

**EQUAL EMPLOYMENT
PRACTICES COMMISSION**

ANNUAL REPORT

CALENDAR YEARS 2007 and 2008

EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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Mission Statement

The Equal Employment Practices Commission is empowered by the New York City Charter to monitor and evaluate the employment programs, practices, policies and procedures, of all city agencies to ensure that they maintain an effective affirmative employment program of equal employment opportunity for protected groups who are employed by, or seek employment with, the New York City government. We are therefore committed to ensuring that all protected groups employed by, or seeking employment with, city agencies are fully aware of their rights under the appropriate Federal, State, and City laws against employment discrimination.

Revised: 7/28/05

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EXECUTIVE SUMMARY

INTRODUCTION

Chapter 36 of the New York City Charter, As Amended, established the Equal Employment Practices Commission (EEPC) as an independent city agency responsible for monitoring and auditing the equal employment practices, programs, policies and procedures of all city agencies. The Charter requires the appointment of two Commissioners by the Mayor, two by the City Council, and the joint appointment of the Chair by the City Council Speaker and the Mayor. All Commissioners serve part-time, four-year, staggered terms.

To address its mandate, the Commission is authorized to: (1) Review the uniform standards, policies, procedures and programs of every city agency's affirmative employment program to provide equal employment opportunity to minority group members and women employed by, or seeking employment with, city agencies, (2) Recommend to the Department of Citywide Administrative Services and all other city agencies, procedures, approaches, measures, standards and programs to ensure fair and effective equal employment opportunity for minority group members and women, and; (3) Audit and evaluate the employment practices and procedures of every city agency at least once every four years and whenever requested by the Civil Service Commission or the Human Rights Commission.

Additional powers include: (4) Publishing a report if the Commission determines that an audited agency's corrective actions are not appropriate and effective to achieve compliance, (5) Recommending to the Mayor the necessary appropriate corrective actions to ensure compliance by an audited agency, (6) Holding public and private hearings, and; (7) Establishing appropriate advisory committees to assist the Commission in addressing its mandate.

LEGAL COST OF EMPLOYMENT DISCRIMINATION

There is a cost to the City for illegal employment discrimination. According to data provided by the City Comptroller's office, in **calendar year 2007** seventeen employment discrimination cases against city agencies were settled at a cost of approximately 1.5 million dollars. The largest settlement was over \$ 500,000.00 (the Department of Correction).

The Comptroller's office reported that fifty-one employment discrimination cases were settled in **calendar year 2008** at a cost of approximately 16.4 million dollars. The largest settlement was over \$13,000,000.00 (the Department of Parks and Recreation).

ACCOMPLISHMENTS IN CALENDAR YEAR 2007

Audits

During calendar year 2007, Commission staff initiated audits of forty-one city agencies. Among these agencies were: the offices of the Mayor, the City Council, and the City Comptroller, the offices of the borough presidents of the Bronx, Staten Island and Queens, the Public Advocate's office, and the fifteen community boards in the boroughs of Manhattan (12) and Staten Island (3).

The staff completed audits of twenty-seven agencies—representing approximately 46,000 employees—including the City University of New York, the office of the Brooklyn Borough President, the public administrators' offices in Bronx, New York, Richmond, and Queens counties, and the twelve community boards in the Bronx. Audits of thirty-four agencies were in progress at the end of the year.

Compliance

The City Charter-mandated audit compliance procedure was initiated with twelve city agencies during the year, including the Brooklyn Borough President's office and the public administrator offices in each of the five counties. Twelve agencies completed compliance, including the New York and Queens county district attorneys offices, the office of the City Clerk/Clerk of the Council, the New York City Police Department (Recruitment Program) and the New York City Housing Authority. At the end of the year, compliance monitoring was in progress with eight agencies.

Public Hearing

In May 2007 the Commission held a public hearing on *Private Sector Diversity Initiatives in Senior Management/Lessons for the Public Sector, Part II*. The hearing was a follow-up to the hearing on the same topic held in 2006. Barbara Frankel, Executive Editor and Senior Vice-President of Diversity Inc. Magazine, Elaine Arabatzis, Senior Associate and Diversity/Pro Bono Counsel of Dickstein Shapiro, LLC, and Thomas Dunn, Vice-President of Public Affairs, Policy and Communications at Verizon Communications Inc. provided testimony.

ACCOMPLISHMENTS IN CALENDAR YEAR 2008

Audits

During calendar year 2008, Commission staff initiated audits of twenty-six agencies. Among these agencies were: the departments of Buildings, Design and Construction, Environmental Protection, Housing Preservation and Development, and Sanitation, and; the eighteen community boards in Brooklyn.

The staff also completed audits of twenty-eight agencies—representing approximately 4,600 employees. Among those agencies were: the Queens and Staten Island borough presidents' offices, the Public Advocate's office, the Department of Investigation, the Independent Budget Office, and the Civilian Complaint Review Board. At the end of the year, audits of thirteen agencies were in progress.

Compliance

The audit compliance procedure was initiated with eighteen city agencies. Among them were: the offices of the City Comptroller, Public Advocate, and the Staten Island Borough President, the Department of Citywide Administrative Services, and the New York City Employees Retirement System.

Ten agencies completed compliance; among them were: the City University of New York, the public administrators in Kings, New York, and Queens counties, the Department of Education, and the Department of Juvenile Justice. At the end of the year, compliance monitoring was in progress with fifteen agencies.

CONCLUSION

Complete Audit and Compliance Reports for calendar years 2007 and 2008, and the Workforce Summary by Mayoral Agencies for those years, are available on the EEPC's website: <http://www.nyc.gov/html/eepc/html/home/home.shtml>.

Pursuant to the New York City Charter and the New York State Open Meetings Law, all audits and compliance monitoring reports issued by this Commission, as well as, the minutes of Commission meetings, are available to the public. Meetings of the Commission are open to the public.

CHAPTER I

UNLAWFUL EMPLOYMENT DISCRIMINATION

“It shall be an unlawful employment practice for an employer (1) to fail or refuse to hire or discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin...”

Title VII, Civil Rights Act, 1964, Sec. 2000e-2. *[Section 703]*

LAWS AGAINST DISCRIMINATION IN EMPLOYMENT

1964 Civil Rights Act

During the height of the Civil Rights Movement, the United States Congress passed, and the President Lyndon Baines Johnson signed, the 1964 Civil Rights Act. Title VII of the Act is the most comprehensive federal antidiscrimination law. It bars employment discrimination on the basis of race, sex, religion, color, or national origin by employers with 15 or more employees. Originally applicable only to private employers, the statute was amended in 1972 to cover state and local governments, governmental agencies, and political subdivisions. The 1991 amendments to Title VII further extended protection to employees of elected state officials.

Title VII provides a variety of remedies for unlawful employment discrimination, including “make whole” remedies (hiring, reinstatement, back pay, etc.) and compensatory and punitive damages in some circumstances. The amount of compensatory or punitive damages is limited by the size of the employer. The maximums are \$50,000 for employers of 15 to 100 employees; \$100,000 for employers of 101 to 200 employees; \$200,000 for employers of 201 to 500 employees; and \$300,000 for those employing over 500 employees. Punitive damages, though, cannot be assessed against state and local governments.

Equal Employment Opportunity Commission

Title VII is administered by the U.S. Equal Employment Opportunity Commission (EEOC), which receives, processes, and investigates charges of employment discrimination. If the Commission determines that there is “reasonable cause” to believe that the law has been violated, it first tries to obtain remedies for the affected individuals through conciliation. If conciliation fails, the agency issues the charging party a “notice of right to sue” or file a lawsuit against the offending employer in a federal district court. If the offending employer is a state or local government, the EEOC refers the case to the U.S. Department of Justice for enforcement.

The EEOC is also responsible for enforcing the following federal antidiscrimination laws:

The Equal Pay Act (EPA) is an amendment to the Fair Labor Standards Act and prohibits discrimination based on sex in the payment of wages. In assessing whether pay

discrimination has occurred, the EPA provides exceptions for pay differentials based on a seniority system, a merit system, a system measuring earnings by quantity or quality of production, or any other factor other than sex or gender. Since sex-based wage discrimination also is prohibited by Title VII, a violation of the EPA may also be a violation of Title VII.

The Age Discrimination in Employment Act (ADEA) prohibits discrimination in employment against individuals who are 40 years of age or older. The Act, which applies to employers with 20 or more employees, partially exempts certain groups of employees from coverage: University employees with unlimited tenure who can be offered voluntary retirement incentives that are reduced or eliminated on the basis of age, and high-level executives who may be compelled to retire if they would be entitled to receive annual retirement benefits of at least \$44,000. In addition, the ADEA does not prohibit discrimination based on age when age is a “bona fide occupational qualification,” or when an employer is observing the terms of a bona fide seniority system.

Title I of the Americans with Disabilities Act (ADA) prohibits discrimination against a “qualified individual with a disability” by employers with 15 or more employees. This refers to an individual who, with or without reasonable accommodations, can perform the essential functions of a job. An individual with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or who is regarded as having such an impairment. The law specifically excludes individuals with certain sexual and emotional disorders including compulsive gamblers and kleptomaniacs, current illegal drug users, and current users of alcohol who cannot perform their job duties or whose employment presents a threat to the property or safety of others.

NEW YORK CITY’S EQUAL EMPLOYMENT OPPORTUNITY POLICY

To comply, in part, with federal civil rights laws, chapter 35 of the New York City Charter requires each city agency to “establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women who are employed by, or who seek employment with, the agency and, in accordance with the uniform procedures and standards established by the department of citywide administrative services for this purpose, to adopt and implement an annual plan to accomplish this objective.”

These uniform procedures and standards administered by the Department of Citywide Administrative Services (DCAS) are known as the City's Equal Employment Opportunity Policy. As new "protected classes" have been added via federal, state, and city, civil rights laws the City's EEO Policy has been amended accordingly. The EEO Policy currently prohibits employment discrimination on the basis of actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity"), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, partnership status, predisposing genetic characteristic, sexual orientation, or status as a victim or witness of domestic violence, sexual offenses and stalking.

David Dinkins Administration

In 1991, the Dinkins Administration established an "Affirmative Employment Plan (AEP)" pursuant to Chapter 35 of the New York City Charter. Significantly, the Plan provided for the establishment of goals and timetables for increasing the number of minorities and women where the City found "manifest underutilization" of those individuals in the various EEO job groups. The AEP also contained a detailed "Employee Promotion Assistance Program" (EPAP), requiring City agencies to indicate how they provided training and upward mobility for all employees. The Dinkins Administration also established the Discrimination Complaint Procedures Implementation Guidelines.

