

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

RESOLUTION #03/05-009: Preliminary Determination Pursuant to the Audit of the New York City Employees Retirement System's Equal Employment Opportunity Program from January 1, 2000 through June 30, 2002.

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, the Equal Employment Practices Commission audited the New York City Employees Retirement System's 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 Office of the New York City Employees Retirement System's (NYCERS) compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Neither the previous nor current EEO policies have been posted on agency bulletin boards.
2. The agency's Discrimination Complaint Procedure does not contain the name, location, and telephone number of the EEO Officer.
3. The agency's EEO policies are not available in alternate formats for use by persons with disabilities.
4. One of the agency's job advertisements on an Internet website does not contain the EEO tag line.
5. The agency does not participate in the Section 55-A Program.
6. Only one of the three EEO Officers during the audit period received training for EEO professionals from the Department of Citywide Administrative Services.
7. The agency did not have persons of both sexes available to receive and investigate

discrimination complaints.

8. There is no indication in two internal discrimination complaint files that the agency head reviewed the EEO Officer's final reports.
9. Two internal discrimination complaint files do not contain copies of letters notifying all parties of the outcomes of the investigations.
10. The EEO Officers have not been involved in developing recruitment strategies or selecting recruitment media.
11. The former and current EEO Officers have not devoted 100% of their time to EEO matters.
12. The Deputy Counsel had the reality or appearance of conflict of interest by serving as the EEO Officer.
13. Sixty-six percent of survey respondents indicated they did not know who is the EEO Officer.

Be It Finally Resolved,

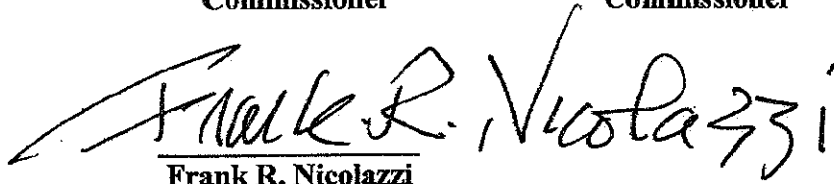
that the Commission authorizes the Vice-Chairman to forward a letter to the Executive Director of the New York City Employees Retirement System, John J. Murphy, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the New York City Employees Retirement System will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on May 8, 2003.

Angela Cabrera
Commissioner

Manuel A. Mendez
Commissioner

C. Catherine Rimokh, Esq.
Commissioner


Frank R. Nicolazzi
Vice-Chairman