



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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March 20, 2008

Anthony J. Garvey
Executive Director
Police Pension Fund
233 Broadway
New York, NY 10007

Re: Resolution #08/02-256/Preliminary Determination Pursuant to the Audit of the Police Pension Fund's (PPF) Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007

Dear Mr. Garvey:

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, women and other protected classes. (New York City Charter, Chapter 36, sections 831(d)(2) and (5).)

The Charter defines city agency as any "city, county, borough or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part by the city treasury..." The Police Pension Fund is funded by the City of New York and is therefore considered a city agency pursuant to Chapter 36, section 831(a) of the New York City Charter.

The audit measures the PPF's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in the 2005 Citywide EEO Policy. All recommendations for corrective actions are consistent with both the audit's findings and the parameters set forth in the Citywide EEO Policy. The relevant sections of these

guidelines and documents are cited in parenthesis, where applicable, at the end of each recommendation.

The purpose of this audit is to evaluate the agency's compliance with the standards cited above, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope and Methodology

Audit methodology included a review of the PPF's Equal Employment Opportunity Policy and review of responses to a Commission Document and Information Request Form. The EEPC auditors also conducted an in-depth, on site interview with the EEO officer and director of human resources. A survey of 134 people employed by the PPF during the audit period was distributed. (This number excludes two surveys that were returned as undeliverable.) Twenty-eight people responded (20.9%). The results of these surveys are discussed in the proceeding pages and also attached. (Appendix 1) The survey methodology was established by the EEPC with the assistance of an academic expert from the City University of New York.

Description of the Agency

The Police Pension Fund was established by state law in 2001 for the administration and transaction of the business of the Fund and for the control and disposition thereof. The executive director serves as the head of the agency and reports directly to the board of trustees. The Board is comprised of twelve members: the police commissioner, who serves as chairperson, the mayor, the comptroller, commissioner of finance, and representatives of each of the police unions. The Police Pension Fund is organized primarily to provide pension services for uniformed members of the New York City Police Department; all of whom are required to become members of the Plan. The plan functions in accordance with existing New York State statutes and City laws.

Personnel Activity During the Audit Period

During the audit period, 26 people were hired: 10 Caucasians, 9 African-Americans, 3 Hispanics, and 4 Asians. Eleven of the hires were women. Thirty-nine people were promoted during the period in review: 18 Caucasians, 9 African-Americans, 6 Hispanics, and 6 Asians. Twenty of those promoted were women. (Appendix 2)

The PPF reports that two employees (a Hispanic male and an African-American male) were involuntarily separated during the period in review. Between January 1, 2005 and June 30, 2007, the total number of PPF employees increased by 2.5%, going from 120 to 123. There were percentage increases for Asians (33.3%), African-Americans (2.8%), and females (1.6%), while the percentage of Hispanics declined by 4.5%. (Appendices 3 and 4)

Discrimination Complaint Activity During the Audit Period

No discrimination complaints, internal or external, were filed between July 1, 2005 and June 30, 2007.

PRELIMINARY DETERMINATION

Following are our preliminary determinations with required corrective actions and recommendations pursuant to the audit.

Plan Dissemination - Internally

The PPF is in compliance with the following requirements:

1. The PPF adopted the Citywide EEO Policy for its employees.
2. The Citywide EEO Policy and EEO Policy Handbook (*About EEO: What You May Not Know*) are given to new employees in the new hire package. The approximately 13 police officers assigned to the PPF are given the New York Police Department's EEO Policy.
3. The Citywide EEO Policy and EEO Policy Handbook are posted on the agency's intranet.
4. The agency's employee handbook contains a one-page general information sheet about the PPF EEO policy.

The PPF is not in compliance with the following requirements:

1. There was no general hardcopy distribution of the Citywide EEO Policy. Corrective action is required.

Recommendation: The agency should distribute the Citywide EEO Policy to all employees (current as well as new). (Sect. VB, Citywide EEO Policy)

Recommendation: The Citywide EEO Policy should be accompanied by a general EEO policy statement or memo from the agency head that reiterates his commitment to EEO; and advises employees of the names, locations and phone numbers of the EEO professionals. This EEO policy statement or memo may be based on the Mayor's January 31, 2005 policy statement and the model agency head statement that is posted on the DCAS "about eeo" website. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and Sect. VB of the Citywide EEO Policy).

Recommendation: The general EEO policy statement or memo should be posted on the agency intranet and bulletin boards. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and Sect. VB of the Citywide EEO Policy)

2. The PPF did not have an EEO officer prior to, during, or for a substantial period after, the audit period. The PPF's current EEO officer was appointed an EEO liaison while employed by the NYPD in 1997 or 1998. From 2001—when the PPF was separated legislatively from the NYPD—to November 2007, she continued to serve by default as the agency's EEO liaison. Employees of the PPF were not notified of her unofficial title or responsibilities. In November 2007 (after the EEPC initiated this audit), though, the EEO liaison was appointed the EEO officer. That announcement was made in an undated and unsigned one-page flyer sent to all employees.

Plan Dissemination - Externally

The PPF is in compliance with the following requirement:

The PPF submitted copies of citywide job vacancy notices for computer operations manager, clerical associate, community associate, community assistant, and assistant retirement benefits examiner. All the notices indicate that the City is an equal opportunity employer.

The PPF is not in compliance with the following requirement:

The PPF submitted copies of job advertisements for the positions of director of security and secretary to the executive director (*Daily News* and *Chief-Leader*). None of the advertisements contain the EEO tag line. Corrective action is required.