Rudolph Giuliani Administration

In 1996, the Giuliani Administration issued its own policy pursuant to Chapter 35, and named it the Equal Employment Opportunity Policy. This Policy eliminated the goals and timetables feature, as well as the Employee Promotion Assistance Program, of the previous Affirmative Employment Plan. Noting that separate policies addressing sexual harassment and disability discrimination are recommended by the EEOC because of the special issues which pertain to these areas, the new document contained separate policies proscribing sexual harassment and disability discrimination. In addition, the EEO Policy included a 10-page "Reasonable Accommodation Policy and Procedure", as well as a 3-page "Reasonable Accommodation Form" (both for persons with disabilities).

Michael Bloomberg Administration

In 2005, the Bloomberg Administration issued its' Equal Employment Opportunity Policy which is very similar to the previous administration's Policy. The 2005 Policy, though, contains new sections enumerating five EEO-related roles for both agency counsels and personnel officers. The Policy also requires—for the first time—that agency heads conduct quarterly reviews of EEO complaints and requests for reasonable accommodations based on disability. In addition, the new Policy was amended in 2006 to cover Work Experience Program (WEP) participants. WEP is a citywide workforce program that provides public assistance recipients with work assignments in exchange for their benefits.

LEGAL COST TO THE CITY FOR UNLAWFUL EMPLOYMENT DISCRIMINATION

Violations of the City's Equal Employment Opportunity Policy can lead to the filing of complaints of illegal employment discrimination. In some cases complainants file suit against the agency and the City and some win. In some cases the United States Department of Justice files suit against the City for violations of Title VII of the Civil Rights Act of 1964. Following are the more significant consent decrees, judgments, and settlements against the City for employment discrimination in recent years.

US Department of Justice v. New York City Police Department

In 1998, the New York City Police Department (NYPD) settled the federal lawsuit by agreeing to make extensive changes to its Equal Employment Opportunity (EEO) program. The Settlement Agreement required the NYPD to increase the number of staff in its Office of Equal Employment Opportunity (OEEO) from 20 to 30 investigators, each with training from the Department of Citywide Administrative Services (DCAS) and certification of outside training; and to develop an OEEO investigator's manual, reviewed by the U.S. Attorney's Office, with a checklist to guide OEEO investigators to take all appropriate steps in conducting investigations. The Settlement set forth procedures for the OEEO to issue a memorandum informing the supervisor or commanding officer of their immediate responsibility; to conduct discussions with the supervisor or commanding officer regarding directives to correct substantiated claims, and reasonable steps they must take to prevent additional discrimination or retaliation.

The Settlement required the NYPD to distribute its EEO policy book with the identity and contact information for all EEO professionals, the NYPD EEO policy statement, the sexual harassment pamphlet, and the internal discrimination complaint procedures, including mandatory elements of the written complaint procedures prescribed by the Settlement.

The Settlement, which remained in effect until December 31, 2001, also required the NYPD to provide EEO training by instructors trained in EEO matters, for all new and current employees in “what acts may constitute gender discrimination and sexual harassment, the possible penalties for engaging in such discrimination and the procedures for reporting and investigating claims of employment discrimination.” All NYPD managers were required to receive additional training on their responsibilities regarding employment discrimination and retaliation by attending a two-hour program called “Managing Diversity and EEO Issues.”

The NYPD also amended the Department Patrol Guide to strengthen its policy against displaying pornographic materials in station houses; to require that commanding officers and unit heads discuss the NYPD’s sexual harassment prevention policy with all employees; to reinforce supervisors’ responsibility for maintaining a professional work environment; and to require supervisors to report any discrimination complaint or problem in writing to the OEEEO within five business days.

Latino Officers Association, City of New York, Inc., et al. v. City of New York, et al., (USDC SDNY, 99 Civ. 9568 (LAK)).

In 1999, the Latino Officers Association for itself, its members, and a class of all Latino and African-American individuals who have been, are, or will be, employed by the New York City Police Department (NYPD) as uniformed officers, including civilians who perform the same employment functions as uniformed officers, filed an employment discrimination suit against the NYPD. The suit alleged that the NYPD subjected them to discrimination on the basis of race, color or national origin in the form of a hostile work environment, disparate disciplinary treatment, and retaliation for the exercise of their rights, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 1981, 1983, 1985, the First and Fourteenth Amendments, the New York State Human Rights Law, the New York City Human Rights Law and New York common law.

In 2004, the parties entered into a Stipulation and Order of Settlement. The terms of the settlement provide for a monetary award of twenty million dollars (\$20,000,000) for the

benefit of class members who apply for awards through the claims procedure, and affirmative injunctive relief regarding the NYPD's equal employment opportunity program and disciplinary procedures.

The affirmative injunctive relief requires the NYPD to maintain a Disciplinary Review Unit (DRU) within the Office of Equal Employment Opportunity (OEEO) to review, analyze and report on the NYPD's disciplinary process; an Advisory Committee to address employment discrimination and retaliation concerns; and an Early Redress Mediation Program to offer mediation of employment discrimination or retaliation complaints among members of the NYPD. The affirmative injunctive relief called for enhancement of existing obligations, prohibitions, and the disciplinary process. Specifically, supervisors were to be trained on their obligation to report allegations of discrimination; the prohibition against making false official statements was clarified to include the element of intent; and a guide to the NYPD Disciplinary Process was to be developed, with consideration of recommendations from the Latino Officers Association, and distributed to members of the NYPD.

The Settlement provides that whenever discrimination or retaliation is raised as an affirmative defense in a disciplinary procedure, the deputy commissioner for trials will address the affirmative defense and make a finding in the Report and Recommendation to the Police Commissioner. The NYPD was required to enhance its OEEO data base to include fields to indicate the OEEO's recommended findings, and whether the Police Commissioner adopted, modified or rejected the recommendation. The NYPD agreed to implement a unified disciplinary database, which will include the race of the subject as well as other information regarding the stages of the disciplinary process and to maintain a Command Discipline Tracking System.

United States of America v. City of New York and New York City Department of Parks and Recreation (USDC SDNY, 02 Civ. 4699 (DC) (MHD) 2005)

In 2001, the United States Department of Justice (USDOJ) filed suit against the New York City Department of Parks and Recreation (DPR) after the Equal Employment Opportunity Commission issued a Determination finding reasonable cause that the DPR engaged in a pattern and practice of discrimination against current and former African-American and Hispanic employees on the basis of their race and/or national origin, in promotions and assignments, segregated supervisory lines of authority, and, subjected employees to adverse employment action in retaliation for complaining or raising concerns

about discrimination. In 2005, the DPR entered into a Consent Decree with the USDOJ.

The Consent Decree provided explicit injunctions for the DPR, its officials, agents and employees to refrain from engaging in any act or practice that resulted in unlawful discrimination against employees on the basis of race, color, or national origin in policies, practices and programs that impact promotional decisions. It also set forth criteria for the DPR to create and maintain the Policy for Posting and Filling Job Vacancies, to implement a fair and consistent process regarding job vacancies and promotional opportunities. The DPR also consented to conduct performance evaluations which would indicate whether the employee engaged in conduct in violation of the DPR's or the City's EEO policy.

The Decree also set forth provisions regarding internship programs, tracking of in-house titles, career counselors, and the operation of the EEO Office, including investigations and EEO training. The DPR was required to maintain accurate records of all agency specific EEO plans, all information upon which the EEO plans are based, all EEO complaints, and documents regarding posting and filling job vacancies. The DPR is required to disseminate information regarding the Consent Decree to all DPR employees. The Consent Decree set forth a schedule for the DPR to report to the USDOJ for five six-month intervals.

Wright, et al. v. Henry Stern, et al. 553 F.Supp.2d 337, (USDC, SDNY 2008)

In 2003, eleven current and former African-American and Hispanic employees of the New York City Department of Parks and Recreation (DPR) filed a federal class action suit against the DPR. The suit alleged that the DPR engaged in a pattern and practice of employment discrimination in assignments, compensation and promotions on the basis of race, color and national origin. They represented a class of approximately 3,500 current and former employees. They also asserted that the DPR engaged in a pattern and practice of retaliation against them for opposing discrimination.

The federal judge found, in addressing the City's motion for summary judgment, that the "plaintiffs have presented substantial, concrete evidence to support their claims of discrimination and retaliation." There was evidence that a greater proportion of Caucasians were placed in permanent positions, while a greater proportion of African-American and Hispanic employees were in provisional, seasonal, non-competitive and labor class positions; there were "subjective and ad hoc employment practices that created roadblocks to advancement"; that 70% of employees given promotions were Caucasian, almost no Caucasian employees are supervised by non-Caucasians; the salaries of Caucasian

employees increased at a higher rate than that of similarly situated African-American and Hispanic employees. There was also evidence that some employees who filed complaints were denied raises or promotions unless they withdrew their complaints, while others were assigned to work in basements.

In 2007, the City settled the class action suit. The settlement was finalized in 2008. The City paid over twenty million dollars (\$20,000,000.00), including twelve million (\$12,000,000.00) in back pay and compensatory damages to be distributed to the entire class of approximately 3,500 current and former employees. The eleven named plaintiffs each received an extra \$50,000 for the retaliation they experienced.

CITY COMPTROLLER'S REPORTS

At the beginning of each calendar year, this Commission requests a report from the City Comptroller on the number of employment discrimination cases settled or adjudicated in the preceding calendar year, the amount of each settlement or adjudication, the defendant agencies, and the total cost to the City. The following information is based on information provided by the City Comptroller's office:

In calendar year 2007 seventeen cases of employment discrimination were settled at a total cost to the City of **\$1,488,463.71**.

In calendar year 2008 fifty-one cases of employment discrimination were settled at a total cost to the City of **\$16,431,609.00**.

Between calendar years 1994 and 2001, New York City paid \$12,502,368.00 for the settlement or adjudication of employment discrimination suits. The average annual cost during the period was \$1,562,796.00.

Between calendar years 2002 and 2008, New York City paid \$58,894,591.00 for the settlement or adjudication of employment discrimination suits. The average annual cost during the period was \$8,413,513.00. The cumulative cost during the fourteen year period (1994-2008) was \$71,378,959.00; the average annual cost was \$4,758,957.00.

The following pages contain charts reflecting the total number of judgments or settlements against the City by agency and cost, for employment discrimination from 1994 to 2008.

