

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #06/04-073: Preliminary Determination Pursuant to the Desk Audit of the Board of Correction's (BOC) Equal Employment Opportunity Program from July 1, 2003 through December 31, 2004.

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 conducted a desk audit of the Board of Correction'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 an City agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Board of Correction's compliance with the Equal Employment Practices Commission's Minimum Standards for Equal Employment Opportunity by Non-Mayoral Agencies with Less than 15 Employees, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. BOC has not adopted the Citywide EEO Policy and Discrimination Complaint Procedure or issued an EEO Policy and a Discrimination Complaint Procedure that are consistent with the Citywide EEO Policy.
2. The agency's EEO Officer did not receive EEO training from the Department of Citywide Administrative Services (DCAS) or another appropriate organization or school.
3. BOC did not provide EEO training to all current and new employees.
4. BOC did not conduct an underutilization analysis to determine if minorities and/or women are underrepresented in the agency's job categories.
5. The agency's one job advertisement did not contain the EEO tag line.

Be It Finally Resolved,

that the Commission authorizes the Chair, or his designee, to forward a letter to the Board of Correction Chair, Hildy J. Simmons, and the Board of Correction Executive Director, Richard T. Wolf, formally informing them of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, their response to those findings within thirty days of receipt of the letter indicating what corrective actions the Board of Correction will take to bring it into compliance with the aforementioned EEPCC Minimum Standards.

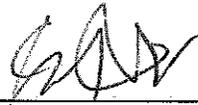
Approved unanimously on March 9, 2006.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #07/06-073C: Determination of implementation by the Board of Correction of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Board of Correction's Charter-mandated Equal Employment Opportunity Program from July 1, 2003 to December 31, 2004.

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 Board of Correction (BOC), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter March 9, 2006 setting forth its findings and recommended corrective actions; and

Whereas, the BOC submitted its response to EEPC's preliminary determination letter, on March 29, 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 April 21, 2006 identifying those recommendations accepted and rejected by the BOC; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the BOC for a period not to exceed six months, from July through December 2006, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, on February 6, 2007 the Board of Correction requested, and was granted, a three-month extension of the compliance period; and

Whereas, the Board of Correction submitted its Final Compliance Report on April 4, 2007; 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 the EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the Board of Correction 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.

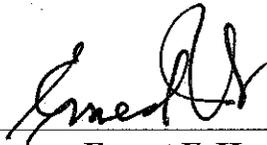
Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Executive Director of the Board of Correction, Richard T. Wolf, formally informing him that the BOC has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on April 26, 2007.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner



Ernest F. Hart, Esq.
Chair



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York
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Telephone: (212) 788-8646 Fax: (212) 788-8652

MEMORANDUM

TO: Board of Correction Compliance File
FROM: Michelle M-Antoine, Compliance Coordinator 
SUBJECT: Compliance Initiation Meeting on July 11, 2006
DATE: July 12, 2006

Attendees:

BOC: Cathy Potler, Deputy Executive Director/ EEO Officer

EEOC: Lisa Badner Esq., Compliance Director
Michelle M-Antoine, Compliance Coordinator

Purpose:

To discuss the audit compliance process, determine the compliance-monitoring period, and review the BOC's Response to the Preliminary Determination Letter pursuant to the audit.

Summary:

Ms. Badner explained that the EEOC has revised its Desk Audit Protocols and has eliminated two of the required actions regarding underutilization and enhanced required actions two and seven.

Ms. Badner and Ms. Antoine discussed the compliance process and reviewed the compliance-reporting format. Ms. Antoine explained that the BOC will have a period not to exceed six months to report on the implementation of each corrective action. It was further explained that the reporting period could be terminated before six months if all required actions are satisfied earlier. The EEO Officer was informed that the monthly compliance reports are due on or before the 7th business day of each month.

It was determined that the compliance reporting period will commence on July 1, 2006 and end on December 31, 2006. The first compliance report will be due on August 9, 2006. The final compliance report, signed-off by the agency head, will be due on Wednesday, January 10, 2007.

Ms. Antoine informed Ms. Potler that she would email the Monthly Compliance Report format to her. She was provided with a hard copy of the format. She was informed that each required action is to be completed on a separate page and that documentation already submitted

with a previous report need not be resubmitted in subsequent reports; however, each response must be restated.

Ms. Badner and Ms. Antoine reviewed the BOC's Response to the Preliminary Determination Letter. Ms. Antoine explained that EEPC requires documentation to substantiate that the required actions have been implemented. Ms. Potler agreed to provide documentation and/or additional information for the remaining required actions.

Required actions #1 - #3: Ms. Potler said that the BOC has adopted, distributed and posted the Citywide EEO Policy and Discrimination Complaint Procedure. Ms. Potler indicated that BOC has also distributed the EEO Handbook, *About EEO: What You May Not Know* (DCAS, 2003 with Addendums) to all current and new employees. Ms. Potler agreed to submit a copy of the signed distribution list.

Required action #4: Ms. Potler stated that she attended the last DCAS training for EEO Professionals; however, she missed one session. She will make it up in September and forward EEPC a copy of her Certificate of Completion.

Required action #5: Ms. Potler agreed to contact Ms. Jyll Townes, Assistant Commissioner for the OCEEEO/DCAS, to obtain a copy of the EEO Training Curriculum. She indicated that she will try to conduct the training herself. Ms. Badner informed her that she could contact Mr. Christopher Metzler at Cornell University School of Industrial and Labor Relation (EEO Studies Program). Ms. Badner also suggested collaborating with another small agency to reduce the cost of the training.

Required action #6: Ms. Potler agreed to submit a copy of a post-audit job vacancy notice, which includes EEO tagline.

Required action #7: Ms Potler was informed that the agency head should disseminate an agency-wide memorandum discussing the EEPC's audit findings. The memo should reiterate the agency head's commitment to EEO and list the name and phone number of the EEO Officer. It was explained that this required action should be completed towards the end of the compliance period. Ms. Potler was given copies of memoranda.

Conclusion:

Ms. Badner told Ms. Potler that Mr. Abraham May, Jr. will issue a letter Executive Director Richard T. Wolf regarding this meeting and the monitoring process with a copy of the Audit Compliance Monitoring Report.

C: Abraham May, Jr.
Lisa Badner