Recommendation: All PPF recruitment literature, including job advertisements, should indicate that the agency is an equal opportunity employer. (Sect. IV, Citywide EEO Policy)

EEO and Reasonable Accommodation for Persons with Disabilities

The PPF is in compliance with the following requirements:

1. The PPF offices (the 19th and 25th floors of 233 Broadway) are located in a privately-owned and managed building. According to the PPF human resources director, the agency's offices were built-out in 2002 and, therefore, are ADA-compliant. In addition, the completed *Accessibility for Persons with Disabilities Checklist* (issued by the EEPC), indicates that the building is accessible to and usable by persons with disabilities: there is a level ground floor entrance, there are wheelchair accessible elevators, wide restroom stalls, and grab bars in the restrooms. Furthermore, 68% of survey respondents indicated that the agency's facilities are accessible for persons with disabilities. (The balance of the survey respondents--thirty-two percent--indicated they "don't know" if the agency's facilities are accessible.)
2. Although there have been no requests for reasonable accommodation from persons with disabilities, it is the agency's policy to provide such accommodation upon request.

The PPF is not in compliance with the following requirements:

1. The agency has not appointed a disabilities rights coordinator. Corrective action is required.

Recommendation: The agency head should designate a disabilities right coordinator—usually the EEO officer—to ensure compliance with all federal, state, and local laws, as well as City and agency policies. All employees should be notified in writing of this appointment. (Sect. VB, Citywide EEO Policy)

2. Although the EEO officer has a copy of a Section 55-A Program brochure, the PPF has not distributed that document and no employees participate in that program. During an audit meeting in December 2007, though, the EEO officer said the agency will distribute the updated DCAS Program brochures to all employees. Corrective action is required.

Recommendation: The agency should follow-up on its pledge and participate in the Section 55-A Program by distributing the DCAS Program brochures. (Sect. IIB, Citywide EEO Policy)

3. The PPF officials told the EEPC auditors that the agency's EEO documents are not available in alternate formats for persons with disabilities. Corrective action is required.

Recommendation: Since the PPF has adopted the Citywide EEO Policy, it should obtain copies of that document in alternate formats from the Department of Citywide Administrative Services. (Sect. VB, Citywide EEO Policy)

EEO Complaint and Investigation System

The PPF is not in compliance with the following requirements:

1. Although the EEO officer attended quarterly meetings of the New York Police Department EEO liaisons before and after her current appointment, she has not received formal EEO training. Corrective action is required.

Recommendation: Since knowledgeable EEO professionals are essential to the success of the EEO program, and to ensure that EEO professionals have a uniform body of knowledge, the EEO officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO officer should obtain the certificate or otherwise complete the program at the institution selected by the PPF. (Sect. VB, Citywide EEO Policy)

2. For one year prior to the audit period (2001-2002), the PPF had two EEO "liaisons": the person currently serving as the EEO officer and another female liaison. The agency has not had an EEO liaison or counselor since 2002. Corrective action is required.

Recommendation: To ensure that there are individuals of different genders available to receive and investigate discrimination complaints, the PPF should appoint a male EEO counselor. (Sect. VB, Citywide EEO Policy).

Recommendation: The new EEO counselor should receive the same EEO training as the EEO officer (See recommendation number one, above).

Recommendation: The EEO officer should meet with the new EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (Sect. VC, Citywide EEO Policy)

EEO Training

The PPF is not in compliance with the following requirement:

The PPF has not conducted EEO training for its employees. In addition, 78.6% of survey respondents indicated they had not received such training. The EEO officer told the EEPC auditors in December 2007, though, that agency is “negotiating” with the New York Police Department to allow its (PPF’s) supervisors access to the “EEO Online Training for NYPD Supervisors.” The Office of Citywide EEO of the Department of Citywide Administrative Services informed EEPC officials that it (OCEEEO) has not reviewed or approved that training program. Corrective action is required.

Recommendation: Since Sect. IV of the Citywide EEO Policy requires that agencies develop EEO training plans that meet the minimum standards set by the DCAS, the PPF should either request that the DCAS review and approve the NYPD online training program for supervisors or develop a manual EEO training program that meets the DCAS’s minimum standards.

Recommendation: The PPF should also develop a plan, which meets the DCAS’s minimum standards and includes a timetable, for providing EEO training to all non-supervisors. (Sect. IV, EEOP)

Recruitment and Selection

The PPF is in compliance with the following requirement:

The EEO officer analyzed her agency’s workforce statistics and found no underrepresentation of women or minorities.

The PPF is not in compliance with the following requirement:

The PPF has not provided structured interview training to personnel involved in the interviewing and hiring process. The director of human resources told the EEPC auditors that

although she conducts all job interviews, she allows supervisors to discuss the job requirements with applicants and respond to their questions. Corrective action is required.

Recommendation: The PPF should ensure that all employees who participate in the job interviewing process receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IC, Citywide EEO Policy)

EEO Officer Reporting Arrangement

The PPF is not in compliance with the following requirements:

1. The EEO officer reports to the director of human resources, a direct report to the agency head, on EEO matters. Corrective action is required.

Recommendation: It is inappropriate for the EEO officer to report to the director of human resources, since the latter official is responsible for developing and enforcing agency personnel policies. The EEO officer should report to the agency head or a direct report approved by DCAS—other than the director of human resources—to the agency head. (Sect. VB, Citywide EEO Policy)

2. The EEO Officer informed the EEPC auditors that she does not prepare an agenda for, or keep notes of, her meetings with the director of human resources. Corrective action is required.

Recommendation: It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head, or direct report to the agency head, regarding EEO program operational decisions should be maintained.

