

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #12/29-056: Preliminary Determination Pursuant to the Audit of the New York City Police Department's (NYPD) Equal Employment Opportunity Program from January 1, 2009 through December 31, 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 Department of Transportation'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 Transportation'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. Twenty-seven *Checklists to Determine Accessibility for Employees/Applicants with Disabilities* indicated non-accessibility.
2. One internal complaint file was not completed within the 90-day period and did not contain a *Delay Notification Letter* or an explanation for the delay.
3. Although the agency provided an *Applicant/Candidate Log* which included the position advertised, source of recruitment, candidates interviewed and candidate selected, it did not include the gender, ethnicity of the applicant, and the reason for selection/rejection or disposition.
4. Although the EEO Officer met with the agency head on a weekly basis to discuss EEO matters, no formal notes of those meetings were kept.

5. The agency did not submit an Annual Agency-Specific EEO Plan to the EEPD for FY 2009 and FY 2010.

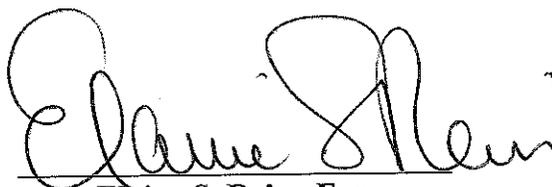
Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Raymond W. Kelly, 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 Police Department will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on October 18, 2012.

Malini Cadambi Daniel
Commissioner

Arva R. Rice
Commissioner

A handwritten signature in cursive script, reading "Elaine S. Reiss". The signature is written in black ink and is positioned above a horizontal line.

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #13/056C: Determination of **Compliance** (Monitoring Period Required) by the New York City Police 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 Police Department's (NYPD) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated October 18, 2012, setting forth the following findings and required corrective actions:

1. Since the EEO Policy holds agencies responsible for ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities, the agency should develop a plan to demonstrate accessibility compliance for the facilities it identified as non-compliant. This plan should identify the number of locations that are accessible for employees/applicants with physical disabilities, identify barriers in non-accessible facilities, identify the distribution of job titles among accessible/non-accessible facilities, detail the efforts the NYPD has taken to remove barriers, and identify the agency (if not NYPD) responsible for rendering the facility accessible to employees/applicants with disabilities.
2. In rare circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.

3. The agency's HR/Personnel division should use and maintain an applicant log – which, at minimum, includes the Position, Applicants' Names, Security or Identification Number, Ethnicity, Gender, Disability or Veteran Status, Interview Date, Interviewers' Names, Result, Reason Selected/Not Selected, and Recruitment Source – for all discretionary appointments.
4. To ensure the integrity and continuity of the EEO Program, the agency should maintain appropriate documentation of meetings and other communications between the agency head (or a direct report to the agency head) and EEO Officer regarding decisions that impact the administration and operation of the agency's EEO program.
5. The agency is required to file with the EEPD copies of its finalized Agency EEO Specific Plans. The agency must also submit quarterly to the EEPD a report on its efforts during the previous quarter to implement the Agency Specific EEO Plan. All reports must be submitted no later than thirty (30) days following the reporting period.

Whereas, the NYPD responded to the EEPD's preliminary determination letter on December 31, 2012 with its intentions 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 EEPD considered the agency's response and issued a Final Determination on February 11, 2013, in which the aforementioned corrective actions were remaining; and

Whereas, the NYPD submitted its response to the EEPD's final determination letter, on April 1, 2013; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPD monitored the implementation of the corrective actions, from May 2013 through October 2013 with no extension of the monitoring period; 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 December 6, 2013, the NYPD submitted the Police Commissioner's memorandum to staff, which outlined the corrective actions implemented in response to the EEPD's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPD's corrective actions are required by, or 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 Police Department has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

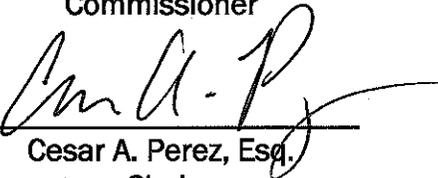
Be It Finally Resolved,
that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Commissioner Raymond W. Kelly of the New York City Police Department.

Approved unanimously on December 19, 2013.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair



DATE: 12/06/2013
TIME: 14:38:21
SER#: 4997265

FINEST MESSAGE

General Administrative Information

TO: ALL COMMANDS

SUBJECT: EQUAL EMPLOYMENT PRACTICES COMMISSION AUDIT

THE NEW YORK CITY EQUAL EMPLOYMENT PRACTICES COMMISSION (EEPC) IS EMPOWERED TO AUDIT AND EVALUATE THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS OF ALL NEW YORK CITY AGENCIES. THE EEPC HAS RECENTLY COMPLETED AN AUDIT OF THE POLICE DEPARTMENT'S OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY'S PRACTICES, POLICIES AND PROCEDURES. OUTCOMES FROM THIS AUDIT INCLUDE THE FOLLOWING ACTIONS:

THE FACILITIES MANAGEMENT DIVISION HAS EVALUATED ALL OF THE POLICE DEPARTMENT'S BUILDINGS FOR LIMITED ACCESS AND HAS DRAFTED A PLAN WHICH WILL RESULT IN IMPROVED ACCESS BY INDIVIDUALS WITH DISABILITIES.

A NOTIFICATION PROCEDURE HAS BEEN IMPLEMENTED WHEREBY BOTH COMPLAINANT AND RESPONDENT IN AN EEO INVESTIGATION WILL BE INFORMED IN WRITING OF A DELAY IN THE INVESTIGATION WHICH EXCEEDS NINETY (90) DAYS.

THE EMPLOYMENT SECTION HAS REVISED AND IMPROVED ITS CANDIDATE INTERVIEW SHEET AND APPLICANT LOG BOOK.

THE EQUAL EMPLOYMENT OPPORTUNITY PROGRAM WILL CONTINUE TO PROVIDE THE EEPC WITH COPIES OF THE DEPARTMENT'S AGENCY SPECIFIC EEO PLAN ON A YEARLY BASIS.

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO REAFFIRM THE NEW YORK CITY POLICE DEPARTMENT'S COMMITMENT TO MAINTAINING FAIR EMPLOYMENT PRACTICES FOR ALL MEMBERS OF THE SERVICE AS WELL AS JOB APPLICANTS. I ENCOURAGE ALL EMPLOYEES TO ACCESS THE RESOURCES WITHIN THE POLICE DEPARTMENT AND TO ADDRESS ANY EEO CONCERNS YOU HAVE TO THE DEPUTY COMMISSIONER, EQUAL EMPLOYMENT OPPORTUNITY AT 646-610-5330.

ADMN - SER#: 4997265

RAYMOND W. KELLY
POLICE COMMISSIONER

AUTHORITY: POLICE COMMISSIONER
OPERATOR: ASA D. PALMER 1435 HOURS