

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

**RESOLUTION #98/03-072** Preliminary Determinations Pursuant to the Audit of the Department of Correction and its compliance with the City Charter-mandated Affirmative Employment Plan from April 1, 1994 to September 30, 1996.

**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 of Correction's compliance with the Affirmative Employment Plan from April 1, 1994 to September 30, 1996; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the City Charter, the Commission may make a preliminary determination pursuant to Section 831 (d) that any plan, program, procedure, approach, measure or standards 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 of Correction (DOC) and its compliance with the City-Charter mandated Affirmative Employment Plan (AEP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The AEP was not available in a format accessible to disabled employees and applicants for employment;
2. DOC did not include EEO performance-related criteria in its managerial supervisory performance evaluations or advise managers/supervisors of the impact of their EEO performance on their careers;
3. Supervisors did not meet with staff to discuss the AEP;
4. Newly hired civilian employees were not informed about the EEOP;
5. Fifty-one percent of Employee Survey respondents indicated that they were not given copies of the EEO Policy statement;
6. Eight of thirteen supervisors interviewed indicated that the EEO Officer had not met with them to discuss their rights and responsibilities under the AEP;

7. DOC "Personnel Orders" did not contain the mandatory EEO language;
8. DOC did not specifically inform employees of the 55A Program;
9. A significant percentage of employee survey respondents did not know the identity of DOC's EEO Officer;
10. Sixty-two percent of Employee Survey respondents indicated they did not know how to file an EEO complaint;
11. Eighty-seven percent of Employee Survey respondents indicated that they did not have copies of the discrimination complaint procedures;
12. Civilian employees did not receive the formal sexual harassment prevention training given to uniform employees and thirty-six percent of Employee Survey respondents and sixty-four percent of supervisors interviewed indicated that they had not received the training.
13. DOC does not have a sufficient number of EEO investigators to enable it to carry out its EEO mandate;
14. The EEO Office did not participate in developing and monitoring recruitment strategies for provisional and uniform employees, nor was it notified of vacancies in titles where underutilizations exist;
15. DOC has not examined selection, evaluation and promotion criteria to determine if they have a disparate impact on minorities and women;
16. DOC has not examined whether or not minority and female applicants are rejected at a higher rate in comparison to white male candidates;
17. DOC does not maintain appropriate applicant data;
18. Seventy-four percent of Employee Survey respondents who had been employees for more than one year indicated they had not been evaluated annually; and,
19. Eighty-seven percent of Employee Survey respondents indicated that they did not know what the AEP was and ninety percent did not know how to obtain it.

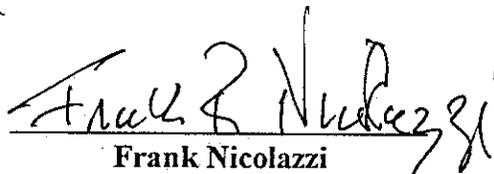
**Be it finally resolved,**  
that the Commission authorizes the Chairman or Vice-Chairman to forward a letter to the Commissioner of the New York City Department of Corrections, Bernard Kerik, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant 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 New York City Department of Corrections will take to bring the agency in compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on May 14, 1998.

**Angela Cabrera**  
Commissioner

**Jeannette Diaz, Esq.**  
Commissioner

  
**Frank Nicolazzi**  
Vice-Chairman

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

**RESOLUTION #99/03-072C.** Determination of implementation by the Department of Correction of recommended corrective actions made by the EEPC pursuant to its audit of the New York City Department of Correction's Affirmative Employment Plan from April 1, 1994 to September 30, 1996.

**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**, pursuant to its audit of the New York City Department of Correction, the Equal Employment Practices Commission issued a preliminary determination letter, dated May 18, 1998, setting forth its findings and recommended corrective actions; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC monitored the New York City Department of Correction for a period of six months, from June 1998 through November 1998, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, all of the aforementioned recommended corrective actions are required by the City's Equal Employment Opportunity Policy which replaced the former Affirmative Employment Plan (AEP). Now, Therefore,

**Be It Resolved**,  
that the New York City Department of Correction has fully implemented all 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-Chairman to forward a letter to the Commissioner of the New York City Department of Correction, Bernard B. Kerik, formally informing him that the agency has implemented all recommended corrective actions to the Commission's satisfaction.

Approved unanimously on March 25, 1999.

**Manuel Mendez**  
**Commissioner**

**Angela Cabrera**  
**Commissioner**

**Jeanette Diaz**  
**Commissioner**

  
**Frank R. Nicolazzi**  
**Vice-Chair**