAS or another appropriate organization or school (such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations).

Employee EEO Training

BOC is not in compliance with the following minimum standard:

BOC did not provide EEO training to all current and new employees. Corrective action is required.

5. Recommendation: BOC should provide EEO training to all current and new employees. That training may be provided by DCAS or another reputable organization or individual.

Addressing Underutilization

BOC is not in compliance with the following minimum standards:

BOC did not conduct an underutilization analysis to determine if minorities and/or women are underrepresented in the agency's job categories. Corrective action is required.

6. Recommendation: BOC should conduct an underutilization analysis to determine if minorities and/or women are underrepresented in the agency's job categories. BOC may seek the assistance of DCAS or another reputable organization or individual in conducting such an analysis.

7. Recommendation: If the agency's review reveals underutilization of minorities and/or women, BOC should engage in targeted recruitment efforts to address the underutilization.

Posting of Job Vacancies Internally and Citywide

BOC is in compliance with the following minimum standard:

BOC had one job vacancy (a part-time position) during the audit period. The notice was posted internally and on the DCAS website, emailed to all City personnel officers, and placed on a commercial website (craigslist.com).

EEO Tag Line on Job Recruitment Literature

BOC is not in compliance with the following minimum standard:

The agency's one job advertisement (on craigslist.com) does not contain the EEO tag line. Corrective action is required.

9. Recommendation: BOC should include the EEO tag line in all job recruitment literature.

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. BOC should adopt the Citywide EEO Policy and Discrimination Complaint Procedure or issue EEO policies and a Discrimination Complaint Procedure that are consistent with the Citywide EEO Policy.

2. BOC should distribute the Citywide EEO Policy and Discrimination Complaint Procedure or the agency's EEO policies and Discrimination Complaint Procedure to all current and new employees.

3. BOC should post the Citywide EEO Policy and Discrimination Complaint Procedure or the agency's EEO policies and the Discrimination Complaint Procedure on agency bulletin boards.

4. The agency's EEO Officer should receive EEO training from either DCAS or another appropriate organization or school (such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations).

5. BOC should provide EEO training to all current and new employees. That training may be provided by DCAS or another reputable organization or individual.

6. BOC should conduct an underutilization analysis to determine if minorities and/or women are underrepresented in the agency's job categories. BOC may seek the assistance of DCAS or another reputable organization or individual in conducting such an analysis.

7. If the agency's review reveals underutilization of minorities and/or women, BOC should engage in targeted recruitment efforts to address the underutilization.

8. BOC should include the EEO tag line in all job recruitment literature.

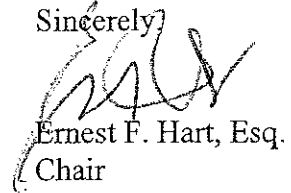
Conclusion

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations in relation to the EEOC's desk audit of compliance by BOC with the minimum standards established by the EEOC, we respectfully request your response to the aforementioned preliminary determinations. Your response should indicate how BOC will implement these recommendations. As Executive Director Wolf informed us during the exit meeting of March 8, 2006, you have already implemented some of our recommended corrective

actions. Please specify those corrective actions in your response. Please forward your response within thirty days of receipt of this letter.

In closing, we want to thank you and your staff for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read 'E. Hart', is written over the typed name.

Ernest F. Hart, Esq.
Chair

Attachment



Hildy J. Simmons, Chair
Michael J. Regan, Vice Chair
Stanley Kreitman
Richard M. Nahman, O.S.A.
Alexander Rovt
Paul A. Vallone
Milton L. Williams, Jr.
Gwen L. Zornberg, M.D.

BOARD OF CORRECTION
CITY OF NEW YORK
51 CHAMBERS STREET, RM. 923
NEW YORK, N.Y. 10007
212 788-7840 (Office)
212 788-7860 (Fax)

30-01-06 RCVD 8844

Richard T. Wolf
Executive Director

January 26, 2006

Adrianne Smith, EEO Auditor
Equal Employment Practices Commission
40 Rector Street, 14th Floor
New York, NY 10006

Dear Ms. Smith:

Attached please find the completed desk audit which was requested by the EEPC.

Sincerely,

Cathy Potler
EEO Officer

Equal Employment Practices Commission
Non-Mayoral Agency Desk Audit

Agency Name Board of Correction

Agency Code 073

1. Number of employees 14

2. Ethnic/sexual composition of staff as of December 31, 2004:

Please complete the attached Workforce by EEO Job Group chart.

3. Have you adopted the Citywide EEO Policy and Discrimination Complaint Procedure or issued EEO policies and a Discrimination Complaint Procedure that are consistent with the Citywide EEO Policy?

Yes _____ No ✓

4. If yes, please attach copies of those documents.

5. Have you distributed the Citywide EEO Policy and Discrimination Complaint Procedure or your agency's EEO policies and Discrimination Complaint Procedure to all current and new employees?

