

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

RESOLUTION #2014/313C- 35: Determination of Compliance (Monitoring Period Not Required) by the Office of Collective Bargaining with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its 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 Office of Collective Bargaining's (OCB) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination dated November 10, 2014, setting forth setting forth findings and the following required corrective actions:

1. Include in the agency's EEO Policy current contact information for federal, state and local agencies that enforce laws against discrimination.
2. Include in the complaint file a *Discrimination Complaint Form* or a complaint that captures the facts (including pertinent dates) that identify the respondent(s) with reasonable specificity.
3. Include in the agency's complaint and investigation procedures a requirement to serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Include in the agency's complaint and investigation procedures a requirement to issue and maintain written confirmation when a complaint is withdrawn or resolved by agreement of the parties.

6. * Include in the agency's complaint and investigative procedure a requirement that the EEO Professional generates a confidential written report consisting of Facts, Analysis, Conclusion, and Recommendation for the agency head's review at the conclusion of each complaint investigation.
7. Include in the agency's complaint and investigation procedures a requirement that 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.
8. Include in the agency's complaint and investigation procedures a requirement that communication informing the complainant and respondent of the conclusion and outcome of a complaint investigation be in writing.
9. Include in the agency's complaint and investigation procedures 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.
10. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
11. 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, EEO Policy and Annual EEO Plan.

Whereas, the OCB submitted its response to the EEPC's Preliminary Determination on November 24, 2014 with documentation of its actions to rectify all of the required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and accepted documentation for implementation of the aforementioned corrective actions and no corrective actions were remaining;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the OCB submitted a copy of the agency head's memorandum to staff dated December 15, 2014, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated 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

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applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

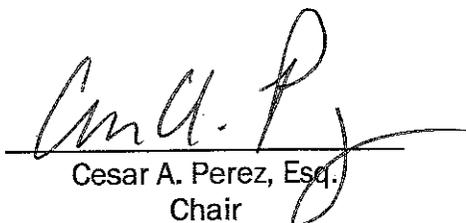
Be It Resolved, that the Office of Collective Bargaining has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved, that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Susan J. Panepento, Deputy Chair for Dispute Resolution of the Office of Collective Bargaining.

Approved unanimously on December 18, 2014.

Angela Cabrera
Commissioner

Elaine S. Reiss, Esq.
Commissioner


Cesar A. Perez, Esq.
Chair



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To: OCB Staff

Date: December 17, 2014

From: Susan J. Panepento

Subject: Implementation of Recommendations – Equal Employment Opportunity Practices Commission Audit

OCB has recently undergone a routine, scheduled audit by the City's Equal Employment Practices Commission ("EEPC"). This audit is conducted periodically to ensure each agency's continued compliance with the City's Equal Employment Opportunity Policy ("EEO").

The audit methodology used by the EEPC included their analysis of OCB's EEO documentation, their interview of OCB's EEO Officer and EEO Counselor, and questionnaires completed by each.

The findings of the audit indicated that OCB was in compliance with substantive requirements of some areas and in partial compliance for others. OCB has enhanced its practices and modified its documentation to be in full substantial compliance with the following EEPC recommendations:

- OCB has included in the agency's EEO Policy current contact information for federal, state, and local agencies that enforce laws against discrimination
- OCB has amended its *Complaint Intake Questionnaire* to include the identity of the respondent
- OCB has amended its *EEO Complaint and Investigation Procedures* to comply with all outlined corrective measures
- OCB will ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures are made available in appropriate alternative formats (i.e. large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
- OCB has amended its organizational chart, EEO Policy, and Annual EEO Plan to indicate the reporting relationship between the principal EEO Professional and the agency Chair

OCB's Equal Opportunity Policy was last distributed agency-wide in May, 2010. Additional copies are available from OCB's EEO Officer or Phil Maier.

I am sure that you will join me in continuing support of the Equal Employment Opportunity Policy, and that together we can ensure a workplace free of discrimination and harassment, one which encourages respect for the diversity of backgrounds represented at OCB.

Thank you.