EEO Officer Responsibilities

The PPF is in compliance with the following requirement:

Although the EEO officer (who is also an associate retirement benefits examiner level II) devotes less than five percent of her time to EEO matters, she said she does not have, and does not now need, support staff to discharge her duties as EEO officer. She did indicate to the EEPC auditors, though, that the time she devotes to EEO matters may increase as a result of the Commission's audit findings and recommendations.

The PPF is not in compliance with the following requirement:

The EEO officer told the EEPC auditors that she is not involved in developing recruitment strategies or selecting recruitment media; those are the sole responsibilities of the human resources department. Corrective action is required.

Recommendation: To ensure fair employment practices, the agency head should direct the human resources department to include the EEO officer in the development of recruitment strategies and the selection of recruitment media. (Sect. IV, Citywide EEO Policy)

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. The agency should distribute the Citywide EEO Policy to all employees (current as well as new). (Sect. VB, Citywide EEO Policy)
2. The Citywide EEO Policy should be accompanied by a general EEO policy statement or memo from the agency head. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and Sect. VB of the Citywide EEO Policy)
3. The general EEO policy statement or memo should be posted on the agency intranet and bulletin boards. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and Sect. VB of the Citywide EEO Policy)
4. All PPF recruitment literature, including job advertisements, should indicate that the agency is an equal opportunity employer. (Sect. IV, Citywide EEO Policy)
5. The agency should designate a disabilities rights coordinator—usually the EEO officer—to ensure compliance with all federal, state, and local laws, as well as City and agency policies. All employees should be notified in writing of this appointment. (Sect. VB, Citywide EEO Policy)
6. The agency should follow-up on its pledge and participate in the Section 55-A Program by distributing the DCAS Program brochures. (Sect. IIB, Citywide EEO Policy)
7. Since the PPF has adopted the Citywide EEO Policy, it should obtain copies of that document in alternate formats from the Department of Citywide Administrative Services. (Sect. VB, Citywide EEO Policy)
8. The EEO officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO officer should obtain the certificate or otherwise complete the program at the institution selected by the PPF. (Sect. VB, Citywide EEO Policy)
9. To ensure that there are individuals of different genders available to receive and investigate discrimination complaints, the PPF should appoint a male EEO counselor. (Sect. VB, Citywide EEO Policy)
10. The new EEO counselor should receive the same EEO training as the EEO officer. (Sect. VB, Citywide EEO Policy)

11. The EEO officer should meet with the new EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (Sect. VC, Citywide EEO Policy)
12. Since Sect. IV of the Citywide EEO Policy requires that agencies develop EEO training plans that meet the minimum standards set by the DCAS, the PPF should either request that the DCAS review and approve the NYPD online training program for supervisors or develop a manual EEO training program that meets the DCAs's minimum standards.
13. The PPF should also develop a plan, which meets the DCAS's minimum standards and includes a timetable, for providing EEO training to all non-supervisors. (Sect. IV, EEO Policy)
14. The PPF should ensure that all employees who participate in the job interviewing process receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IC, Citywide EEO Policy)
15. It is inappropriate for the EEO officer to report to the director of human resources, since the latter official is responsible for developing and enforcing agency personnel policies. The EEO officer should report to the agency head or a direct report approved by DCAS—other than the director of human resources—to the agency head. (Sect. VB, Citywide EEO Policy)
16. It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head, or direct report to the agency head, regarding EEO program operational decisions should be maintained.
17. To ensure fair employment practices, the agency head should direct the human resources department to include the EEO officer in the development of recruitment strategies and the selection of recruitment media. (Sect. IV, Citywide EEO Policy)

In addition to the above recommendations, during the compliance process, the Commission requires that the agency head distribute a memo to all staff informing them of the changes that are being implemented in the agency's EEO program pursuant to the audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

Conclusion

Pursuant to Chapter 36 of the New York City Charter, and the previously cited preliminary determinations relating to the EEPC's audit of the PPF's compliance with its Equal Employment Opportunity Policy, as well as commission policies and EEO standards expressed in the Citywide EEO Policy, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your office will take to bring the agency in compliance with the aforementioned policies and which recommendations it intends to follow. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, if you do not implement all of these recommendations for corrective actions during a compliance period not to exceed six months, this Commission may publish a report and recommend the appropriate corrective actions that you should implement in your agency's EEO Plan.

In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,



Ernest F. Hart, Esq.
Chair

**Police Pension Fund
EMPLOYEE SURVEY RESULTS**

A. GENERAL OVERVIEW

1. Do you know who your agency's EEO Officer is?
Yes (19) No (9)
2. Is your agency's EEO Policy Statement or the Citywide EEO Policy Statement posted on your agency's bulletin boards?
Yes (22) No (6)
3. Were you given the EEO Policy Statement or the Citywide EEO Policy Statement?
Yes (17) No (4) Do not remember (7)
4. Were you given a copy of the EEO Policy Handbook -- *About EEO: What You Need to Know*?
Yes (18) No (10)
5. Do you agree with the principles of equal employment opportunity?
Yes (27) No (1)
6. Do you believe your agency practices equal employment opportunity?
Yes (22) No (6)

B. EEO COMPLAINTS

7. Do you know how to file an EEO complaint?
Yes (12) No (16)
8. If you had an EEO complaint, would you bring it to your agency's EEO Office?
Yes (17) No (1) Undecided (10)
9. Would you prefer to file an EEO complaint with an office outside your agency?
Yes (5) No (10) Undecided (13)
10. Did you ever file an EEO complaint with your agency's EEO Office? If No, please skip to question #14.
Yes (0) No (28)
11. What was the basis of the complaint?

