



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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June 3, 2008

Honorable James P. Molinaro

President

Borough of Staten Island

120 Borough Hall

Brooklyn, New York 10301

Re: Final Determination Pursuant to the Audit of the Staten Island Borough President's Office (SIBPO) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2005 through June 30, 2007.

Dear President Molinaro:

Thank you for your April 25, 2008 response to our February 13, 2008 Letter of Preliminary Determination pursuant to the audit of the Staten Island Borough President Office's Equal Employment Opportunity Policy from July 1, 2005 through June 30, 2007.

After reviewing your response, our Final Determination is as follows:

Agree

We agree with your responses to the following EEPC recommendations, pending documentation that can be attached to your reply or provided during the compliance period:

Recommendation #1

The EEO Policy should be posted on bulletin boards at each agency site and on the agency's intranet. (Sect. VC, Citywide EEOP)

Recommendation #2

It is the Commission's position that the SIBPO should distribute its EEO Policy to all employees at least annually.

Recommendation #3

The adopted and modified citywide EEO Policy should be accompanied by a general hardcopy EEO policy statement or memo from the agency head that reiterates his commitment to EEO; and advises the employees of the name, location and telephone number of the EEO officer. This EEO policy statement or memo may be based on the Mayor's January 31, 2005 policy statement and the model agency head statement posted on the DCAS website. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and Sect. VB of the Citywide EEO Policy)

Recommendation #4

The agency should participate in the Section 55-A Program by obtaining and distributing Program brochures issued by the DCAS. (Sect. IIB, Citywide EEOP)

Recommendation #5

The SIBPO should officially appoint a disability rights coordinator—usually the EEO officer—and notify staff about that individual. (Sect. VB, Citywide EEOP)

Recommendation #6

To ensure that there are EEO professionals not of the same gender available to investigate discrimination complaints, the agency should appoint a person of a different gender than the EEO officer and provide that individual with appropriate EEO training. (Sect. VB, Citywide Policy)

Recommendation #7

The SIBPO should adhere to its plan to conduct follow-up EEO training. The plan should include a timeframe. (Sect. VC, Citywide EEOP)

Recommendation #8

The EEO officer should report to the agency head or a direct report—other than the general counsel—to the agency head. (Sect. VB, Citywide EEOP)

Recommendation #9

It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head or direct report to the agency head regarding EEO decisions should be maintained.

Recommendation #10

The SIBPO should revise its organization chart to show the reporting arrangement of the EEO officer. (Sect. VB, EEOP)

Recommendation #11

The agency head should direct the head of human resources to include the EEO officer in developing job recruitment strategies and selecting recruitment media, including newspapers and other publications. (Sect. VC, Citywide EEO Policy)

Recommendation #13

The SIBPO should post its job vacancy notices on bulletin boards or keep a binder with postings in a central location. (DCAS, Personnel Services Bulletin No. 200-9, June 30, 1998)

Requires Clarification

For the following reason, hereafter identified as EEPC Rationale, we request clarification of your response to the following recommendation, which can be addressed in your response or during the compliance period:

Recommendation #12

The SIBPO should develop a plan to provide structured interview training to personnel involved in the job interviewing process. (Sect. IV, Citywide EEO Policy)

Your Response

In compliance with the recommendation of the EEPC staff, the Staten Island Borough President's Office has been in contact with the New York City Department of Citywide Administrative Services to determine what training or courses are available for senior office personnel and human resources personnel in the job interviewing process. The materials or training to be provided by DCAS shall be disseminated to all senior staff and human resources personnel for mandatory review. All future hires in these positions by this office shall also be required to undertake such training in future.

EEPC Rationale

It is unclear from your response if all staff involved in the job interviewing process will receive structured interview training.


Conclusion

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond to the aforementioned determinations prior to the initiation of audit compliance.

If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. EEPC Counsel Judith Garcia Quiñonez or her designee will contact your EEO Officer in seven days to ascertain your intentions.

In closing, we want to thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,



Ernest F. Hart, Esq.
Chair