

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #11/19-042(LAGCC): Preliminary Determination Pursuant to the Audit of Compliance by the LaGuardia Community College with the City University of New York's Affirmative Action/Equal Employment Opportunity and Diversity Policy from July 1, 2007 to June 30, 2010.

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 LaGuardia Community College's Affirmative Action/Equal Employment Opportunity and Diversity 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 LaGuardia Community College's compliance with its Affirmative Action/Equal Employment Opportunity and Diversity 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. Sixty-two percent of respondents to the *EEPC's Employee Survey* indicated they did not receive Sexual Prevention Harassment Awareness/Non-discrimination Policies Training during the past 3 years. (*LAGCC/CUNY Affirmative Action Program*, p. 7 and *EEPC/Sect. 831, City Charter*)
2. The College did not inform the complainant and respondent of the outcome of the investigation. (*LAGCC/CUNY Affirmative Action Program*, p. 4)
3. The Affirmative Action/Compliance Diversity Officer did not inform the President in writing of the investigation and resolution of the complaint. (*LAGCC/CUNY Affirmative Action Program*, p.4)

Be It Finally Resolved,

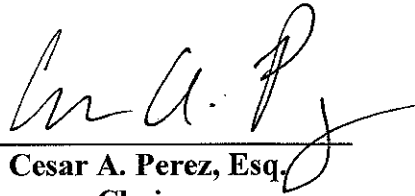
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to President Gail Mellow, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipt of the letter indicating what corrective actions the LaGuardia Community College's Office will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved by three affirmative votes and one abstention on October 6, 2011.

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva A. Rice
Commissioner



Cesar A. Perez, Esq.
Chair

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

RESOLUTION #12/14-042C: Determination of implementation by the LaGuardia Community College's implementation of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the LaGuardia Community College's compliance with its Equal Employment Opportunity Program from July 7, 2007 to June 30, 2010.

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 ensure equal employment opportunity for minority group members and women; and

Whereas, pursuant to the Administrative Code of the City of New York, Title 8, as amended, the City established the New York City Human Rights Law, which identified other groups for protection from discrimination in employment; and

Whereas, pursuant to its audit of the LaGuardia Community College's (LAGCC) Equal Employment Opportunity Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated October 6, 2011, setting forth its findings and recommended corrective actions; and

Whereas, the LAGCC submitted its response to the EEPC's preliminary determination letter, on November 15, 2011; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a letter in lieu of a final determination on January 5, 2012, confirming the LAGCC's agreement with all audit recommendations; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the LAGCC for a period not to exceed six months, from January 2012 through June 2012, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the LaGuardia Community College submitted its Final Compliance Report on June 12, 2012; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City University of New York's Policies and Procedures on Nondiscrimination and Sexual Harassment Equal Employment Opportunity Policy; and

Whereas, the members of this Commission have reviewed a Compliance Summary Report prepared by EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the LaGuardia Community College 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.

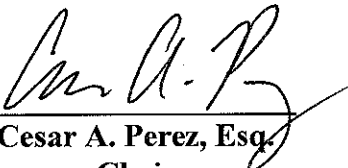
Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, to forward a letter to the LaGuardia Community College President, Dr. Gail Mellow, formally informing her that the LAGCC has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on June 28, 2012

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner


Cesar A. Perez, Esq.
Chair

MEMORANDUM

To: All Employees

From: President Gail O. Mellow

Date: June 7, 2012

Subject: Equal Employment Practices Commission Audit

In June 2012, the Equal Employment Practices Commission (EEPC) completed an audit of LaGuardia Community College's compliance with the City University of New York's Affirmative Action/Equal Employment Opportunity and Diversity Policy from July 1, 2007 to June 30, 2010.

Following this audit, we were required to implement the EEPC's recommendations within six months. I am pleased to report that we are now in full compliance with the audit recommendations. The audit recommendations included:

- The College should develop an AA/EEO and Diversity training plan to ensure that all individuals who work within the campus, including managers and supervisors, are trained concerning AA/EEO and Diversity-related policies, rights, and responsibilities. (EEPC/Sect. 831, City Charter)
- If both the complainant and the respondent are satisfied with the results of the investigation and resolution of the complaint is agreed upon, the *AA/CDO* should notify both in writing as to the outcome of the investigation.
- The *AA/CDO* should inform the President in writing of the investigation and resolution of the complaint. (EEPC/Sect. 831, City Charter)
- The *LaGuardia Community College/CUNY Affirmative Action Program* formal complaint investigation procedure should conform to the standards set by the CUNY Policies and Procedures on Non-Discrimination and Sexual Harassment, Section 8.c, which states that the complainant and respondent to an investigation should be apprised in writing of the outcome and action taken as a result of the complaint.
- Since the Charter and the EEOP require the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, the President should distribute a memorandum to all staff informing them of the changes that have been implemented in the College's Affirmative Action Program pursuant to the EEPC's audit. This memorandum should reemphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.



I reaffirm LaGuardia Community College's strong commitment — and my own commitment — to the principles of affirmative action, equal opportunity, and diversity. LaGuardia is committed to maintaining fair employment practices for all our employees. It is the policy of The City University of New York and LaGuardia Community College to recruit, employ, retain, promote, and provide benefits to employees; and to admit and provide services for students without regard to race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender identity, marital status, legally registered domestic partnership status, disability, predisposing genetic characteristics, alienage, citizenship, military or veteran status, or status as a victim of domestic violence.

Detailed information regarding LaGuardia's EEO/AA program, its policies and procedures can be found on the College website at: <http://laguardia.edu/Departments/Legal-Affairs-Compliance-and-Diversity/Home/>

Employees with equal employment opportunity concerns, or if you wish to find out specific information about how the College addressed the EEOC's recommendation, are advised to speak with Arlene Peterson, Director of Compliance & Diversity/Affirmative Action Specialist or Unn Hidle, Affirmative Action Officer. Each can be reached at 718-482-5088 or AffirmativeAction@lagcc.cuny.edu.

I thank you for sharing my commitment to creating a work environment that encourages and appreciates diversity.

