

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #12/38-009: Preliminary Determination Pursuant to the Audit of the New York City Employees' Retirement System (NYCERS) Equal Employment Opportunity Program from January 1, 2009 through December 31, 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 New York City Employees' Retirement System 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 Employees' Retirement System compliance with the City's Equal Employment Opportunity Policy (EEOP), which has been adopted by the NYCERS, 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 Director of Human Resources acts as the Career Counselor, the agency did not formally appoint a Career Counselor. In addition, 57% of respondents to the *EEPC's Employee Survey* indicated that they did not know the name of the person in the agency that is responsible for providing career counseling.
2. Although the EEO Officer reported directly to the agency head on EEO matters, the organization chart submitted to the EEPC did not illustrate the reporting relationship.
3. Although the agency appointed a DRC and notified staff of the identity of this individual via *NYCERS Employee Handbook*, 68% of respondents to the *EEPC's Employee Survey* indicated they did not know who the agency's DRC is.

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 at least once a year during normal staff meetings. In addition, 63% of respondents to the *EEPC's Supervisor/Manager Survey* indicated that at no time did they reaffirm their commitment to the agency's EEO policy and reaffirm employees' right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year. Also, 54% of respondents to the *EEPC's Employee Survey* indicated that at no time did their supervisor or manager discussed employees' right to file a discrimination complaint with the agency's EEO Officer during staff meetings within the past year.
5. Although the agency utilizes the NYCERS Managerial Performance Evaluation Form, it did not include a rating for EEO. In addition, 84% of respondents to the *EEPC's Supervisor/Manager Survey* indicated that their performance evaluation did not include an EEO component. In addition, 73% of respondent's to the *EEPC's Supervisor/Manager Survey* indicated that they were not informed that fulfillment of their EEO responsibilities would be part of their overall performance evaluation and would be considered in determining their eligibility for promotions and merit increases.

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Executive Director Diane D'Alessandro, 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 New York City Employees' Retirement System will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on December 13, 2012.

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva R. Rice
Commissioner


Angela Cabrera
Commissioner

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

RESOLUTION #13/009C: Determination of **Compliance** by the New York City Employees' Retirement System with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program.

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 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the New York City Employees' Retirement System (NYCERS) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated December 13, 2012, setting forth its findings and required corrective actions; and

Whereas, the NYCERS responded to the EEPC's preliminary determination letter on January 3, 2013 with its intentions to rectify the areas of non-compliance identified in the preliminary determination; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a final determination on February 11, 2013, including such recommended corrective action as the Commission deemed appropriate; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the NYCERS for a period not to exceed six months, from June through November, 2013, to determine whether it implemented the aforementioned required corrective actions; and

Whereas, the NYCERS implemented Corrective Action #1, which states: To ensure that all employees are aware of the person responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities, Personnel Officer should re-distribute the identity and contact information of the Disability Rights Coordinator; and

Whereas, the NYCERS implemented Corrective Action #2, which states: The agency head should formally appoint a Career Counselor with appropriate training and knowledge, who is familiar with career opportunities in City government and remind employees at least once each year of the identity, contact information and type of guidance available from the Career Counselor; and

Whereas, the NYCERS implemented Corrective Action #3, which states: The agency head should direct managers and supervisors to emphasize their commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office at least once a year during staff meetings. These meetings should be documented; and

Whereas, the NYCERS implemented Corrective Action #4, which states: The agency's managerial performance evaluation form should contain a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner);and

Whereas, the NYCERS implemented Corrective Action #5, which states: Because the EEO Officer should report directly to the agency head (or to a direct report to the agency head), the agency should update its organizational chart to reflect this reporting relationship; and

Whereas, the NYCERS implemented Corrective Action #6, which states: Since the Charter requires the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, the agency head should distribute a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program; and

Whereas, since Section 815.a.(15) of the New York City the Charter requires the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, on June 11, 2013, the NYCERS Executive Director distributed a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum re-emphasized the agency head's commitment to the agency's Equal Employment Opportunity Program; and

Whereas, all of the EEPC's required corrective actions are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,
that the New York City Employees' Retirement System has implemented the required 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 this Determination to Diane D'Alessandro, Executive Director of the New York City Employees' Retirement System.

Approved unanimously on October 10, 2013.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva R. Rice
Commissioner



Cesar A. Perez, Esq.
Chair



To: Staff

From: Diane D'Alessandro

Date: June 11, 2013

Re: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEOC) conducts audits of the Equal Employment Offices of all city agencies. The audit specifically addressed a 24-month audit period from January 1, 2009 through December 31, 2011.

In cooperation with the EEOC, we have implemented the Commission's recommended enhancements and updates:

1. The Human Resources Office re-distributed the identity and contact information of the Disability Rights Coordinator, Sari Goldmeier Rella, to ensure that all employees are aware of the person responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state and local laws, as well as City and agency policies, pertaining to persons with disabilities.
2. Felita Ramsami, the Director of Human Resources, was formally appointed the Career Counselor. The staff will be reminded once each year of Ms. Ramsami's appointment, her contact information and the type of guidance available.
3. All managers and supervisors were directed to emphasize their commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office at least once a year during staff meetings. These meetings must be documented and submitted to the NYCERS' EEO Officers.
4. The agency's managerial performance evaluation form now contains a rating for EEO, which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner.
5. The organizational chart has been amended to show that the co-EEO Officers report directly to the agency head.

As the Executive Director of NYCERS, I reaffirm this agency's strong and continuing commitment to maintaining fair employment practices for all employees and job applicants. NYCERS is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under this policy and encouraging a work environment that respects and values the diversity of our workforce.