

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #12/19-858: Preliminary Determination Pursuant to the Department of Information Technology & Telecommunications' (DOITT) Equal Employment Opportunity Program from July 1, 2008 through June 30, 2011.

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, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, the Equal Employment Practices Commission audited the Department of Information Technology & Telecommunications' 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 Department of Information Technology & Telecommunications' compliance with the City's Equal Employment Opportunity Policy (EEOP), as well as Commission policies and EEO standards expressed in the City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Although the agency indicated "the City of New York is an Equal Opportunity Employer" on its city-wide vacancy notices and monster.com job advertisements, the tag line did not indicate "the DOITT is an Equal Opportunity Employer".
2. Complaints 10-00349-10, 10-00329-10 and 10-00345-10 did not contain a *Written Notice of Discrimination Complaint* (or other notice that includes the respondent's right to respond to the allegations) to the respondent.
3. Because of changes in the staffing of the Office of EEO, Complaint 10-00361-10 took longer than 90 days to complete. An explanation for the delay was included in the complaint file; however, a *Delay Notification Letter* was not sent to the complainant or respondent.
4. Complaint 10-00345-10 did not contain a written notice to the respondent that the investigation was transferred because of the filing of the external complaint.

5. Although the agency has appointed a Disability Rights Coordinator and has given the Director of EEO the responsibility of handling reasonable accommodation requests, the identity of the Disability Rights Coordinator was not included in the agency EEO Policy.
6. Although the agency used applicant logs to retain applicant/hire information for its discretionary positions, the Human Resources Division was not responsible for recording the information therein.
7. Although the agency appointed a Career Counselor, the agency did not notify employees in writing of the identity of the person responsible for career counseling at the agency.
8. The agency submitted its agency-specific EEO plan during the audit period for fiscal year 2009; however, its agency-specific EEO plans, three quarterly reports, and an annual fourth quarter final report for fiscal years 2010 and 2011 were not received.

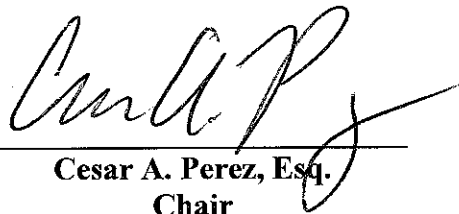
Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Chief Information and Innovation Officer Tahul Merchant, 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 Department of Information Technology & Telecommunications will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on July 26, 2012.

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair