

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

**Charles Hughes
Chairman**

**Frank R. Nicolazzi
Vice-Chairman**

**Yvette M. Armstrong, Esq.
Commissioner**

**Merrick T. Rossein
Commissioner**

RESOLUTION # 95/01-801: Preliminary Determinations Pursuant to the Audit of the Department of Business Services and its Compliance with the City Charter-mandated Affirmative Employment Plan from January 1, 1992 to June 30, 1994.

Whereas, pursuant to Chapter 36, Section 831 d (2) and (5) 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 Department of Business Services' compliance with the Affirmative Employment Plan; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the Commission may make a preliminary determination pursuant to Section 831 (d) that any plan program, procedure, approach, measure or standards adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore

Be It Resolved,

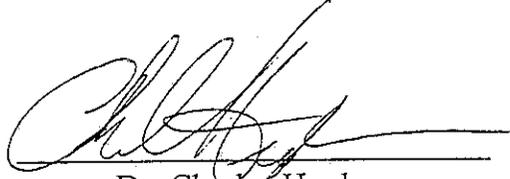
that pursuant to the review and analysis of the testimony presented by former Department of Business Services Commissioner Wallace Ford and others at a Public Hearing in October 1992, subsequent research by the staff of this Commission at the Department of Business Services and a review and analysis of other documents related to implementation of the aforementioned plan, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings relative to its audit of the Department of Business Services's compliance with the Affirmative Employment Plan:

1. That the Affirmative Employment Plan is not available in a format accessible to disabled employees.
2. That supervisors did not hold meetings with their staff to discuss their rights under the Affirmative Employment Plan.
3. That the Department of Business Services has not provided training and a structured interview guide to interviewers.
4. That the Department of Business Services has not reviewed any criteria or devices used for selecting, evaluating and promoting employees to determine if there was a disparate impact on minorities and women.
5. That the Department of Business Services does not adequately maintain employment related records.
6. That the EEO Officer has not met with all supervisory personnel to discuss their rights and responsibilities under the Affirmative Employment Plan.
7. That the Department of Business Services has not analyzed applicant data to determine the effectiveness of its recruitment program.
8. That the Department of Business Services employees are not aware of who their agency's EEO counselors are.
9. That discrepancies between CEEDS data and agency workforce data have not been resolved.
10. That job opportunities in categories where underutilizations exist are not disseminated to media with significant audiences of minority group members and women.
11. That supervisors are not aware that EEO performance will be included in their evaluations.
12. That employees are not evaluated annually.
13. That the EEO Officer is also the agency's Director of Human Resources and spends only 20% of her time on implementing the Affirmative Employment Plan.
14. That the EEO Officer does not document her meetings with the agency head.

Be it finally resolved,

that the Commission authorizes the Chairman to forward a letter to the Department of Business Services Commissioner Rudy Washington 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 Department of Business Services will take to bring the agency in compliance with the Affirmative Employment Plan.

Approved unanimously on Wednesday, June 28, 1995.

A handwritten signature in black ink, appearing to read 'C. Hughes', written over a horizontal line.

Dr. Charles Hughes,
Chair

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

RESOLUTION #97/01-801C Determination of implementation of compliance by the Department of Business Services with recommended corrective actions made by the EEPC pursuant to its audit of the Department of Business Services' Affirmative Employment Plan from January 1, 1992 to June 30, 1994.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) 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 its audit of the Department of Business Services, the Equal Employment Practices Commission issued a preliminary determination letter, dated July 11, 1995, setting forth its findings and recommended corrective actions; and

Whereas, compliance was delayed in order to determine that recommended corrective actions would be consistent with the Equal Employment Opportunity Policy that replaced the Affirmative Employment Plan.

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC monitored the Department of Business Services for a period of six months, from March through August 1997, to determine whether it implemented the aforementioned recommended corrective actions. Now, Therefore,

Be It Resolved,
that the Department of Business Services has fully implemented all 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.

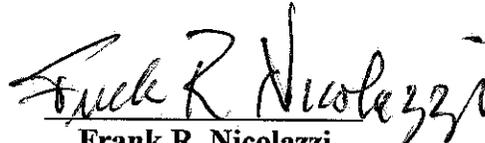
Be It Finally Resolved,
that the Commission authorizes the Chairman to forward a letter to the Commissioner of the Department of Business Services, Earl Andrews, Jr., formally informing him that the agency has implemented all recommended corrective actions.

Approved unanimously on December 17, 1997.

Angela Cabrera
Commissioner

Manuel A. Mendez
Commissioner

Jeannette Diaz, Esq.
Commissioner


Frank R. Nicolazzi
Vice-Chairman



DEBORAH R. WEEKS
COMMISSIONER

DEPARTMENT OF BUSINESS SERVICES

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MEMORANDUM

TO: All Staff

FROM: Deborah R. Weeks *DWeeks*
Commissioner

RE: EEO Audit - Determination

DATE: March 29, 2001

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Pursuant to Chapter 36 of the New York City Charter, The Equal Employment Practices Commission (EEPC) is empowered 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.

In February of 2000, the Department of Business Services (DBS) was audited by the EEPC on it's Equal Employment Opportunity Program. The audit covered a thirty-month period commencing July 1, 1997 and ending December 31, 1999.

As a result of the audit, DBS was found in non-compliance in the following areas.

1. *Supervisors/managers should be directed to hold documented meetings with their staff to discuss the agency's EEO Policy.*
2. *All supervisors/managers should be informed that EEO performance will be included in their performance evaluations and they should be rated in accordance with that directive.*
3. *DBS should survey all its facilities to ensure that they are accessible to and usable by persons with disabilities.*

4. *DBS should request training from DCAS in conducting disparate impact studies.*
5. *DBS should investigate and resolve all internal discrimination complaints within the 90-day time frame required by the EEO's Discrimination Complaint Procedures Implementation Guidelines.*
6. *DBS should inform all employees in writing of the identity, location and telephone number of the agency's career counselor.*
7. *All DBS employees should receive annual evaluations.*
8. *The agency's EEO Officer should spend 100% of her time on EEO issues.*
9. *DBS should appoint a full time Administrative Assistant to the EEO Officer.*

Over the past six months, the Department has implemented the following corrective actions as recommended by the Commission:

1. *Supervisors and managers have been evaluated for the period January through December, 2000 (in January). They were informed upon development of new Expectations for 2001, that they would be rated on their EEO performance.*
2. *DBS has surveyed all of its facilities to ensure that they are accessible to persons with disabilities*
3. *DBS revised and distributed its Agency's Procedural Manual in February, which informed staff that all EEO Discrimination complaints are required to be resolved within 90 days. Review page 10.*
4. *On page 33 and 35 of the Procedural Manual, you will find the identity, location and telephone number of the agency's career counselor.*
5. *All non-managerial staff will be evaluated in August 2001, for the period July 1, 2000 through June 30, 2001.*

6. *Although the EEO Officer acknowledges that she should spend 100% of her time on EEO related issues, it is difficult since she also assumes responsibility for the Department's Human Resources function.*
7. *We have requested the appointment of a full-time Administrative Assistant for the Human Resources bureau to assist in Training mandates, as well as other EEO related issues.*

Although the Department was in non-compliance in the above-mentioned areas, our program has been successful in addressing and ensuring fair employment practices.