

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

**RESOLUTION #99/02-816:** Preliminary Determination Pursuant to the Audit of the Department of Health 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 Health's compliance with the Affirmative Employment Plan; 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 (DOH) 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. Bulletin boards were not monitored to see if EEO Policies and the Discrimination complaint procedure were posted.
2. There was no documentation indicating that EEO Policies were distributed annually.
3. The AEP was not available in a format accessible to visually impaired employees or applicants.
4. DOH's Management Performance Appraisal did not contain EEO related criteria; the majority of supervisors interviewed indicated that they were not informed that EEO performance would be a part of their performance evaluation, nor had DOH evaluated their EEO performance.
5. Supervisors/managers did not uniformly conduct meetings with their staffs to discuss their AEP-mandated rights and responsibilities and the discrimination complaint procedure.

6. The EEO Officer did not uniformly meet with supervisors to discuss their rights and responsibilities under the AEP.
7. Although the agency's AEP had been available in the lobby where the agency is located, the EEO was not available there.
8. Supervisors interviewed did not uniformly know the identity of the agency's EEO Officer.
9. DOH was unaware whether an accessibility study was conducted on all DOH's sites.
10. Discrimination complaints were not resolved within the required ninety day time frame.
11. The EEO Officer did not hold regularly scheduled meetings with the EEO Counselors.
12. The results of discrimination complaint investigations were not uniformly provided to the agency head.
13. There were a number of deficiencies contained in complaint files including a lack of required case documentation.
14. DOH did not review criteria or devices used by the agency for selecting, evaluating or promoting employees to determine if there was a disparate impact on minorities or women.
15. DOH has not examined whether minority and female applicants are rejected at a higher rate than non-minority and male candidates. Annual preventive sexual harassment training was not provided to employees.
16. DOH did not provide Structured Interview Training for all supervisors involved in interviewing.
17. Sub-managerial and managerial recruitment forms did not uniformly contain sufficiently specific rationales for rejecting applicants or information about recruitment methods.
18. DOH does not have a data base which efficiently tracks hiring and promotion data; DOH records hires from other agencies as promotions.

**Be It Finally Resolved,**

that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the Department of Health, Dr. Neal L. Cohen, 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 will take to bring the agency in compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on March 25, 1999

**Angela Cabrera**  
**Commissioner**

**Manuel A. Mendez**  
**Commissioner**

**Jeanette Diaz, Esq.**  
**Commissioner**

  
**Frank Nicolazzi**  
**Vice-Chair**

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

**RESOLUTION #01/05-816C** Determination of implementation by the Department of Health of the recommended corrective actions made by the EEPC pursuant to its audit of the New York City Department of Health's Charter-mandated Equal Employment Opportunity Policy 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 Health, the Equal Employment Practices Commission issued a preliminary determination letter, dated March 25, 1999 setting forth its findings and recommended corrective actions; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the Department of Health for six months commencing December 1999, to determine whether it implemented the aforementioned recommended corrective actions; and

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

**Whereas**, DOH's compliance period had to be extended seven months; and

**Whereas**, the Department of Health did not submit its' Final Compliance Report until February 2001. Now Therefore,

**Be It Resolved**,  
that the New York City Department of Health has fully implemented all twenty-two 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 Health, Neal L. Cohen M. D., formally informing him that the agency has implemented all twenty-two recommended corrective actions to the Commission's satisfaction.

Approved unanimously on March 15, 2001

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

**Angela Cabrera**  
**Commissioner**

  
**Manuel A. Méndez**  
**Commissioner**