

EQUAL EMPLOYMENT PRACTICES COMMISSION

CITY OF NEW YORK

RESOLUTION #07/23-BSA: Preliminary Determination Pursuant to the Audit of the Board of Standards and Appeals's (BSA) Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

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 Board of Standards and Appeals'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 Board of Standards and Appeals's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency head last distributed and posted the BSA's own EEO policy statement in 2004—prior to the issuance of the current Citywide EEO Policy. (Sect. VB, EEOP)
2. The EEO officer was never officially appointed the disabilities rights coordinator. (Sect. VB, EEOP)
3. All the BSA employees have not received EEO training. (Sect. IV, EEOP)
4. The agency did not advertise its one job vacancy in periodicals with large minority and female readership, or send a vacancy notice to professional and community organizations serving minorities, women and persons with disabilities. (Sect. IV, EEOP)
5. The agency has not officially appointed a career counselor. (Sect. VF, EEOP)
6. The EEO officer does not prepare an agenda for, or keep notes of, his meetings with the chairperson.

7. The EEO officer is not involved in developing recruitment strategies or selecting recruitment media for all vacancies. (Sect. VC, EEOP)
8. Neither of the two agency managers have conducted meeting with their staffs to reaffirm their (managers') commitment to EEO. (DCAS, "Model Agency EEO Commitment Memo")
9. The agency does not conduct annual performance evaluations. (DCAS, Rule 7.5.4(e) of the *Personnel Rules and Regulations of the City of New York* and DCAS, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies*, p. 1)

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Board of Standards and Appeals's Chairperson, Meenakshi Srinivasan, 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 Board of Standards and Appeals will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on October 25, 2007.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #08/09-856C: Determination of implementation by the Board of Standards and Appeals of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Board of Standards and Appeals' Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

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 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 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, pursuant to its audit of the Board of Standards and Appeals (BSA), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter October 25, 2007 setting forth its findings and recommended corrective actions; and

Whereas, the BSA submitted its response to EEPC's preliminary determination letter, on November 21, 2007; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on December 13, 2007 identifying those recommendations accepted and rejected by BSA; and

Whereas, in response to EEPC's final determination letter, the BSA submitted its response on January 11, 2008; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the BSA for a period not to exceed six months, from May 2008 through October 2008, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Board of Standards and Appeals submitted its Final Compliance Report on October 28, 2008; 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 Board of Standards and Appeals 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.

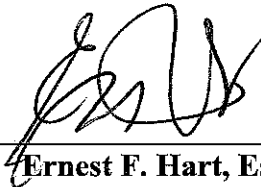
Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Chairperson Meenakshi Srinivasan, formally informing her that the BSA has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on December 18, 2008.

Angela Cabrera
Commissioner

Manuel A. Méndez
Commissioner



Ernest F. Hart, Esq.
Chair



Board of Standards and Appeals

40 Rector Street, 9th Floor • New York, NY 10006-1705 • Tel. (212) 788-8500 • Fax (212) 788-8769
Website @ www.nyc.gov/bsa

MEENAKSHI SRINIVASAN
Chair/Commissioner

MEMO

To: Commissioners and staff

From: Meenakshi Srinivasan, Chair

Date: October 30, 2008

Re: Equal Employment Practices Commission Audit

As you know, the Board was audited by the Equal Employment Practices Commission (EEPC) for its compliance with the City's Equal Employment Opportunity (EEO) policy for the period between January 1, 2006 and December 31, 2007. The Board has been involved in a six month compliance period since May 1, 2008. Five monthly compliance reports have been issued to the EEPC. The Board has implemented seven of the required actions, as follows:

- Distributed a general EEO policy statement to all employees
- Appointed Roy Starrin, EEO Officer, as the disabilities rights coordinator
- Appointed Kevin Finegan, DCAS Director of Human Resources, as the career counselor
- Documented meetings between the EEO officer and the Board chair
- Documented staff meetings in which the agency's commitment to EEO policies and the right of each employee to file a discrimination complaint with the EEO officer
- The Board chair directed the executive director to involve the EEO officer in selecting recruitment media and developing recruitment strategy
- Advertised job vacancies in periodicals with large minority and female readership, and sent vacancy notices to professional and community organizations serving minorities, women and persons with disabilities.

The Board will also be fully implementing the following two remaining required actions:

- Provide training for all managerial and non-managerial staff, including commissioners, who have not been trained in the last three years. We are partnering with the Department of Finance to receive training through Finance's

EEO division. Based on discussions with Finance, we intend to participate in the training by the end of 2008.

- Employees will receive annual performance evaluations. The chair and executive director have developed tasks and standards; all staff will meet with the executive director on the tasks and standards by the end of 2008, allowing for the performance evaluation period to begin at the beginning of 2009.

I reiterate to all that the Board of Standards and Appeals is committed to preventing illegal discrimination by maintaining fair employment practices for all of our employees, 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 again encourage all employees to access the EEO resources available within the Board and DCAS and to address any concerns you have to Roy Starrin, the Board's EEO officer, and Mireille Milfort, the agency EEO counselor.

Please feel free to contact me or Jeff Mulligan, Executive Director, if you have any questions about the Board's compliance with the EEPD.