

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #05/12-156: Preliminary Determination Pursuant to the Audit of the Taxi and Limousine Commission's (TLC) Equal Employment Opportunity Program from July 1, 2002 through June 30, 2004.

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 Taxi and Limousine Commission'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 Taxi and Limousine Commission's 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 General EEO Policy did not contain an up-to-date list of "protected classes" under the New York City Human Rights Law.
2. TLC did not compile a list of organizations and websites to be used for recruitment purposes. (Sect. IV, EEOP)
3. Investigations of 2 complaints were not completed within 90 days of the receipt of the complaint. (DCPIG; April 96 Amendment)
4. TLC did not send a notification delay letter, stating the reason for the delay, to the parties of the delayed investigations. (DCPIG; April 96 Amendment)
5. The agency did not sign each report, or issue a memo to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted. (Sect. 12 (b), DCPIG)

6. TLC did not secure the necessary training to conduct adverse impact studies, either from DCAS or another appropriate source. (Section IV, EEOP).
7. TLC's EEO Officer did not maintain appropriate documentation of meetings and other communications with the agency head regarding EEO program operational decisions.
8. TLC's managers/supervisors were not informed them that the "Utilizing Human Resources" section of their annual performance evaluation form includes tasks and standards relevant to EEO performance that will be considered in determining their eligibility for promotions or merit increases. (Sect. IV, EEOP)
9. Ninety-three percent of TLC's employees were not aware of the career counselor's identity, location and telephone number. (Sect. IV, EEOP) .

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest Hart, Esq., to forward a letter to the Commissioner of the Taxi and Limousine Commission, Mathew W. Daus, 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 receipts of the letter indicating what corrective actions the Taxi and Limousine Commission will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on September 14, 2005.

Chereé A. Buggs, Esq.
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #06/05-156C: Determination of implementation by the Taxi and Limousine Commission of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Taxi and Limousine Commission's Charter-mandated Equal Employment Opportunity Program from July 1, 2002 to June 30, 2004.

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 Taxi and Limousine Commission (TLC), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated September 14, 2005 setting forth its findings and recommended corrective actions; and

Whereas, the TLC submitted its response to EEPC's preliminary determination letter on October 14, 2005; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on October 27, 2005 identifying those recommendations accepted and rejected by the TLC; and

Whereas, the TLC submitted its response to EEPC's final determination letter, on November 25, 2005; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the TLC for a period not to exceed six months, from January through June 2006, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Taxi and Limousine Commission submitted its third and Final Compliance Report on April 11, 2006; 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 been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the Taxi and Limousine Commission 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 Chair, Ernest F. Hart, Esq., to forward a letter to the Chair/Commissioner of the Taxi and Limousine Commission, Mathew Daus, formally informing him that the TLC has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on June 8, 2006.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner



Manuel A. Méndez
Vice-Chair

Matthew W. Daus, Commissioner/Chair

MEMORANDUM

TO: All TLC Staff

FROM: Matthew W. Daus *M. Daus*
Commissioner/Chair

DATE: March 8, 2005

SUBJECT: Equal Employment Opportunity Policy Statement

The Taxi and Limousine Commission is committed to preventing illegal discrimination by ensuring that all employees are aware of their rights and obligations under the EEO Policy, by maintaining fair employment practices for all our employees, and by encouraging a work environment that tolerates and appreciates differences among employees. All personnel should work together to maintain an atmosphere of appreciation for the diversity reflected in our staff. It is the policy of the City of New York and the Taxi and Limousine Commission (TLC) that all employees should be able to work in an environment free from sexual harassment and discrimination. The TLC is an equal opportunity employer committed to compliance with Federal, State, and Local laws prohibiting employment discrimination.

The TLC prohibits discriminatory employment actions against and treatment of its employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, sexual harassment and gender (including "gender identity" – which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, genetic predisposition or carrier status, sexual orientation, or status as a victim of domestic violence, a sex offense or stalking. Employment decisions at the TLC will be made on the basis of merit, fitness and equality of opportunity and without unlawful discrimination. Anti-discrimination protections apply to all of the terms and conditions of employment including, but not limited to: recruitment, testing, hiring, work assignments, salary and benefits, performance evaluations, promotions, training opportunities, transfers, discipline, discharge, and working conditions. The TLC will not condone employees engaging in conduct, which violates the above policy, nor will it tolerate retaliation against any employee who complains of discrimination, or provides information to the EEO Officer with respect to any such complaint.

If you feel that you have experienced discrimination, you should contact the *TLC's Equal Employment Officer (EEO), Carmen Rojas at (212) 676-1095* or any of the following EEO counselors:

40 Rector Street
Karuna Singh - (212) 676-1024

Woodside – 24-55 BQE West, Woodside, NY 11377
***Terry Burgos* - (718) 267-4555**

LIC – 32-02 Queens Blvd., LIC, NY 11101
***Mukul Shukla* - (718) 391-5745**

Staten Island – 1893 Richmond Terrace, Staten Island, NY 10314
***Carmen Rojas, EEO Officer* - (212) 676-1095**

The EEO Officer will treat complaints and other information provided by employees confidentially. This means that information obtained from a person who seeks the assistance of the EEO Officer will not be discussed with any other person, including other personnel except to the extent necessary to investigate or resolve a complaint or related matter.

I would like to advise you that our agency EEO program contains the following requirements:

- Managers and supervisors must conduct documented meetings with staff, at least once a year, to reaffirm their commitment to the agency's EEO policy and to discuss the right of employees to file EEO complaints with the TLC's EEO Officer and/or EEO counselors.
- Carmen Rojas has designated David Pearlmutter of her staff as the agency's Career Counselor, who is familiar with employment opportunities in the agency and will provide career counseling to employees who request it. His office is located at 40 Rector Street, 5th Floor, New York, NY 10006, and his telephone number is (212) 676-1083. Employees interested in receiving career counseling should make an appointment.

I encourage all employees to access the resources available within the TLC and to address any concerns you have to Ms. Rojas and the Human Resources Division.

The EEO Policy is posted on the internet at <http://www.nyc.gov/html/dcas/html/eeopol.html>. You may also access the EEO Policy Handbook (About EEO: What You May Not Know) and handbook addendum at http://www.nyc.gov/html/dcas/html/eo_booklet.html. This handbook is also appended to this policy statement for your review and is available by contacting our EEO Officer or any of our EEO Counselors.

You should also be aware that the New York City Equal Employment Practices Commission (EEPC) recently initiated its periodic audit of the TLC and many other City agencies. I would encourage all employees to participate by completing the surveys that were sent to all employees at their home addresses. Also, kindly cooperate with any requests for information, interviews or other matters that our agency EEO Officer, Legal Department and/or EEPC employees request with regard to reviewing and auditing our policies and practices. I am looking forward to obtaining comments, suggestions and advice from the EEPC so that the TLC can continue to provide equal opportunity and fairness to all of our employees.

Thank you for your continued commitment, cooperation and confidence.