**COST OF ILLEGAL EMPLOYMENT DISCRIMINATION
IN NEW YORK CITY GOVERNMENT AGENCIES, BY CLAIM
CALENDAR YEAR 2007**

CLAIM #	AGENCY	AMOUNT	SETTLEMENTS
			DESCRIPTION
2006PI023116	City Council	\$150,000	Sexual Harassment
2006PI023116	City Council	\$150,000	Sexual Harassment
2006PI009489	City Sheriff	\$16,250	Race
1998PI016320	Dept. of Correction	\$509,114	Sexual Harassment
2006LW018341	Dept. of Education	\$3,000	Race
2006PI018782	Dept. of Education	\$15,000	Disability
2006PI014048	Dept. of Education	\$88,600	Victim of Domestic Violence
2002PI028002	Fire Department	\$10,000	Disability
2006PI017114	Fire Department	\$50,000	Race & Gender
2005PI015156	Dept. of Health & Mental Hygiene	\$8,500	Sexual Orientation & Religion
2005PI012857	Dept. of Homeless Services	\$50,000	Discrimination
2006PI014515	Dept. of Homeless Services	\$50,000	Disability
2005PI019165	Dept. of Homeless Services	\$230,000	Sexual Harassment
2004PI025991	Health & Hospitals Corporation	\$62,500	Disability
2006PI012145	Health & Hospitals Corporation	\$80,000	National Origin & Race
2007LW010470	Human Resources Administration	\$5,000	Disability
2007LW020033	Dept. of Sanitation	\$10,500	Disability
Grand Total (17 Claims)		\$1,488,464	

Average Cost

\$88,000

Source: NYC Comptroller's Office

Revised 6/11/2008

**COST OF ILLEGAL EMPLOYMENT DISCRIMINATION
IN NEW YORK CITY GOVERNMENT AGENCIES, BY CLAIM
CALENDAR YEAR 2008**

CLAIM #	AGENCY	SETTLEMENTS	
		AMOUNT	DESCRIPTION
2008PI009063	Administration for Children's Services	\$1,500	Disability, Race, National Origin, Sex/Gender
2008PI017299	Administration for Children's Services	\$30,000	Race
2008PI005320	Board of Elections	\$75,000	Disability
2008PI027784	Department for the Aging	\$156,000	Sex/Gender, National Origin
2008PI007366	Department of Correction	\$3,000	Disability
2008PI004117	Department of Correction	\$5,000	Disability, Race
2008PI007371	Department of Correction	\$8,000	Disability
2008PI007820	Department of Correction	\$9,000	Race
2008PI016215	Department of Correction	\$10,000	Age, Race, National Origin
2008PI005325	Department of Correction	\$15,000	Race
2008PI017302	Department of Correction	\$58,000	Race
2006PI026834	Department of Correction	\$173,868	Sex/Gender
2008PI005203	Department of Design and Construction	\$20,000	Disability
2007PI034454	Department of Education	\$500	Disability
2008PI005322	Department of Education	\$1,500	Race
2007PI010383	Department of Education	\$5,000	Disability
2008PI005314	Department of Education	\$7,500	Race
2008PI005321	Department of Education	\$10,000	Discrimination
2007PI023771	Department of Education	\$10,000	Race, National Origin
1999PI020044	Department of Education	\$30,000	Race
2005PI016242	Department of Education	\$90,000	Sexual Orientation

CLAIM #	AGENCY	SETTLEMENTS	
		AMOUNT	DESCRIPTION
2008PI007376	Department of Environmental Protection	\$2,500	Sex/Gender
2008PI017314	Department of Environmental Protection	\$5,000	Sex/Gender, Age
2008PI019484	Department of Environmental Protection	\$50,000	National Origin, Race
2006PI009213	Department of Finance	\$35,000	Religion, National Origin, Sex/Gender
2007PI033600	Department of Finance	\$575,000	National Origin, Sex/Gender, Whistleblower
2008PI018179	Department of Homeless Services	\$12,000	Race, Age, Disability
2008PI006383	Department of Parks and Recreation	\$100,000	National Origin, Religion
2007LW014506	Department of Parks and Recreation	\$13,829,540	Race, National Origin
2006PI017311	Department of Probation	\$30,000	Disability, Religion
2007PI032125	Department of Sanitation	\$2,000	Disability
2007PI033610	Department of Transportation	\$4,000	Race
2008LW000885	Department of Transportation	\$4,000	Sex/Gender
2008PI007378	Department of Transportation	\$20,000	Sex/Gender
2007PI024036	Department of Transportation	\$40,000	Race, Disability
2007PI028760	Department of Transportation	\$40,000	Discrimination
2008PI002472	District Attorney – Bronx	\$55,000	Discrimination
2007PI033612	District Attorney – Queens	\$30,000	Race
2008PI018176	Fire Department	\$6,000	Sex/Gender, Race
2004PI021050	Fire Department	\$100,001	Sex/Gender

CLAIM #	AGENCY	AMOUNT	SETTLEMENTS
			DESCRIPTION
2008PI011587	Health & Hospitals Corporation	\$1,000	Race
2008PI016504	Health & Hospitals Corporation	\$7,500	Age, Disability
2008PI001240	Health & Hospitals Corporation	\$25,000	Race, Disability
2008PI006232	Health & Hospitals Corporation	\$27,500	Whistleblower
2008PI003350	Health & Hospitals Corporation	\$30,000	Disability
2008PI003378	Health & Hospitals Corporation	\$85,000	Disability, Race, Whistleblower
2008PI003347	Health & Hospitals Corporation	\$250,000	Age, Race
2008PI003377	Human Resources Administration	\$32,500	Race
2008LW003670	Police Department	\$12,000	Race
2000PI026098	Police Department	\$300,000	Race, Gender
2008PI022240	Taxi & Limousine Commission	\$2,200	Sex/Gender
Grand Total	(51 Claims)	\$16,431,609	

Average Cost:

\$322,188

Source: NYC Comptroller's Office

**ANNUAL COST OF ILLEGAL EMPLOYMENT DISCRIMINATION
IN NEW YORK CITY GOVERNMENT AGENCIES, BY YEAR
CALENDAR YEARS 1994 - 2001**

YEAR	SETTLEMENT	ADJUDICATION	TOTAL
1994	—	—	\$869,150
1995	—	—	\$1,555,050
1996	—	—	\$1,794,186
1997	\$924,819	\$1,687,900	\$2,603,719
1998	\$1,334,685	\$75,000	\$1,409,685
1999	\$1,350,354	—	\$1,350,354
2000	\$2,435,069	—	\$2,435,069
2001	\$409,154	\$58,001	\$467,155
Grand Total			\$12,502,368
Average Annual Cost:			\$1,562,796

Source: NYC Comptroller's Office

**ANNUAL COST OF ILLEGAL EMPLOYMENT DISCRIMINATION
IN NEW YORK CITY GOVERNMENT AGENCIES, BY YEAR
CALENDAR YEARS 2002 – 2008**

YEAR	SETTLEMENT	ADJUDICATION	TOTAL
2002	\$2,796,087	\$470,159	\$3,266,246
2003	\$5,657,591	\$1,533,253	\$7,190,844
2004	\$319,000	\$124,100	\$443,100
2005	\$28,857,584	\$362,412	\$29,219,996
2006	\$854,332	—	\$854,332
2007	\$1,488,464	—	\$1,488,464
2008	\$16,431,609	—	\$16,431,609
Grand Total			\$58,894,591
Average Annual Cost:			\$8,413,513

Source: New York City Comptroller's Office

**COST OF ILLEGAL EMPLOYMENT DISCRIMINATION
IN NEW YORK CITY GOVERNMENT AGENCIES, BY YEAR
CALENDAR YEARS 1994-2008**

YEAR	SETTLEMENT	ADJUDICATION	TOTAL
1994	—	—	\$869,150
1995	—	—	\$1,555,050
1996	—	—	\$1,794,186
1997	\$924,819	\$1,687,900	\$2,603,719
1998	\$1,334,685	\$75,000	\$1,409,685
1999	\$1,350,354	—	\$1,350,354
2000	\$2,435,069	—	\$2,435,069
2001	\$409,154	\$58,001	\$467,155
2002	\$2,796,087	\$470,159	\$3,266,246
2003	\$5,657,591	\$1,533,253	\$7,190,844
2004	\$319,000	\$124,100	\$443,100
2005	\$28,857,584	\$362,412	\$29,219,996
2006	\$854,332	—	\$854,332
2007	\$1,488,464	—	\$1,488,464
2008	\$16,431,609	—	\$16,431,609
Grand Total			\$71,378,959
Average Annual Cost:			\$4,758,597

CHAPTER II

THE MANDATE

“There shall be an equal employment practices commission which shall review, evaluate and monitor the employment procedures, practices and programs of any city agency and the department of citywide administrative services to maintain an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies.”

Chapter 36, Section 830 (a), New York City Charter.

INTRODUCTION

To comply with the requirements of the 1964 Civil Rights Act and subsequent federal, state, and city laws against employment discrimination, Chapter 35 of the New York City Charter requires the heads of all city agencies “to establish measures and programs to ensure a fair and effective affirmative employment program to provide equal employment opportunity for minority group members and women who are employed by, or seek employment with the agency, and in accordance with the uniform procedures and standards established by the department of citywide administrative services for this purpose...” (Section 815a(19)).

Chapter 36 of the New York City Charter established the Equal Employment Practices Commission (EEPC) for the specific purpose of monitoring compliance by all city agencies with these equal employment opportunity requirements. The EEPC has the following powers and duties:

1. To review the uniform standards, procedures and programs of every city agency to ensure that it provides equal employment opportunity for minority group members and women employed by, or seeking employment with, city agencies;
2. To recommend to all city agencies procedures, approaches, measures, standards and programs to be utilized to ensure equal employment opportunity for minority group members and women;
3. To advise and, if requested, assist city agencies in their efforts to increase employment of minority group members and women;
4. To audit and evaluate the employment practices and procedures of each city agency at least once every four years and whenever requested by the Civil Service Commission or the Human Rights Commission;
5. To make policy, legislative and budgetary recommendations to the Mayor, the City Council, or any city agency to ensure equal employment opportunity for minority group members or women;
6. To publish annually a report to the Mayor and the City Council on the activities of the Commission, and the effectiveness of each city agency’s efforts to ensure equal employment opportunity;
7. To establish appropriate advisory committees;

8. To serve with such other agencies or officials the Mayor designates as the city liaison to federal, state and local agencies responsible for compliance with equal employment opportunity;
9. To take such other actions as appropriate to effectuate the provisions and purposes of its mandate;
10. To hold public or private hearings; and,
11. To compel the attendance of witnesses to determine if agencies are in compliance with the equal employment opportunity requirements of the New York City Charter.

COMMISSION STRUCTURE

The New York City Charter authorizes the appointment of five part-time Commissioners to staggered four-year terms. Two Commissioners are appointed by the Mayor and two are appointed by the City Council. The Chairperson is appointed jointly by the Mayor and the City Council Speaker.

Current Commissioners

In June 2005, Mayor Michael Bloomberg and former City Council Speaker Gifford Miller appointed **Ernest F. Hart, Esq.** chair of the Commission. Mr. Hart is the Associate Dean of the Columbia University Medical Center at Harlem Hospital. His last position in New York City government was Chief of Staff/Counsel to the Deputy Mayor for Policy and, EEO Officer for the Office of the Mayor. He also served as Commissioner of Human Resources/Administration for the City of Yonkers and Adjunct Professor at New York Law School. His previous positions in New York City government include General Counsel for the New York City Department of Citywide Administrative Services, and Deputy Director/Counsel for the New York City Department of Personnel.

The City Council appointees are **Veronica Villanueva, Esq.** and **Chereé A. Buggs, Esq.** Ms. Villanueva was originally appointed in June 2003; she was re-appointed to a full four-year term in October 2004. Ms. Villanueva was previously employed as a Human Rights Specialist with the New York City Human Rights Commission. After a successful tenure as an employment law attorney with the firms of Levy, Ratner, PC, and Bernabaum, Menken, Ben-Asher and Bierman, LLP, Ms. Villanueva decided to become a teacher with the New York City Department of Education. Her term expired in June 2008. She continued to serve as a

holdover appointee through the balance of the year.

Ms. Buggs is a former practicing attorney in Queens County, and an Administrative Law Judge for the Department of Health and Mental Hygiene. Initially appointed to the Commission in 2000 she resigned in 2002 to take a Legislative Attorney position with the New York City Council. In 2004, shortly after she resigned from that position, she was re-appointed to the Commission. Ms. Buggs resigned from the Commission effective January 1, 2008, to commence her first term as a New York State Civil Court Judge. By the end of calendar year 2008, her replacement had not been appointed.

The mayoral appointees are **Manuel A. Méndez** and **Angela Cabrera**. Mr. Méndez was appointed by former mayor Rudolph Giuliani in 1995. In July 2004 he was elected Vice-Chair by his fellow Commissioners. He is the former Executive Director/CEO of the Phipps Community Development Corporation and Vice President of Phipps Houses. His former positions in New York City government include Assistant Deputy Commissioner for Management and Deputy Commissioner for Adult Services at the Human Resources Administration. He taught social policy/administration at the Fordham University Graduate School of Social Services and is a Trustee at Bronx Lebanon Hospital.

Former mayor Giuliani appointed Ms. Cabrera in 1997. A former Deputy Commissioner for the State of New York, Ms. Cabrera is the president of Cabrera & Associates, a consulting firm that specializes in business development and public relations. She is a board member of the Family Institute, a Trustee of the Museo del Barrio, and a member of the Prospect Park Alliance. She is also a founding member of 100 Hispanic Women and a member of the Diversification/Outreach Committee of the Metropolitan Museum of Art.

Oversight/Liaison

The New York City Council's Committee on Civil Rights is the oversight committee for the Equal Employment Practices Commission. The Commission has a liaison relationship with the office of the Deputy Mayor for Legal Affairs.

METHODOLOGY

To address its mandate, the Commission is empowered to audit city agencies. Audits are separate evaluations of the equal employment opportunity programs, policies, practices

and procedures of an agency during a specific period of time. The purpose of the audit is to determine if the agency is in compliance with the requirements of the City's Equal Employment Opportunity Policy (EEOP) which is established by the Mayor's office, or its own EEOP if the agency is independent of the Mayor's office (e.g., City Comptroller).

The Commission can also hold public hearings with mayoral agencies on the implementation of the City's Equal Employment Opportunity Policy, with non-mayoral agencies on the implementation of their Equal Employment Opportunity Programs, and special hearings on specific equal employment opportunity issues. The Commission may also conduct independent investigations on specific equal employment opportunity issues.

AUDIT PROCESS

The standard audit process encompasses a number of tasks including: issuing a notice of intent to audit and requesting relevant data; an audit entrance meeting with the agency; receiving and analyzing the requested data; distributing surveys to the agency's employees; analyzing the employee surveys and the agency's quarterly reports; reviewing the agency's Citywide Equal Employment Database System (CEEDS) reports; interviewing EEO personnel and select supervisory personnel; requesting and analyzing additional data; conducting follow-up research; and, drafting a letter of preliminary determination.

An integral component of the audit process is the audit exit meeting with the agency head. Because the City Charter holds agency heads responsible for the implementation of the EEOP, the Commission requires the agency head to attend this meeting. Prior to the audit exit meeting, a draft letter of preliminary determination is forwarded to the agency head and the EEO Officer. An EEPC Commissioner and the senior staff attend the audit exit meeting. The purpose of the meeting is to resolve issues of fact prior to the issuance of the formal letter of preliminary determination. After the audit exit meeting, audit findings and recommendations with any necessary revisions are submitted to the Commission for review and approval. The approval process includes the adoption of a "Resolution of Preliminary Findings" which authorizes the Chair to formally inform the agency head, by letter, of the Commission's preliminary determination.

The letter of preliminary determination identifies where the agency is in compliance, and out of compliance, with the City's Equal Employment Opportunity Policy (EEOP). In cases where the agency has its own EEOP (e.g., district attorneys or borough presidents), the

letter of preliminary determination identifies where the agency is in compliance, and out of compliance, with its EEOP. In both cases the letter also requests the agency head to implement all recommendations for corrective actions. The City Charter requires the agency to respond within thirty days. The Charter also mandates a compliance procedure of no more than six months. The compliance procedure is discussed in detail in Chapter III.

ADMINISTRATIVE ISSUES

Staff Re-Organization Plan

By the beginning of fiscal year 2003, the EEPC's permanent head count had been reduced from twelve positions in fiscal year 2001 to nine (25% reduction). Since then, the Commission has annually submitted requests to the Office of Management and Budget (OMB) to restore these three positions. Since these efforts were not successful, the EEPC staff proposed a Staff Re-organization Plan in the fall of 2006, designed to increase audit productivity at a minimal cost to the City. The Plan was approved by the Commission and forwarded to the Office of Management and Budget (OMB). When the OMB failed to approve and fund the Plan, the Commission agreed to self-fund the Plan when an EEO Auditor II resigned in January 2007. The budgetary impact of self-funding meant the elimination of funds for one of the nine permanent headcount positions, i.e., although the EEPC has nine permanent positions, the funds budgeted by OMB are only sufficient for the eight permanent positions in the Staff Re-organization Plan.

The Staff Re-organization Plan eliminated the Compliance Coordinator position and created one Senior Auditor/Compliance Officer position. The Plan also eliminated the two EEO Auditor I positions and created two Auditor/Compliance Officer positions. These positions include lead auditor and audit compliance responsibilities. Auditor/Compliance Officers can also function as junior auditors if necessary. The Plan increases the number of lead auditors available to conduct audits from two to four. The Plan was implemented in the spring of 2007 and has increased the Commission's audit productivity.

City Council Enhancement

For fiscal years 2005, 2006, and 2007 the New York City Council provided funds to hire two to three entry-level auditors. These auditors functioned as junior auditors. Since these positions are funded annually, the continuation of this funding is critical to the success of the Staff Re-organization Plan. Unfortunately, the City Council decided not to fund these positions in FY '08 and FY '09. After the City Council decided not to provide enhancement funds in the Commission's Fiscal Year 2008 budget, the Office of Management and Budget implemented a budget adjustment that allowed the Commission to retain one of the City Council-funded entry-level auditor positions in FY '08.

DEFINING ETHNIC GROUPS

According to the 2000 census, there are approximately two hundred different ethnic groups, speaking one hundred fifteen different languages, and representing every race, living and working in New York City. Many of these ethnic groups are part of New York City government's diverse workforce. Because a broad variety of terms are used by New Yorkers to describe these ethnic groups and some are inappropriate while others are derogatory, any discussion of race and ethnicity must be sensitive to the use of appropriate terminology. The Equal Employment Practices Commission consistently uses the following terms:

Caucasians: persons of European ancestry and generally referred to as white.

Hispanics: persons of Hispanic descent including Puerto Ricans, Mexican Americans, Central Americans and Latin Americans.

African-Americans: persons of African descent including Caribbean's and Africans; generally referred to as black.

Asian-Pacific Islanders: persons of Asian descent including Koreans, Phillipinos, Chinese, Japanese and the Indian subcontinent.

Native-Americans: defined as indigenous persons from the United States, including American Indians, Alaskans and Aleuts.

ANNUAL REPORT

This report is for a two-year period commencing January 1, 2007 and ending

December 31, 2008. The complete audits and/or summary compliance reports for all the agencies that were audited or completed compliance during this two-year period are available on the Equal Employment Practices Commission's webpage:

(<http://www.nyc.gov/html/eeepc/html/home/home.shtmleepc.nyc.gov>).

CHAPTER III

ADDRESSING THE MANDATE/AUDITS

“The Commission shall have the following powers and duties:

to audit and evaluate the employment practices and procedures of each city agency and their efforts to ensure fair and effective equal employment opportunity for minority group members and women at least once every four years and whenever requested by the civil service commission or the human rights commission or whenever otherwise deemed necessary by the Commission.”

Chapter 36, Section 831(d)(5), New York City Charter, As Amended, 1999

CALENDAR YEAR 2007

INTRODUCTION

During the year, Commission staff completed audits of twenty-seven agencies representing approximately 46,000 employees (including employees of the City University of New York). Sixteen of the audits were desk audits of public administrator offices (4) and the Bronx community boards (12). Desk audits of community boards (which have fewer than five employees) are based on the "Minimum Standards for Equal Employment Opportunity for Community Boards" established by this Commission. For the first time, the Commission audited the five county public administrator offices. Because they have less than fifteen employees, they were audited for compliance with the "Minimum Standards for Equal Employment Opportunity for Non-Mayoral Agencies with Less Than 15 Employees" established by the Commission. None of these offices had established EEO Programs prior to the initiation of EEO audits by this Commission. Neither did the Police Pension Fund which was also audited for the first time.

The number of audit findings ranged from five with the Office of the Special Narcotics Prosecutor (OSNP) to seventeen with the New York City Employees Retirement System (NYCERS). At the end of the year, audits of thirty-four agencies were in progress and the Commission had completed 217 audits since its establishment.

ADOPTED AUDIT RESOLUTIONS

Following are the twenty-seven Resolutions of Preliminary Determinations adopted during public meetings of the Commission in calendar year 2007. All resolutions were adopted unanimously. The number of audit findings is in parentheses.

January 25, 2007

1. Resolution #07/01-072 Re: Richmond County Public Administrator (RCPA)
Audit Period: January 1, 2005 - June 30, 2006

Desk audit of compliance by the RCPA with the Commission's Minimum Equal Employment Opportunity (EEO) Standards for Non-Mayoral Agencies With Less Than 15 Employees (3).

