

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #12/23-025: Preliminary Determination Pursuant to the Audit of the New York Law Department's (NYLD) Equal Employment Opportunity Program from July 1, 2008 through June 30, 2011.

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 New York 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 does not provide equal employment opportunity. Now, therefore,

Be It Resolved,

that pursuant to the audit of the New York Law Department's compliance with the City's Equal Employment Opportunity Policy (EEOP), as well as Commission policies and EEO standards expressed in the City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Although the agency has appointed a Disability Rights Coordinator and posted the contact information for this individual on the agency's EEO webpage, 69% of the respondents to the EEPC's Employee Survey indicated they did not know who the agency's Disability Right's Coordinator was.
2. Although the agency appointed two Career Counselors and posted the names and contact info for these individuals, 54% of respondents to the EEPC's Employee Survey indicated they do not know who the agency's Career Counselor is.
3. Although the agency conducts annual performance evaluations, the agency's managerial performance evaluation form did not contain an EEO section and rating.
4. The agency head directed managers and supervisors to demonstrate their commitment to the City's EEO Policy as well as to diversity; however, managers and supervisors were not specifically directed to reiterate their commitment to the City's EEO Policy and advise employees of the right to file an EEO complaint with the agency's EEO Office during staff

meetings and document the meetings. In addition, 45% of the respondents to the *EEPC Supervisor/Manager Survey* indicated they have not reaffirmed the agency's commitment to the principle of EEO during staff meetings and 66% indicated they have not discussed with employees their right to file a discrimination complaint with the agency's EEO Officer during staff meetings one or more times within the past year.

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., 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 Law Department will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on September 13, 2012.

**Angela Cabrera
Commissioner**

**Malini Cadambi Daniel
Commissioner**



**Cesar A. Perez, Esq.
Chair**

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

RESOLUTION #13/18-025C: Determination of **Compliance** by the New York City Law Department with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program.

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 ensure 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 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

Whereas, pursuant to its audit and analysis of the New York City Law Department's (NYLD) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated September 13, 2012, setting forth its findings and required corrective actions; and

Whereas, the NYLD submitted its response to the EEPC's preliminary determination letter, on October 4, 2012 with its intention to rectify the areas of non-compliance identified in the preliminary determination; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a final determination on November 27, 2012, including such recommended corrective action as the Commission deemed appropriate; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the NYLD for a period not to exceed six months, from March 2013 through August 2013, to determine whether it implemented the aforementioned required corrective actions; and

Whereas, the NYLD implemented Corrective Action #1, which states: To ensure that all employees are aware of the Disability Rights Coordinator -- responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities -- the agency should re-distribute to all employees in writing the name, location, and telephone number of this person; and

Whereas, the NYLD implemented Corrective Action #2, which states: To ensure that employees know the identity of the agency's Career Counselor(s), the personnel officer should re-distribute to all employees the identity and the type of guidance which is available from the Career Counselor(s). This should be done at least once each year; and

Whereas, the NYLD implemented Corrective Action #3, which states: Since the City's Equal Employment Opportunity Policy holds managers and supervisors accountable for effectively implementing EEO-related policies and ensuring non-discrimination within their departments or units, the agency's managerial performance evaluation form should contain a rating for EEO – which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner

Whereas, the NYLD implemented Corrective Action #4, which states: Managers and supervisors should emphasize their commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office at least once a year during staff meetings. These meetings should be documented; and

Whereas, since Section 815.a.(15) of the New York City the Charter requires the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, on August 5, 2013, the agency head distributed a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum re-emphasized the agency head's commitment to the agency's Equal Employment Opportunity Program; and

Whereas, all of the EEPC's required corrective actions are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

Be It Resolved,

that the New York City Law Department has implemented the required 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,

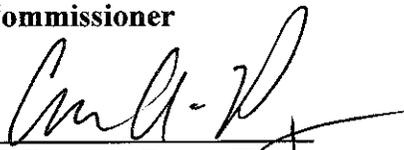
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward this Determination to Michael A. Cardozo, Corporation Counsel for the City of New York.

Approved unanimously on August 15, 2013.

Arva R. Rice
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Malini Cadambi Daniel
Commissioner


Cesar A. Perez, Esq.
Chair



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

MEMORANDUM

TO: ALL EMPLOYEES

FROM: MICHAEL A. CARDOZO

DATE: AUGUST 5, 2013

SUBJECT: SUCCESSFUL COMPLETION OF EQUAL EMPLOYMENT PRACTICES
AUDIT

The Equal Employment Practices Commission (EEPC) is empowered by the New York City Charter to audit and evaluate the employment programs, practices, policies and procedures of all city agencies. The EEPC recently completed an audit of the Law Department covering the period of July 1, 2008 through June 30, 2011. As a result of the audit, the Law Department took the following steps:

- Publicized the identities and contact information of the Disability Rights Coordinators (Sosimo Fabian and Toni Gantz, who is currently on leave)

- Amended the Supervisory Evaluation to include a section in the evaluation for rating a manager or supervisor's EEO performance.
- Held division and unit meetings which included a stated commitment by leaders to EEO policies and an affirmation of the right of each employee to file a discrimination complaint with the EEO Office.

As noted in a recent Annual Report, "from its earliest roots 400 years ago the Office of the Corporation Counsel has worked diligently to ensure that the City of today -- and tomorrow -- receives the finest possible legal representation. In the face of an increasingly complex and challenging legal arena, we never stray from the heart of our missions: a timeless commitment to public service, diversity, integrity and inclusiveness." The agency's core values demonstrate our continuing commitment to maintain and encourage a work environment where every employee is treated with mutual dignity and respect.

I thank each of you for your important role in fulfilling the missions of this agency.