



**Equal Employment  
Practices Commission**

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May 22, 2014

Christine Bailey  
Executive Director  
Board of Education Retirement System  
65 Court Street, 16<sup>th</sup> Floor  
Brooklyn, New York, 11201-4965

Re: Resolution #14/BERSC: Determination of Agency Compliance

Dear Executive Director Bailey:

On behalf of the members of the Equal Employment Practices Commission (EEPC or Commission), I want to formally inform you that the Commission has issued the attached Determination of Compliance to the Board of Education Retirement System. This Commission has determined that the Office of the Comptroller has implemented the required corrective actions deemed necessary by this Commission for ensuring a fair and effective affirmative employment program of equal opportunity as required by the equal employment opportunity standards of this Commission and Chapters 35 and 36 of the New York City Charter.

On behalf of this Commission, I want to thank you and Principal EEO Professional Noro Healy for the cooperation extended to the EEPC during the compliance-monitoring period.

Sincerely,

Cesar A. Perez, Esq.  
Chair

c: Noro Healy, OEO Officer  
Judith García Quiñonez, Esq., Deputy Director/Agency Counsel

**EQUAL EMPLOYMENT PRACTICES COMMISSION  
CITY OF NEW YORK**

**RESOLUTION #2014/BERSC-12: Determination of Compliance** (Monitoring Period Required) by the Board of Education Retirement System with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from January 1, 2009 through December 31, 2011.

**Whereas**, pursuant to Chapter 36, Section 831(d)(2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized 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, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPD Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the Board of Education Retirement System's (BERS) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated September 13, 2012, setting forth the following findings and required corrective actions:

1. The agency should establish its own EEO Policy (EEOP) or adopt and distribute the Citywide EEOP – in paper or electronic copy – to legal, human resources and EEO representatives, as well as managers and supervisors. At minimum, the agency's EEOP should include, or attach as addenda: a policy against sexual harassment; uniform complaint and reasonable accommodation procedures that conform to Federal, City and State laws regarding discrimination in employment; contact information for the EEO Professionals; an up-to-date list of protected classes under NYC and NYS Human Rights Laws; and current contact information for federal, state and local agencies that enforce laws against discrimination.
2. The agency should use the distribution of the EEO Policy as an opportunity to issue a general EEO Policy statement or memo reiterating her commitment to EEO, declaring the agency's position against discrimination on any protected basis, advising employees of the names and contact information of EEO Personnel, and providing employees pertinent electronic links to the EEO Policy/Handbook/ Addenda.
3. Because the EEO Officer should report directly to the agency head (or to a direct report to the agency head), the agency should update its organizational chart to reflect this

reporting relationship.

4. Because EEO representatives should be trained in federal, state, and city EEO laws and procedures and know how to carry out their responsibilities under the agency's EEO Policy, the EEO Officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. The EEO Officer should obtain a certificate of completion.
5. The agency should develop an EEO training plan to ensure that all individuals who work within the agency, including managers and supervisors, are trained concerning EEO-related policies, rights and responsibilities.
6. The agency head should appoint at least two EEO Representatives, who may not be of the same gender, to receive discrimination complaints and conduct investigations, or secure per agreement between the agency and another City agency, an employee of each gender for complaint intake/investigation.
7. The agency should develop a plan to demonstrate it is accessible to and usable by employees/applicants for employment with physical disabilities. The plan should identify the accessibility status of its restrooms; identify barriers and the efforts the agency has taken to determine whether removal of barriers is readily achievable, and if so, to remove them; identify the agency responsible (if not the auditee) for rendering each non-accessible facility accessible; and state whether the agency has applied to the Commissioner of the Department of Buildings for a waiver of the requirements for the alteration of existing buildings to render each non-accessible facility accessible for employees/applicants for employment with physical disabilities. The agency's plan will be reviewed during the compliance period. The agency should determine if its facilities are exempt from these requirements.
8. Since the Charter requires the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, the agency head should distribute a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

**Whereas**, the BERS submitted its response to the EEPC's preliminary determination letter, on October 16, 2012; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on November 27, 2012; and

**Whereas**, the BERS did not submit a response to the EEPC's final determination letter; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City

Charter, the EEPC monitored the implementation of the remaining corrective actions from April 2013 to September 2013; and

**Whereas,** at the BERS' request, the Commission granted an extension of the monitoring period; and

**Whereas,** at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the BERS submitted a copy of the agency head's memorandum to staff dated April 17, 2014, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

**Whereas,** all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

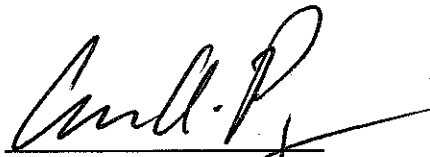
**Be It Resolved,**  
that the Board of Education Retirement System has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved,**  
that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Christine Bailey, the Executive Director of the Board of Education Retirement System.

Approved unanimously on May 22, 2014.

Elaine S. Reiss, Esq.  
Commissioner

Arva R. Rice  
Commissioner



Cesar A. Perez, Esq.  
Chair