

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #08/25-032: Preliminary Determination Pursuant to the Audit of the Department of Investigation's (DOI) Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007.

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 Investigation'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 Investigation's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings;

1. The DOI did not advertise in minority-based periodicals. (Sect. IV, EEOP)
2. The agency did not assess the manner in which candidates are selected for employment to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group. (Sect. IV, EEOP)
3. Seventy-one percent of survey respondents indicated they did not know who is responsible for providing career counseling. (Sect. IV, EEOP)
4. The agency did not keep documentation of meetings between managers/supervisors and their staffs to emphasize their (mangers/supervisors) commitment to the Citywide EEO

Policy and discuss the right of employees to file discrimination complaints with the EEO office. (DCAS, "Model Agency EEO Commitment Memo," available on DCAS website)

5. Notes of meetings between the EEO officer and agency head regarding EEO program operational decisions were not maintained.

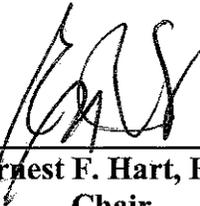
Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Department of Investigation's Commissioner, Rose G. Hearn, formally informing her 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 Investigation will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on July 31, 2008.

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #10/05-032C: Determination of implementation by the Department of Investigation of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Investigation's Charter-mandated Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007.

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 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, a set of uniform standards and procedures designed to insure 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, pursuant to its audit of the Department of Investigation (DOI), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated July 31, 2008, setting forth its findings and recommended corrective actions; and

Whereas, the DOI submitted its response to the EEPC's preliminary determination letter, on November 20, 2008; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on February 17, 2009, identifying those recommendations accepted and rejected by the DOI; and

Whereas, the DOI disputed the audit findings of underutilization, stating the Citywide Equal Employment Database System (CEEDS) on which the findings were based was inaccurate and not representative of the workforce of the DOI; and

Whereas, the EEPC senior staff conducted a joint meeting among representatives of the Department of Citywide Administrative Services (DCAS), which is responsible for producing the CEEDS, and the DOI EEO Officer and Deputy EEO Officer to address the issues regarding the CEEDS; and

Whereas, the DCAS Deputy Commissioner for Citywide Equal Employment Opportunity agreed to review and update the CEEDS data for all city agencies, and, as to the DOI, to reassign DOI job titles to more appropriate EEO Job Groups; and

Whereas, the EEPC, in consideration of the issues raised by the DOI, decided not to enforce recommendations based on the CEEDS data in this audit and to initiate the Charter-mandated audit compliance monitoring period; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DOI for a period not to exceed six months, from December 2009 through May 2010, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Department of Investigation submitted its Final Compliance Report on July 13, 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 EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the Department of Investigation 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 Commissioner of the Department of Investigation, Rose Gill Hearn, formally informing her that the DOI 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



Cesar A. Perez, Esq.
Chair



The City of New York
Department of Investigation

ROSE GILL HEARN
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

MEMORANDUM

TO: ALL STAFF

FROM: ROSE GILL HEARN, COMMISSIONER

DATE: JULY 9, 2010

SUBJECT: EQUAL EMPLOYMENT PRACTICES COMMISSION AUDIT

The Equal Employment Practices Commission (EEOC) recently completed an audit of the Department of Investigation's compliance with the City's Equal Employment Opportunity Program (EEO). The audit specifically addressed the period from July 1, 2005 through June 20, 2007. As many of you know, the audit also included a mail-in survey of staff to ascertain how effectively the agency is addressing Equal Employment Opportunity (EEO) issues. I am pleased to report that the EEOC found DOI's practices and procedures to be largely in accordance with established guidelines. EEO has been made a priority at DOI and thanks to everyone at the agency who daily follows through on this mandate, our accomplishments in this area have been recognized. In an effort to improve our efforts, and in response to the EEOC's findings that certain areas of communication needed improvement, DOI has taken the following actions:

- In order to expand and improve recruitment efforts, DOI's Human Resources Unit has established a procedure where it is now using "Making the Most of New York City's Recruitment Resources" as part of its recruitment efforts. This is a DCAS publication designed to provide agencies with additional recruitment resources in an effort to ensure that underutilization of protected groups does not take place.
- DOI has recently conducted an analysis of the manner in which candidates were selected for employment in 2009 to determine whether there is any adverse impact on any particular racial, ethnic, disability or gender group. With regard to our analysis of 2009, we have determined that there was no adverse impact on any of the protected groups. We will continue to conduct such analyses of DOI's hiring going forward to insure no adverse impacts result from our hiring processes.

- Cynthia Mathis, DOI's Director of Human Resources has re-distributed information identifying herself as the DOI career counselor. She is located in the Human Resources Unit on the 25th floor. Her contact number is (212) 825-5461. Her e-mail address is cmathis@doi.nyc.gov.
- E-mails were sent out by Deputy Commissioner Vincent E. Green, the agency EEO Officer, advising all managers to ensure this information is relayed at the various staff meetings. Managers have been responsive to this directive and have been advising the EEO Office when these meetings take place.
- There are now regularly scheduled monthly meetings between the EEO Officer and Commissioner Gill Hearn. Written documentation is prepared to memorialize each meeting

DOI has submitted a monthly compliance monitoring report to the EEPC and expects that the EEPC will issue a compliance completion letter to DOI shortly.

DOI is an equal opportunity employer committed to not only ensuring compliance with all federal, state, and local laws prohibiting employment discrimination, but to further insuring a respectful working environment and encouraging the advancement of all of its employees. To further these goals, DOI is dedicated to preventing discrimination by making certain that all employees are aware of their rights and responsibilities under the Equal Employment Opportunity Policy, by maintaining fair employment practices for all staff members and job applicants, and by encouraging a work environment that tolerates and appreciates differences among our co-workers. All personnel should work together to maintain an atmosphere of appreciation for the diversity reflected in our staff.