

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

**RESOLUTION #04/03-25:** Preliminary Determination Pursuant to the Audit of the New York City Law Department's 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 New York City Law Department'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 did not provide equal employment opportunity. Now, Therefore,

### **Be It Resolved,**

That pursuant to the audit of the New York City Law Department's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency's General Anti-Discrimination Policy does not contain an up-to-date list of "protected classes" under the New York City Human Rights Law.
2. The agency's Discrimination Complaint Procedure contains out-of-date addresses and telephone numbers for the New York State Division of Human Rights.
3. One of the agency's five newspaper advertisements submitted to the EEPC did not contain the EEO tag line.
4. None of the investigations of the seven internal discrimination complaints that were filed in 2001 and subsequently received a no probable cause determination were completed within 90 days.
5. None of the EEO Officer's final reports on internal discrimination complaints were signed by the agency head.
6. One internal discrimination complaint file contains a partially completed complaint form and no final report and notification letter to the complainant.

7. Sixty-two percent of supervisors/managers interviewed by EEPC auditors indicated they had not received structured interview training.
8. The current EEO Officer—who served for the last five months of the audit period—did not conduct adverse impact studies.
9. Fifty-five percent of survey respondents indicated they do not know the name of the NYCLD employee responsible for providing career counseling.
10. Eighty percent of the supervisors/managers interviewed by EEPC auditors indicated either they did not meet with their subordinates to discuss the agency's EEO policies or that it was the EEO Officer's responsibility.
11. Only one determination letter in an internal discrimination investigation contains the agency's rationale for the cause determination.
12. The EEO Officer did not devote 100% of her time to EEO matters.

**Be It Finally Resolved,**

that the Commission authorizes the Vice Chair/Commissioner to forward a letter to Corporation Counsel Michael A. Cardozo 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 New York City Law Department will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on March 25, 2004.

**Angela Cabrera**  
Commissioner

**C. Catherine Rimokh, Esq.**  
Commissioner

**Veronica Villanueva, Esq.**  
Commissioner

  
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**Manuel A. Méndez**  
Vice Chair/Commissioner

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

**RESOLUTION #05/01-025C:** Determination of implementation by the New York City Law Department of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the New York City Law Department'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 New York City Law Department (NYCLD), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated March 25, 2004 setting forth its findings and recommended corrective actions; and

**Whereas,** in response to EEPC's preliminary determination letter, NYCLD submitted its response on April 26, 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 May 4, 2004 identifying those recommendations accepted and rejected by NYCLD; and

**Whereas,** in response to EEPC's final determination letter, NYCLD submitted its response on July 1, 2004; and

**Whereas,** in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor NYCLD for a period not to exceed six months, from August 2004 through January 2005, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas,** the New York City Law Department submitted its Final Compliance Report on December 9, 2004; 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 either been implemented to the Commission's satisfaction, or the NYCLD's rationale for not implementing a recommendation has been accepted by the Commission. Now Therefore,

**Be It Resolved,**

that the New York City Law Department 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.

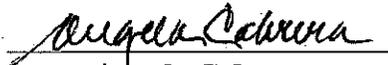
**Be It Finally Resolved,**

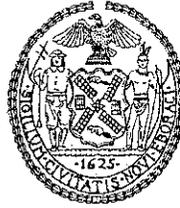
that the Commission authorizes the Vice-Chair or his designee to forward a letter to the Corporation Counsel of the New York City Law Department, Mr. Michael A. Cardozo, formally informing him that his agency has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on January 19, 2005.

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

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

  
**Angela Cabrera**  
**Commissioner**



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**MEMORANDUM**

TO: ALL EXCHANGE USERS  
FROM: MICHAEL A. CARDOZO  
DATE: NOVEMBER 3, 2004  
SUBJECT: EEPC ANNOUNCEMENT

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I am pleased to announce the successful completion of an audit by the New York City Equal Employment Practices Commission of the Law Department's compliance with the City's Equal Employment Opportunity Policy. As a final act of the audit, supervisors in each division or unit will be distributing the booklet, "About EEO: What You May Not Know" and discussing EEO issues with their staff at an upcoming meeting.

Additionally, the Law Department is commencing its EEO training cycle for FY 2005. All staff who have not previously taken the online course, *Preventing Sexual Harassment*, are required to take the course by the December 31, 2004. The link for this course can be found on the EEO webpage on the agency intranet. If you have previously taken this on-line course, it is recommended, but not mandatory, that you take the refresher course, which is shorter and contains a more difficult mastery test. CLE credit is available only for the full *Preventing Sexual Harassment* course and for not the refresher. Managers, supervisors, human resources personnel and EEO professionals are asked to take also the *Preventing Employment Discrimination* course.

The EEO webpage now contains contact information for the agency's Career Counselors, Dawn Besthoff and Stuart Smith. Additional information such as statements of the City's EEO Policy, EEO forms, EEO Counselor information as well as other links also can be found on the webpage. If you have any questions regarding any EEO matter, please contact the EEO Officer, Muriel Goode-Trufant at (212) 788-8681 or any of the agency's EEO Counselors.

I thank each of you for sharing in the responsibility of creating and maintaining a work environment where all employees are treated with dignity and respect.

MAC/ay