Age (0)	Partnership Status (0)
Alienage or Citizen Status (0)	Predisposing genetic characteristic (0)
Arrest or Conviction Record (0)	Race (0)
Color (0)	Sexual Harassment (0)
Creed (0)	Sexual Orientation (0)
Disability (0)	Veteran's Status (0)
Gender (incl. gender identity) (0)	Victim of Domestic Violence, Stalking, and Sex Offenses (0)
Marital Status (0)	Other (0)
Military Status (0)	
National Origin (0)	

PPF SURVEY RESULTS CONTINUED

12. Were you satisfied with the manner in which your complaint was managed?

Yes (0) No (0)

13. Was your manager or supervisor supportive of your right to file a complaint?

Yes (0) No (0) Not Applicable (0)

C. EEO TRAINING

14. Did you receive EEO training? If No, please skip to question #16.

Yes (6) No (22)

15. Did you find this training helpful?

Very (2) Somewhat (2)
Not really (2) Waste of time (0)

D. JOB PERFORMANCE/ADVANCEMENT

16. Did you see your agency's job postings for vacant positions on agency bulletin boards prior to the application deadline?

Yes (17) No (4) Do not remember (7)

E. AFFIRMATIVE ACTION FOR PERSONS WITH DISABILITIES

17. Are your agency's facilities accessible for persons with disabilities?

Yes (19) No (0) Don't Know (9)

18. Did you ever ask for an accommodation for a physical or mental disability?

If No, skip to question #28.

Yes (1) No (27)

19. Did the agency accommodate you?

Yes (1) No (0)

OPTIONAL

20. What is your race/ethnicity?

Asian (3) Native American (2)
Black (3) White (9)
Hispanic (1) Other (2)

21. What is your gender?

Male (11) Female (15)

APPENDIX – 2

The following table indicates personnel activity during the audit period, July 1, 2005 through June 30, 2007.

Police Pension Fund

Hires by Sex and Ethnicity

Total Hires: 26

Male	Female	Total	Caucasian	African-American	Hispanic	Asian	Total
15	11	26	10	9	3	4	26

Promotions by Sex and Ethnicity

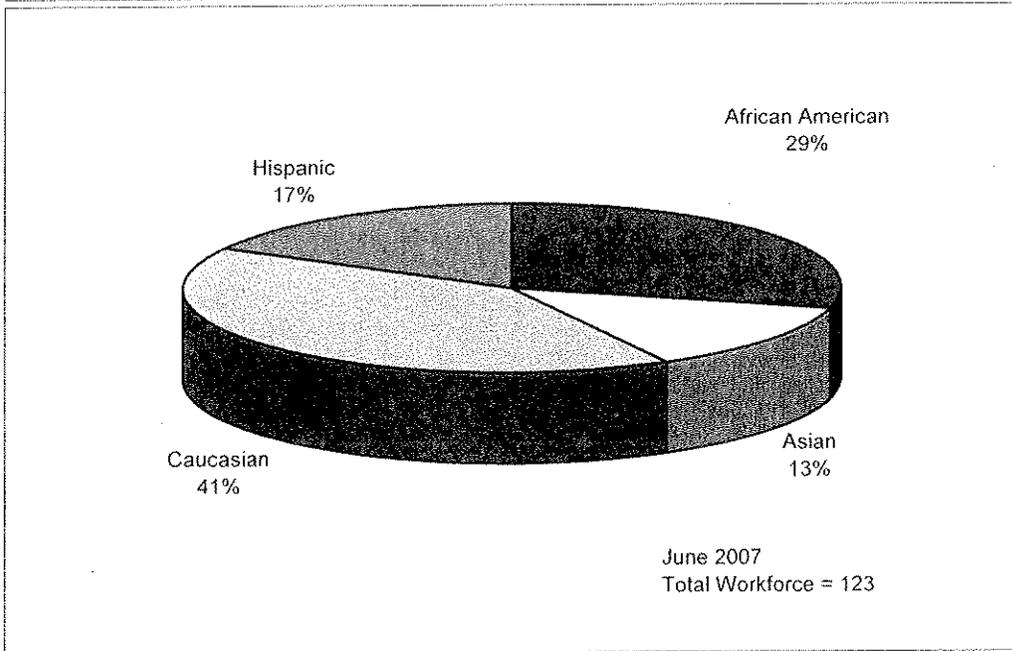
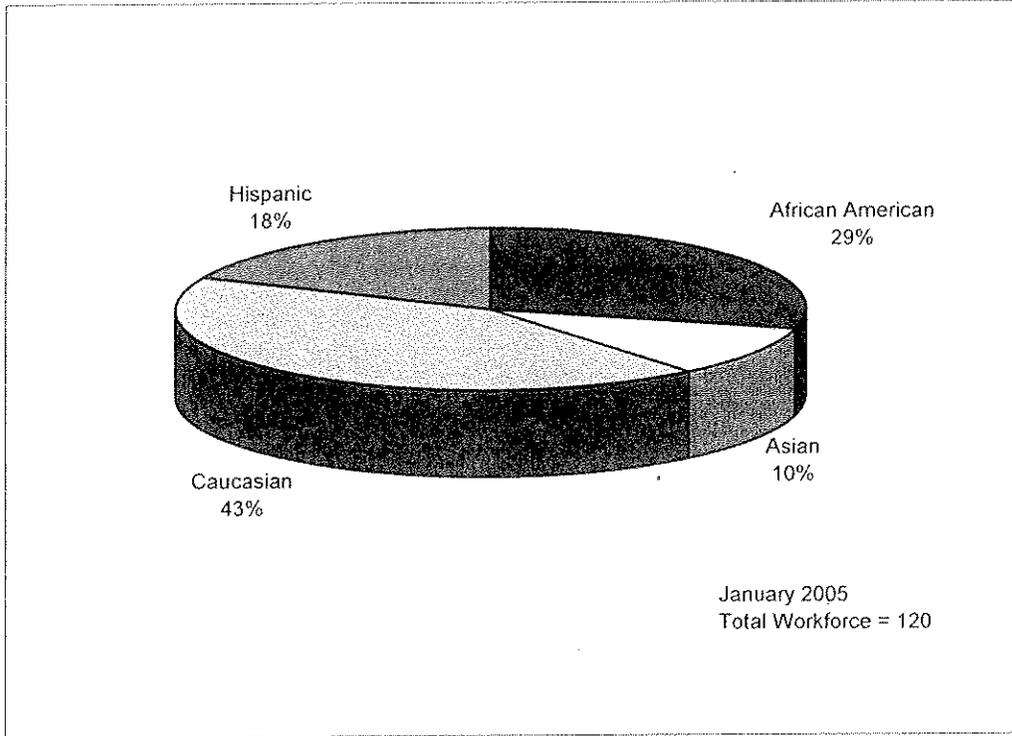
Total Promotions: 39

