

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

RESOLUTION #2014/781: Final Determination pursuant to the Audit and Analysis of the Department of Probation's Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

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 Department of Probation's Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated October 10, 2014, setting forth findings and the following required corrective actions:

1. Include in the agency's complaint investigation procedure a requirement to notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.
2. Establish a complaint tracking and monitoring system that, in addition to the aforementioned, permits the agency to identify the location (i.e. department/ unit) where the allegation arose, and other information necessary to analyze complaint activity to identify trends.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on October 23, 2014; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on October 30, 2014 which agreed and indicated that corrective action(s) nos. 1 and 2 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the

EEPC is required to monitor the agency for a period not to exceed six months, from November 2014 through April 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or 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,

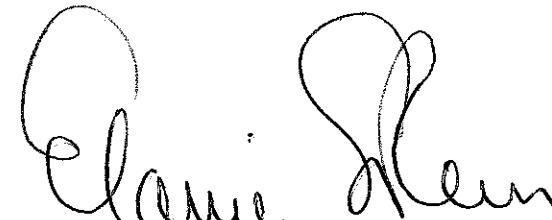
Be It Resolved,

that the Commission authorizes Chair Cesar A. Perez, Esq., to forward its Final Determination to Ana Bermudez, Commissioner of the Department of Probation.

Approved unanimously on October 30, 2014.

Angela Cabrera
Commissioner

Arva R. Rice
Commissioner



Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2015/010C-2: Determination of **Compliance** (Monitoring Period Not Required) by the Manhattan Borough President's Office with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and evaluation of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 30, 2013.

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 Manhattan Borough President's Office's (MBPO) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated December 4, 2015, setting forth findings and the following required corrective actions:

1. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall be commenced immediately.
2. In circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.
3. Ensure the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
4. Ensure that the complaint procedure requires, in addition to the notification to the complainant, written communication informing the respondent of the conclusion and outcome of a complaint investigation.
5. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart and EEO Policy.

Whereas, the MBPO submitted its response to the EEPC's preliminary determination letter, on December 18, 2014, with documentation of its actions to rectify the required corrective actions #4 and #5; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on February 5, 2015, which agreed and accepted documentation for the aforementioned corrective actions, with corrective actions #1, #2, and #3 remaining; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the agency for a period not to exceed six months, from March 2015 through August 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, the MBPO submitted its response to the EEPC's final determination on March 6, 2015 with documentation of its actions to rectify the remaining required corrective actions #1, #2 and #3; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the MBPO submitted a copy of the agency head's memorandum to staff dated March 6, 2015, which outlined the corrective action implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or 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,

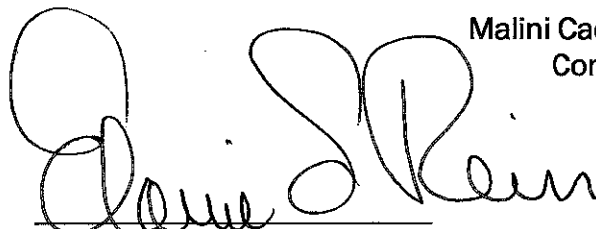
Be It Resolved, that the Manhattan Borough President's Office has implemented the required corrective action deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved, that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Manhattan Borough President Gale Brewer.

Approved unanimously on March 12, 2015.

Arva R. Rice
Commissioner

Malini Cadambi Daniel
Commissioner




Elaine S. Reiss, Esq.
Commissioner



Ana M. Bermúdez
Commissioner

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To: DOP Staff

From: Ana M. Bermudez 

Date: March 2, 2015

Subject: Equal Employment Opportunity Commission Audit Findings

Recently the NYC Equal Employment Practices Commission, (EEPC) audited DOP's EEO Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

I am happy to report that the final determination of the EEPC is that the Department of Probation is in compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for municipal government employees and job applicants.

As part of the audit requirements:

- DOP's EEO Officer sent an all staff reminder via e-mail that the NYC EEO Complaint Procedure is available on the intranet.
- DOP has established a complaint and monitoring database system to improve on the agency's ability to track EEO data and trends.

If there are any further questions regarding this matter, please contact EEO and Diversity Officer Phyllis DeLisio at (212) 361-8962.