



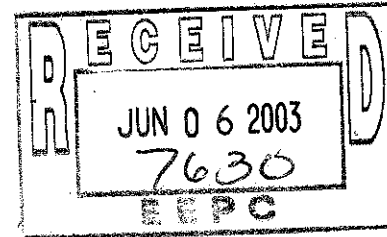
CIVILIAN COMPLAINT REVIEW BOARD
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MICHAEL R. BLOOMBERG
MAYOR

FLORENCE L. FINKLE
EXECUTIVE DIRECTOR

June 6, 2003

Mr. Frank R. Nicolazzi
Vice-Chairman
Equal Employment Practices Commissioner
253 Broadway, Suite 301
New York, New York 10007



-by hand and mail-

Dear Mr. Nicolazzi:

Thank you for giving the board the opportunity to formally review and comment upon the Equal Employment Practices Commission's (EEOC) "Preliminary Determination Pursuant to the Audit of the Civilian Complaint Review Board (CCRB) Equal Employment Opportunity Program from January 1, 2000 through June 30, 2002." I also want to thank your audit staff for their efforts in preparation of the audit report.

In specific response to corrective actions the EEOC recommends following its audit, the CCRB offers the following responses:

RECOMMENDED CORRECTIVE ACTION 1

"CCRB should issue a general EEO Policy Statement."

CCRB response

The CCRB agrees with this recommendation and will prepare and issue a general equal employment opportunity (EEO) policy statement.

RECOMMENDED CORRECTIVE ACTION 2

"All EEO Policy Statements and Discrimination Complaint Procedures should be distributed to all employees. (Sect. VIII, Citywide EEO Policy)"

CCRB response

The CCRB agrees with this recommendation and will forward copies by e-mail its EEO policy statements and discrimination complaint procedures to all current CCRB employees.

The CCRB will include a copy of its EEO policy statements and discrimination complaint procedures in the orientation materials distributed to new employees.

RECOMMENDED CORRECTIVE ACTION 3

“The agency should follow Section VII of the Citywide EEO Policy and ensure that its EEO policies are available in formats accessible to applicants and employees with disabilities, e.g., audio cassette and Braille.”

CCRB response

The CCRB agrees with this recommendation. The agency has made arrangements with the Department of Citywide Administrative Services (DCAS) to copy DCAS’ audiocassette recording of citywide EEO policies and to borrow on an as-needs basis DCAS’s Braille version of citywide EEO policies. The CCRB has already prepared a large-print version of its EEO policies.

RECOMMENDED CORRECTIVE ACTION 4

“To provide additional information and guidance to agency employees and EEO professionals, the CCRB should adopt and tailor the “Reasonable Accommodation Procedure” and “Request for Reasonable Accommodation” form contained in the Citywide EEO Policy (Appendices 3 & 4).”

CCRB response

The CCRB agrees with this recommendation and will adopt, tailor, and incorporate the “reasonable accommodation procedure” and “request for reasonable accommodation” form contained in the citywide EEO policy into the CCRB’s EEO policies.

RECOMMENDED CORRECTIVE ACTION 5

“CCRB should obtain and distribute Section 55-A Program brochures issued by the Department of Citywide Administrative Services.”

CCRB response

The CCRB agrees with and has already implemented this recommendation. The CCRB obtained from DCAS the section 55-A program brochure and issued the brochure to all employees with their May 8, 2003 paycheck. The CCRB will give the section 55-A brochure to all newly hired CCRB employees as part of their orientation package.

RECOMMENDED CORRECTIVE ACTION 6

“The EEO Officer should be scheduled for DCAS training or attend Cornell University School of Industrial and Labor Relations (EEO Studies Program).”

CCRB response

The CCRB agrees with and is in the process of implementing this recommendation. The CCRB's EEO officer and EEO counselor are enrolled in and have begun attending the DCAS training program for EEO professionals that began on May 29, 2003, a program held one day a week for five weeks. In addition, the CCRB's EEO officer and EEO counselor are scheduled to attend on June 6, 2003 a one-day seminar conducted by the U.S. Equal Employment Opportunity Commission.

RECOMMENDED CORRECTIVE ACTION 7

"The EEO Officer should follow the Discrimination Complaint Procedures Implementation Guidelines (issued by DOP, now DCAS, in 1993)."

CCRB response

The CCRB agrees with this recommendation. The CCRB's EEO officer will follow the discrimination complaint procedures implementation guidelines.

RECOMMENDED CORRECTIVE ACTION 8

"In keeping with Section 12 (b) of the Discrimination Complaint Procedures Implementation Guidelines (issued by DOP, now DCAS, in 1993), the investigator's written reports should be addressed to and signed off by the agency head."

CCRB response

The CCRB agrees with this recommendation and will comply with it in all future EEO investigations.

RECOMMENDED CORRECTIVE ACTION 9

"In keeping with Section 12 (b) of the Discrimination Complaint Procedures Implementation Guidelines, the EEO investigator should always inform all parties to complaints in writing of the outcome of the investigation."

CCRB response

The CCRB agrees with this recommendation and will comply with it in all future EEO investigations.

RECOMMENDED CORRECTIVE ACTION 10

"CCRB should maintain and update a monthly discrimination complaint log. (Sect. 111, Citywide EEO Policy)"

CCRB response

The CCRB agrees with and has already implemented this recommendation. The agency has created and will maintain and update a monthly discrimination complaint log.

RECOMMENDED CORRECTIVE ACTION 11

“During previous audits, the Commission has found numerous EEO program deficiencies in agencies that did not have full-time EEO Officers. For this reason, the Commission has adopted the position that the agency EEO Officers should devote 100% of their time to EEO matters.”

CCRB response

The CCRB disagrees with this recommendation and cannot take the corrective action recommended by the EEPC. The CCRB is a relatively small agency of approximately 160 employees who generate very few EEO complaints. Since the agency became independent of the police department in July 1993 there have not been enough internal EEO complaints filed to justify the creation of a position dedicated solely to EEO matters. In fact, during the 30-month audit period, CCRB employees filed only four EEO complaints. To mandate that the EEO officer spend 100% of his or her time on EEO matters, particularly in a time of fiscal crisis, would be a waste of resources.

RECOMMENDED CORRECTIVE ACTION 12

“The EEO Officer should perform all of the EEO functions identified in the City’s EEO Policy.”

CCRB response

The CCRB disagrees with this recommendation. The current EEO officer and EEO counselor have an excellent working relationship and easily share the EEO functions identified in the city’s EEO policy. Given the other critical job responsibilities of the EEO officer, (who is the agency’s director of communications and dispute resolution), and the EEO counselor, (who is the director of personnel), the CCRB requires flexibility in administering EEO policies and conducting EEO complaint investigations. Demanding that either official perform only those duties assigned to their particular title or assume the other’s title and role ignores the reality of the work environment here at the CCRB.

CONCLUSION

As required, during the compliance process, I will distribute a memorandum to all staff informing them of the changes that are being implemented in the agency’s EEO program as a result of the audit’s recommendations. Again, I thank you and your staff for the audit you have conducted and request that you include the full text of these comments when you release your final audit report. If

you have any further questions, please call me at (212)-442-8731.

Sincerely,

A handwritten signature in black ink, appearing to read "Florence L. Finkle". The signature is written in a cursive, somewhat stylized font.

Florence L. Finkle
Executive Director

c: Board members
Raymond Patterson, EEO officer
Beth Thompson, EEO counselor