Male	Female	Total	Caucasian	African-American	Hispanic	Asian	Total
19	20	39	18	9	6	6	39

Source: Audit data supplied by the Police Pension Fund

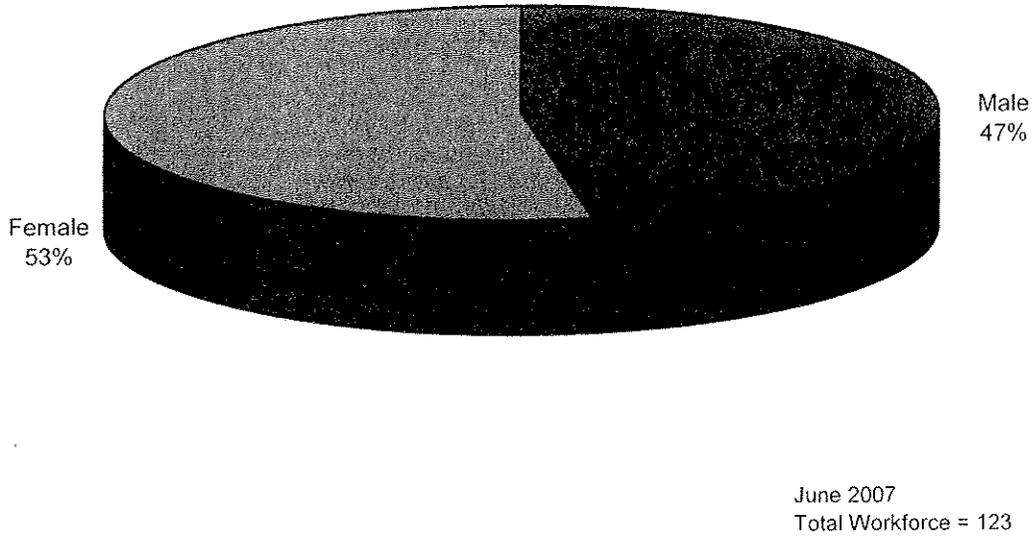
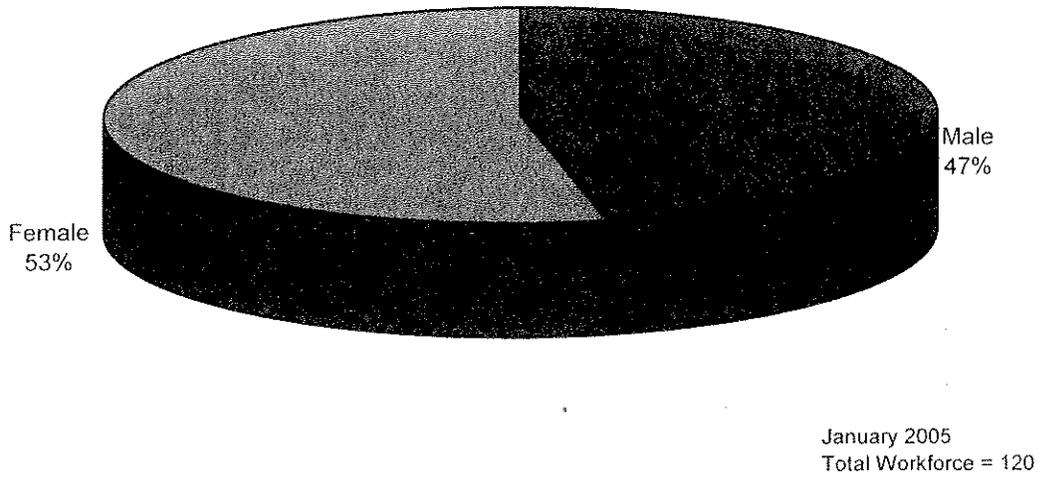
Appendix - 3

Police Pension Fund Workforce by Ethnicity



Appendix - 4

Police Pension Fund Workforce by Sex





New York City Police Pension Fund

233 Broadway
New York, NY 10279
(212) 693-5100

Anthony J. Garvey
Executive Director

9879

July 7, 2008

Abraham May, Jr.
Executive Director
Equal Employment Practices Commission
40 Rector Street, 14th Floor
New York, New York 10006

RE: Response to the EEPC's Preliminary Determination

Dear Mr. May:

This is a reply to your letter dated June 11, 2008 requesting a resubmission of the agency response of the Commissioner's March 6, 2008 Preliminary Determination:

RECOMMENDATION #1

The agency should distribute the Citywide EEO Policy to all employees (current as well as new) (§VB of the Citywide EEO policy).

