

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #10/05-781:** Preliminary Determination Pursuant to the Audit of the Department of Probation's (DOP) Equal Employment Opportunity Program from January 1, 2006 through December 31, 2008.

**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 Probation'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 Probation'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. Some agency recruitment literature did not indicate that the agency and the City of New York is an equal opportunity employer. (Sect. IV, EEOP)
2. Although the agency appointed its EEO Officer as the Disabilities Rights Coordinator, 55% of respondents to the EEPC's Employee Survey indicated they did not know who the Disability Rights Coordinator is. (Sect. VB and VC, EEOP)
3. The agency did not maintain complete applicant logs for its discretionary positions (i.e. the reason for selection/rejection and the source of recruitment was omitted). (Sect. IV, EEOP)

4. The agency did not assess its criteria for selecting persons for mid-level to high-level discretionary positions to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. (Sect. IV, EEOP)
5. Although the agency appointed a Career Counselor, 67% of respondents to the EEPC's Employee Survey indicated they did not know the name of the person responsible for providing career counseling. (Sect. VF, EEOP)
6. The agency did not evaluate its managers annually. (DCAS Division of Citywide Personnel Services, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies, p. 1*)
7. The newly appointed EEO Counselor did not attend the DCAS training for EEO professionals (Sect. VB, EEOP)
8. The EEO Officer's extended absence created an impermanent structure for administering agency's EEO program. (Sect. VB, EEOP)

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Vincent Schiraldi, 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 Department of Probation will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

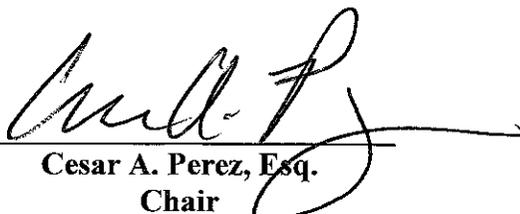
Approved unanimously on June 25, 2010.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

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

**Arva A. Rice**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair

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

**RESOLUTION #11/08-781C:** Determination of implementation by the Department of Probation of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Probation's Charter-mandated Equal Employment Opportunity Program from January 1, 2006 - December 31, 2008.

**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 Probation (DOP), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated June 25, 2010, setting forth its findings and recommended corrective actions; and

**Whereas**, the DOP submitted its response to the EEPC's Preliminary Determination letter, on July 15, 2010; and

**Whereas**, the EEPC issued a letter in lieu of the Final Determination on July 28, 2010; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DOP for a period not to exceed six months, from October 2010 through March 2011, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the Commission held the compliance in abeyance pending completion of the DCAS Basic EEO Training for EEO Professionals by the DOP Equal Employment Opportunity Counselors; and

**Whereas**, on June 28, 2011, the DOP submitted confirmation from the Citywide Diversity and Equal Employment Opportunity that the DOP EEO Counselors attended and completed the Diversity and Equal Employment Opportunity Basic Training, conducted on June 13, 15, 20 and 22, 2011; and

**Whereas**, the Department of Probation submitted its Final Compliance Report on July 1, 2011; 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 Probation 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,**

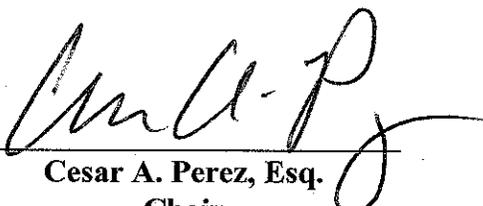
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Commissioner of the Department of Probation, Vincent N. Schiraldi, formally informing him that the DOP has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on July 28, 2011

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

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

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



Vincent N. Schiraldi  
Commissioner

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MEMORANDUM

To: DOP Staff  
From: Vincent N. Schiraldi  
Date: June 30, 2011  
Subject: Equal Employment Practices Commission Audit

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In August 2010, the Equal Employment Practices Commission, (EEPC), completed an audit of our agency's compliance with the City's Equal Employment Policy for the period January 2006 through December 31, 2008.

Following this audit, we were required to implement EEPC's recommendations within six months. I am pleased to report that we are now in full compliance with the audit recommendations, which were:

- Appoint an EEO Officer/ Disability Rights Coordinator and Career Counselor, who are Phyllis DeLisio and Suzette Mapp, respectively.
- Assess hiring and promotional selection criteria through a disparate impact analysis program to identify and take corrective action of adverse impact upon any particular racial, ethnic, disability or gender group.
- Indicate that the Department of Probation and NYC is an Equal Opportunity Employer on every job vacancy notice.
- Annually evaluate all managers on EEO responsibilities and performance expectations.
- Provide Basic EEO Training to EEO Counselors Diane Taylor, John Altre and Geneva Elder.

I reaffirm the agency's strong commitment to maintaining fair employment practices for all our employees. DoP is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under the EEO Policy 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.

I encourage all employees to address any EEO related concerns with Phyllis DeLisio.

Thank you.