

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #05/04-866:** Preliminary Determination Pursuant to the Audit of the Department of Consumer Affairs'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 Department of Consumer Affairs'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 did not provide equal employment opportunity. Now, Therefore,

**Be It Resolved,**

that pursuant to the audit of the Department of Consumer Affairs'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 did not issue a General EEO Policy Statement, and its Complaint and Investigation Procedure is an abbreviated version of the model contained in the Citywide EEO Policy.
2. The EEO policies are not referred to, or included, in DCA's Orientation Manual for new employees.
3. The agency's EEO policies are not available in alternate formats for persons with disabilities.
4. The two job advertisements submitted to the EEPC by DCA do not contain the EEO tag line.
5. The agency's model Reasonable Accommodation Procedure is not part of its EEO Policy.
6. One of the agency's internal discrimination complaint files does not contain a Discrimination Complaint Form.

7. Three of the agency's internal discrimination complaint files contain no indication that the respondents were served with a Notice of Complaint along with a copy of the complaint.
8. Three of the agency's internal discrimination complaint files contain confidential written reports that were not prepared in accordance with the Discrimination Complaint Procedures Implementation Guidelines (issued by DCAS).
9. Three of the agency's internal discrimination complaint files contain confidential written reports that were not signed by the agency head.
10. In three of the agency's internal discrimination complaint files, there is no evidence that the complainants and/or respondents were notified in writing of the agency's determination.
11. There was no comprehensive EEO training conducted during the tenures of the previous or current EEO Officers.
12. No structured interview training has been provided to supervisors/managers during the tenure of the current EEO Officer.
13. The agency has not conducted adverse impact studies.
14. The agency has not formally announced the appointments of the past and current Career Counselors.
15. The immediate past and current EEO Officers did not keep notes of their meetings with the Assistant Commissioner regarding EEO matters.
16. The immediate past and current EEO Officers were not involved in developing recruitment strategies or selecting recruitment media.
17. The immediate past and current EEO Officers did not direct supervisors and managers to discuss the agency's EEO policies with their subordinates.
18. The agency cannot locate the files of the first EEO Officer to serve during the audit period.

**Be It Finally Resolved,**

that the Commission authorizes the Vice Chairman, or his designee, to forward a letter to Commissioner Gretchen Dykstra 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 Department of Consumer Affairs will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on April 27, 2005.

**Chereé Buggs, Esq.**  
**Commissioner**

**Veronica Villanueva, Esq.**  
**Commissioner**

  
**Angela Cabrera**  
**Commissioner**

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

**RESOLUTION #06/03-866C:** Determination of implementation by the Department of Consumer Affairs of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Consumer Affairs' 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 Consumer Affairs (DCA), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated April 27, 2005, setting forth its findings and recommended corrective actions; and

**Whereas**, the DCA submitted its response to EEPC's preliminary determination letter, on May 30, 2005; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its response on June 10, 2005; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DCA for a period not to exceed six months, from July 2005 through December 2005, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, on January 17, 2006 the Department of Consumer Affairs requested an extension of the compliance period and the EEPC granted a three month extension; and

**Whereas**, the Department of Consumer Affairs submitted its Final Compliance Report on April 20, 2006; 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 EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

**Be It Resolved,**

that the Department of Consumer Affairs 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 Chair, Ernest Hart, Esq., to forward a letter to the Commissioner of the Department of Consumer Affairs, Jonathan Mintz, formally informing him that the DCA has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on April 28, 2006.

**Chereé A. Buggs, Esq.**  
**Commissioner**

**Angela Cabrera**  
**Commissioner**



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**Ernest F. Hart, Esq.**  
**Chair**