RESPONSE

The Agency will distribute hard copy to each employee (current as well as new) in conjunction with the first payroll after the booklets have been obtained from DCAS. Agency target date is the second payroll in July.

RECOMMENDATION #2

The Citywide EEO Policy should be accompanied by a general EEO policy statement or memo from the agency head. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and §VB of the Citywide EEO policy).

RESPONSE

The Citywide EEO policy booklets will be accompanied by a general EEO policy statement from the Agency Head and will be distributed once the booklets have been obtained from DCAS. Agency target date is the second payroll in July. See attached Agency Head cover memorandum.

RECOMMENDATION #3

The general EEO policy statement or memo should be posted on the agency intranet and bulletin boards. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and §VB of the Citywide EEO policy).

RESPONSE

The general EEO policy statement will be posted on the agency intranet and bulletin boards will be posted concurrently with the Agency target date of second payroll in July.

RECOMMENDATION #4

All PPF recruitment literature, including job advertisements, should indicate that the agency is an equal opportunity employer (§IV, Citywide EEO Policy).

RESPONSE

All PPF recruitment literature, including job advertisement recently posted for Senior NT Network Specialist on Monster.com, is now in compliance with §IV of Citywide EEO Policy to include EEO tag line that the agency (and the City of New York) is an equal employment opportunity employer.

RECOMMENDATION #5

The agency should designate a disabilities rights coordinator – usually EEO officer – to ensure compliance with all federal, state, and local laws, as well as City and agency policies. All employees should be notified in writing of this appointment (§VB, Citywide EEO Policy).

RESPONSE

The agency has designated two (2) disabilities rights coordinators – the EEO officer and the EEO Counselor – to ensure compliance with all federal, state, and local laws, as well as City and agency policies. All employees will be notified in writing of these appointments (§VB, Citywide EEO Policy) concurrent with the Agency target date of the second payroll in July.

RECOMMENDATION #6

The agency should follow-up on its pledge and participate in the §55-A Program by distributing the DCAS Program brochures. (§IIB, Citywide EEO Policy)

RESPONSE

The Agency will follow-up its pledge and participate in the §55-A Program distributing the DCAS Program brochure to all employees (§IIB, Citywide EEO Policy). The Agency target date is the second payroll in July.

RECOMMENDATION #7

Since the PPF has adopted the Citywide EEO Policy, it should obtain copies of that document in alternate formats from DCAS (§VB, Citywide EEO Policy).

RESPONSE

Since the PPF has adopted the Citywide EEO Policy, it will obtain copies of that document in alternate formats from DCAS (§VB, Citywide EEO Policy). The Agency target date for obtaining copies of that document in alternate formats from DCAS is concurrent with the second payroll in August.

RECOMMENDATION #8

The EEO officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO officer should obtain the certificate or otherwise complete the program at the institution selected by the PPF. (§VB, Citywide EEO Policy)

RESPONSE

The EEO officers, both male and female, will attend the next available DCAS training session and will obtain recommended certificate of recognition (§VB, Citywide EEO Policy). The Agency target date for recommendation #8 is September. This target date is contingent on DCAS availability for training both EEO officers.

RECOMMENDATION #9

To ensure that there are individuals of different genders available to receive and investigate discrimination complaints, the PPF should appoint a male EEO counselor. (§VB, Citywide EEO Policy)

RESPONSE

To ensure that there are individuals of different genders available to receive and investigate discrimination complaints, the PPF has appointed a male EEO counselor. Mr. Edward Ulon, Retirement Counselor at PPF has accepted the appointment of male Agency EEO counselor/disability rights coordinator.

RECOMMENDATION #10

The new EEO counselor should receive the same EEO training as the EEO officer. (§VB, Citywide EEO Policy)

RESPONSE

The EEO officer, female, and the EEO Counselor, male, will attend the next available DCAS training session and will obtain recommended certificate of recognition (§VB, Citywide EEO Policy). The Agency target date for recommendation #8 is September. This target date is contingent on DCAS availability for training both EEO officers.

RECOMMENDATION #11

The EEO officer should meet with the new EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (§VC, Citywide EEO Policy)

RESPONSE

The EEO officer will meet with the new EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. The Agency target date will be determined by the EEO officer and the new EEO counselor at a time convenient to both parties.

RECOMMENDATION #12

Since §IV of the Citywide EEO Policy requires that agencies develop EEO training plans that meet the minimum standards set by the DCAS, the PPF should either request that DCAS review and approve the NYPD online training program for supervisors or develop a manual EEO training program that meets the DCAS's minimum standards.

RESPONSE

Since §IV of the Citywide EEO Policy requires that agencies develop EEO training plans that meet the minimum standards set by the DCAS, the PPF will either request that DCAS review and approve the NYPD online training program for supervisors or develop a manual EEO training program that meets the DCAS's minimum standards. The Agency target date for developing EEO training for PPF employees who are supervisors is contingent on DCAS review, at which time a timetable for training all PPF employees will be established.

RECOMMENDATION #13

The PPF should also develop a plan, which meets the DCAS's minimum standards and includes a timetable, for providing EEO training to all non-supervisors (§IV, Citywide EEO Policy).

RESPONSE

The PPF will develop a plan, which meets the DCAS's minimum standards and includes a timetable, for providing EEO training to all non-supervisors (§IV, Citywide EEO Policy). The Agency target date for developing EEO training for PPF employees who are non-supervisors is contingent on DCAS review and training of employees who are supervisors, at which time a timetable for training all PPF employees who are non-supervisors will be established.