2. Resolution #07/02-942 Re: Bronx County Public Administrator (BCPA)

Audit Period: January 1, 2005 - June 30, 2006

Desk audit of the BCPA's compliance with the aforementioned Minimum EEO Standards (3)

March 1, 2007

3. Resolution #07/03-042 Re: City University of New York (CUNY)

Audit of the CUNY's Discrimination Complaint Procedures (8).

4. Resolution #07/04-941 Re: New York County Public Administrator (NYCPA)

Audit Period: January 1, 2005 - June 30, 2006

Desk audit of the NYCPA's compliance with the aforementioned Minimum EEO Standards (5).

April 26, 2007 Commission Meeting

5. Resolution #07/05-944 Re: Queens County Public Administrator (QCPA)

Audit Period: January 1, 2005 - June 30, 2006

Desk audit of the QCPA's compliance with the aforementioned Minimum EEO Standards (3).

6. Resolution #07/06-021 Re: Tax Commission (TC)

Audit Period: January 1, 2005 - June 30, 2006

Audit of compliance by the TC with the City's Equal Employment Opportunity Policy (8).

7. Resolution #07/07/012 Re: Brooklyn Borough President (BBP)

Audit Period January 1, 2005 - June 30, 2006.

Audit of compliance with the BBP's Equal Employment Policy (7).

July 12, 2007

8. Resolution #07/08-906 Re: Office of Special Narcotics Prosecutor (OSNP)

Audit Period: January 1, 2005 - June 30, 2006

Audit of compliance with the City's Equal Employment Opportunity Policy (5).

9. Resolution #07/09-008 Re: Office of the Actuary (OTA)
Audit Period: January 1, 2005 – December 31, 2006.
Audit of compliance with the City's Equal Employment Opportunity Policy (9).

September 6, 2007

10. Resolution #07/10-011/ Re: Bronx Community Board No. 1
Desk audit of compliance by Bronx Community Board No. 1 with the Minimum Standards for Equal Employment Opportunity by Community Boards established by the Equal Employment Practices Commission.(0).
11. Resolution #07/11-011 Re: Bronx Community Board No. 2
Desk audit of compliance with the afore-mentioned Minimum Standards (0).
12. Resolution #07/12-011 Re: Bronx Community Board No. 3
Desk audit of compliance with the afore-mentioned Minimum Standards (0).
13. Resolution #07/13-011 Re: Bronx Community Board No. 4
Desk audit of compliance with the afore-mentioned Minimum Standards (0).
14. Resolution #07/14-011 Re: Bronx Community Board No. 5
Desk audit of compliance with the afore-mentioned Minimum Standards (0).
15. Resolution #07/15-011 Re: Bronx Community Board No. 6
Desk audit of compliance with the afore-mentioned Minimum Standards (0).
16. Resolution #07/17-011 Re: Bronx Community Board No. 8
Desk audit of compliance with the afore-mentioned Minimum Standards (0).
17. Resolution #07/18-011 Re: Bronx Community Board No. 9
Desk audit of compliance with the afore-mentioned Minimum Standards (0)
18. Resolution #07/19-011 Re: Bronx Community Board No. 10
Desk audit of compliance with the afore-mentioned Minimum Standards (0).

19. Resolution #07/21-011 Re: Bronx Community Board No. 12
Desk audit of compliance with the afore-mentioned Minimum Standards (0).

October 25, 2007 Commission Meeting

20. Resolution #07/16-011 Re: Bronx Community Board No. 7
Desk audit of compliance with the afore-mentioned Minimum Standards (1).

21. Resolution #07/20-011 Re: Bronx Community Board No. 11
Desk audit of compliance with the afore-mentioned Minimum Standards (0).

22. Resolution #07/22-015 Re: Comptroller's Office (CO)
Audit Period: January 1, 2005 – December 31, 2006.
Audit of compliance with its Equal Employment Opportunity Policy (13).

23. Resolution #07/23-BSA Re: Board of Standards and Appeals (BSA)
Audit Period: January 1, 2005 – December 31, 2006.
Audit of compliance with the City's Equal Employment Opportunity Policy (9).

December 20, 2007 Commission Meeting

24. Resolution #07/24-841 Re: Department of Transportation (DOT)
Audit Period: January 1, 2005 – December 31, 2006.
Audit of compliance with the City's Equal Employment Opportunity Policy (10).

25. Resolution #07/25-868 Re: Department of Citywide Administrative Services (DCAS)
Audit Period: January 1, 2005 – December 31, 2006.
Audit of compliance with the City's Equal Employment Opportunity Policy (10).

26. Resolution #07/26-130 Re: Department of Juvenile Justice (DJJ)
Audit Period: July 1, 2005 – June 30, 2007.
Audit of compliance with the City's Equal Employment Opportunity Policy (4).

27. Resolution #07/27-009 Re: New York City Employees Retirement System (NYCERS)
Audit Period: July 1, 2005 – June 30, 2007.

Audit of compliance with the City's Equal Employment Opportunity Policy (17).

MOST FREQUENT AUDIT FINDINGS (EXCLUSIVE OF DESK AUDITS)

1. The agency did not conduct EEO training for all employees. (5)
2. The agency did not provide structured interview training to personnel involved in the recruitment and hiring process. (4)
3. The agency did not conduct adverse impact studies. (3)
4. The EEO officer did not participate in the development of recruitment strategies or the selection of recruitment media. (3)

The Audit Performance Report for Calendar Year 2007 is on the following page.

EQUAL EMPLOYMENT PRACTICES COMMISSION
AUDIT PERFORMANCE REPORT/CALENDAR YEAR 2007

Audits Commenced in 2007: 41

1. Office of the Mayor
2. New York City Council
3. Department of Homeless Services
4. Civilian Complaint Review Board
5. Office of Administrative Trials and Hearings
6. Office of the Actuary
7. Department of Records and Information Services
8. Conflicts of Interest Board
9. Department of Transportation
10. Board of Standards and Appeals
11. Department of Citywide Administrative Services
12. Comptroller
13. Department of City Planning
14. Queens Borough President
15. Department of Juvenile Justice
16. Staten Island Borough President
17. New York City Employees Retirement System
18. Administration for Children's Services
19. Public Advocate
20. Department of Finance
21. Department of Investigation
22. Bronx Borough President
23. Independent Budget Office
24. Landmarks Preservation Commission
25. Department for the Aging
26. Police Pension Fund
27. Manhattan Community Boards (12)
28. Staten Island Community Boards (3)

AUDITS COMPLETED IN 2007: 27

Commenced and Completed in 2007: 19

1. Office of the Actuary
2. Department of Transportation
3. Board of Standards and Appeals
4. Comptroller
5. New York City Employees Retirement System
6. Department of Citywide Administrative Services
7. Department of Juvenile Justice
8. Bronx Community Boards (12)

Commenced Prior to 2007 and Completed in 2007: 8

1. City University of New York
2. Bronx County Public Administrator
3. New York County Public Administrator
4. Richmond County Public Administrator
5. Queens County Public Administrator
6. Tax Commission
7. Office of Special Narcotics Prosecutor
8. Brooklyn Borough President

AUDITS IN PROGRESS AT THE END OF 2007: 34

1. Department of Homeless Services
2. Office of the Mayor
3. New York City Council
4. Department of Records and Information Services
5. Conflicts of Interest Board
6. Civilian Complaint Review Board
7. Office of Administrative Trials and Hearings
8. Department of City Planning

9. Administration for Children's Services
10. Public Advocate
11. Queens Borough President
12. Staten Island Borough President
13. Department for the Aging
14. Department of Finance
15. Department of Investigation
16. Bronx Borough President
17. Independent Budget Office
18. Landmarks Preservation Commission
19. Police Pension Fund
20. Manhattan Community Boards (12)
21. Staten Island Community Boards (3)

CALENDAR YEAR 2008

INTRODUCTION

We commenced calendar year 2008 with an approved agency headcount of nine but a funded headcount of eight due to the self-funding of our Staff Restructuring Plan in the previous calendar year.

During the year, Commission staff completed audits of twenty-nine agencies representing approximately 4,700 employees. Fifteen of the audits were desk audits of compliance by the community boards in Manhattan (12) and Staten Island (3) with the "Minimum Standards for Equal Employment Opportunity for Community Boards" established by this Commission.

The number of audit findings in the fifteen standard audits of city agencies ranged from three at the Department for the Aging (DFTA) to twenty at the Landmarks Preservation Commission (LPC). At the end of the year, audits of thirty-four agencies were in progress and 246 audits had been completed since the Commission was established.

ADOPTED AUDIT RESOLUTIONS

Following are the twenty-nine Audit Resolutions of Preliminary Determinations adopted by the Commission. All resolutions were adopted unanimously. The number of audit findings is in parentheses.

March 20, 2008

1. Resolution #08/01-071 Re: Department of Homeless Services (DHS)
Audit Period: January 1, 2005 - June 30, 2006
Audit of compliance with the City's Equal Employment Opportunity Policy. (16).
2. Resolution #08/02-256 Re: Police Pension Fund (PPF)
Audit Period: July 1, 2005 - June 30, 2007
Audit of compliance with the City's Equal Employment Opportunity Policy (13).
3. Resolution #08/03-014 Re: Staten Island Borough President's Office (SIBPO)
Audit Period: July 1, 2005 - June 30, 2007

Audit of compliance by the Staten Island Borough President's Office with its Equal Employment Opportunity Policy (13).

4. Resolution #08/04-010/CB No. 1 Re: Manhattan Community Bd No. 1

Desk audit of compliance by Manhattan Community Board No. 1 with the "Minimum Standards for Equal Employment Opportunity by Community Boards" established by the Equal Employment Practices Commission.(1).

5. Resolution #08/05-010/CB No. 2 Re: Manhattan Community Bd No. 2

Desk audit of compliance with the aforementioned Minimum Standards.(0)..

6. Resolution #08/06-010/CB No. 3 Re: Manhattan Community Bd No. 3

Desk audit of compliance with the aforementioned Minimum Standards (0).

May 6, 2008

7. Resolution #08/07-010/CB No. 4 Re: Manhattan Community Bd No. 4

Desk audit of compliance with the aforementioned Minimum Standards (0).

8. Resolution #08/08-010/CB No. 5 Re: Manhattan Community Bd No. 5

Desk audit of compliance with the aforementioned Minimum Standards (0).

9. Resolution #08/09-010/CB No. 6 Re: Manhattan Community Bd No. 6

Desk audit of compliance with the aforementioned Minimum Standards (0).

10. Resolution #08/10-010/CB No. 7 Re: Manhattan Community Bd No. 7

Desk audit of compliance with the aforementioned Minimum Standards (0).

11. Resolution #08/11-010/CB No. 8 Re: Manhattan Community Bd No. 8

Desk audit of compliance with the aforementioned Minimum Standards (0).

June 19, 2008 Commission Meeting

12. Resolution #08/12-312 Re: Conflicts of Interest Board (COIB)

Audit Period: January 1, 2005 - December 31, 2006

Audit of compliance with the City's Equal Employment Opportunity Policy (10).

13. Resolution #08/13-136 Re: Landmarks Preservations Commission (LPC)

Audit Period: July 1, 2005 through June 30, 2007

Audit of compliance with the City's Equal Employment Opportunity Policy (20).

14. Resolution #08/14-054 Re: Civilian Complaint Review Board (CCRB)

Audit Period: January 1, 2005 - December 31

Audit of compliance with the City's Equal Employment Opportunity Policy (8).

15. Resolution #08/15-013 Re: Queens Borough President's Office (QBPO)

Audit Period: July 1, 2005 - June 30, 2007

Audit of compliance with its Equal Employment Opportunity Policy (19).

16. Resolution #08/16-010/CB No. 9 Re: Manhattan Community Bd No. 9

Desk audit of compliance with the aforementioned Minimum Standards (0).

17. Resolution #08/17-010/CB No. 10 Re: Manhattan Community Bd No. 10

Desk audit of compliance with the aforementioned Minimum Standards (0).

18. Resolution #08/18-010/CB No. 12 Re: Manhattan Community Bd No. 12

Desk audit of compliance with the aforementioned Minimum Standards (1).

19. Resolution #08/19-101 Re: Public Advocate (PA)

Audit Period: January 1, 2005 - December 31

Audit of compliance with its Equal Employment Opportunity Policy (7).

20. Resolution #08/20-014/CB No. 1 Re: Staten Island Community Bd No. 1

Desk audit of compliance with the aforementioned Minimum Standards for Equal Employment Opportunity by Community Boards" established by the Equal Employment Practices Commission (0).

21. Resolution #08/21-014/CB No. 2 Re: Staten Island Community Bd No. 2
Desk audit of compliance with the aforementioned Minimum Standards (0).
22. Resolution #08/22-014/CB No. 3 Re: Staten Island Community Bd No. 3
Desk audit of compliance with the aforementioned Minimum Standards. (0).

July 31, 2008

23. Resolution #08/23-125 Re: Department for the Aging (DFTA)
Audit Period: July 1, 2005 - June 30, 2007
Audit of compliance with the City's Equal Employment Opportunity Policy (3).
24. Resolution #08/24-030 Re: Department of City Planning (DCP)
Audit Period: January 1, 2005 - December 31, 2006
Audit of compliance with the City's Equal Employment Opportunity Policy (7).
25. Resolution #08/25-032 Re: Department of Investigation (DOI)
Audit Period: July 1, 2005 - June 30, 2007
Audit of compliance with the City's Equal Employment Opportunity Policy (5).

September 18, 2008 Commission Meeting

26. Resolution #08/26-831 Re: Business Integrity Commission (BIC)
Audit Period: January 1, 2006 - December 31, 2007
Audit of compliance with the City's Equal Employment Opportunity Policy (13).
27. Resolution #08/27-010/CB No. 11 Re: Manhattan Community Bd No. 11
Desk audit of compliance with the aforementioned Minimum Standards. (0).

December 18, 2008 Commission Meeting

28. Resolution #08/28-860 Re: Department of Records and Information Services (DORIS)
Audit Period: January 1, 2005 - December 31, 2006
Audit of compliance with the City's Equal Employment Opportunity Policy (14).

29. Resolution #08/29-132 Re: Independent Budget Office (IBO)

Audit Period: July 1, 2005 - June 30, 2007

Audit of compliance by the Independent Budget Office with its Equal Employment Opportunity Policy (4).

MOST FREQUENT AUDIT FINDINGS

1. EEO Officers not Involved in Developing Recruitment Strategies or Selecting Recruitment Media (8)
2. The agency did not conduct Adverse Impact Studies (6)
3. Agency did not provide EEO Training for Staff (5)
4. Agency did not secure Training for EEO Professionals (5)
5. Agency did not provide Structured Interview Training (5)

EQUAL EMPLOYMENT PRACTICES COMMISSION
AUDIT PERFORMANCE REPORT/CALENDAR YEAR 2008

AUDITS COMMENCED IN 2008: 26

1. Department of Design and Construction
2. Department of Environmental Protection
3. Department of Buildings
4. Department of Sanitation
5. Financial Information Services Agency
6. Department of Housing Preservation and Development
7. Business Integrity Commission
8. Office of Payroll Administration
9. Brooklyn Community Boards (18)

AUDITS COMPLETED IN 2008: 29

Commenced and Completed in 2008:

1. Business Integrity Commission

Commenced Prior to 2008 and Completed in 2008: 28

1. Department of Homeless Services
2. Police Pension Fund
3. Staten Island Borough President's Office
4. Manhattan Community Boards (12)
5. Staten Island Community Boards (3)
6. Department for the Aging
7. Department of City Planning
8. Department of Investigation
9. Conflicts of Interest Board
10. Department of Records and Information Services
11. Independent Budget Office

12. Public Advocate
13. Civilian Complaint Review Board
14. Queens Borough President's Office
15. Landmarks Preservation Commission

AUDITS IN PROGRESS AT THE END OF 2008: 13

1. Office of the Mayor
2. New York City Council
3. Office of Administrative Trials and Hearings
4. Administration for Children's Services
5. Department of Finance
6. Bronx Borough President's Office
7. Department of Design and Construction
8. Department of Environmental Protection
9. Department of Buildings
10. Department of Sanitation
11. Financial Information Services Agency
12. Department of Housing Preservation and Development
13. Office of Payroll Administration

CHAPTER IV

IMPLEMENTING CORRECTIVE ACTIONS/COMPLIANCE

“If the commission makes a preliminary determination pursuant to subdivision d of section eight hundred thirty-one that any plan, program, procedure, approach, measures, or standard adopted or utilized by any city agency or the department of citywide administrative services does not provide equal employment opportunity; and/or if the commission makes a preliminary determination pursuant to this chapter and chapter thirty-five, that an agency has not provided equal employment opportunity, the commission shall notify the agency in writing of this determination and provide an opportunity for the agency to respond. If the commission, after consideration of any such response and after consulting with the agency, concludes that the corrective actions, if any, taken or planned by the agency, are not sufficient to correct the non-compliance identified in the preliminary determination, it should make a final determination in writing, including such recommended corrective action as the commission may deem appropriate.”

Chapter 36, Section 832 (c), New York City Charter As Amended, 1999

COMPLIANCE PROCEDURE

Section 832 of the City Charter sets forth the compliance procedures including steps to be taken when the Commission, pursuant to an audit of any agency, makes a preliminary determination that the agency has adopted or utilized a plan, program, procedure, approach, measure, or standard that does not provide equal employment opportunity.

Those steps are:

- The Commission will notify the agency in writing of its determination and provide an opportunity for response.
- If, after consideration of the agency's response and consultation with the agency, the Commission concludes corrective actions, if any, are not sufficient to correct non-compliance, it will make a final determination in writing, including recommended corrective actions.
- The agency shall respond within thirty days on corrective actions it intends to make and submit monthly reports on the progress of such corrective action.
- After a period not exceeding six months, if the Commission determines the agency has not taken appropriate or effective action, the Commission shall notify the agency in writing of its determination and may thereafter publish a report, and recommend to the Mayor the appropriate or effective action it deems necessary.
- Within thirty days of the determination by the Commission, the agency shall submit a written response to the Commission and the Mayor.
- The Mayor reviews the Commission's findings and the agency's response, if any, and shall order and publish such action that the Mayor deems appropriate.

COMPLIANCE RESOLUTIONS

When an agency completes the Charter-mandated compliance process by implementing all of the recommended corrective actions, Commission staff submits a Summary Compliance Report for review, and a Resolution of Compliance Satisfaction for adoption, by the Commission. If the Commission accepts the Report it adopts the Resolution and issues a formal letter to the agency head informing her/him accordingly.

Extended Compliance

Agencies that do not complete compliance within the six-month Charter-mandated compliance period can request an extension of the compliance period. The Commission has

and continues to grant reasonable extensions of the compliance period in order for agencies to complete the compliance process.

Partial Compliance

If after consultation with the agency, an agency refuses to implement a recommended corrective action, the Commission will issue a letter of partial compliance. The letter will also inform the agency that it may be audited again in less than the Charter-prescribed maximum four year time period.

Publish a Report

Chapter 36 also gives the Commission the option to publish a report if it determines that the agency has not taken “appropriate and effective corrective action.” The Commission may also recommend to the Mayor the appropriate corrective action it deems necessary to ensure compliance with equal employment opportunity requirements.

To date, this Commission has issued two such reports with recommendations to the mayor. One report was pursuant to an audit of the New York City Fire Department Recruitment Program; the other was pursuant to an audit of the Equal Employment Opportunity Program of the Administration for Children’s Services.

Summary Compliance Reports and Letters of Compliance Satisfaction are available at the EEPc website:

<http://nyc.gov/html/eeepc/html/ComplianceCompleted/ComplianceCompleted.shtml>

Compliance activity in calendar years 2007 and 2008 is discussed on the following pages.

CALENDAR YEAR 2007

COMPLIANCE ACCOMPLISHMENTS

At the beginning of the year, audit compliance was in progress with twelve agencies. During the year, compliance was initiated with twelve additional agencies. At the end of the year eight were under compliance. Compliance was completed with twelve agencies, confirming the implementation of one hundred recommended corrective actions. Following are the Compliance Resolutions that were adopted. The number of corrective actions is in parenthesis adjacent to the compliance period. Unless otherwise noted, all the Resolutions were adopted unanimously.

