

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #08/14-054: Preliminary Determination Pursuant to the Audit of the Civilian Complaint Review Board (CCRB) Equal Employment Opportunity Program from January 1, 2005 through December 31, 2006.

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 Civilian Complaint Review Board'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 Civilian Complaint Review Board'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 CCRB agency head appointed attorneys on an ad hoc basis to investigate discrimination complaints. These attorneys have not received the DCAS training for EEO professionals.
2. The CCRB does not have an EEO professional of a different gender from the EEO officer, authorized to investigate discrimination complaints.
3. The CCRB's director of personnel also serves as an EEO counselor.
4. All five internal discrimination complaint files that the CCRB provided to the EEPC do not contain a Discrimination Complaint Intake Form.
5. The CCRB agency head did not sign each confidential written report to indicate that it had been reviewed and whether the recommendation, if any, was approved and adopted. (Sect. VB, EEOP and DCPIG, Sect. 12b).
6. None of the written discrimination complaint reports are labeled "confidential," or divided into three sections.

7. The CCRB EEO officer does not keep notes or documentation of meetings with the agency head regarding EEO program operational decisions.
8. The EEO officer does not have adequate mediation staff to allow him to devote more time to EEO.

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest Hart, Esq., to forward a letter to the Civilian Complaint Review Board's Executive Director, Joan Thompson, 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 Civilian Complaint Review Board will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on June 19, 2008.

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #09/03-054C: Determination of implementation by the Civilian Complaint Review Board of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Civilian Complaint Review Board's Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

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 ensure fair and effective 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 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, pursuant to its audit of the Civilian Complaint Review Board (CCRB), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated June 19, 2008, setting forth its findings and recommended corrective actions; and

Whereas, the CCRB submitted its responses to EEPC's preliminary determination letter, on July 25, 2008; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on August 11, 2008, identifying those recommendations accepted and rejected by the CCRB; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the CCRB for a period not to exceed six months, from December 1, 2008 through May 31, 2009, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Civilian Complaint Review Board submitted its Final Compliance Report on December 7, 2008; 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 Civilian Complaint Review Board 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, Ernest F. Hart, Esq., to forward a letter to the Chair of the Civilian Complaint Review Board, Franklin Stone, Esq., and the Executive Director of the Civilian Complaint Review Board, Joan Thompson, formally informing them that the CCRB has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on January 15, 2009.

Manuel A. Méndez
Vice-Chair

Angela Cabrera
Commissioner



Ernest F. Hart
Chair



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MICHAEL R. BLOOMBERG
MAYOR

JOAN M. THOMPSON
EXECUTIVE DIRECTOR

MEMORANDUM

To: All Staff
From: Joan M. Thompson
Date: July 25, 2008
Re: **Equal Employment Practices Commission Audit**

The Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the Equal Employment Opportunity Programs of all New York city agencies. The EEPC completed an audit of our agency's EEO program covering the period of January 1, 2005 through December 31, 2006. The EEPC recommended the following actions that the CCRB has included into its EEO program.

EEPC Recommendation #1: Only individuals who have received the DCAS EEO training for professionals should investigate discrimination complaints.

Correspondence was sent to DCAS requesting two slots in their next upcoming EEO training. CCRB's EEO counselor has already received training from DCAS.

EEPC Recommendation #2: To ensure that there are at least two EEO professionals of different genders available to receive and investigate discrimination complaints, the CCRB should appoint an EEO counselor (or co-EEO officer) of a different gender from the EEO officer.

Tahira Delaine has been named EEO Officer, Marcos Soler as co- EEO Officer and Denise Alvarez as EEO Counselor.

EEPC Recommendation #3: The new EEO counselor (or co-EEO officer) should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO counselor (or co-EEO officer) should obtain the certificate or otherwise complete the program at the institution selected by the CCRB.

Please see response to Recommendation #1.

EEPC Recommendation #4: Due to conflicts of interest, the director of personnel should not serve as an EEO professional.

Beth Thompson, CCRB's Director of Personnel has been replaced. Denise Alvarez will now serve as the EEO Counselor for the CCRB.

EEPC Recommendation #5: All internal discrimination complaint files should contain a Discrimination Complaint Intake Form.

EEPC Recommendation #6: The CCRB agency head should sign off on all confidential written reports concerning EEO complaints to indicate that they have been reviewed and whether the recommendations, if any, have been approved and adopted.

EEPC Recommendation #7: All confidential written reports should be divided into three sections (Section 1: Findings of Facts, Section 2: Discussion and Conclusion, and Section 3: Recommendation) and be labeled "confidential" in large bold print.

EEPC Recommendation #8: It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head regarding EEO program operational decisions should be maintained.

CCRB agrees to comply with the EEPC's Recommendations 5-8. A memorandum was sent to the CCRB's EEO team outlining the changes in the procedure that were to be followed. The changes were effective immediately.

EEPC Recommendation #9: The agency head should ensure that the new EEO officer has adequate administrative staff so that the EEO officer can devote sufficient time to his/her EEO duties.

The EEO Officer has been assured that at any point when additional administrative staff is needed in the carrying out of the duties of the EEO Officer, the Executive Director should be made aware of the need and additional staff will be provided immediately.

I reaffirm the agency's strong commitment to maintaining fair employment practices for all CCRB employees. The CCRB 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 respect and appreciation for the diversity reflected in our staff.

I encourage all employees to review the EEO policy and to address any concerns to the EEO Officer, Tahira Delaine at (212) 442-8830 or co- EEO Officer, Marcos Soler at (212) 442-8736 or EEO Counselor, Denise Alvarez at (212) 442-8811.