RECOMMENDATION #14

The PPF should ensure that all employees who participate in the job interviewing process receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (§IC, Citywide EEO Policy)

RESPONSE

The PPF will ensure that all employees who participate in the job interviewing process receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization (§IC, Citywide EEO Policy). The Agency target date to ensure that all employees receive structured interview training who participate in the job interviewing process is contingent upon when DCAS's training is offered. If this class is available in the fall of 2008, the Agency will make every effort to register those above-mentioned employees for the necessary classes offered by DCAS.

RECOMMENDATION #15

It is inappropriate for the EEO officer to report to the Director of Human Resources, since the latter official is responsible for developing and enforcing agency personnel policies. The EEO officer should report to the Agency Head or a direct report approved by DCAS – other than the Director of Human Resources – to the Agency Head. (§VB, Citywide EEO Policy)

RESPONSE

The Agency is in agreement that it is inappropriate for the EEO officer to report to the Director of Human Resources, since the latter official is responsible for developing and enforcing agency personnel policies. The EEO officer and male EEO counselor began reporting to the Agency Head (§VB, Citywide EEO Policy) effective July 1, 2008.

RECOMMENDATION #16

It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the Agency Head, or direct report to the Agency Head, regarding EEO program operational decisions should be maintained.

RESPONSE

The Agency is in agreement with the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and/or the male EEO counselor and the Agency Head regarding EEO program operational decisions should be maintained. Concurrent with the effective date of July 1, 2008, documentation of meetings and other communications between the EEO officer and/or the male EEO counselor will be maintained with the establishment of a log book. Currently, this log book has two (2) entries from two (2) documented meetings between the EEO officer and the Agency Head. The Agency Head's Executive Assistant will maintain the aforementioned log book containing documentation of meetings and other communications between EEO officer and/or EEO counselor and Agency Head.

RECOMMENDATION #17

To ensure fair employment practices, the Agency Head should direct the Human Resources Director to include the EEO officer in the development of recruitment strategies and the selection of recruitment media. (§IV, Citywide EEO Policy)

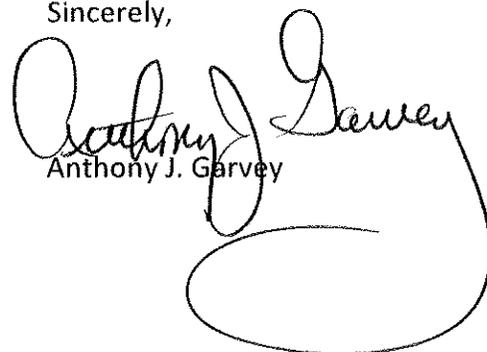
RESPONSE

To ensure fair employment practices, the Agency Head has directed the Human Resources Director to include the EEO officer in the development of recruitment strategies and the selection of recruitment media (§IV, Citywide EEO Policy). Implementation of recommendation #17 is effective July 1, 2008.

In addition to the above recommendations and corrective actions, during the compliance process, the Agency Head will distribute a memo to all staff informing them of the changes that are being implemented in the agency's EEO program pursuant to the audit. This memorandum will re-emphasize the Agency Head's commitment to the agency's Equal Employment Opportunity Program.

If you have any questions regarding this document, please let us know.

Sincerely,


Anthony J. Garvey

C: E. Murphy
S. Hayes
E. Ulon
File

TIMETABLE FOR IMPLEMENTATION OF EEPIC RECOMMENDATIONS

RECOMMENDATION	#1	#2	#3	#4	#5	#6	#7
AGENCY RESPONSE	Will distribute hard copy of EEO policy	General EEO policy statement by Agency Head prepared	Aforementioned statement posted on intranet and bulletin boards	All PPF recruitment literature has EEO tag line	Designate EEO officer and counselor as disabilities rights coordinators	Participate in the 55-A program and distribute DCAS brochures	Provide alternate formats of EEO policy
TARGET DATE	7/25/08	7/11/08	7/14/08	6/13/08	7/25/08	7/25/08	8/22/08

RECOMMENDATION	#10	#11	#12	#13	#14	#15	#16
AGENCY RESPONSE	EEO counselor receives same training as EEO officer	EEO officer meets EEO counselor quarterly to discuss EEO policy	Develop training plans for supervisors to meet DCAS's minimum standards	Develop training plans for all non-supervisors to meet DCAS's minimum standards	All employees who participate in interview process receive structured interview training	The EEO officer should report to the Agency Head or a direct report other than HR Director approved by DCAS	Appropriate documentation of meetings and other communication between EEO officer and Agency Head should be maintained
TARGET DATE	TBD by DCAS	7/25/08	8/22/08	8/22/08	TBD by DCAS	7/1/08	7/7/08



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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Executive Director

Eric Matusewitch, PHR, CAAP

Deputy Director

August 4, 2008

Anthony J. Garvey
Executive Director
Police Pension Fund
233 Broadway
New York, NY 10279

Re: Final Determination Pursuant to the Audit of the Police Pension Fund's (PPF) Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007

Dear Mr. Garvey:

Thank you for your July 7, 2008 revised response to our March 20, 2008 Letter of Preliminary Determination pursuant to the audit of the Police Pension Fund's Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007. The revised response is well-organized and consistent with the standard format. The attachment entitled "Timetable for Implementation of EEPC Recommendations" is very helpful.

