

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

RESOLUTION #03/10-125: Preliminary Determination Pursuant to the Audit of the Department for the Aging and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2000 to December 31, 2002.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) 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 for the Agency's compliance with the City's Equal Employment Opportunity Policy; 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 Department for the Aging (DFTA) and its 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 Policies are not available in alternate formats accessible to persons with disabilities.
2. Eleven of the 12 (91.7%) supervisors/managers interviewed by EEPC auditors indicated that the agency had never evaluated their EEO performance.
3. The agency's EEO Policies contain the name and phone number of the previous EEO Officer.
4. The agency's Discrimination Complaint Procedure contains out-of-date addresses and phone numbers of the U.S. Equal Employment Opportunity Commission and the New York State Division of Human Rights.
5. The agency has not issued a Reasonable Accommodation Procedure to accompany its Disabilities Policy Statement.
6. The former EEO Counselor did not attend the DCAS training session for EEO professionals.

7. The EEO Officer's final report on a discrimination complaint filed by a Work Experience Program (WEP) worker was not included in the complaint file.
8. Only 16% of DFTA's employees received EEO training during the audit period.
9. Sixty-five percent of the supervisors/managers interviewed by EEPC auditors indicated they had not received structured interview training.
10. DFTA did not conduct adverse impact studies.
11. The agency did not appoint a Career Counselor.
12. The previous and current EEO Officers did not maintain appropriate documentation of meetings with the agency head.
13. The previous and current EEO Officers were not involved in developing recruitment strategies.
14. The EEO Officer does not have clerical support staff.
15. The EEO Officer did not direct supervisors and managers to discuss agency EEO Policies with their subordinates.
16. The EEO Officer does not devote 100% of her time to EEO matters.
17. Sixty-two percent of survey respondents indicated they do not know who is the EEO Officer.

Be It Finally Resolved,

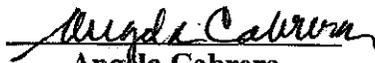
That the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the Department for the Aging, Edwin Méndez-Santiago, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the Department for the Aging will take to bring the agency into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on August 14, 2003.

Manuel A. Mendez
Commissioner

C. Catherine Rimokh, Esq.
Commissioner

Veronica Villanueva, Esq.
Commissioner


Angela Cabrera
Vice-Chair

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

RESOLUTION #04/14-125PC: Determination of implementation by the Department for the Aging of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department for the Aging's Charter-mandated Equal Employment Opportunity Program from July 1, 2000 to December 31, 2002.

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 for the Aging (DFTA), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated August 14, 2003 setting forth its findings and recommended corrective actions; and

Whereas, in response to EEPC's preliminary determination letter, DFTA submitted its response on September 25, 2003; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on October 28, 2003 identifying those recommendations accepted and rejected by DFTA; and

Whereas, in response to EEPC's final determination letter, DFTA submitted its response on November 12, 2003; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor DFTA for a period not to exceed six months, from February 2004 through July 2004, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Department for the Aging submitted its Final Compliance Report on August 19, 2004; and

Whereas, on September 13, 2004 the Department for the Aging requested an extension of the compliance period; and

Whereas, the Department for the Aging submitted additional information on October 13, 2004 and did not submit additional Monthly Compliance Reports; and

Whereas, the Department for the Aging implemented fifteen of seventeen recommended corrective actions; and

Whereas, the Department for the Aging did not implement corrective action number seven, which states: "the EEO Officer should follow-up on her pledge and develop a plan to provide EEO training, which includes a component on preventing sexual harassment, to all new and existing employees"; and

Whereas, the Department for the Aging did not implement corrective action number fourteen, which states: "Supervisors should hold documented meetings with their staffs to emphasize their (supervisors') commitment to the agency's EEO Policies and reaffirm the right of each employee to file a discrimination complaint with the EEO Office; and

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy. Now Therefore,

Be It Resolved,

that the Department for the Aging did not implement and/or submit documentation reflecting the implementation of required action numbers seven and fourteen to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Further Resolved,

that the Commission authorizes the Vice-Chair to forward a letter to the Department for the Aging, Commissioner Edwin Méndez-Santiago, formally informing him that DFTA has **partially complied** with the requirements of Chapters 35 and 36 of the New York City Charter because his agency has not implemented all the recommended corrective actions pursuant to the Commission's audit of compliance by the DFTA's with the City's Equal Employment Opportunity Policy; and

Be It Finally Resolved,

that pursuant to Section 831(d)(5) of the New York City Charter the Equal Employment Practices Commission may initiate another audit of DFTA prior to the conclusion of the maximum timeframe by the New York City Charter.

Approved unanimously on November 19, 2004.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner


Manuel A. Méndez
Vice-Chair



DEPARTMENT FOR THE AGING

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Edwin Méndez-Santiago, MSW, CSW
Commissioner

August 5, 2004

TO: All Staff

FROM: Edwin Méndez-Santiago 

RE: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEPC) conducts audits of the Equal Employment Opportunity (EEO) programs of all city agencies. The EEPC recently completed an audit of the Department for the Aging's EEO program for the period July 1, 2000 through December 31, 2002. At the end of its audit, the EEPC made some recommendations to improve our EEO program. I am pleased to report that we have already complied with most of these recommendations, including the following:

- Revised EEO policies containing the name and phone number of our EEO Officer and the addresses and phone numbers of the state, city and federal agencies which enforce the laws against discrimination are available on the intranet in standard and large print.
- DFTA has adopted the "Reasonable Accommodation Policy and Procedure" and the "Request for Reasonable Accommodation" form contained in the Citywide EEO Policy for its own use.
- DFTA will offer structured interview training to employees involved in job interviewing, and collaborate with DCAS regarding general EEO training for all staff.
- Once supervisors have received EEO training, they will conduct meetings with staff at which the agency's EEO policy will be discussed as well as employees' rights to file EEO complaints with DFTA's EEO Officer.

- Our EEO Officer will meet regularly with Human Resources to discuss recruitment strategies and will make recommendations regarding how to reach minority and female applicants, as appropriate.

I reaffirm this agency's strong commitment to maintaining fair employment practices for all its employees and job applicants. The implementation of DFTA's EEO plan is one of this agency's highest priorities and has my full support. I encourage you to continue to work together to create an environment that supports our diversity and is welcoming to all. Should you have any questions or need to address any concerns, please contact Angela Maroulis, the EEO Officer, at (212) 442-1154. DFTA's EEO male counselor, Gary Barbash, can be reached at (212) 442-3031.