

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

RESOLUTION #10/01-866: Preliminary Determination Pursuant to the Audit of the Department of Consumer Affairs' (DCA) Equal Employment Opportunity Program from January 1, 2006 through December 31, 2008.

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, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), 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, the Equal Employment Practices Commission audited the Department of Consumer Affairs' 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 Department of Consumer Affairs' 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 agency recruitment literature did not indicate that the agency and the City of New York is an equal opportunity employer. (Sect. IV, EEOP)
2. The agency did not assess the manner in which candidates are selected for employment to determine whether there is adverse impact upon any particular racial, ethnic, disability, or gender group. (Sect. IV, EEOP)
3. The agency did not retain information about personnel actions by using discretionary job applicant forms that include the name, gender and ethnicity of applicants, the reason for selection/rejection, and the source of recruitment. (Sect. IV, EEOP)

4. The agency did not evaluate its managerial employees annually. (DCAS Division of Citywide Personnel Services, *Managerial Performance Evaluation: Guidelines for Evaluating Managerial Performance in NYC Agencies*, p. 1)
5. The agency's managerial performance evaluation form did not contain a rating for EEO – which covers responsibilities and processes for assuring that people are appropriately employed, effectively and efficiently utilized, and dealt with in a fair and equitable manner. (Sect VE, EEOP)

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Jonathan Mintz, 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 Department of Consumer Affairs will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

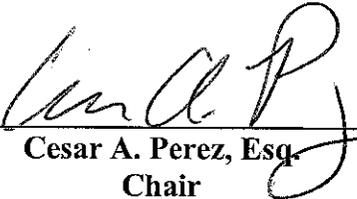
Approved unanimously on January 14, 2010.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva A. Rice
Commissioner



Cesar A. Perez, Esq.
Chair

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

RESOLUTION #12/03-866C: Determination of implementation by the Department of Consumer Affairs of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Department of Consumer Affairs' Charter-mandated Equal Employment Opportunity Program from January 1, 2006 to December 31, 2008.

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 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 Department of Consumer Affairs (DCA), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter January 14, 2010 setting forth its findings and recommended corrective actions; and

Whereas, the DCA submitted its response to EEPC's preliminary determination letter on May 6, 2010; 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 21, 2010 identifying those recommendations accepted and rejected by DCA, and

Whereas, in response to EEPC's final determination letter, DCA submitted its response on July 12, 2010; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DCA for a period not to exceed six months, from September 2010 through February 2011, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Department of Consumer Affairs' submitted its Final Compliance Report on April 4, 2011, with one recommended corrective action remaining; and

Whereas, from July 2011 through December 2011, the EEPC took formal and informal steps to secure the Department of Consumer Affairs' implementation of all required actions; and

Whereas, on December 1, 2011, the Department of Consumer Affairs submitted its Revised Final Compliance Report; and

Whereas, on December 15, 2011, the Department of Consumer Affairs submitted additional documentation evidencing its implementation of the remaining corrective action; 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 Summary Compliance Report prepared by EEPC staff, affirming that all of the recommended corrective actions have been implemented to the Commission's satisfaction;

Now Therefore,

Be It Resolved,

that the Department of Consumer Affairs 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,

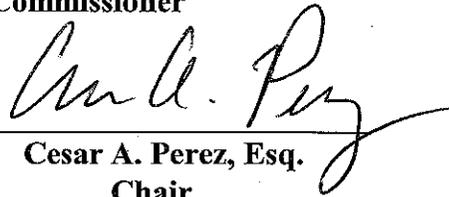
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Jonathan Mintz, formally informing him that the Department of Consumer Affairs has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on February 24, 2012.

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva R. Rice
Commissioner


Cesar A. Perez, Esq.
Chair

From: Mintz, Jonathan
Sent: Monday, April 04, 2011 1:48 PM
To: NYC Department of Consumer Affairs
Subject: Equal Employment

This Administration takes your rights very seriously. You have a right to work in a workplace free of discrimination based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity"- which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, genetic predisposition or carrier status, sexual orientation, or status as a victim of domestic violence, a sex offense or stalking. All City employees, as well as those who seek employment with the City of New York, are covered by federal, state and local employment laws, as well as the City's Equal Employment Opportunity Policy.

To that end, we continue to perform EEO training for existing employees and have also institutionalized such training into orientation for new employees. We also have a terrific volunteer EEO staff here at DCA. Earlier in the year, I announced that David Cho would serve as our new EEO Officer and I thank him again for his service. Our EEO team now includes:

- EEO Officer David Cho (dcho@dca.nyc.gov and (212) 487-3317)
- EEO Counselor Betty Arauz (BArauz@dca.nyc.gov and (212) 487-6711)
- EEO Counselor Fred Riley (RileyF@dca.nyc.gov and (212) 487-4266)
- EEO Counselor Tamara Lindsay (LindsayT@dca.nyc.gov and (212) 487-2749)
- Disabilities Coordinator Manny Menjivar (Mmenjivar@dca.nyc.gov and (212) 487-4228)

I am also delighted to report that DCA has completed a successful audit compliance period by the New York City Equal Employment Practices Commission (EEPC). DCA remains committed to its ongoing review of our recruitment and hiring practices to ensure that discrimination plays no part in who gets hired or promoted here.

As always, a copy of the City's EEO Policy and other EEO materials are available on the DCA Intranet, as well as at our Human Resources office.

Jonathan

Jonathan Mintz
Commissioner
NYC Department of Consumer Affairs
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212/487-4409 www.nyc.gov/consumers