

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

RESOLUTION #02/02-010: Preliminary Determination Pursuant to the Audit of the Manhattan Borough President Office's Equal Employment Opportunity Program from January 1, 1999 to June 30, 2001.

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 Manhattan Borough President Office'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 Manhattan Borough President Office's (MBPO) 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. The agency's Equal Employment Opportunity/Anti-Bias Policy Statement does not contain the name and telephone number of the EEO Officer.
2. The agency's Equal Employment Opportunity/Anti-Bias Policy Statement has not been distributed separately to all current employees since 1998.
3. MBPO's Equal Employment Opportunity/Anti-Bias Policy Statement was not posted on agency bulletin boards.
4. The agency's Manual of Operations and new hire package did not contain the Sexual Harassment Policy, Disabilities Policy, Reasonable Accommodation Procedure, or EEO Complaint and Investigation Procedures.
5. The EEO Officer did not make presentations about, or distribute copies of, the agency's EEO policies at new employee orientation sessions.
6. The agency's EEO policies are not available in alternate formats for use by persons with disabilities.

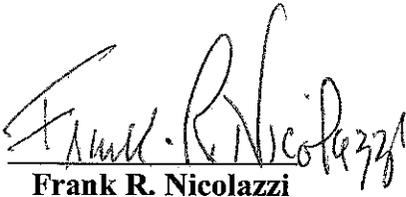
7. The agency's seven job vacancy postings and one newspaper job advertisement did not contain the EEO tag line.
8. The Manhattan Borough President's Office did not participate in the Section 55-A Program.
9. There were persons of both sexes available to receive and investigate discrimination complaints for only part of the audit period.
10. The Chief of Staff served as the EEO Officer, which constituted a conflict of interest.
11. The EEO Officer did not maintain a discrimination complaint log.
12. The agency did not conduct EEO training for employees during the audit period.
13. The EEO Officer did not prepare an agenda for or keep notes of his meetings on EEO matters with the Borough President.
14. The EEO Officer did not spend 100% of his time on EEO issues.

Be It Finally Resolved,

That the Commission authorizes the Vice-Chairman to forward a letter to the Manhattan Borough President, C. Virginia Fields, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipt of the letter indicating what corrective actions the Manhattan Borough President's Office will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on March 27, 2002.

Angela Cabrera
Commissioner


Frank R. Nicolazzi
Vice-Chairman

Manuel A. Mendez
Commissioner

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

RESOLUTION #04/04-010PC Determination of the failure or refusal of the Manhattan Borough President's Office to fully comply with the recommendations of the Equal Employment Practices Commission pursuant an audit of compliance by the Manhattan Borough President's Office with the Charter-mandated Equal Employment Opportunity Policy from January 1, 1999 to June 30, 2001.

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 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 Manhattan Borough President's Office (MBPO), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated March 27, 2002 setting forth its findings and recommended corrective actions; and

Whereas, in response to EEPC's preliminary determination letter, MBPO submitted its response on May 21, 2002; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the New York City Charter, the EEPC was required to monitor the Manhattan Borough President's Office for a period not to exceed six months, from July 1, 2002 through December 31, 2002 to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, all seventeen of the aforementioned recommended corrective actions are required by, or are consistent with, the City's Equal Employment Opportunity Policy; and

Whereas, the Manhattan Borough President's Office submitted six Monthly Compliance Reports, the last report on February 7, 2003; and

Whereas, the Manhattan Borough President's Office implemented seven of seventeen recommended corrective actions; and

Whereas, the Manhattan Borough President's Office did not fully implement corrective action number eleven, which states: "the MBPO should ensure that persons of both sexes are available to receive and investigate discrimination complaints. Both persons should receive basic EEO training for EEO Professionals from DCAS and be listed in the MBPO's EEO Policy"; and

Whereas, the Manhattan Borough President's Office informed the EEPC that it has not appointed a male Co-EEO Officer; and

Whereas, corrective action number eleven impacts several of the other corrective actions (numbers one, two, three, four, five, six, twelve, and sixteen), which therefore are no longer in compliance; and

Whereas, the Manhattan Borough President's Office did not implement corrective action number seventeen, which states: "The Manhattan Borough President should disseminate an agency-wide memorandum to discuss audit findings"; and

Whereas, the Equal Employment Practices Commission stated in a letter to the Manhattan Borough President's Office dated April 3, 2003, that EEPC cannot deem MBPO in full compliance with the audit recommendations until corrective action number seventeen is implemented; and

Whereas, the Manhattan Borough President stated in a letter to EEPC dated April 21, 2003 that she intends "to communicate the information contained in the audit findings through staff training as well as the process of implementing the recommendations" in order to implement the aforementioned corrective action; and

Whereas, in a letter dated November 13, 2003 the Equal Employment Practice Commission requested that MBPO forward the appropriate documentation to reflect the implementation of the aforementioned corrective action; and

Whereas, to date, the Manhattan Borough President's Office has not presented such documentation. Now Therefore,

Be It Resolved,

that the Manhattan Borough President's Office did not implement and/or submit documentation reflecting the implementation of required action numbers one, two, three, four, five, six, twelve, sixteen, and seventeen to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Further Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to Manhattan Borough President, C. Virginia Fields, formally informing her that her office has **partially complied** with the requirements of Chapters 35 and 36 of the New York City Charter because her office has not implemented all of the recommended corrective actions pursuant to the Commission's audit of compliance by the MBPO's with the City's Equal Employment Opportunity Policy; and

Be It Finally Resolved,

that pursuant to Section 831(d)(5) of the New York City Charter the Equal Employment Practices Commission will initiate another audit of MBPO prior to the conclusion of the maximum timeframe by the New York City Charter.

Approved unanimously on May 20, 2004.

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner



Manuel A. Méndez
Vice-Chairman