Yes _____ No ✓

6. If yes, date policies and procedure last distributed to all employees _____

7. Have you posted the Citywide EEO Policy and Discrimination Complaint Procedure or your agency's EEO policies and Discrimination Complaint Procedure?

Yes _____ No ✓

8. Have you officially appointed an EEO Officer?

Yes ✓ No _____

9. If yes, date of appointment 11/94 and name Cathy Potler

9a. How was staff informed? at staff mtgs.

10. Has the EEO Officer received EEO training from either DCAS or another appropriate organization or school (such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations)?

Yes _____ No ✓

11. If yes, please indicate date(s) and provide a description of the training.

12. Have you provided EEO training to all current and new employees?

Yes _____ No ✓

13. If yes, please indicate date(s) and a description of the last training.

14. Have you conducted an underutilization analysis to determine if minorities and/or women are underrepresented in the agency's job categories?

Yes _____ No ✓

15. If your review revealed underutilization of minorities and/or women, did your agency engage in targeted recruitment efforts to address the underutilization?

Yes _____ No _____ N/A

16. If yes, please describe any targeted recruitment efforts undertaken by your agency.

17. Have you posted all job vacancies internally?

Yes ☒ No ☐

18. Have you posted all job vacancies citywide?

Yes ☒ No ☐

19. If yes, please provide copies of last 3 job vacancy notices.

20. Have you advertised job vacancies in newspapers or other publications?

Yes ☐ No ☒ ^{me.} (on-line) See attached description.

21. If yes, please provide copies of the last 3 job advertisements, indicating where they were placed.

22. Please describe any other EEO activities you have undertaken in the last two years.

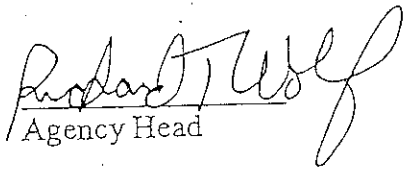
None

23. Name, title and telephone number of individual completing this document.

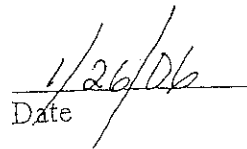
Cathy Rother, Dep. Executive Director, 212-788-7849

24. Confirmation

The above information is true and accurate.



Agency Head



Date

Non-Mayoral Agency Desk Audit
Workforce by EEO Job Group

EEO Job Group	Ethnicity/gender						Total of Job Group*
	Caucasian	African Am	Hisp	Asian	Native Am	Female	
001 Administrators		1**	1				1*
002 Managers	1	1*				1	3 - <i>one manager died in July of 2004 being w/ agency for over 20 yrs.</i>
003 Management Specialists							
004 Science Professionals							
005 Health Professionals							
006 Social Scientists							
007 Social Workers							
008 Lawyers							
009 Public Relations							
010 Technicians							
012 Clerical Supervisors							
013 Clerical		1					1
014 Household Services							
015 Police Supervisors							
016 Fire Supervisors							
017 Firefighters							
018 Police & Detectives							
019 Guards							
020 Food Preparation							
021 Health Services							
022 Building Services							
023 Personal Services							
024 Farming							
025 Craft							
026 Operators							
027 Transportation							
028 Laborers							
029 Sanitation Workers							
030 Teachers							
031 Paraprofessional							

Investigators
* Obtain Job Group total by adding all ethnic groups
Director of Research - 1 female (white)
mir n/km - 1 white American

** also Hispanic

7
1
1

PART-TIME POSITION AVAILABLE
NYC Board of Correction
51 Chambers Street, Rm. 923
New York, NY 10007

ABOUT US:

The New York City Board of Correction is a small, independent City agency whose staff evaluates the performance of the Department of Correction and establishes and ensures compliance with conditions of confinement and minimum health and mental health care standards in the City jail system.

JOB DESCRIPTION:

- Conduct research projects and generate reports on corrections monitoring and compliance issues related to the Board of Correction's Minimum Standards.
- Develop applications to provide statistical analyses of inmate population data; jail violence data; and programs and services, including health and mental health care, provided in the NYC jails
- Maintain existing databases: Visual Fox Pro 7, MS Access, and create and maintain additional databases as may be requested.
- Maintenance and servicing of database Local Area Network, including all related hardware and software.
- Set-up and administer a multi-node office environment
- Web site development, domain, and email account maintenance

SKILLS:

- Excellent analytical, verbal and written communication skills and the ability to work independently are required.
- Knowledge of and experience in Visual Fox Pro 7, MS Access, MS Office and other databases is necessary.
- Programming experience is a plus.

MINIMUM QUALIFICATIONS:

A baccalaureate degree from an accredited college including or supplemented by 24 semester credits in computer science or related field and one year of satisfactory full-time computer software experience in computer systems development and analysis, applications programming, database administration, systems programming or data communications; or

SALARY: \$30.10 per hour, includes full benefits; 20 hours per week.

Send your resume to:
NYC Board of Correction
51 Chambers Street, Rm. 923
New York, NY 10007
Attn: Cathy Potler, Deputy Executive Director