

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #06/01-072: Preliminary Determination Pursuant to the Audit of the New York City Department of Correction's Equal Employment Opportunity Program from July 1, 2001 through December 31, 2003.

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 Department of Corrections' (DOC) 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 New York City Department of Correction's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's EEO Policy for FY 2004 did not include "gender identity" in the list of protected classes.
2. The agency's EEO Policy for FY 2004 contained an out-of-date address for the US Equal Employment Opportunity Commission.
3. The agency head did not sign all confidential written reports to indicate they had been reviewed and whether the recommendation(s) if any, had been approved.
4. The agency's discrimination complaint files did not include discrimination complaint intake forms completed by the EEO investigators or the complainants.
5. The confidential written reports were not consistently divided in three sections in accordance with section 12b of the DCPIG; nor were they consistently divided in five sections, consisting of: Background, Investigation, Documentation, Conclusion and Recommendations.
6. Some EEO trainers did not receive DCAS's training for EEO professionals.

7. During the audit period, the agency was not trained to conduct adverse impact studies.
8. The Deputy Commissioner of EEO did not participate in the development of recruitment strategies and selection of recruitment media.
9. Eighty-nine percent of survey respondents did not know the name of the person in the agency responsible for providing career counseling.
10. Seventy-seven percent of supervisors interviewed were not aware that their performance evaluations contained a rating for EEO performance and 90% interviewed indicated that they were unaware that EEO performance would be part of their overall performance evaluations.
11. The agency specific plan did not reflect a realistic training goal.

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq. to forward a letter to the Department of Correction's Commissioner, Martin Horn, 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 Sanitation will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on January 24, 2006.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #07/03-072C: 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 Charter-mandated Equal Employment Opportunity Program from July 1, 2001 to December 31 2003.

Whereas, pursuant to Chapter 36, Sections 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 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 its audit of the Department of Correction (DOC), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter January 24, 2006 setting forth its findings and recommended corrective actions; and

Whereas, the DOC submitted its response to EEPC's preliminary determination letter, on March 7, 2006; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on April 24, 2006 identifying those recommendations accepted and rejected by the DOC; and

Whereas, in response to the EEPC's final determination letter, the DOC submitted its response on May 25, 2006; and

Whereas, in response to the DOC's response, the EEPC submitted its response on July 24, 2006; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DOC for a period not to exceed six months, from August 2006 through January 2007, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Department of Correction submitted its Final Compliance Report on January 5, 2007; 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, the members of this Commission have reviewed a Compliance Summary Report prepared by the EEPC staff, affirming 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 Chapter 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chair, Manuel A. Méndez, to forward a letter to the Commissioner of the Department of Correction, Martin F. Horn, formally informing him that the DOC has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on January 25, 2007.

**Angela Cabrera
Commissioner**

**Veronica Villanueva, Esq.
Commissioner**


**Manuel A. Méndez
Vice-Chair**

MEMORANDUM

DATE:

TO: All Staff

FROM: Martin F. Horn, Commissioner

SUBJECT: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEPC) conducts audits of the Equal Employment Program of all city agencies. The EEPC recently completed an audit of our agency's compliance with the City's Equal Employment Policy covering the period from July 1, 2001 through December 31, 2003.

I am very pleased with the results of the audit and our accomplishments in this area. As a result of this process, we have made some refinements to the procedures used in our EEO office to better document and service our employee EEO matters.

In addition, we recently revised the uniformed managerial employee performance appraisal directive. This document now includes expanded goals relevant to EEO performance for use as an additional tool in evaluating uniformed managers.

Please remember that all Department of Correction EEO contact information and links to EEO Policy and Procedures can be found on our Intranet home page.

I reaffirm the agency's strong commitment to maintaining fair employment practices for all our employees. DOC is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under the EEO Policy and by encouraging a work environment that tolerates and appreciates differences among employees. All personnel should work together to maintain an atmosphere of appreciation for the diversity reflected in our staff.

I encourage all employees to access the resources available within DOC and to address any concerns you have to Luis R. Burgos, Jr., Deputy Commissioner, EEO, at (212) 266-7131 or Steven Isaac, Deputy Director at (212) 266-1249.

Thank you