

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #12/28-072: Preliminary Determination Pursuant to the Audit of the Department of Correction's (DOC) 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 Correction'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 Department of Correction's 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 appointed a DRC, results of on the *EEPC's Interview Questionnaires*, indicated that employees were not aware of the identity of this individual. (Sect. VB, EEOP)
2. The EEO Officer was not informed on a quarterly basis of the number of 55-A Program participants and efforts that the agency had made to employ, promote or accommodate qualified individuals with disabilities. (Sect. VF-3, EEOP)
3. The investigation of two internal complaints (20110024/0025/0026) and (20110032/0041/0042) took more than 90 days after the date the discrimination complaint was filed to complete and did not contain Delay Notification Letters. (4/2/96 Amendment, DCPIG)

4. Supervisors and managers were not directed to 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 once a year during normal staff meetings. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)
5. Although the agency submitted quarterly reports, it did not submit 2009 and 2010, agency specific plans to the EEPC. (Sect. VB, EEOP and Sect. 815(i), New York City Charter)

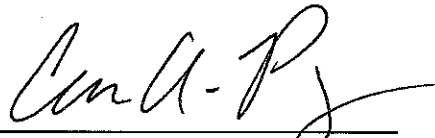
Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Dora B. Schiro, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipts of the letter indicating what corrective actions the Department of Correction will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on September 13, 2012.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner



Cesar A. Perez, Esq.
Chair

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

RESOLUTION #13/06-072C: Determination of implementation by the Department of Correction of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Correction's compliance with the Citywide Equal Employment Opportunity Policy from July 1, 2008 to June 30, 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 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy, a set of uniform standards and procedures designed to insure 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, pursuant to its audit of the Department of Correction (DOC), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated September 13, 2012, setting forth its findings and recommended corrective actions; and

Whereas, the DOC submitted its response to the EEPC's preliminary determination letter, on November 14, 2012; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a final determination on December 4, 2012, including such recommended corrective action as the Commission deemed appropriate; and

Whereas, the DOC submitted its response to the EEPC's final determination letter, on December 28, 2012; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to determine whether the corrective actions taken by the agency are sufficient to remedy non-compliance identified in the preliminary determination; and

Whereas, the Department of Correction submitted its Final Compliance Report on March 8, 2013, and provided supplemental documentation on March 11, 2013; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy; and

Whereas, at the EEPC's request, pursuant to Section 815.a.(19) of the New York City Charter, on March 8, 2013, the DOC submitted a copy of the agency head's memorandum to staff, which outlined the corrective actions implemented in response to the EEPC's audit; and

Whereas, the members of this Commission have determined that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,
that the Department of Correction has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Department of Correction Commissioner Dora B. Schriro, formally informing her that the DOC has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on March 13, 2013,

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner


Cesar A. Perez, Esq.
Chair



NEW YORK CITY DEPARTMENT OF CORRECTION
Dora B. Schriro, Commissioner
Office of the Commissioner

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East Elmhurst, New York 11370
Office 718-546-0890
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DATE: March 8, 2013

TO: All Staff

FROM: Dora Schriro, Commissioner

SUBJECT: EQUAL EMPLOYMENT PRACTICES COMMISSION AUDIT

The Equal Employment Practices Commission is empowered by the New York City Charter to monitor and evaluate the employment programs, practices, policies and procedures of all city agencies. The Commission, as part of its mandate, conducts audits of every city agency every four years.

The EEPC recently completed an audit of the New York City Department of Correction covering the period July 1, 2008 through June 30, 2011. I am pleased with our accomplishments.

The EEPC listed only a few recommendations, all of which we have implemented. Specifically:

- Reminding staff that Migdalia Ortega is the Department's Disability Rights Coordinator and can be reached at (718) 546-0868.
- Ensuring that the Office of the Deputy Commissioner for Human Resources provides the EEO Officer with information about 55-A participants on a quarterly basis.
- Ensuring that Complainants and Respondents are sent 90 day notices if an EEO investigation take longer than 90 days.
- Reminding managers and supervisors to conduct documented meetings with staff, at least once a year, to reaffirm their commitment to the agency's EEO Policy and to discuss the right of employees to file EEO complaints with the Department's EEO Office.
- Ensuring that the Department files copies of its finalized yearly EEO Plans and quarterly reports with the EEPC.

I thank all of you who participated in the audit process. As Commissioner, I affirm this agency's strong commitment to maintaining non-discriminatory employment practices for all employees and job applicants.

I encourage all employees to access the resources available within the Department and to address any EEO concerns you have to Patricia Le Goff, Assistant Commissioner for EEO, at (718) 546-0865.