January 25, 2007

1. Resolution #07/01-901C Re: New York County District Attorney's Office (DANY)
Compliance Period: June – December 2006 (14)
2. Resolution#07/02-858C Re: Department of Information Technology
and Telecommunications (DoITT)
Compliance Period: July – November 2006 (09)
3. Resolution #07/03-072C Re: Department of Correction (DOC)
Compliance Period: August – December 2006 (08)

April 26, 2007

4. Resolution #07/05-OTB/C Re: New York City Off-Track Betting Corporation (OTB)
Compliance Period: May 2006 – March 2007 (11)
5. Resolution #07/06-073C Re: Board of Correction (BOC)
Compliance Period: July 2006 – March 2007 (07)
6. Resolution #07/07-904C Re: Queens County District Attorney's Office (DAQC)
Compliance Period: August 2006 – March 2007 (04)

7. Resolution #07/08-017C Re: Office of Emergency Management (OEM)
Compliance Period: September 2006 – February 2007 (14)

July 12, 2007

8. Resolution #07/04-103C Re: Office of the City Clerk/Clerk of the Council (OCC/CC)
Compliance Period: September 2005 – February 2007 (22)

9. Resolution #07/09-NYCHA/C Re: New York City Housing Authority (NYCHA)
Compliance Period: April – June 2007 (07)

10. Resolution #07/10-056C Re: New York City Police Department (NYPD)
Compliance Period: June 2007 (03)

September 6, 2007

11. Resolution #07/11-012C Re: Brooklyn Borough President's Office (BBPO)
Compliance Period: July 2007 (08)

December 20, 2007

12. Resolution #07/12-945C Re: Richmond County Public Administrator's Office (RCPA)
Compliance Period: October 2007 (04)

COMPLIANCE ISSUES

Extended Compliance

The Board of Correction, New York City Off-Track Betting Corporation and the Office of the City Clerk/Clerk of the Council requested and received extensions of the compliance period to fully implement their outstanding corrective actions. The most prevalent outstanding issues were EEO training for employees, EEO training for EEO professionals, and adverse impact training.

The Compliance Performance Report for Calendar Year 2007 is on the following page.

EQUAL EMPLOYMENT PRACTICES COMMISSION
COMPLIANCE PERFORMANCE REPORT/CALENDAR YEAR 2007

COMPLIANCE COMMENCED IN 2007: 12

1. Brooklyn Borough President's Office
2. Office of the Actuary
3. City University of New York
4. New York City Housing Authority
5. New York City Police Department
6. Bronx County Public Administrator's Office
7. Kings County Public Administrator's Office
8. New York County Public Administrator's Office
9. Queens County Public Administrator's Office
10. Richmond County Public Administrator's Office
11. Office of the Special Narcotics Prosecutor
12. New York City Fire Department

COMPLIANCES COMPLETED IN 2007: 12

Commenced prior to 2007 and Completed in 2007: 8

1. New York County District Attorney's Office
2. Queens County District Attorney's Office
3. Board of Correction
4. Office of the City Clerk/Clerk of the Council
5. Department of Correction

6. Office of Emergency Management
7. Department of Information, Technology, and Telecommunications
8. New York City Off-Track Betting

Commenced and Completed in 2007: 4

1. Brooklyn Borough President's Office
2. New York City Housing Authority
3. New York City Police Department
4. Richmond County Public Administrator's Office

COMPLIANCES IN PROGRESS AT THE END OF 2007: 8

1. Office of the Actuary
2. City University of New York
3. Bronx County Public Administrator's Office
4. Kings County Public Administrator's Office
5. New York County Public Administrator's Office
6. Queens County Public Administrator's Office
7. Office of the Special Narcotics Prosecutor
8. New York City Fire Department

CALENDAR YEAR 2008

COMPLIANCE ACCOMPLISHMENTS

At the beginning of the year, audit compliance was in progress with eighteen agencies. During the year, compliance was initiated with eighteen additional agencies. At the end of the year fifteen were under compliance. Compliance was completed with ten agencies, confirming the implementation of ninety-five recommended corrective actions.

Following are the Compliance Resolutions that were adopted. The number of corrective actions is in parenthesis adjacent to the compliance period. Unless otherwise noted, all the Resolutions were adopted unanimously.

May 6, 2008

1. Resolution #08/01-943C Re: Kings County Public Administrator (KCPA)
Compliance Period: 10/07 – 5/08 (09)

July 31, 2008

2. Resolution #08/02/941C Re: New York County Public Administrator (NYCPA)
Compliance Period: 10/07 – 7/08 (04)

September 18, 2008

3. Resolution #08/03-042C Re: City University of New York (CUNY)
Compliance Period: 12/07 – 9/08 (9)

October 23, 2008

4. Resolution #08/04-906C Re: Office of the Special Narcotics Prosecutor (OSNP)
Compliance Period: 12/07 – 10/08 (11)
5. Resolution #08/05-009C Re: New York City Employees' Retirement System (NYCERS)
Compliance Period: 3/08 – 10/08 (20)

6. Resolution #08/06-944C Re: Queens County Public Administrator (QCPA)
Compliance Period: 10/07 – 10/08 (04)

December 18, 2008

7. Resolution #08/07-040C Re: Department of Education (DOE)
Compliance Period: 2/08 – 11/08 (08)
8. Resolution #08/08-015C Re: Comptroller's Office (CO)
Compliance Period: 3/08 – 11/08 (15)
9. Resolution #08/09-856C Re: Board of Standards and Appeals (BSA)
Compliance Period: 5/08 – 11/08 (10)
10. Resolution #08/10-130C Re: Department of Juvenile Justice (DJJ)
Compliance Period: 7/08 – 11/08 (05)

COMPLIANCE ISSUES

Agency Collaboration

Three County Public Administrator offices secured EEO support from other agencies. The Kings County Public Administrator's Office (KCPA) entered into an inter-agency agreement with the Kings County District Attorney's Office (KCDA), to the effect that the KCDA EEO Officer is the EEO Officer for the KCPA. The New York County Public Administrator's Office (NYCPA) and the Queens County Public Administrator's Office (QCPA) secured EEO training for their staffs from the office of their respective Borough President's.

Compliance Extensions

Several agencies did not satisfactorily complete compliance during the Charter-mandated six-month reporting period. The EEPD will not adopt a Resolution of Compliance Satisfaction if the agencies' EEO professionals have not received appropriate training. EEO professionals require basic training regarding EEO laws, the requirements of the City's EEO policies, standards and procedures, and how to prevent, investigate, and resolve

discrimination complaints, as required by the City's Equal Employment Opportunity Policy. The DCAS Division of Citywide Equal Employment Opportunity (DCEEO) had not conducted training for agency EEO representatives for ten months. To address the requirement for EEO training, the EEPC granted extensions of the six-month compliance period to these agencies, and requested the DCEEO to grant priority status for these agencies (mayoral and non-mayoral) for EEO training. The DCEEO granted our request.

Limited Jurisdiction

The EEPC's jurisdiction over the following agencies that were under compliance in 2008, did not apply to all of their employees.

- City University of New York (CUNY)

The EEPC's jurisdiction over the CUNY is limited to the Community Colleges (city-funded). The EEPC audited the Discrimination Complaint Procedure for the six Community Colleges. When the CUNY revised its Discrimination Complaint Procedures (DCP) pursuant to the audit recommendations, it applied all the CUNY colleges. In implementing the EEPC's recommendations, the CUNY effectively brought the entire university system into compliance with the EEPC's recommended corrective actions.

- Department of Education (DOE)

The EEPC's jurisdiction over the DOE is limited to non-pedagogical employees. The DOE revised its EEO Policy twice during the compliance monitoring period. Among those revisions was the elimination of the Local EEO Coordinators (LEOCs), whose responsibilities were: to provide EEO information, conduct intake of complaints, investigate discrimination complaints, and refer the cases to the OEO. The DOE's decision to eliminate the LEOCs significantly decreased the number of staff persons available for the administration of the DOE's EEO program. This decision impacted non-pedagogical and pedagogical (approximately 100,000) employees.

The Compliance Performance Report for Calendar Year 2008 is on the following pages.

EQUAL EMPLOYMENT PRACTICES COMMISSION
COMPLIANCE PERFORMANCE REPORT/CALENDAR YEAR 2008

COMPLIANCE COMMENCED IN 2008: 18

1. Department of Education
2. Office of the Comptroller
3. Tax Commission
4. New York City Employees' Retirement System
5. Board of Standards and Appeals
6. Department of Transportation
7. Department of Citywide Administrative Services
8. Department of Juvenile Justice
9. Landmarks Preservation Commission
10. Department for the Aging
11. Civilian Complaint Review Board
12. Borough President, Queens
13. Police Pension Fund
14. Office of the Public Advocate
15. Department of Homeless Services
16. Department of City Planning
17. Conflicts of Interest Board
18. Borough President, Staten Island

COMPLIANCE COMPLETED IN 2008: 10

Commenced Prior to 2008 and Completed in 2008: 5

1. Queens County Public Administrator (QCPA)
2. Office of the Special Narcotics Prosecutor (OSNP)
3. City University of New York (CUNY)
4. New York County Public Administrator (NYCPA)

5. Kings County Public Administrator (KCPA)

Commenced and Completed in 2008: 5

1. New York City Employees' Retirement System (NYCERS)
2. Department of Education (DOE)
3. Comptroller's Office (CO)
4. Board of Standards and Appeals (BSA)
5. Department of Juvenile Justice (DJJ)

COMPLIANCE IN PROGRESS AT THE END OF 2008: 15

1. Bronx County Public Administrator
2. New York Fire Department
3. Office of the Actuary
4. Tax Commission
5. Department of Transportation
6. Department of Citywide Administrative Services
7. Landmarks Preservation Commission
8. Department for the Aging
9. Civilian Complaint Review Board
10. Borough President, Queens
11. Office of the Public Advocate
12. Department of Homeless Services
13. Department of City Planning
14. Conflicts of Interest Board
15. Borough President, Staten Island

CHAPTER V

PUBLIC HEARING and CONCLUSION

“The Commission shall conduct such study or investigation and hold such hearings as may be necessary to determine whether agencies are in compliance with the equal employment opportunity requirements of this chapter and chapter thirty-five.”

Chapter 36, section 832a, New York City Charter, As Amended, 1999

INTRODUCTION

On May 10, 2007 the Commission held a public hearing on Private Sector Initiatives in Senior Management/Lessons for the Public Sector, Part II. The Commission was represented by Chair Ernest F. Hart, Esq., and Commissioners Cheree A. Buggs, Esq., Angela Cabrera and Veronica Villanueva, Esq. Commission staff at the hearing was Executive Director Abraham May, Jr., Deputy Director Eric Matusewitch and Counsel Lisa Badner, Esq.

Barbara Frankel of Diversity Inc. Magazine, Elaine Arabatzis of Dickstein Shapiro, LLC, and Thomas Dunn of Verizon Communications Inc. were invited to testify. Following is a summary of their testimony and the questions and comments that followed.

Barbara Frankel, Executive Editor and Sr. Vice President, *Diversity Inc Magazine*

Ms. Frankel began her testimony by describing the mission statement of Diversity Inc. as tying the bottom line of business to diversity. She described the company's two main components, a monthly magazine and a daily news website. The magazine has an audited circulation of 150,000, and the website received 670,000 hits in April of 2007. She described Diversity Inc.'s main audience as senior and line executives, about 12% of this audience is international. The cornerstone of Diversity Inc. is its annual "Top 50 Companies for Diversity Survey," an annual survey that began in 2000. She said the number of participating companies in the survey has increased dramatically in the past three years. The company looks at diversity through a number of different factors; the most important being CEO commitment, followed by human capital and retention rates.

