



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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December 13, 2007

Meenakshi Srinivasan

Chairperson

Board of Standards and Appeals

40 Rector Street

New York, NY 10006

Re: Final Determination Pursuant to the Audit of the Board of Standards and Appeals (BSA) and its Compliance with the City's Equal Employment Opportunity Policy from January 1, 2005 to December 31, 2006

Dear Chair Srinivasan:

Thank you for your November 21, 2007 Memorandum in response to our October 25, 2007 Letter of Preliminary Determination pursuant to the audit of the Board of Standards and Appeals and its compliance with the City's Equal Employment Opportunity Policy from January 1, 2005 to December 31, 2006. The Equal Employment Practices Commission (EEPC) has reviewed your response and 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 BSA should send a general EEO policy statement or memo to all employees.

Recommendation #3

The BSA should follow-up on its pledge to develop a plan, which includes a timetable, to provide EEO training to all employees who have not received it. (Sect. IV, EEOP)

Recommendation #4

When discretionary vacancies arise, the BSA should advertise job vacancies in periodicals with large minority and female readership, and send vacancy notices to professional and community organizations serving minorities, women and persons with disabilities. (Sect. IV, EEOP)

Recommendation #5

The BSA should either officially appoint a career counselor or notify employees that career counseling is available from the career counselor of the DCAS. In either case the agency should notify employees in writing of the name, location, and telephone number/email of the individual available to provide the counseling. (Sect. VF, EEOP)

Recommendation #6

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

Recommendation #7

The agency head (chairperson) should direct the executive director to include the EEO officer in selecting recruitment media and developing recruitment strategy for all vacancies. (Sect. VC, EEOP)

Recommendation #8

It is the position of the DCAS ("Model Agency EEO Commitment Memo") and the EEPC that at least twice a year during normal staff meetings, managers and supervisors should emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. These meetings should be documented.

Recommendation #9

All employees—managerial and non-managerial—should receive annual performance evaluations. (DCAS, Rule 7.5.4(e) of the *Personnel Rules and Regulations of the City of New York* and DCAS, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies*, p.1)

Requires Clarification

For reasons hereinafter 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 #2

The BSA should officially appoint a disabilities rights coordinator and notify all employees in writing of the name, location, and phone number/email address of that individual. (Sect. VB, EEOP)

Your Response

The Board has complied with this recommendation. Norma Martin, DCAS EEO Officer and Disabilities Rights Coordinator, has been designated [sic] the disabilities rights coordinator for the

Board. The Board will codify this designation through a memo of understanding between the DCAS Commissioner and the Board Chair.

EEPC Rationale

It is unclear from your response why the BSA, which has a trained EEO officer, wishes to designate an EEO officer from another city agency to serve as its (BSA's) disabilities rights coordinator. EEPC audits have revealed that almost all agency EEO officers also serve as the disabilities rights coordinator.

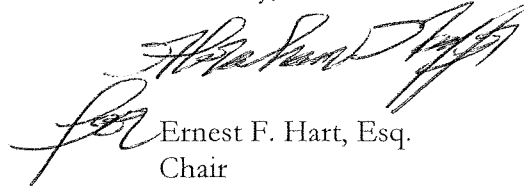
Conclusion

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance period not to exceed six months. However, you may respond in writing to this Final Determination prior to the initiation of audit compliance.

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

In closing, we 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

c: Jeff Mulligan, Executive Director
Roy Starrin, EEO Officer