

## CIVILIAN COMPLAINT REVIEW BOARD

- Letter of Implementation January 15, 2009
- Summary Compliance Report January 15, 2009



# EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14<sup>th</sup> Floor New York, NY 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*

Charise Hendricks, PHR  
*Deputy Director*

Judith Garcia Quiñonez, Esq.  
*Counsel*

January 15, 2009

Franklin Stone, Esq.

*Chair*

and

Joan M. Thompson

*Executive Director*

Civilian Complaint Review Board

40 Rector Street

New York, NY 10006

Re: Resolution #09/03-054C: Implementation of Corrective Actions Pursuant to the Audit of Compliance by the Civilian Complaint Review Board's (CCRB) Equal Employment Opportunity Program (EEOP) from January 1, 2005 to December 31, 2006.

Dear Chair Stone and Executive Director Thompson:

Pursuant to Section 832 of Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) was required to monitor audit compliance by the Civilian Complaint Review Board (CCRB) for a period not to exceed six months. The compliance period was December 2008 through May 2009. The CCRB's Final Compliance Report was submitted on January 7, 2009.

The goal of monitoring was to determine if the CCRB implemented all recommended corrective actions pursuant to our audit of compliance by your agency with the City's Equal Employment Opportunity Policy from January 1, 2005 to December 31, 2006.

After completing its review of the Compliance Report submitted by your agency, EEPC staff submitted a Compliance Summary Report for Commission review. This Commission has determined that the CCRB has implemented the recommended corrective actions as required by Chapter 35 and 36 of the New York City Charter to the Commission's satisfaction. The Civilian Complaint Review Board is now in compliance with the requirements of the City's Equal Employment Opportunity Policy.

On behalf of this Commission, I want to thank you and EEO Officer Tahira Delaine for the cooperation extended to the EEPC Compliance Unit during the compliance-monitoring period. I also commend you for the swiftness with which you addressed the compliance process.

Sincerely,



Ernest F. Hart  
Chair

C: Tahira Delaine, EEO Officer



# EQUAL EMPLOYMENT PRACTICES COMMISSION

## SUMMARY COMPLIANCE REPORT

**Agency:** Civilian Complaint Review Board

**Agency Head:** Joan Thompson, Executive Director

**Co-EEO Officers:** Tahira Delaine  
Marcos Soler

**Audit period:** January 1, 2005 – December 31, 2006

Preliminary Determination Letter:	<i>June 19, 2008</i>
Agency Response Letter:	<i>July 25, 2008</i>
Final Determination Letter:	<i>August 11, 2008</i>

Compliance Initiated:	<i>November 2008</i>
Compliance Completed:	<i>January 2009</i>
Covering Months:	<i>December 2008</i>

**Date:** January 15, 2009

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the Civilian Complaint Review Board (CCRB) with the City's Equal Employment Opportunity Policy from January 1, 2005 through December 31, 2006, the EEPC initiated Audit Compliance with the CCRB in November 2008. The CCRB's final Monthly Compliance Report was submitted on January 7, 2009.

All ten required actions were completed and accepted. The following is a summary of the compliance reports:

- 1. Only individuals who have received the DCAS EEO training for professionals should investigate discrimination complaints. (Sect. III, EEOP)**

The CCRB only authorized individuals that have received the DCAS EEO training to investigate discrimination complaints. Copies of the certificate of completion were provided on December 17, 2008.

The required action was completed in December 2008.

- 2. To ensure that there are at least two EEO professionals of different genders available to receive and investigate discrimination complaints, the CCRB should appoint an EEO counselor (or co-EEO officer) of a different gender from the EEO officer.**

The CCRB appointed a male co-EEO officer. A copy of an agency-wide memo dated July 25, 2008 identifying him as the co-EEO officer, was provided with the agency's response to the EEPC's Preliminary Determination.

The required action was completed in July 2008.

**3. The new EEO counselor (or co-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 counselor (or co-EEO officer) should obtain the certificate or otherwise complete the program at the institution selected by the CCRB. (Sect. VB, EEOP)**

The co-EEO officer attended the DCAS EEO training in September 2008. A copy of his Certificate of Completion was provided on December 17, 2008.

The required action was completed in September 2008.

**4. Due to conflicts of interest, the director of personnel should not serve as an EEO professional.**

The CCRB removed the director of personnel as EEO counselor and appointed another individual. A copy of the memo dated July 25, 2008 identifying the new EEO counselor was provided with the agency's response to the EEPC's Preliminary Determination letter.

The required action was completed in July 2008.

**5. All internal discrimination complaint files should contain a Discrimination Complaint Intake Form. (DCPIG, Sect. 12(b))**

The CCRB created a Discrimination Complaint Intake Form. A memo to the EEO team dated July 2, 2008, outlining the changes in the procedure, was submitted with the agency's response to the EEPC's Preliminary Determination Letter. A copy of the intake form was submitted to the EEPC on December 17, 2008.

The required action was completed in December 2008.

**6. The CCRB should sign-off on all confidential written reports concerning EEO complaints to indicate that they have been reviewed and whether the recommendations, if any, have been approved and adopted. (Sect. VB, EEOP and DCPIG, Sect. 12(b))**

The CCRB sent a memo dated July 3, 2008 to the EEO team outlining the changes in the procedure including the procedure that the Executive Director must sign off on all confidential written reports concerning EEO complaints. A copy of the memo was submitted with the agency's response to the EEPC's Preliminary Determination Letter.

The required action was completed in July 2008.

**7. All confidential written reports should be divided into three sections (Section 1: Finding of Facts, Section 2: Discussion and Conclusion, and Section 3: Recommendation) and be labeled "confidential" in large bold print. (DCPIG, Sect. 12b)**

The CCRB sent a memo dated July 3, 2008 to the EEO team outlining the changes in the procedure including the procedure that all confidential written reports should be divided into three sections and should be marked confidential. A copy of the memo was submitted with the agency's response to the EEPC's Preliminary Determination Letter.

The required action was completed in July 2008.

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

The CCRB agreed to implement this action. A copy of a memo to file from the EEO officer documenting her meeting with the agency head regarding program operational decisions was submitted to the EEPC on December 17, 2008.

The required action was accepted in December 2008.

**9. The agency head should ensure that the new EEO officer has adequate administrative staff so that the EEO officer can devote sufficient time to his/her EEO duties.**

The agency head informed the EEO officer's supervisor of the EEO officer's responsibilities and provided the EEO officer with a desktop printer and internet access. In addition, the agency-wide memo dated July 25, 2008, indicated that the EEO officer has been assured that when additional administrative staff is needed, the Executive Director should be made aware of the need and additional staff will be provided.

The required action was accepted in December 2008.

**10. The agency head should disseminate an agency-wide memorandum informing staff about the changes that are being implemented in the CCRB's EEO program pursuant to the audit and re-emphasizing the agency's head's commitment to the agency's EEO program.**

On July 25, 2008, the agency head distributed a memorandum to the CCRB staff informing them of the changes that are being implemented in the agency's EEO program pursuant to the EEPC audit (attached).

The required action was completed in July 2008.

## **Recommendation**

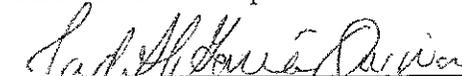
Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to Chair Franklin Stone, Esq. and

Executive Director Joan Thompson informing them that the Civilian Complaint Review Board has implemented all of the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,



Adrienne Smith  
EEO Auditor/Compliance Officer



Judith Garcia Quiñonez, Esq.  
Counsel/Compliance Director



Abraham May, Jr.  
Executive Director

Attachment



CHAE R. BLOOMBERG  
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD  
40 RECTOR STREET, 2<sup>ND</sup> FLOOR  
NEW YORK, NEW YORK 10006 ♦ TELEPHONE (212) 442-8833  
www.nyc.gov/ccrb

JOAN M. THOMPSON  
EXECUTIVE DIRECTOR

MEMORANDUM

To: All Staff  
From: Joan M. Thompson  
Date: July 25, 2008  
Re: **Equal Employment Practices Commission Audit**

---

The Equal Employment Practices Commission (EEPC) is empowered to audit and evaluate the Equal Employment Opportunity Programs of all New York city agencies. The EEPC completed an audit of our agency's EEO program covering the period of January 1, 2005 through December 31, 2006. The EEPC recommended the following actions that the CCRB has included into its EEO program.

**EEPC Recommendation #1: Only individuals who have received the DCAS EEO training for professionals should investigate discrimination complaints.**

Correspondence was sent to DCAS requesting two slots in their next upcoming EEO training. CCRB's EEO counselor has already received training from DCAS.

**EEPC Recommendation #2: To ensure that there are at least two EEO professionals of different genders available to receive and investigate discrimination complaints, the CCRB should appoint an EEO counselor (or co-EEO officer) of a different gender from the EEO officer.**

Tahira Delaine has been named EEO Officer, Marcos Soler as co- EEO Officer and Denise Alvarez as EEO Counselor.

**EEPC Recommendation #3: The new EEO counselor (or co-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 counselor (or co-EEO officer) should obtain the certificate or otherwise complete the program at the institution selected by the CCRB.**

Please see response to Recommendation #1.

**EEPC Recommendation #4: Due to conflicts of interest, the director of personnel should not serve as an EEO professional.**

Beth Thompson, CCRB's Director of Personnel has been replaced. Denise Alvarez will now serve as the EEO Counselor for the CCRB.

**EEPC Recommendation #5: All internal discrimination complaint files should contain a Discrimination Complaint Intake Form.**

**EEPC Recommendation #6: The CCRB agency head should sign off on all confidential written reports concerning EEO complaints to indicate that they have been reviewed and whether the recommendations, if any, have been approved and adopted.**

**EEPC Recommendation #7: All confidential written reports should be divided into three sections (Section 1: Findings of Facts, Section 2: Discussion and Conclusion, and Section 3: Recommendation) and be labeled "confidential" in large bold print.**

**EEPC Recommendation #8: It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head regarding EEO program operational decisions should be maintained.**

CCRB agrees to comply with the EEPC's Recommendations 5-8. A memorandum was sent to the CCRB's EEO team outlining the changes in the procedure that were to be followed. The changes were effective immediately.

**EEPC Recommendation #9: The agency head should ensure that the new EEO officer has adequate administrative staff so that the EEO officer can devote sufficient time to his/her EEO duties.**

The EEO Officer has been assured that at any point when additional administrative staff is needed in the carrying out of the duties of the EEO Officer, the Executive Director should be made aware of the need and additional staff will be provided immediately.

I reaffirm the agency's strong commitment to maintaining fair employment practices for all CCRB employees. The CCRB is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under the EEO policy and by encouraging a work environment that tolerates and appreciates differences among employees. All personnel should work together to maintain an atmosphere of respect and appreciation for the diversity reflected in our staff.

I encourage all employees to review the EEO policy and to address any concerns to the EEO Officer, Tahira Delaine at (212) 442-8830 or co- EEO Officer, Marcos Soler at (212) 442-8736 or EEO Counselor, Denise Alvarez at (212) 442-8811.



MICHAEL R. BLOOMBERG  
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD  
40 RECTOR STREET, 2<sup>ND</sup> FLOOR  
NEW YORK, NEW YORK 10006 ♦ TELEPHONE (212) 442-8833  
www.nyc.gov/ccrb

JOAN M. THOMPSON  
EXECUTIVE DIRECTOR

MEMORANDUM

To: EEO Team:  
Tahira Delaine  
Marcos Soler  
Denise Alvarez

From: Joan M. Thompson  
Executive Director 

Subject: EEPC Recommendations

Date: July 3, 2008

As part of the Equal Employment Practices Commission's (EEPC) audit, the following changes in our internal procedures should be noted and complied with.

The changes are to go into effect immediately. They are:

1. All internal discrimination complaint files should contain a Discrimination Complaint Intake Form.
2. The Executive Director (ED) must sign off on all confidential written reports concerning EEO complaints. The ED's signature will indicate that the report has been reviewed as have the recommendations (if any), and that they have been approved and adopted.
3. All confidential written reports should be divided into three sections: Findings of Fact, Discussion and Conclusion, and Recommendations. The report should be marked "confidential" in large bold letters.
4. All appropriate documentation of meetings and other communication between the EEO team and the Executive Director regarding EEO program operational decisions should be maintained.
5. All parties must be advised in writing of the outcome of the complaint.
6. If the investigation cannot be completed in 90 days, the EEO Officer should notify the parties of the delay.