

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #10/06-816: Preliminary Determination Pursuant to the Audit of the Department of Health and Mental Hygiene's (DOHMH's) Equal Employment Opportunity Program from January 1, 2006 through December 31, 2008.

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 Department of Health and Mental Hygiene'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 does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Department of Health and Mental Hygiene's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's recruitment literature did not also include the statement "the City of New York is an equal opportunity employer."
2. Although the agency has appointed a Disability Rights Coordinator, 85% of respondents to the *EEPC's Employee Survey* indicated they did not know who the agency's Disability Rights Coordinator is.
3. The agency could not demonstrate accessibility/non-accessibility status for 34 of its facilities.
4. Eight of the 10 internal complaint files submitted were not closed within 90 days of the date on which the complaint was filed and no Delay Notification Letters were placed in the files.

5. Four of the 10 internal complaint files submitted did not contain any notes of interviews conducted with the complainant, respondent or witnesses.
6. Five of the 10 internal complaint files were not labeled "confidential."
7. The majority of individuals who conducted interviews did not receive structured interview training and or a guide during the audit period.
8. Eighty percent 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.
9. Managers/supervisors neither discussed the agency's commitment to the principle of Equal Employment Opportunity during staff meetings within the past year nor the agency's commitment to the principle of Equal Employment Opportunity during staff meetings at least twice within the past year.
10. No documentation of agenda or notes of meetings held between the EEO Officer and the agency head was kept.

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Thomas A. Farley, 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 Health and Mental Hygiene's will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

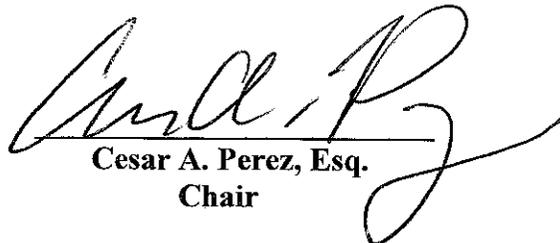
Approved by a vote of four in favor and the Chair abstaining, on June 25, 2010.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva A. Rice
Commissioner


Cesar A. Perez, Esq.
Chair

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

RESOLUTION #12/01-816C: Determination of implementation by the Department of Health and Mental Hygiene of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Health and Mental Hygiene's Charter-mandated Equal Employment Opportunity Program from January 1, 2006 to December 31, 2008.

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 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, 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, pursuant to its audit of the Department of Health and Mental Hygiene (DOHMH), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter June 25, 2010 setting forth its findings and recommended corrective actions; and

Whereas, the DOHMH submitted its response to EEPC's preliminary determination letter on July 30, 2010; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on August 27, 2010 identifying those recommendations accepted and rejected by DOHMH; and

Whereas, in response to EEPC's final determination letter, DOHMH submitted its response on October 5, 2010; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DOHMH for a period not to exceed six months, from January 2011 through June 2011, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, on July 14, 2011 the DOHMH requested an extension of the compliance period; and

Whereas, on July 28, 2011 the EEPC granted an extension of the compliance period; and

Whereas, the Department of Health and Mental Hygiene's submitted its Final Compliance Report on December 16, 2011; and on January 13, 2012 the Department of Health and Mental Hygiene submitted additional information/documentation; 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 Summary Compliance 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 Health and Mental Hygiene has implemented the recommended 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 a letter to Commissioner Thomas A. Farley, M.D. formally informing him that the Department of Health and Mental Hygiene has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on February 24, 2012.

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva R. Rice
Commissioner


Cesar A. Perez, Esq.
Chair

TO: All Employees

FROM: Thomas Farley, MD MPH
Commissioner

DATE: February 22, 2012

SUBJECT: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEPC) recently completed an audit of the Department of Health and Mental Hygiene's (DOHMH's) compliance with the City's Equal Employment Opportunity Program. The audit specifically addressed the period from January 1, 2006 through December 31, 2008. The auditors also looked at our current practices and conducted a mail-in survey of our staff to ascertain how effectively the agency is addressing Equal Employment Opportunity (EEO) issues. The EEPC listed only a few recommendations, all of which have been implemented with the exception of some field locations requiring accessibility enhancements.

The results of the audit are available for your review, upon request, by contacting our agency EEO Officer Mitchell Sturman.

As Commissioner of Health, I affirm this agency's strong commitment to maintaining fair employment practices for all employees and job applicants. It is essential that the DOHMH prevents discrimination and ensures that all employees are aware of their rights and obligations under this policy.

All employees are encouraged to utilize the resources available within DOHMH and to address any concerns to the EEO Officer, Mitchell Sturman, at 347-396-6549.