

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #10/09-226: Preliminary Determination Pursuant to the Audit of the City Commission on Human Rights (CCHR) 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 City Commission on Human Rights' 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 City Commission on Human Rights 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 did not indicate that the CCHR and the City of New York is an equal opportunity employer in every advertisement.
2. None of the confidential written reports contained the agency head's signature to indicate that the reports were reviewed and approved by the agency head.
3. None of the complaint files contained a written notice of discrimination complaint to the respondent.
4. Complaint file #02-0006 did not contain investigative interview notes.
5. Complaint files #02-0006, 01-0007, and 03-0008 did not contain a written notice to the complainant/respondent regarding the determination.

6. The agency did not formally assess its criteria for selecting persons for mid-level to high-level discretionary positions to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group.
7. Although the agency appointed a Career Counselor, 65% of the respondents to the EEPC Employee Survey indicated that they do not know the name of the person in the agency that is responsible for providing career counseling.
8. Managers and supervisors were not instructed to discuss the agency's EEO policies with their subordinates during normal staff meetings.
9. The EEO Officer did not maintain documentation of meetings with the agency head on EEO matters.
10. The agency's organization chart did not show the reporting relationship between the EEO Officer and agency head.

Be It Finally Resolved,

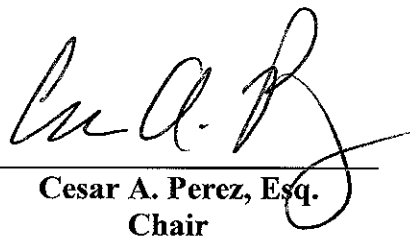
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the City Commission on Human Rights Commissioner, Patricia Gatling, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipts of the letter indicating what corrective actions the City Commission on Human Rights will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on August 6, 2010.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair