



EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14th Floor, New York, New York 10006

Telephone: (212) 788-8646 Fax: (212) 788-8652

Ernest F. Hart, Esq.
Chair

Manuel A. Méndez
Vice-Chair

Angela Cabrera
Veronica Villanueva, Esq.
Commissioners

Abraham May, Jr.
Executive Director

Eric Matusewitch, PHR, CAAP
Deputy Director

June 19, 2008

Honorable Helen Marshall
President
Borough of Queens
120-55 Queens Blvd
Kew Gardens, New York 11424

Re: Resolution #08/15-013/ Preliminary Determination Pursuant to the Audit of the Queens Borough President's Office's (QBPO) Equal Employment Opportunity Program from July 1, 2005 to June 30, 2007.

Dear President Marshall:

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 and women. (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 from the city treasury..." The Queens Borough President's Office (QBPO) 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.

This Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment programs

QBPO's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in the Federal, State and City Human Rights Laws. All recommendations for corrective actions are consistent with both the audit's findings and the parameters set forth in the 2005 Citywide EEO Policy; and the Discrimination Complaint Procedures and Investigation Guidelines (DCPIG) issued by DCAS in 1993, and amended in 2001, and the QBPO's 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 an analysis of the QBPO's EEO Policy, and a review of responses to an EEPC Document and Information Request Form. EEPC auditors also conducted an in-depth, on-site interview with the Co-EEO officers.

A survey of 58 people employed by the QBPO during the audit period was distributed (This number excludes 3 surveys that were returned as undeliverable.) Twenty-six people (45%) responded. Significant survey findings are attached and discussed in the proceeding pages. (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 Borough Presidents are the executive officials of each borough. The City Charter gives them authority to: work with the Mayor in preparing the annual executive budget submitted to the City Council and to propose borough priorities directly to the council; review and comment on major land use decisions and propose borough sites for city facilities within their respective boroughs; monitor and modify the delivery of city services within their boroughs; and engage in strategic planning for their borough.

Personnel Activity During the Audit Period

During the audit period, 7 people were hired: 2 Caucasians, 3 African-Americans, and 2 Asians. Four of the hires were female. One person was promoted during the audit period: an Asian female. (Appendix 4) The QBPO reported that no employees were involuntarily separated during the audit period.

Between July 1, 2005 and June 30, 2007, the total number of employees increased by 1, going from 60 to 61. There was a percentage increase for African-Americans (22% to 23%) and a percentage decrease for Caucasian (63% to 62%). The percentage for females did not change. (Appendices 2 and 3)

Discrimination Complaint Activity during the Audit Period

During the period in review, one internal discrimination complaint (based on color and race) was filed. The Co-EEO officers issued a no probable cause determination on this case. No complaints were pending at the end of the audit period. No external discrimination complaints were filed during the period in review.

PRELIMINARY DETERMINATION

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

Plan Dissemination – Internally

The QBPO is in compliance with the following requirements:

1. The QBPO distributed its EEO Policy (which included the general Anti-Discrimination Protections, Sexual Harassment Policy, Disabilities Policy, Anti-Retaliation Policy, Reasonable Accommodation Procedure, and Discrimination Complaint Procedure) to all employees in October 2006. In addition, 80% of the survey respondents said that they have a copy of the EEO Policy.

2. The EEO Policy is included in the “new hire” package.

3. In 2006 the QBPO distributed the EEO Policy Handbook, “*About EEO: What You May Not Know*” to all current and new employees. In addition, 83% of the survey respondents said that they have a copy of the EEO Policy Handbook. The Handbook is included in the new hire package and is distributed at new employee orientation sessions.

4. The QBPO’s EEO Policy is posted on various employee bulletin boards; for example, near the personnel, community board, and fiscal offices. In addition, the Co-EEO officers periodically check the boards to insure posting of the Policy.

5. Ninety-six percent of the survey respondents said that they know who their agency’s Co-EEO officers are.

The QBPO is in partial compliance with the following requirements:

1. According to the Co-EEO officers, the EEO Policy was last distributed in 2006.
Corrective action is required.

Recommendation: It is the Commission’s position that the QBPO should distribute its EEO Policy to all employees at least annually.

2. The EEO Policy does not contain the male Co-EEO officer’s contact information.
Corrective action is required.

Recommendation: The QBPO's EEO Policy should be updated to include the current male Co-EEO officer's contact information. (Sect. VB of the Citywide EEO Policy)

3. The QBPO's EEO Policy does not contain the correct language for one of the "protected classes"—"status as a victim of domestic violence." The correct language should be "status as a victim **or witness** of domestic violence." Corrective action is required.

Recommendation: The QBPO's EEO Policy should be updated to include the correct language for one of its "protected classes." (Sect. I, Citywide EEOP)

Plan Dissemination – Externally

There were no external job advertisements issued during the audit period.

The QBPO is in partial compliance with the following requirement:

Although three of the four job vacancy notices submitted by the QBPO (Administrative Manager, Director / Office of Economic Development, and Community Assistant), contain the EEO tag line, one job vacancy notice (Junior Planner) does not contain the EEO tag line. Corrective action is required.

Recommendation: All agency recruitment literature should indicate that the agency is an equal opportunity employer. (Sect. IV of the Citywide EEO Policy)

EEO and Reasonable Accommodation for Persons with Disabilities

The QBPO is in compliance with the following requirements:

1. The QBPO's EEO Policy includes a "Reasonable Accommodation Procedure." The Co-EEO officers told EEPC auditors that no reasonable accommodations requests were received during the audit period.

2. The QBPO submitted a completed EEPC accessibility checklist that indicates the QBPO is accessible to, and usable by, persons with disabilities. The QBPO has street accessible entrances, ramp access, wheelchair accessible elevators, bell and Braille in elevators, wide restroom stalls, grab bars in restroom, and low sink or bathroom fixtures. In addition, 81% of the survey respondents said that the agency's facilities are accessible for persons with disabilities.

4. The QBPO's EEO Policy is available in large print format for use by people with disabilities; a Braille version is also available upon request.

5. The EEO Co-officers told the EEPC auditors that the QBPO does participate in the Section 55-A Program, but no employees are enrolled in that program. The QBPO distributed the Section 55-A Program brochures in October 2006. They are also distributed at orientation sessions and at training.

The QBPO is in partial compliance with the following requirement:

The Co-EEO officers told the EEPC auditors that the QBPO's human resources director has been appointed the disability rights coordinator. There was, however, no official notification. Corrective action is required.

Recommendation: The QBPO should officially notify staff of the identity of the disability rights coordinator. It should also include this information in the EEO Policy. (Sect. VB, Citywide EEOP)

EEO Complaint and Investigation Procedures

The QBPO is in compliance with the following requirement:

The Co-EEO officers told EEPC auditors that they investigate discrimination complaints according to the DCAS guidelines.

The QBPO is in partial compliance with the following requirement:

The female Co-EEO officer told EEPC auditors that during the first half of the audit period, the QBPO had individuals not of the same gender available and authorized for complaint intake and investigation. Although during the second half of the audit period individuals not of the same gender were available, only the female Co-EEO officer was authorized. She completed the basic training course for EEO professionals at the Department of Citywide Administrative Services (DCAS). The male Co-EEO officer is currently on the DCAS' EEO training waiting list. Corrective action is required.

Recommendation: To ensure that there are EEO professionals available and authorized to investigate discrimination complaints, the agency should provide the male Co-EEO officer with appropriate EEO training. (Sect. VB, Citywide Policy)

The QBPO is not in compliance with the following requirements:

1. The Co-EEO officers told EEPC auditors that they do not maintain a monthly discrimination complaint log. Corrective action is required.

Recommendation: The Co EEO officers should maintain and update a monthly EEO complaint log to indicate the monthly status of internal and external complaints. (DCAS, DCPIG, 1993, Sect. 12(a))

The QBPO submitted 1 file designated as "discrimination complaint files" to the EEPC for review. The file did not have a complaint number.

2. The internal complaint file submitted does not contain a discrimination complaint intake form. Corrective action is required.

Recommendation: All discrimination complaint files should include a Discrimination Complaint Form completed by the complainant or the EEO investigator. (DCPIG, sect. 12(b))

3. The internal complaint file submitted does not include a written notice of discrimination complaint to the respondent. Corrective action is required.

Recommendation: All respondents should be served with a notice of complaint along with a copy of the complaint. Respondent(s) or someone authorized to sign for the respondent(s) should acknowledge receipt of the notice. The receipts should be maintained in the complaint file. (DCPIG, sect. 12(b))

4. The internal complaint file submitted does not include the investigators' interview notes. Corrective action is required.

Recommendation: It is the Commission's position that complaint files should contain clear and thorough word-processed notes of interviews conducted with the complainant, respondent or witnesses.

5. The "Confidential Written Report" was neither addressed to nor signed by the agency head. Corrective action is required.

Recommendation: The agency head should sign each EEO investigator's confidential written report to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted. (DCAS, Discrimination Complaint Procedures Implementation Guidelines, 1993, Sect. 12(b))

6. The Co-EEO officers' confidential written report was not prepared in accordance with the DCPIG: i.e., divided into three sections entitled "Findings of Facts," "Discussion and Conclusion," and "Recommendation." Corrective action is required.

Recommendation: All confidential written reports should be divided in three sections in accordance with section 12b of the DCPIG.

7. The report was not labeled "confidential."

Recommendation: All internal investigative reports should be labeled "confidential" in large bold print.

EEO Training

The QBPO is not in compliance with the following requirement:

The Co-EEO officers told the EEPC auditors that the last EEO training was conducted in 2005. In addition, 79% of the survey respondents said that they did receive EEO training. However, no training was conducted since the audit period. The Co-EEO officers told EEPC auditors that they are in the preliminary stages of planning EEO training. Corrective action is required.

Recommendation: The QBPO should adhere to its plan to conduct EEO training. The plan should include a timeframe. (Sect. VC, Citywide EEOP)

EEO Officer Reporting Arrangement

The QBPO is in compliance with the following requirement:

According to the Co-EEO officers, they report to the chief of staff whom, in turn, reports to the borough president on EEO matters.

The QBPO is in partial compliance with the following requirement:

Although the Co-EEO officers told EEPC auditors that they do have weekly meetings with the chief of staff and as EEO matters arise, they do not maintain documentation of such meetings. 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.

The QBPO is not in compliance with the following requirement:

The organization chart submitted to EEPC does not show a reporting relationship between the Co-EEO officers and the agency head or direct report to the agency head. In fact, the chart is outdated; it shows a former Queens Borough President. Corrective action is required.

Recommendation: The QBPO should revise its organization chart to show the reporting arrangement of the EEO officer(s). (Sect. VB, EEOP)

EEO Officer Responsibilities

The QBPO is in compliance with the following requirement:

The Co-EEO officers told EEPC auditors that they devote 15% of their time to EEO matters; the balance of their time is devoted to their duties as director of housing and director of planning and development, respectively. Although they do not have any support staff as Co-EEO officers, they believe that they are given adequate resources to meet their obligations under the EEO program.

The QBPO is not in compliance with the following requirement:

The Co-EEO officers told EEPC auditors that they were not involved in developing job recruitment strategies and selecting recruitment media. Corrective action is required.

Recommendation: To ensure fair employment practices, the agency head should direct the head of human resources to include the Co-EEO officers in the development of recruitment strategies and selection of recruitment media, including newspapers and other publications. (Sect. VC, Citywide EEO Policy)

Selection and Recruitment

The QBPO is not in compliance with the following requirement:

Structured interview training was not provided to personnel involved in the recruitment and hiring process during the audit period. The QBPO's personnel data indicated that 7 people were hired during the audit period. Corrective action is required.

Recommendation: The QBPO should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. 1c, Citywide EEO Policy)

Job Performance/Advancement

The QBPO is not in compliance with the following requirement:

Thirty-three percent of the survey respondents said that they did not see the agency's job vacancy postings on agency bulletin boards prior to the application deadline. Twenty-five percent said that they did not remember.

Recommendation: The QBPO should post its job vacancy notices on bulletin boards or keep a binder with postings in a central location. (DCAS, Personnel Services Bulletin No. 200-9, June 30, 1998)

SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS

1. It is the Commission's position that the QBPO should distribute its EEO Policy to all employees at least annually.
2. The QBPO's EEO Policy should be updated to include the current male Co-EEO officer's contact information. (Sect. VB of the Citywide EEO Policy)
3. The QBPO's EEO Policy should be updated to include all of the "protected classes" under the New York City and New York State Human Rights Laws. (Sect. I, Citywide EEOP)
4. All agency recruitment literature should indicate that the agency is an equal opportunity employer. (Sect. IV of the Citywide EEO Policy)
5. The QBPO should officially notify staff of the identity of the disability rights coordinator. It should also include this information in the EEO Policy. (Sect. VB, Citywide EEOP)
6. To ensure that there are EEO professionals available and authorized to investigate discrimination complaints, the agency should provide the male Co-EEO officer with appropriate EEO training. (Sect. VB, Citywide Policy)

7. The Co-EEO officers should maintain and update a monthly EEO complaint log to indicate the monthly status of internal and external complaints. (DCAS, DCPIG, 1993; Sect. 12(a))
8. All discrimination complaint files should include a Discrimination Complaint Form completed by the complainant or the EEO investigator. (DCPIG, sect. 12(b))
9. All respondents should be served with a notice of complaint along with a copy of the complaint. Respondent(s) or someone authorized to sign for the respondent(s) should acknowledge receipt of the notice. The receipts should be maintained in the complaint file. (DCPIG, sect. 12(b))
10. It is the Commission's position that complaint files should contain clear and thorough word-processed notes of interviews conducted with the complainant, respondent or witnesses.
11. The agency head should sign each EEO investigator's confidential written report to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted. (DCAS, Discrimination Complaint Procedures Implementation Guidelines, 1993, Sect. 12(b))
12. All confidential written reports should be divided in three sections in accordance with section 12b of the DCPIG.
13. All internal investigative reports should be labeled "confidential" in large bold print.
14. The QBPO should adhere to its plan to conduct EEO training. The plan should include a timeframe. (Sect. VC, Citywide EEOP)
15. 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.
16. The QBPO should revise its organization chart to show the reporting arrangement of the EEO officer(s). (Sect. VB, EEOP)
17. To ensure fair employment practices, the agency head should direct the head of human resources to include the Co-EEO officers in the development of recruitment strategies and selection of recruitment media, including newspapers and other publications. (Sect. VC, Citywide EEO Policy)
18. The QBPO should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. 1c, Citywide EEO Policy)

19. The QBPO should post its job vacancy notices on bulletin boards or keep a binder with postings in a central location. (DCAS, Personnel Services Bulletin No. 200-9, June 30, 1998)

In addition to the above recommendations, during the compliance process, the Commission requires that the agency distribute a memorandum 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

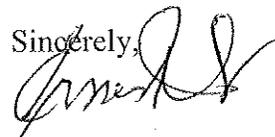
Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to EEPC's audit of the QBPO's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in the Citywide EEO Policy, we respectfully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

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

APPENDIX - 1

Queens Borough President Office
EMPLOYEE SURVEY RESULTS

A. GENERAL OVERVIEW

1. Do you know who your agency's EEO Officer is?
Yes (24) No (1)
2. Is your agency's EEO Policy Statement or the Citywide EEO Policy Statement posted on your agency's bulletin boards?
Yes (15) No (8)
3. Were you given the EEO Policy Statement or the Citywide EEO Policy Statement?
Yes (20) No (1) Do not remember (4)
4. Were you given a copy of the EEO Policy Handbook – *About EEO: What You Need to Know*?
Yes (22) No (2)
5. Do you agree with the principles of equal employment opportunity?
Yes (23) No (2)
6. Do you believe your agency practices equal employment opportunity?
Yes (16) No (8)

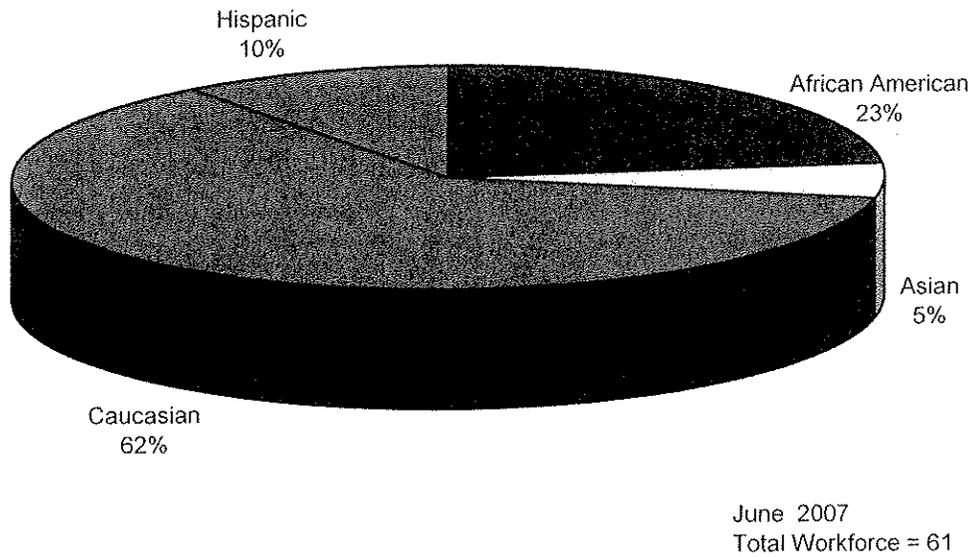
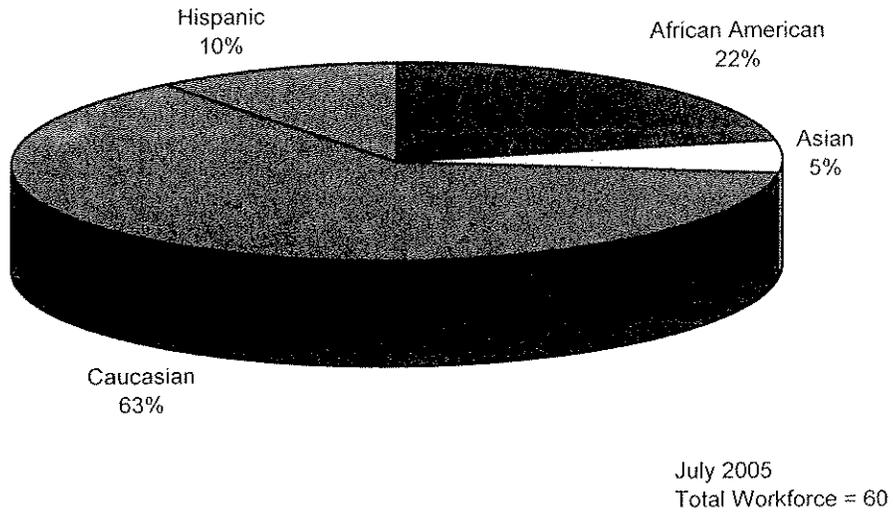
B. EEO COMPLAINTS

7. Do you know how to file an EEO complaint?
Yes (19) No (6)
8. If you had an EEO complaint, would you bring it to your agency's EEO Office?
Yes (15) No (8) Undecided (3)
9. Would you prefer to file an EEO complaint with an office outside your agency?
Yes (10) No (9) Undecided (7)
10. Did you ever file an EEO complaint with your agency's EEO Office? If No, please skip to question #14.
Yes (3) No (22)
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 (1)
Color (1)	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)	

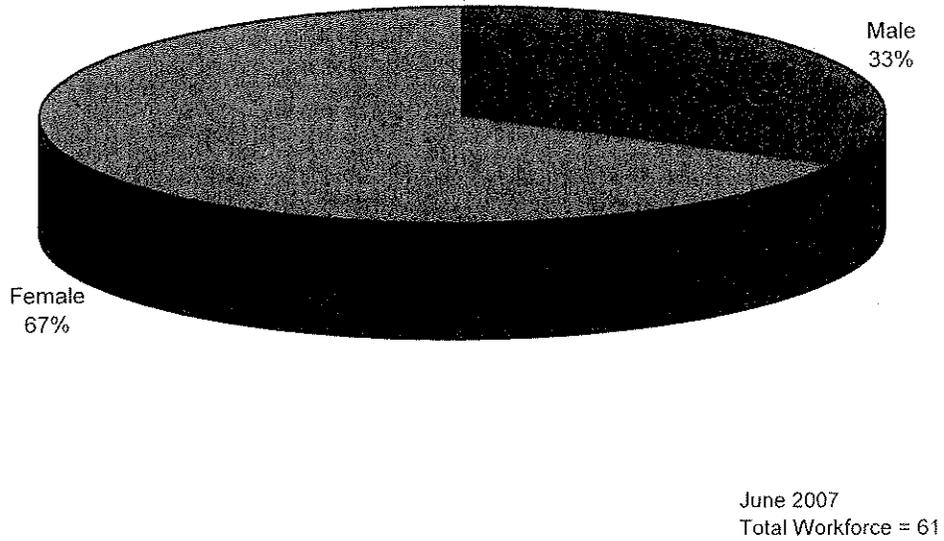
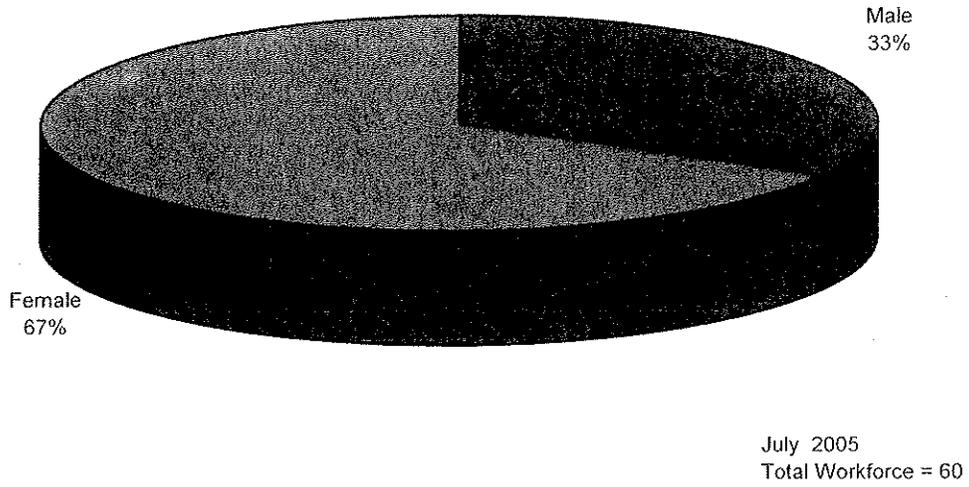
Appendix - 2

Queens County Borough President's Office Workforce by Ethnicity



Appendix - 3

Queens County Borough President's Office Workforce by Sex



APPENDIX – 4

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

Queens Borough President's Office

Hires by Sex and Ethnicity

Total Hires: 7

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American	Total
3	4	7	2	3		2		7

Promotions by Sex and Ethnicity

Total Promotions: 1

Male	Female	Total	Caucasian	African American	Hispanic	Asian	Native American	Total
	1	1				1		1

Source: Audit data supplied by QBPO



HELEN M. MARSHALL(718) 286-3000
PRESIDENTTDD (718) 286-2656

CITY OF NEW YORK
OFFICE OF THE
PRESIDENT OF THE BOROUGH OF QUEENS
120-55 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11424-1015

A821

July 17, 2008

Ernest F. Hart, Esq.
Chair
Equal Employment Practices Commission
City of New York
40 Rector Street
New York, New York 10006

Re: Resolution # 08/15-013/ Preliminary Determination Pursuant to the
Audit of the Queens Borough President's Office's (QBPO) Equal
Employment Opportunity Program from July 1, 2005 to June 30, 2007.

Dear Mr. Hart:

Thank you for your staff's recent input in connection with their audit of the Equal Employment Opportunity (EEO) Program of the Queens Borough President's Office (the QBPO). This letter is intended as a response to your letter to this office dated June 19, 2008, and, as such it discusses actions taken in response to the recommendations contained therein.

In this letter, we will address, one-by-one, your staff's 19 "recommended corrective actions". You will see that, in some cases, the recommended procedures already have been implemented, and, in other cases, the agency is incorporating the recommendations. Enclosed is a copy of the QBPO's revised EEO Policy.

Our responses to your recommendations are as follows:

- 1) The QBPO already had distributed its EEO Policy to the staff, but, starting this month, it will be distributed annually.
- 2) The QBPO's EEO Policy has been updated to include the contact information for Irving Poy, the agency's current male co-EEO officer.
- 3) The QBPO's EEO Policy has been updated to include all of the "protected classes" under the New York City and the New York State Human Rights Laws, consistent with the Citywide EEO Policy.
- 4) The QBPO's recruitment literature has stated and will continue to state that the agency is an equal opportunity employer, though we now use the language recommended by the Commission.
- 5) The QBPO has officially notified staff of the identities of its co-disability rights coordinators, Lisa Atkins and Irving Poy.
- 6) The QBPO is in the process of ensuring that its male co-EEO officer receives appropriate EEO training. As noted in our meeting with your staff, we have tried for some time to schedule training for Mr. Poy at the Department of Citywide Administrative Services (DCAS), and your assistance in this matter is appreciated.
- 7) The co-EEO officers will maintain and update a monthly EEO complaint log to indicate the monthly status of internal and external complaints, when there are complaints.
- 8) All discrimination complaint files will include a Discrimination Complaint Form completed either by the complainant or by one of the EEO officers.
- 9) All respondents will be served with a Notice of Complaint, along with a copy of the complaint, when a complaint is made. Respondents or someone authorized to sign for the respondents will be asked to acknowledge receipt of the notice. The receipts will be maintained in the appropriate complaint files.
- 10) Complaint files will contain clear and thorough word-processed notes of interviews conducted with complainants, respondents and witnesses.
- 11) The Borough President or the Chief of Staff will sign each EEO officer's confidential written report to demonstrate that it has been

reviewed and to indicate whether the recommendation, if any, is approved and adopted.

- 12) All confidential written reports will be divided into three sections (entitled "Finding of Facts," "Discussion and Conclusion," and "Recommendation") in accordance with DCAS' Discrimination Complaint Procedures and Investigation Guidelines (DCPIG), section 12b.
- 13) All internal investigative reports will be labeled "confidential" in large, bold print.
- 14) The QBPO will adhere to its plan to conduct EEO training. The agency's plan will include a timeframe for training. As noted in our meeting with your staff, the QBPO is in the process of planning EEO training.
- 15) The QBPO will maintain appropriate documentation of meetings and other communications between the EEO officers and the Borough President (or between the EEO officers and the Chief of Staff and others who report directly to the Borough President) regarding EEO program operational decisions.
- 16) The QBPO has revised its organizational chart to show the reporting arrangement of the EEO officers. A copy of the chart has been enclosed with this letter.
- 17) The QBPO's co-EEO officers will be involved in the development of recruitment strategies and the means of publicizing employment opportunities at the QBPO.
- 18) The QBPO will ensure that all employees involved in job interviewing receive interview training, either internally, through DCAS, or through another appropriate organization.
- 19) The QBPO already posts job vacancy notices in the Director of Personnel's office, which is centrally located and is frequently visited by all staff. A reminder of the posting location will be sent to staff.

In your letter of June 19th, you also state that the Commission requires that the QBPO distribute a memorandum to all staff informing them of the changes that are being implemented in its program pursuant to the Commission's

audit a copy of this memorandum has been enclosed with this letter. Note that, among other things, the memorandum re-emphasizes the Borough President's commitment to the QBPO's EEO program.

Thank you for the Commission's help in reviewing the QBPO's EEO policy. We trust this letter and the other documents enclosed herein have addressed any concerns you might have about our program. Do not hesitate to contact us if you have any other questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Helen Marshall". The signature is written in a cursive, flowing style.

Helen Marshall
Queens Borough President

Enclosures



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York
40 Rector Street, 14th Floor, New York, New York 10006
Telephone: (212) 788-8646 Fax: (212) 788-8652

Ernest F. Hart, Esq.
Chair
Manuel A. Méndez
Vice-Chair

Angela Cabrera
Veronica Villanueva, Esq.
Commissioners

Abraham May, Jr.
Executive Director

Eric Matusewitch, PHR, CAAP
Deputy Director

August 5, 2008

Honorable Helen Marshall
President
Borough of Queens
120-55 Queens Boulevard
Kew Gardens, New York 11424-1015

Re: Final Determination Pursuant to the Audit of the Queens Borough President's Office (QBPO) and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 2005 through June 30, 2007.

Dear President Marshall:

Thank you for your July 17, 2008 response to our June 19, 2008 Letter of Preliminary Determination pursuant to the audit of the Queens Borough President Office's Equal Employment Opportunity Policy from July 1, 2005 through June 30, 2007.

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 #1

It is the Commission's position that the QBPO should distribute its EEO Policy to all employees at least annually.

Recommendation #2

The QBPO's EEO Policy should be updated to include the current male Co-EEO officer's contact information. (Sect. VB of the Citywide EEO Policy)

Recommendation #3

The QBPO's EEO Policy should be updated to include all of the "protected classes" under the New York City and New York State Human Rights Laws. (Sect. I, Citywide EEOP)

Recommendation #4

All agency recruitment literature should indicate that the agency is an equal opportunity employer. (Sect. IV of the Citywide EEO Policy)

[On August 1, 2008, Mr. Hugh Weinberg, the QBPO's Counsel, informed Ms. Antoine, EEPC Senior Auditor/ Compliance Officer that the QBPO will use the following language in its recruitment literature: "the QBPO is an Equal Opportunity Employer."]

Recommendation #5

The QBPO should officially notify staff of the identity of the disability rights coordinator. It should also include this information in the EEO Policy. (Sect. VB, Citywide EEOP)

Recommendation #6

To ensure that there are EEO professionals available and authorized to investigate discrimination complaints, the agency should provide the male Co-EEO officer with appropriate EEO training. (Sect. VB, Citywide Policy)

Recommendation #7

The Co-EEO officers should maintain and update a monthly EEO complaint log to indicate the monthly status of internal and external complaints. (DCAS, DCPIG, 1993, Sect. 12(a))

Recommendation #8

All discrimination complaint files should include a Discrimination Complaint Form completed by the complainant or the EEO investigator. (DCPIG, sect. 12(b))

Recommendation #9

All respondents should be served with a notice of complaint along with a copy of the complaint. Respondent(s) or someone authorized to sign for the respondent(s) should acknowledge receipt of the notice. The receipts should be maintained in the complaint file. (DCPIG, sect. 12(b))

Recommendation #10

It is the Commission's position that complaint files should contain clear and thorough word-processed notes of interviews conducted with the complainant, respondent or witnesses.

Recommendation #11

The agency head should sign each EEO investigator's confidential written report to indicate that it has been reviewed and whether the recommendation, if any, is approved and adopted. (DCAS, Discrimination Complaint Procedures Implementation Guidelines, 1993, Sect. 12(b))

Recommendation #12

All confidential written reports should be divided in three sections in accordance with section 12b of the DCPIG.

Recommendation #13

All internal investigative reports should be labeled "confidential" in large bold print.

Recommendation #14

The QBPO should adhere to its plan to conduct EEO training. The plan should include a timeframe. (Sect. VC, Citywide EEOP)

Recommendation #15

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 #16

The QBPO should revise its organization chart to show the reporting arrangement of the EEO officer(s). (Sect. VB, EEOP)

Recommendation #17

To ensure fair employment practices, the agency head should direct the head of human resources to include the Co-EEO officers in the development of recruitment strategies and selection of recruitment media, including newspapers and other publications. (Sect. VC, Citywide EEO Policy)

Recommendation #18

The QBPO should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. 1c, Citywide EEO Policy)

Recommendation #19

The QBPO should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. 1c, Citywide EEO Policy)

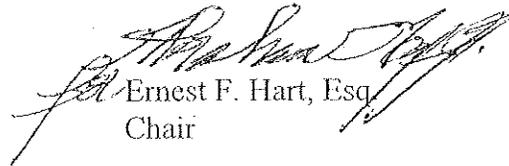
Conclusion

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 want to 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: Lisa Atkins, Co-EEO Officer, QBPO
Irvin Poy, Co-EEO Officer, QBPO