

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #03/02-013:** Preliminary Determination Pursuant to the Audit of the Queens Borough President Office's Equal Employment Opportunity Program from July 1, 1999 through December 31, 2001.

**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**, the Equal Employment Practices Commission audited the Queens Borough President Office'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 Queens Borough President Office's (QBPO) 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. The General Anti-Discrimination Protections Policy in the *Employment Manual* contains the names, locations, and phone numbers of the previous co-EEO Officers.
2. The EEO Complaint and Investigation Procedures in the *EEO Policy Booklet* and the *Employment Manual* contain out-of-date addresses and telephone numbers of the U.S. Equal Employment Opportunity Commission.
3. The EEO Policies are not posted on agency bulletin boards.
4. The EEO Policies are not available in alternate formats for use by persons with disabilities.
5. The QBPO has neither distributed information about, nor participated in, the Section 55-A Program.
6. During the audit period, the male Co-EEO Officer did not receive training for EEO professionals from the Department of Citywide Administrative Services.

7. The agency did not have qualified individuals of both sexes available to receive and investigate discrimination complaints during the audit period.
8. The agency's internal discrimination complaint file did not contain copies of investigative documents relating to the complaint or a report to the agency head.
9. The agency did not conduct EEO training for employees during the audit period.
10. The Co-EEO Officers did not maintain documentation of their meetings with the agency head.
11. The Co-EEO Officers did not collectively devote 100% of their time to EEO matters.
12. The Deputy Counsel had the reality or appearance of conflict of interest by serving as the Co-EEO Officer (female).

**Be It Finally Resolved,**

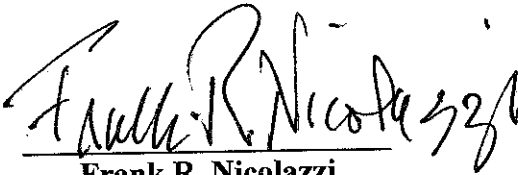
that the Commission authorizes the Vice-Chairman to forward a letter to the Queens Borough President, Helen Marshall, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipt of the letter indicating what corrective actions the Queens Borough President's Office will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on April 3, 2003.

**Angela Cabrera**  
Commissioner

**Manuel A. Mendez**  
Commissioner

**C. Catherine Rimokh, Esq.**  
Commissioner

  
**Frank R. Nicolazzi**  
Vice-Chairman

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

**RESOLUTION #04/02-013C (QBPO):** Determination of implementation by the Queens Borough President's Office of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Queens Borough President's Office's Charter-mandated Equal Employment Opportunity Program from July 1, 1999 to December 31, 2001.

**Whereas**, pursuant to Chapter 36, Sections 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 its audit of the Queens Borough President's Office (QBPO), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated April 3, 2003 setting forth its findings and recommended corrective actions; and

**Whereas**, in response to EEPC's preliminary determination letter, QBPO submitted its response on May 6, 2003; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the New York City Charter, the EEPC issued its final determination letter on May 19, 2003 identifying those recommendations accepted and rejected by QBPO; and

**Whereas**, in response to EEPC's final determination letter, QBPO submitted its response on June 13, 2003; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor QBPO for a period not to exceed six months, from August 2003 through January 2004, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the Queens Borough President's Office submitted its Final Compliance Report on February 11, 2004, additional documents on March 3 & 23, 2004; 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 all the aforementioned recommendations have been implemented. Now Therefore,

**Be It Resolved,**

that the Queens Borough President's Office has implemented all twelve of the 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,**

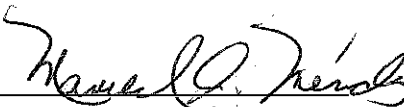
that the Commission authorizes the Vice-Chairman to forward a letter to the President of the Borough Queens, Honorable Helen Marshall, formally informing her that her agency has implemented all twelve recommended corrective actions to the Commission's satisfaction.

Approved unanimously on March 25, 2004.

**Angela Cabrera**  
Commissioner

**C. Catherine Rimokh, Esq.**  
Commissioner

**Veronica Villanueva, Esq.**  
Commissioner

  
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**Manuel A. Méndez**  
Vice-Chairman



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**M E M O**

**TO:** STAFF  
**FROM:** Borough President Helen Marshall  
**DATE:** Feb. 12, 2004  
**RE:** EEO Audit recommendations

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The following recommendations were made by the Equal Employment Practices Commission (EEPC). They have been addressed so that our office will be in compliance with EEPC policy

*1. The General Anti-Discrimination Protections Policy in the Employment Manual should include the names, locations, and phone numbers of the current Co-EEO Officers.*

**Action Taken:** Completed

*2. The EEO Complaint and Investigations Procedures should be revised to include the current address and telephone number of the U.S. Equal Employment Opportunity Commission.*

**Action Taken:** Completed

*3. QBPO should post its revised EEO Policies and EEO Complaint and Investigation Procedures on agency bulletin boards.*

**Action Taken:** Completed (posted in the Community Board and Administrative Office)

*4. The agency should ensure that its EEO Policies are available in formats accessible to applicants and employees with disabilities, e.g., audiocassette and Braille.*

**Action Taken:** Completed. EEO Policy has been blown up to 150% of its original size and is on file with the EEO Officers. An advisory of this version is posted with our EEO Policy forms in the administrative and community board offices.

5. *QBPO should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by DCAS.*

**Action Taken:** Completed. Brochures were distributed with paychecks/paystubs on January 15th/16th.

6. *QBPO should follow-up on its pledge and ensure that the female Co-EEO Officer attend training from DCAS or the Cornell University School of Industrial and Labor Relations as soon as possible.*

**Action Taken:** Female officer is signed up for the next DCAS training session in February, 2004.

7. *The Co- EEO Officers should maintain files of all internal complaints, which should include copies of investigative notes, final reports to the agency head, and notices to all parties regarding the outcomes of the complaints.*

**Action Taken:** Although there have been no complaints during this period, a log, investigative notes and any notices will be kept of any complaints in the future.

8. *The Co-EEO Officers should follow-up on their pledge and develop a plan to provide EEO training to all existing and new employees.*

**Action Taken:** Training for staff was completed in two sessions, February 2<sup>nd</sup> and 6<sup>th</sup>. The plan is to have a training session every 12-18 months; new staff will be given individual orientation by one of the two EEO Officers.

9. *Appropriate documentation of meetings between the Co-EEO Officers and the Chief of Staff should be maintained.*

**Action Taken:** EEO co-officers have documented, via e-mail and calendar, all EEO-related meetings/training sessions.

10. *The Co-EEO Officers should each devote 50% of their time to EEO matters.*

**Action Taken:** As discussed with EEPC, this action is not applicable to this office due to size of our staff and limited occurrences.

11. *To avoid the appearance or reality of conflict of interest, the agency should appoint an individual other than the Deputy Counsel to serve as Co EEO Officer.*

**Action Taken:** Completed, Co-EEO officer is no longer the Deputy Counsel

12. *The Queens Borough President should disseminate an agency-wide memorandum to discuss audit findings.*

**Action Taken:** Completed