

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

**RESOLUTION #04/09-781:** Preliminary Determination Pursuant to the Audit of the Department of Probation's (DOP) Equal Employment Opportunity Program from January 1, 2001 through June 30, 2003.

**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 Department of Probation'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 Probation'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. DOP did not do an architectural survey of all buildings (whether city-owned or privately-owned) that house DOP employees to ensure that they are accessible to and usable by persons with disabilities. (Sect. II, EEOP)
2. DOP did not officially appoint a male EEO Counselor and notify employees of that appointment. (Sect. VII (A)(I), EEOP)
3. DOP did not appoint an EEO Counselor that is not directly involved in the implementation of disciplinary action for employees.
4. Whenever possible, the investigation of complaints should be completed within 90 days of the receipt of the complaint. (DCPIG; April 96 Amendment)
5. In circumstances where the investigation was not completed within the 90-day timeframe, a notification delay letter was not sent to the parties of the investigation. (DCPIG; April 96 Amendment)

6. DOP did not adhere to the goals projected in its Agency-Specific EEO plan to provide EEO training for all new and existing employees. (Sect. IV, EEOP)
7. DOP did not prepare a list of minority-oriented organizations, which includes all protected EEO groups, to be used for recruitment purposes. (Sect. V, EEOP)
8. DOP did not conduct adverse impact studies. (Sect. VI, EEOP)
9. DOP did not ensure that all employees involved in interviewing received structured interview training. (Sect. VII, EEOP)
10. DOP did not inform its managerial staff in writing that their annual performance evaluation form includes tasks and standards relevant to EEO performance that will be considered in determining eligibility for promotions or merit increases. (Sect. VI (B)(7), EEOP)
11. Appropriate documentation of meetings and other communications between the EEO Officer and agency head [or direct report to the agency head] regarding EEO decisions were not maintained.
12. Seventy-three percent of DOP's managers were not aware that their evaluation form contains a rating for Equal Employment Opportunity.
13. Seventy-six percent of DOP's employees did not know the identity, location and telephone number of the career counselor. (Section VI, Citywide EEO Policy)
14. DOP did not request approval from DCAS and revise its Agency Specific Plan to state the reporting relationship between its EEO Officer and Chief of Staff. (Sect. VII, Citywide EEO Policy)
15. Prior to distribution, DOP did not update its EEO policy to reflect the current identity, location, and telephone number of newly appointed EEO personnel. (Sect. VI, EEOP)
16. DOP, an agency of approximately 1400 employees, does not have a full-time EEO Officer and adequate support staff to implement effectively all requirements of the City's EEO Policy.

**Be It Finally Resolved,**

that the Commission authorizes the Vice-Chairman to forward a letter to DOP Commissioner Martin Horn 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 Probation will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on July 29, 2004.

**Chereé Buggs, Esq.**  
**Commissioner**

**Angela Cabrera**  
**Commissioner**



**Manuel A. Méndez**  
**Vice Chairman**

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

**RESOLUTION #05/08-781C:** Determination of implementation by the Department of Probation of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Probation's Charter-mandated Equal Employment Opportunity Program from January 1, 2001 to June 30, 2003.

**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 Probation (DOP), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated July 29, 2004, setting forth its findings and recommended corrective actions; and

**Whereas,** DOP submitted its response to EEPC's preliminary determination letter, on September 3, 2004; and

**Whereas,** in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on September 24, 2004 identifying those recommendations accepted and rejected by DOP; and

**Whereas,** in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor DOP for a period not to exceed six months, from January 2005 through June 2005, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas,** the Department of Probation submitted its Final Compliance Report on July 12, 2005; and

**Whereas,** the Department of Probation submitted additional information on July 21, 2005; 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 Compliance Summary 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 Probation has implemented the 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 Chair, Ernest Hart, Esq., to forward a letter to the Commissioner of the Department of Probation, Mr. Martin Horn, formally informing him that DOP has implemented the recommended corrective actions to the Commission's satisfaction.

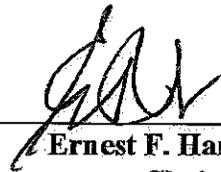
Approved unanimously on July 28, 2005.

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

**Angela Cabrera**  
**Commissioner**

**Manuel A. Méndez**  
**Vice-Chair**

**Veronica Villanueva, Esq.**  
**Commissioner**



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**Ernest F. Hart, Esq.**  
**Chair**

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Martin F. Horn  
Commissioner



MEMORANDUM

DATE: July 28, 2005  
TO: All Staff  
FROM: Martin F. Horn, Commissioner   
SUBJECT: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEPC) conducts audits of the Equal Employment Program of all city agencies. The EEPC recently completed an audit of our agency's compliance with the City's Equal Employment Policy covering the period from January 1, 2001 through June 30, 2003.

I am very pleased with the results of the audit and our accomplishments in this area. EEPC did make some recommendations to enhance DOP's EEO program and I am pleased to report that we have implemented all of them and successfully completed the compliance period.

I would like to call your attention to several areas where DOP incorporated EEPC recommendations:

- We redistributed contact information for our EEO officer and career counselor to all staff.
- Karim Scott was appointed EEO counselor and his contact information was distributed.
- We distributed a reminder to managerial staff that their annual performance evaluations form includes tasks and standards relevant to EEO performance that will be considered in determining eligibility for promotions or merit increases.
- All managers and supervisors involved in conducting employment interviews will receive Structured Interviewing Training, beginning with branch chief training this fall.
- At our request, DCAS is in the process of conducting a survey of our facilities to access handicap accessibility.

Please remember that all Department of Probation EEO contact information is listed on our Intranet home page.

Let me also take this opportunity to inform you that earlier this year, Mayor Bloomberg issued a revised version of the New York City EEO Policy. This Policy may be accessed through the DCAS website at: <http://www.nyc.gov/html/dcas/html/eeopol.html>. Additionally the EEO Policy Handbook (About EEO: What You May Not Know), which we distributed during EEO training, and a new addendum may be viewed at [http://www.nyc.gov/html/dcas/html/eo\\_booklet.html](http://www.nyc.gov/html/dcas/html/eo_booklet.html).

Among other changes, the revised Policy incorporates the "Guidelines Regarding 'Gender Identity' Discrimination" which were recently issued by the New York City Commission on Human Rights. The Policy also contains special sections on Sexual Harassment, Disabilities, Retaliation and Requests for Reasonable Accommodations (for people with disabilities; religious observances, beliefs or practices; and victims of domestic violence, sexual offenses and stalking).

Copies of the revised Policy as well as a document which highlights the major changes that have been added are being distributed to all managers and supervisors. There is a citywide requirement that managers and supervisors conduct meetings with staff at least once a year, to reaffirm their commitment to EEO policy and discuss the right of employees to file EEO complaints. We have asked that the Policy revisions be discussed at your next such meeting.

I reaffirm the agency's strong commitment to maintaining fair employment practices for all our employees. DOP is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under the EEO Policy and by encouraging a work environment that tolerates and appreciates differences among employees. All personnel should work together to maintain an atmosphere of appreciation for the diversity reflected in our staff.

I encourage all employees to access the resources available within DOP and to address any concerns you have to Leta Binder, EEO Officer/Disability Rights Coordinator, at (212) 232-0494 or Karim Scott, EEO Counselor, at (212) 232-0770.

Thank you