

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

RESOLUTION #97/01-056: Preliminary Determinations Pursuant to the Audit of the Police Department and its compliance with the City Charter-mandated Affirmative Employment Plan from July 1, 1992 to December 31, 1994.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) 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, the Equal Employment Practices Commission audited the Police Department's compliance with the Affirmative Employment Plan; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the Commission 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 New York City Police Department (NYPD) and its compliance with the City-Charter mandated Affirmative Employment Plan (AEP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The NYPD did not issue an AEP.
2. A procedure was not promulgated to insure that EEO policy statements remain posted in precinct houses.
3. The EEO Office was not involved in a number of important EEO or EEO-related activities.
4. Discrepancies exist between NYPD workforce data and CEEDS data.
5. The NYPD did not routinely advertise job vacancies for titles where underutilization of minorities and/or women existed in newspapers with significant audiences of minorities and women.
6. The NYPD did not routinely contact organizations serving women and minorities for job vacancies in which those groups were underutilized.
7. The NYPD has not routinely reviewed criteria/devices used for selecting, evaluating or promoting

employees to determine if they have a disparate impact on minorities and/or women.

8. The NYPD's managerial performance evaluation form does not contain a rating for EEO.
9. 85% of survey respondents and 44% of the supervisors interviewed indicated they did not know who is the EEO Officer.
10. 63% of survey respondents either did not receive or did not remember receiving the EEO Policy Statement.
11. 82% of survey respondents did not have a copy of the discrimination complaint procedure and 59% did not know how to file an EEO complaint.
12. 47% of survey respondents indicated they had not received preventive sexual harassment training.
13. 52% of survey respondents indicated their supervisor did not hold meetings with staff to discuss the staff's EEO rights and responsibilities. In addition, 58% of the supervisors interviewed indicated they had not held meetings with their staff to discuss NYPD EEO policies.
14. 86% of survey respondents indicated they had not been invited to identify a disability they may have for Affirmative Action purposes.

Be it finally resolved,

that the Commission authorizes the Chairman to forward a letter to the Commissioner of the New York City Police Department, Howard Safir, 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 Police Department will take to bring the agency in compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously, on February 26, 1996.

Angela Cabrera
Commissioner

Jeannette Diaz, Esq.
Commissioner

Manuel A. Mendez
Commissioner


Dr. Charles Hughes
Chairman

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

RESOLUTION #98/07-056C Determination of implementation by the New York City Police Department with recommended corrective actions made by the EEPC pursuant to its audit of the New York City Police Department's Affirmative Employment Plan from July 1, 1992 to December 31, 1994.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) 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 its audit of the New York City Police Department, the Equal Employment Practices Commission issued a preliminary determination letter, dated February 25, 1997, setting forth its findings and recommended corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC monitored the New York City Police Department for a period of seven months, from August 1997 through February 1997, to determine whether it implemented the aforementioned recommended corrective actions. Now, Therefore,

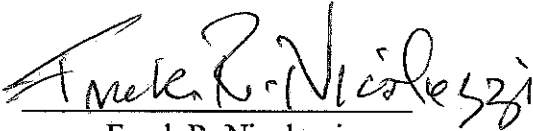
Be It Resolved,
that the New York City Police Department has fully implemented all recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

Be It Finally Resolved,
that the Commission authorizes the Chairman to forward a letter to the Commissioner of the New York City Police Department, Howard Safir, formally informing him that the agency has implemented all recommended corrective actions to the Commission's satisfaction.

Approved unanimously on September 17, 1998.

Manuel Mendez
Commissioner

Angela Cabrera
Commissioner


Frank R. Nicolazzi
Vice-Chairman

To: NYPD Employees

From: Howard Safir

Subject: THE EQUAL EMPLOYMENT PRACTICES COMMISSION'S AUDIT OF
NYPD'S COMPLIANCE WITH THE CITY'S AFFIRMATIVE EMPLOYMENT
PLAN

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered 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. (Chapter 36, Sec. 831 (d) (2) and (5).)

