

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**Resolution #12/35-740:** Preliminary/Final Determination Pursuant to the Audit of the Department of Education's (DOE) Equal Employment Opportunity Program from July 1, 2008 through June 30, 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 the Administrative Code of the City of New York, Title 8, as amended, the City established the New York City Human Rights Law, which identified other groups for protection from discrimination in employment; and

**Whereas**, the Equal Employment Practices Commission audited the Department of Education'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 Education'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:

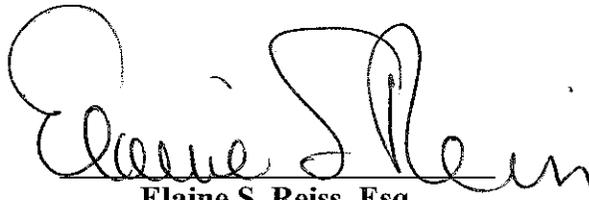
1. Although the DOE typically included the EEO tagline in advertisements, it did not include the EEO tag line for advertisements in the New York Post, The Chief Leader, and the Daily News.
2. The agency did not document that its managerial and non-managerial employees received performance evaluations an annual basis.
3. The DOE's managerial performance evaluation form/process did not contain a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner).

**Be It Finally Resolved**, that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Chancellor Dennis M. Walcott, 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 Department of Education's 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 black ink, appearing to read "Elaine S. Reiss". The signature is written in a cursive style with a large initial "E" and "S".

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

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

**RESOLUTION #13/17-740C:** Determination of **Compliance** by the New York City Department of Education 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 Department of Education's (DOE) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated October 24, 2012, setting forth its findings and required corrective actions; and

**Whereas**, the DOE responded to the EEPC's preliminary determination letter, during an Audit Completion Meeting on December 27, 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 EEPC issued a final determination on January 15, 2013, including such recommended corrective action as the Commission deemed appropriate; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DOE for a period not to exceed six months, from February through July, 2013, to determine whether it implemented the aforementioned required corrective actions; and

**Whereas**, the DOE implemented Corrective Action #1, which states: All agency recruitment literature should indicate that the agency is an equal opportunity employer; and

**Whereas**, the DOE implemented Corrective Action #2, which states: The agency head

should direct supervisors/managers to conduct annual formal performance evaluations of the employees under their supervision. Completion of annual evaluations for all individuals who are employed by the agency should be documented; and

**Whereas**, the DOE implemented Corrective Action #3, which states: The agency's managerial performance evaluation form should contain a rating for EEO (which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner); 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 June 11, 2013, the DOE Chancellor distributed an e-mail to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum re-emphasized the agency head's commitment to the agency's Equal Employment Opportunity Program; and

**Whereas**, all of the EEPC's required corrective actions 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 Department of Education has implemented the required 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 this Determination to Dennis M. Walcott, Chancellor of the New York City Department of Education.

Approved unanimously on August 15, 2013.

**Arva R. Rice**  
Commissioner

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

**Malini Cadambi Daniel**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair

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**Subject:** FW: Our Diversity is Our Strength: Advancing Our Commitment to Equal Opportunity

**From:** Chancellor Dennis M. Walcott

**Sent:** Tuesday, June 11, 2013 3:19 PM

**To:** Chancellor Dennis M. Walcott

**Subject:** Our Diversity is Our Strength: Advancing Our Commitment to Equal Opportunity

Dear Colleagues,

At the New York City Department of Education (DOE), we strongly value a diverse and inclusive environment that enthusiastically embraces the experiences, perspectives, and contributions of our employees, students, and business partners. I am proud to reaffirm the DOE's continued commitment to diversity, inclusion, equal employment opportunities for our employees, equal educational opportunities for our students, and equal procurement opportunities for our vendors. I am deeply committed to fostering a culture of mutual respect, understanding, and recognition of all our individual attributes. Our diversity is our strength—it enriches our agency and is integral to providing a world-class education for our diverse student body and the vibrant communities that we serve.

***Reaffirming Our Commitment to Diversity and Inclusion***

I invite all members of the DOE community to review the [DOE's Diversity and Inclusion Policy](#), which emphasizes the DOE's commitment to diversity and inclusion in hiring, employee retention, and vendor procurement. Fostering a diverse and inclusive workplace will help ensure that the DOE remains a top innovator in the 21<sup>st</sup> century. For additional information, please review the [DOE's diversity and inclusion resources](#) available on the agency's intranet.

***Reaffirming Our Commitment to Equal Employment and Equal Educational Opportunities***

The [DOE's Non-Discrimination Policy and Chancellor's Regulation A-830](#) reinforce our commitment to ensuring that every student has the opportunity to thrive in an educational environment that promotes his or her intellectual development, and every employee has the opportunity to work in an environment that values his or her individual contributions. Please refer to Chancellor's Regulation A-830 for additional information about the procedures for filing a complaint of unlawful discrimination or harassment.

***Impact Through Action: Advancing Our Commitment to Equal Opportunity in Procurement***

In partnership with the City of New York, the DOE is committed to ensuring that all businesses, including minority and women-owned business enterprises (MWBEs), have an equal opportunity to compete for DOE contracts. To that end, the DOE casts a wide net seeking qualified suppliers from all segments of the community, recognizing that procurement can strengthen the economic vitality of the communities around our schools and thus benefit our students.

Taking our existing practices to the next level, I promote expanded efforts to further the full and fair participation of MWBEs in DOE procurement. In 2012, the DOE established a MWBE Diversity Council, comprised of diversity and procurement leaders, to identify ways to enhance MWBE participation in the DOE's procurement process. In the upcoming fiscal year, we will implement several of the Council's recommendations, including a program wherein select offices will be required to solicit at least one bid from an MWBE for small purchases and strategically examining large procurements for potential areas of MWBE opportunity. I encourage and support continued efforts by all DOE purchasers to provide MWBE vendors an equal opportunity to compete for DOE contracts because I believe it is good for the DOE and education.

Any questions or suggestions regarding the Diversity and Inclusion Policy, Chancellor's Regulation A-830, or the DOE's commitment to equal opportunity in procurement should be directed to the DOE's Office of Equal Opportunity and Diversity Management at (718) 935-3320 or [schools.nyc.gov/oeo](http://schools.nyc.gov/oeo).

If you know of any MWBE vendors that are interested in doing business with the DOE, please refer them to the Division of Contracts and Purchasing at (718) 935-4070 or [schools.nyc.gov/dcp](https://schools.nyc.gov/dcp).

Mayor Bloomberg and I recognize the critical roles that diversity, inclusion, and equal opportunity play in achieving academic excellence and making the DOE the employer of choice. We continue to support initiatives and reforms to expand opportunities for all DOE employees, applicants, and vendors.

Thank you for promoting workplace and academic environments that value the diverse experiences, perspectives, and contributions of our employees, students, parents, and communities.

Sincerely,

Dennis M. Walcott