After reviewing your response, our Final Determination is as follows:

Agree

We agree with your responses to the following EEPC recommendations, pending documentation that can be attached to your reply or provided during the compliance period:

Recommendation #2

The Citywide EEO Policy should be accompanied by a general EEO policy statement or memo from the Agency head. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and Sect. VB of the Citywide EEO Policy)

Recommendation #3

The general EEO policy statement of memo should be posted on the agency intranet and bulletin boards. (March 2, 2005 memo from the DCAS Assistant Commissioner Jyll Townes to City agency EEO officers, and Sect. VB of the Citywide EEO Policy)

Recommendation #4

All PPF recruitment literature, including job advertisements, should indicate that the agency is an equal opportunity employer. (Sect. IV, Citywide EEO Policy)

Recommendation #5

The agency should designate a disabilities rights coordinator—usually the EEO officer—to ensure compliance with all federal, state, and local laws, as well as City and agency policies. All employees should be notified in writing of this appointment. (Sect. VB, Citywide EEO Policy)

Recommendation #6

The agency should follow-up on its pledge and participate in the Section 55-A Program by distributing the DCAS Program brochures. (Sect. IIB, Citywide EEO Policy)

Recommendation #7

Since the PPF has adopted the Citywide EEO Policy, it should obtain copies of that document in alternate formats from the Department of Citywide Administrative Services. (Sect. VB, Citywide EEO Policy)

Recommendation #8

The EEO officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO officer should obtain the certificate or otherwise complete the program at the institution selected by the PPF. (Sect. VB, Citywide EEO Policy)

Recommendation #9

To ensure that there are individuals of different genders available to receive and investigate discrimination complaints, the PPF should appoint a male EEO counselor. (Sect. VB, Citywide EEO Policy)

Recommendation #10

The new EEO counselor should receive the same EEO training as the EEO officer. (Sect. VB, Citywide EEO Policy)

Recommendation #11

The EEO officer should meet with the new EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (Sect. VC, Citywide EEO Policy)

Recommendation #12

Since Sect. IV of the Citywide EEO Policy requires that agencies develop EEO training plans that meet the minimum standards set by the DCAS, the PPF should either request that the DCAS review and approve the NYPD online training program for supervisors or develop a manual EEO training program that meets the DCAS's minimum standards.

Recommendation #15

It is inappropriate for the EEO officer to report to the director of human resources, since the latter official is responsible for developing and enforcing agency personnel policies. The EEO

officer should report to the agency head or a direct report approved by the DCAS—other than the director of human resources—to the agency head. (Sect. VB, Citywide EEO Policy)

Recommendation #16

It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head, or direct report to the agency head, regarding EEO program operational decisions should be maintained.

Recommendation #17

To ensure fair employment practices, the agency head should direct the human resources department to include the EEO officer in the development of recruitment strategies and the selection of recruitment media. (Sect. IV, Citywide EEO Policy)

Requires Clarification

For the following reasons, hereafter identified as EEPC Rationale, we request clarification of your responses to the following recommendations, which can be addressed in your response or during the compliance period:

Recommendation #1

The agency should distribute the Citywide EEO Policy to all employees (current as well as new. (Sect. VB, Citywide EEO Policy)

Your Response

The Agency will distribute hard copy to each employee (current as well as new) in conjunction with the first payroll after the booklets have been obtained from DCAS. Agency target date is the second payroll in July.

EEPC Rationale

It is unclear whether the "booklet" in your response refers to the Citywide EEO Policy Handbook (*About EEO: What You May Not Know*) or the Citywide EEO Policy. EEPC recommendation #1 refers to distribution of the Citywide EEO Policy to all current and new employees.

Recommendation #13

The PPF should also develop a plan, which meets the DCAS's minimum standards and includes a timetable, for providing EEO training to all non-supervisors. (Sect. IV, EEO Policy)

Your Response

The PPF will develop a plan, which meets the DCAS's minimum standards and includes a timetable, for providing EEO training to all non-supervisors. (Sect. IV, Citywide EEO Policy). The Agency target date for developing EEO training for PPF employees who are non-supervisors is contingent on DCAS review and training of employees who are supervisors, at which time a timetable for training all PPF employees who are non-supervisors will be established.

EEPC Rationale

It is unclear why the training of non-supervisors is contingent on the completion of training of supervisors, since the EEO training programs for those groups are somewhat different. The DCAS could conceivably review and approve the training program for non-supervisors prior to

review and approval of the training program for supervisors. In addition, the EEO training is usually conducted by the agency's EEO professionals, not the supervisors.

Recommendation #14

The PPF should ensure that all employees who participate in the job interviewing process receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IC, Citywide EEO Policy)

Your Response

The PPF will ensure that all employees who participate in the job interviewing process receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization (Sect. IC, Citywide EEO Policy). The Agency target date to ensure that all employees received structured interview training who participate in the job interviewing process is contingent upon when DCAS's training is offered. If this class is available in the fall of 2008, the Agency will make every effort to register those above-mentioned employees for the necessary classes offered by the DCAS.

EEPC Rationale

It is uncertain that the DCAS will offer structured interview training for all PPF personnel. The DCAS now prefers to conduct train-the trainer classes. Thus, the PPF may need either to send a trainer to the DCAS for training or seek structured interview training from another appropriate organization.

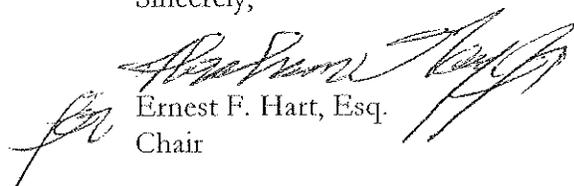
Conclusion

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond to the aforementioned determinations prior to the initiation of audit compliance.

If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. EEPC Counsel Judith Garcia Quiñonez or her designee will contact your EEO officer in seven days to ascertain your intentions.

In closing, we thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,


Ernest F. Hart, Esq.
Chair

c: Sidney Hayes, EEO Officer, PPF
Judith Garcia Quiñonez, Counsel, EEPC