

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #06/20-040: Preliminary Determination Pursuant to the Audit of the Department of Education's (DOE) Internal Discrimination Complaint Procedure for Non-Pedagogical Employees from July 1, 2003 through June 30, 2005.

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 DOE's Internal Discrimination Complaint Procedure for Non-Pedagogical Employees; 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 of Education's compliance with its internal discrimination complaint procedure, as well as Commission policies and EEO standards expressed in the Citywide EEO Policy and implementing guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's internal discrimination complaint procedure (Chancellor's Regulation A-830) does not contain the current list of "protected classes" under the New York State and New York City Human Rights laws.
2. The agency's internal discrimination complaint procedure does not require that the agency head sign off on all final determinations concerning EEO complaint resolutions.
3. Nine of the 364 Local Equal Opportunity Coordinators oversee their facility's personnel function, thereby creating a conflict of interest.
4. The agency's Office of Equal Opportunity was understaffed at the end of the audit period.
5. The Office of Equal Opportunity's previous Director, Assistant Director, and Complaint Officer did not complete comprehensive EEO training programs.

6. The former EEO Officers reported to, and the current EEO Officer continues to report to, the General Counsel.
7. Due to understaffing in the Office of Equal Opportunity, the Office cannot hold periodic meetings with the Local Equal Opportunity Coordinators to discuss internal and external EEO developments and other matters of mutual interest.
8. The investigations of two internal discrimination complaints filed during the audit period were not completed within the twenty working days required by the agency's discrimination complaint procedure.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chair, Manuel A. Méndez, to forward a letter to the Department of Education Chancellor, Joel Klein, 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 of Education will take to bring the agency into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on August 3, 2006.

Chereé A. Buggs, Esq.
Commissioner

Vernoica Villanueva, Esq.
Commissioner

Angela Cabrera
Commissioner


Manuel A. Méndez
Vice-Chair

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

RESOLUTION #08/07-040C: Determination of implementation by the Department of Education of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Education's Internal Discrimination Complaint Procedure for Non-Pedagogical Employees from July 1, 2003 through June 30, 2005.

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 Education (DOE), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated August 3, 2006 setting forth its findings and recommended corrective actions; and

Whereas, in response to EEPC's preliminary determination letter, the DOE submitted its response on November 14, 2006; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on December 14, 2006 identifying those recommendations accepted and rejected by the DOE; and

Whereas, in response to the EEPC's final determination letter, the DOE submitted its response on January 27, 2007; and

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

Whereas, the Department of Education submitted its Final Compliance Report on May 20, 2008; and

Whereas, the EEPC requested additional information and documentation, which were submitted on June 3, 2008, September 16, 2008, and November 17, 2008; and

Whereas, the Department of Education implemented seven of eight recommended corrective actions; and

Whereas, the Department of Education adopted a new Chancellor's Regulation A-830 on Filing Internal Complaints of Unlawful Discrimination/Harassment during the compliance process, which eliminated the need to implement corrective action number three; 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,

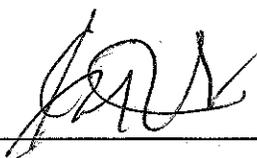
Be It Resolved,

that the Commission authorizes the Chair Ernest F. Hart, Esq., to forward a letter to the Department of Education Chancellor, Joel I. Klein, formally informing him that the DOE has implemented all of the recommended corrective actions pursuant to the Commission's audit of compliance by the DOE with the City's Equal Employment Opportunity Policy.

Approved unanimously on December 18, 2008.

Angela Cabrera
Commissioner

Manuel A. Mendez
Vice-Chair

A handwritten signature in black ink, appearing to read 'E. Hart', is written over a horizontal line.

Ernest F. Hart, Esq.
Chair

Message from the Chancellor

To all DOE employees:

The New York City Department of Education is not only the largest public school system in the country, but also one that reflects great diversity. As the Chancellor, I would like to reaffirm the Department's commitment to maintaining a work environment that promotes dignity, respect, and fair employment practices for all employees and job applicants. The Department works to prevent discrimination by ensuring that all employees and applicants are aware of their rights and obligations pursuant to the Non-Discrimination Policy and Chancellor's Regulation A-830. I encourage you to contact the Office of Equal Opportunity (OEO) for further information.

Joel I. Klein
Chancellor

Mecca E. Santana
Director, Office of Equal Opportunity

OEO is Here:

Walk-Ins Welcome

Visit Our New Website:
www.nyc.gov/schools/o eo
Download forms
Get information
File a complaint

OEO Hotline:
(718) 935-3320

OEO has Changed:

New Director and Increased Staff

LEOC System Discontinued:
Every case now investigated by trained OEO investigators

Chancellor's Regulation A-830 Revised:
More protection
More efficiency

OEO can Help:

Staff Development Workshops:
Sexual harassment
Diversity/Sensitivity

Tailored Training Offered On-Site:
Disability accommodations

Counseling and Dispute Resolution

Office of Equal Opportunity
65 Court Street - Room 923
Brooklyn, New York 11201

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