

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION # 08/12-312:** Preliminary Determination Pursuant to the Audit of the Conflicts of Interest Board's (COIB) Equal Employment Opportunity Program from January 1, 2005 through December 31, 2006.

**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 Conflicts of Interest Board'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 Conflicts of Interest Board'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 COIB's EEO Policy does not contain the current list of "protected classes" under the New York City and New York State Human Rights Laws.
2. The COIB distributed and posted their EEO policy, which does not contain the current list of "protected classes" under the New York City and New York State Human Rights Laws.
3. The COIB's EEO Policy is not available in alternate formats for persons with disabilities.
4. The COIB has not appointed a disabilities rights coordinator.

5. Both EEO counselors have not completed the DCAS training program for EEO professionals.
6. The EEO officer does not meet regularly with the EEO counselors.
7. The COIB has not provided non-sexual harassment EEO training to employees.
8. The COIB has not provided structured interview training to personnel involved in the recruitment and hiring process.
9. The EEO office is not involved in recruitment strategies and the selection of recruitment media.
10. The EEO officer does not maintain notes or documentation of meeting with the agency head on EEO matters.

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to Conflicts of Interest Board's Executive Director, Mark Davies, 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 Conflicts of Interest Board will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on June 19, 2008.

**Veronica Villanueva, Esq.**  
Commissioner

**Manuel A. Méndez**  
Vice-Chair

**Angela Cabrera**  
Commissioner



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**Ernest F. Hart, Esq.**  
Chair

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

**RESOLUTION #10/06-312C:** Determination of implementation by the Conflicts of Interest Board of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Conflicts of Interest Board's Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

**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

**Whereas**, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy, a set of uniform standards and procedures designed to ensure 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**, pursuant to its audit of the Conflicts of Interest Board (COIB), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated June 19, 2008, setting forth its findings and recommended corrective actions; and

**Whereas**, the COIB submitted its response to EEPC's preliminary determination letter, on August 8, 2008; and

**Whereas**, the EEPC submitted its Final Determination letter on August 22, 2008; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the COIB for a period not to exceed six months, from December 1, 2008 through May 31, 2009, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the Conflicts of Interest Board submitted a request for an extension of the audit compliance monitoring period on July 13, 2009 in order to secure EEO training for its EEO Counselors; and

**Whereas**, The Department of Citywide Administrative Services (DCAS) Division of Citywide Equal Employment Opportunity (DCEEO) offered Basic Training for EEO Representatives in November 2009. However, neither EEO Counselor was able to attend. The female EEO Counselor attended and completed the next DCAS Basic Training for EEO Representatives, in June 2010. The EEPC decided not to continue monitoring until the male EEO Counselor receives Basic EEO training because of the small number of COIB staff and because EEO professionals of both genders are available to investigate complaints. The COIB's Final Compliance Report was submitted on August 2, 2010; and

**Whereas**, the Conflicts of Interest Board submitted its Final Compliance Report on August 2, 2010; 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 the EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

**Be It Resolved**,  
that the Conflicts of Interest Board has implemented the recommended 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 a letter to the Executive Director of the Conflicts of Interest Board, Mark Davies, formally informing him that the COIB has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on August 6, 2010.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

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



CITY OF NEW YORK  
CONFLICTS OF INTEREST BOARD

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To: All Employees

From: Mark Davies  
Executive Director

Date: June 9, 2009

Re: Findings of the January 1, 2005, to December 31, 2006, audit by the Equal Employment Practices Commission

The Equal Employment Practices Commission ("EEPC") conducts audits of City agencies to ensure that the City's Equal Employment Opportunity ("EEO") policies are being implemented.

The EEPC recently completed an audit of the Conflicts of Interest Board for the period stated above and made several recommendations in a report dated June 19, 2008, most of which have already been implemented, such as revising the agency's EEO Policy to include all of the protected classes under the New York City and New York State Human Rights Laws; distributing the revised EEO policy to all staff and posting it on the agency's EEO bulletin board; making the agency's EEO policy available in alternate formats for persons with disabilities; formally appointing the agency's EEO officer as the agency's disabilities rights coordinator; scheduling regular meetings among EEO staff; organizing EEO training for all staff; conducting structured interview training for employees involved in job interviewing; directing the agency's administrative department to include the EEO officer in the development of recruitment strategies and the selection of recruitment media; and documenting meetings and other communications between the EEO officer and the agency head regarding EEO program operational decisions.

I reaffirm the agency's commitment to the agency's EEO program and to establishing measures and programs, to effectuate fair and effective employment practices for all employees.