The EEPC audit of the NYPD began on May, 1995. The preliminary determination of the audit of NYPD compliance with the City's Affirmative Employment Plan (AEP) during the thirty month period commencing July 1, 1992, and ending December 31, 1994, resulted in the following EEPC recommendations. The NYPD's actions in response to the EEPC recommendations are also included.

EEPC 1. In keeping with the City Equal Employment Opportunity Policy, promulgated in 1996, NYPD should issue an agency-specific Equal Employment Opportunity Plan as soon as possible.

NYPD- The NYPD has issued an EEO Plan with specific EEO goals for fiscal 1998. The Plan was approved by the Department of Citywide Administrative Services. The NYPD has also produced and distributed an EEO Policy booklet to all employees.

EEPC 2. OEEO should develop a procedure to insure that EEO policy statements are posted at all times in NYPD facilities.

NYPD- As a part of daily inspections of NYPD facilities, supervisors are required to document the appropriate display of EEO posters and policy statements, and to replace torn or defaced posters immediately. EEO Liaison-Counselors also have been instructed to conduct regularly scheduled inspections of their commands to ascertain the appropriate and conspicuous display of EEO posters and policy statements. Additional copies of EEO posters, brochures, flyers and policy statements may be obtained from EEO Liaison-Counselors or by calling or visiting OEEO, 1 Police Plaza,

/ also expressed a concern

Room 1204, New York, New York 10038, (212) 374-5330.

EEPC 3. OEEO and the EEO Officer should be fully involved in all agency activities which implicate or impact on EEO.

NYPD- The Deputy Commissioner, EEO is also the Department's EEO Officer, and as such is a member of the executive staff. The Deputy Commissioner, EEO attends weekly meetings with the Chief of Personnel and other executive staff to insure that the Department is in compliance with City, State and Federal EEO laws, and the Department's EEO Plan and Policy. The Deputy Commissioner, EEO also meets regularly with the Police Commissioner to discuss EEO issues. OEEO has primary responsibility for investigating complaints of employment discrimination, implementing the Department's EEO Plan and monitoring all areas of personnel action which implicate or impact on EEO. The Deputy Commissioner, EEO is the Police Commissioner's chief advisor on EEO policy, and the chair of the Department's EEO Policy Committee.

EEPC 4. NYPD should resolve the differences between its head count and classification of agency personnel and that provided by CEEDS.

NYPD- In September, 1997, DCAS' Office of Citywide EEO advised the Chief of Personnel that the NYPD's assistance in reconciling CEEDS discrepancies is not yet required pending a review and evaluation of the problem to be conducted by its offices.

EEPC 5. Where unrestricted recruitment is allowed, in titles where there has been underutilization of women and/or minorities, the NYPD should advertise job vacancies in female and minority-oriented publications.

NYPD- The NYPD agrees to continue to supplement its recruitment efforts by placing advertisements for job vacancies in minority and female oriented publications, whenever such ads are permitted by City policy and where it is determined that said ads will help to reach qualified candidates.

EEPC 6. NYPD should make greater efforts to identify and contact organizations serving women and minorities when positions allowing for outside recruitment become available.

NYPD- A list of contacts with community-based minority and women's groups utilized during the NYPD's last recruitment effort has been supplemented with a list provided by DCAS. The list now includes over 1,500 community organizations and will be used whenever future outside recruitment is possible.

EEPC 7. NYPD should conduct documented adverse impact studies on all devices used to select Department employees. If these studies reveal adverse impact, the Department should determine whether these devices are job-related (e.g., through validation studies).

NYPD- The primary responsibility for conducting adverse impact studies for all City agencies is with DCAS. Other City agencies, including the NYPD, have not been afforded the technical expertise nor other resources required to conduct formal adverse impact studies. Moreover, the Department has not been advised that any device affecting its employees has been found to have resulted in adverse impact. Nonetheless, the Department monitors the results of certain devices for adverse impact by comparing the results of a device and looking at the proportions in various ethnic and gender categories.

EEPC 8. NYPD should undertake a study comparing the retention rates for minority and non-minority Police Officer applicants. If this review indicates that minority applicants disproportionately drop-out of the selection process, the Department's previous affirmative employment retention policy should be reinstated.

NYPD- The NYPD has undertaken and will continue to conduct comparisons of retention rates for minority and non-minority Police Officer Candidates. A comparison of retention rates for minority and non-minority Police Officer candidates for the April 1997 police recruit class resulting from Exam #5177, has been forward to the EEPC for their review.

EEPC 9. The Department's managerial performance evaluation form should contain a rating for EEO.

NYPD- Department managers are currently evaluated on how well they make employment decisions in accordance with the Department's EEO policies. These remarks are noted in the "Overall Rater's Comments" section of the Performance Evaluation Form.

EEPC 10. All employees should receive written notification of the identity and location of the EEO Officer and EEO Liaison Counselors.

NYPD- OEEEO prepared and distributed the Department's EEO Policy booklet to every employee. The booklet describes the rights and responsibilities of all members of the service to maintain a bias free work environment, the laws that cover employment discrimination, the complaint process, and also identifies the Department's EEO Officer, and lists every EEO Liaison Counselor and where each is

located. This information will appear in all future EEO Annual Reports, the Department's EEO Plan and EEO Policy booklets.

EEPC 11. The EEO Policy Statement should be redistributed to all NYPD employees.

NYPD- The Department's EEO Policy Statement appears in all EEO Annual Reports, the Department's EEO Plan, and in the EEO Policy booklet. The EEO Policy has been prepared in flyer and poster format and has been distributed to every employee and to each EEO Liaison Counselor for posting in each command.

EEPC 12. A copy of the agency's internal complaint procedure should be redistributed to all employees.

NYPD- The Department's EEO complaint procedure is included in the EEO Policy booklet and the EEO Annual Reports. Complaint forms have been supplied to EEO Liaison Counselors for distribution at each command.

EEPC 13. All NYPD employees should receive EEO and sexual harassment prevention training.

NYPD- OEEO and the Police Academy provide annual sexual harassment prevention, and EEO training and education to all members of the service, by use of videos, workshops and lecture presentations. OEEO regularly distributes brochures and flyers on EEO training and education. The Police Commissioner has also issued an annual FYI message to all members of the service on the topic of sexual harassment prevention.

EEPC 14. Supervisors should hold meetings with their staff to discuss NYPD EEO policies and their subordinates' rights and responsibilities under those policies. These meetings should be memorialized.

NYPD- An interim order has been proposed to amend the Administrative Guide Procedure Sec. 303-19, entitled, "Evaluation of Members of the Service," to require supervisors to meet with subordinates once each year during performance evaluation periods, to discuss EEO policies, rights and responsibilities. These meetings will be memorialized in the "Overall Rater's Comments" section of the Performance Evaluation form.

EEPC 15. NYPD should re-post and distribute its "Invitation Memorandum For Qualified Individuals With Disabilities" to all employees.

NYPD- The Department's "Invitation Memorandum For Qualified Individuals With Disabilities" is included in the EEO Policy booklet, the OEEA Annual Reports, and has been distributed to every member of the service and to each EEO Liaison Counselor for posting at each command.

Employment with the New York City Police Department is based on principles consistent with equal employment opportunity. The NYPD makes employment decisions without regard to race, color, gender, age, religion, creed, disability, sexual orientation, marital status, national origin, or alienage status.

As Commissioner, I reaffirm the Department's strong commitment to maintaining a bias free work environment and to fair employment practices for all employees and job applicants. All personnel should work to maintain an atmosphere of appreciation of the diversity reflected in our staff, and to comply with the letter and spirit of our policy of equal opportunity.

Howard Safir
POLICE COMMISSIONER