Ms. Frankel then explained why the most important factor in corporate diversity is the CEO convincing those under him or her that diversity is crucial to the company's survival. If there isn't strong support from the CEO and if the CEO is not directly involved and doesn't tell people within the company that diversity is important, especially senior management then it doesn't go anywhere. She said Diversity Inc. looks at corporate communications, the internal and external fashion in which companies communicate their diversity message. In this area, they look at whether the company has diversity training, whether it's mandatory for managers, and whether it's mandatory for the entire workforce. She said Diversity Inc. is a proponent of strong and mandatory diversity training for all corporate employees as one of the best ways to foster a corporate environment conducive to diversity. In terms of the external communications, Ms. Frankel stated that they look at the company's websites very carefully to find images of diversity. Diversity Inc. also looks at supplier diversity, the

vendors that do business with the company, and most important, they look at the percent of the total procurement budget that goes to minority-, and women-owned companies.

Ms. Frankel concluded her testimony by stating that all these factors of diversity make up the Top 50 survey. She added that Diversity Inc. has collected data for seven years and companies give them the data willingly because they realize how important it is to rank in the top fifty companies.

Questions and Comments

Commissioner Buggs asked Ms. Frankel why the companies that participate in the survey feel it may be advantageous to them. Ms. Frankel responded that they anticipate recognition as a top fifty company, which they can use as a recruitment tool. She said people rely on word of mouth; they want to work for a good company. Making the top-fifty list is very good for recruitment and retention.

Executive Director May asked if there is a composite report that indicates the trend in the changes in diversity in management staff in these companies over seven years. Ms. Frankel stated that Diversity Inc does not do a composite report because the survey has changed so much over seven years. Diversity, Inc. started off with a twenty-five question survey; now the survey has two hundred and thirty questions.

In responding to a question regarding how Diversity Inc will go about formulating a list of questions for the public sector survey, Ms Frankel stated that the questions will clearly be different and they are open to ideas and input from professionals in the public sector. She said they will start with just twenty—five questions to keep it simple.

Elaine Arabatzis, Esq., Sr. Associate and Diversity/Pro-Bono Counsel, Dickstein Shapiro, LLP

Elaine Arabatzis commenced her testimony by stating she has been with Dickstein Shapiro, LLC since September 11, 2001; prior to that she was employed by the Kings County District Attorney. She is one of the original members of the firm's diversity committee. Three years into her tenure she turned her full attention to pro-bono/diversity work. The firm formed a diversity committee comprised of both attorneys and non-legal staff. The committee conducted an assessment of the firm's practices, policies, and the perceptions of people working within the firm. The committee's findings were taken into consideration when searching for a full time diversity consultant for the firm. Dickstein

Shapiro, LLC eventually selected the Chicago-based Athens Group. Ms. Arabatzis credits the individuals at The Athens Group with helping construct an accessible and well-rounded diversity program for the firm based on both statistical analysis and one-on-one anonymous interviews with firm employees. Based on the assessment, the Athens Group identified areas that needed to be addressed, which led to the preparation of the diversity strategic action plan. Ms. Arabatzis added that the firm does offer bonus compensation to partners who demonstrate a strong commitment to diversity and the firm has gotten more business from certain clients as a result of its demonstrable diversity progress.

She concluded her testimony by stating that her firm embraces and respects people of all walks of life. And the message that comes from the top down consistently is that the agency has an environment in which all differences are embraced and they can actually employ their differences, the diversity of thought and experience, to their organizational and financial benefit, and that is exactly the way they go about leveraging their diversity.

Questions and Comments

In response to a question from Commissioner Cabrera, Ms. Arabatzis said her firm has about seven hundred employees among three states; four hundred are lawyers.

Audience member, June Wittershine (New York City Law Department) asked Ms. Arabatzis what kind of budget is needed to develop a similar initiative for public sector agencies where an increase in revenue is not relevant. Ms. Arabatzis stated that the primary source that's dedicated to this initiative is human capital. The firm pays the salaries for her and her assistant. Her firm invests in what it develops to make opportunities available for diverse individuals to network. Sponsoring events for diverse individuals to grow professionally and start to develop a book of business.

An audience member asked Ms. Frankel to address the issue of start-up costs as a barrier to diversity initiatives. Ms. Frankel responded that her firm didn't spend more than six figures for the firm-wide diversity assessment. With that assessment, they established their baseline, and were able to measure their progress and, more important, measure their perceptions. She said that a firm-wide diversity assessment is critically important and people like Dr. Reeves of the Athens Group are genuinely interested in furthering diversity in the workplace and the firm may provide a special deal for public sector organizations.

Thomas Dunne, Vice President of Public Affairs, Policy and Communications, Verizon Communications Inc.

Thomas Dunn began his testimony by stating that Verizon Communications, Inc. is a leader in delivering broadband and other wireless communications, innovations to mass market business, government, and wholesale customers. Verizon has a diverse workforce of approximately 232,000 and generates annual consolidated operating revenues of more than \$88 billion. He described Verizon's diversity philosophy as "embracing differences and cultivating an inclusive organization that reflects the marketplace and leverages the diversity of employees, customers, suppliers, and community partners because it is the right thing to do and drives business success." Mr. Dunn added that all efforts in regards to diversity, and anything else, flow from the company's main goal of serving its customers. Verizon's definition of diversity includes age, ethnicity, education, sexual orientation, race, and gender. The key components of this diversity effort are providing the diverse workforce with representation at the top, ensuring an inclusive workplace where diversity is respected, actively participating in diverse communities through foundation grants and benchmarking their support and market reach with the communities they serve, and doing business with diverse suppliers.

Mr. Dunn also spoke about Verizon's Development Leadership Initiative (DLI), which helps women and minorities identify their professional goals and sharpen leadership skills. Participants in this program are chosen by their supervisors, mentored by a Verizon executive, and learn how to network and create development skills. Verizon also analyzes its inclusive culture in large part through its annual employee opinion survey. The company identifies and develops a diverse pool of high potential leadership candidates through career management, leadership development, and talent retention. Verizon also offers mentoring services for employee groups within the company (e.g., the Black Managers Workshop, the Asian Professional Development Workshop, the Hispanic Professional Development Workshop, and the Women's Leadership Workshop). Verizon also has a number of employee resource groups that reflect the company's diversity (including Native Americans, Hispanics, Jewish, Asian Americans, veterans, gays, lesbians, transgenders and, bisexuals).

Every quarter Verizon issues an internal diversity scoreboard, which measures how they are performing against national and local demographics. In total, people of color and women represent 60% of Verizon's workforce, 40% of senior executives, and 40% of the

board of directors.

Verizon is also a founder of the Billion Dollar Roundtable, a group of twelve American companies that spent at least one billion dollars annually with minority vendors. In 2006, Verizon purchased 2.5 billion dollars in goods and services from women- or minority-owned companies.

Mr. Dunn concluded by saying that Verizon invests in their employees so they can succeed in work and in life.

Questions and Comments

Commissioner Cabrera complimented Verizon for its diversity program.

Chair Ernest Hart asked Mr. Dunne how Verizon includes diversity as a factor in its hiring and promotion decisions. Mr. Dunne explained that there are strict guidelines as to the diversity in each unit. Managers must look at its composition has when making a hiring decision. By looking at the unit's composition and identifying the areas that are shy in numbers, a manager can select a candidate from the pool of candidates that would actually meet the goal by hiring someone from the shy group within the pool.

In response to Commissioner Buggs' request for more information on the Development Leadership Initiative (DLI) pilot program, Mr. Dunne stated that it's based on the employees work product and how you work in the office and if you stand out as to the work you do. Senior leadership usually identifies the employees they work with and asks them to be in the program or employees can volunteer for it and ask their manager to place them in the program. He added that a more detailed description of the program is included in the twenty-four-page document he provided to the EEPC.

In response to a follow-up question about the DLI pilot program, Mr. Dunne said he thinks the DLI would be adaptable to the public sector because it's recognizes talent, encourages and support that talent, and provides those individuals with the education they need to succeed.

At the conclusion of Mr. Dunne's response, Commissioner Cabrera thanked Mr. Dunn and the others for their testimony and closed the hearing.

Note: The Commission did not sponsor a public hearing in calendar year 2008.

CONCLUSION

The Equal Employment Practices Commission has pursued its City Charter mandate through auditing city agencies for compliance with federal, state, and city equal employment opportunity laws, and monitoring compliance by those agencies with all audit recommendations. Additional activities pursuant to our mandate include: public meetings, public hearings, special hearings; advisory committees (e.g. the Advisory Committee to Recommend Improvements in the Fire Department Recruitment Program, and the Advisory Committee to Recommend Improvements in the Reporting Structure of the City's Equal Employment Opportunity Program).

Section 1.133a of the New York City Charter requires all city agencies to forward to the Department of Records and Information Services (DORIS) copies of all "Letters of Preliminary Determinations" and all "Letters of Final Determinations" issued by the Commission pursuant to audits of city agencies. In fairness to those agencies, this Commission also provides DORIS with copies of the agencies' responses. Those determinations and the agencies' responses are available to the public at the City Hall Library. Pursuant to Local Law 119A, this Commission forwards those documents to DORIS electronically for posting on the DORIS website.

Complete Audit and Compliance Reports for calendar years 2007 and 2008, and the Workforce Summary by Mayoral Agencies for those years, are available on the EEP's website: <http://www.nyc.gov/html/eeep/html/home/home.shtml>. Audit and Compliance Reports and annual reports for previous years, are also accessible via the website. Data on the City's workforce by race, gender, and job group, is collected by the Department of Citywide Administrative Services (DCAS).

Pursuant to the State Open Meetings Law, all meetings of the Commission are open to the public. A notice of every Commission meeting or public hearing is published in the City Record—the official newspaper of New York City government. Copies of the minutes of Commission meetings, transcripts of public hearings, or any Commission publications, are also available via telephone at (212) 788-8646 or fax (212) 788-8652.

Filing An Employment Discrimination Complaint

Individuals who wish to file an employment discrimination complaint with an outside government agency may contact one of the following agencies:

APPENDICES

Calendar Year 2007

- A. Comptroller's Letter Re: Employment Discrimination Settlements or Judgments in Calendar Year 2007
- B. Cumulative Audit Completion Report as of December 31, 2007
- C. Cumulative Compliance Completion Report as of December 31, 2007

Calendar Year 2008

- D. Comptroller's Letter Re: Employment Discrimination Settlements or Judgments in Calendar Year 2008
- E. Cumulative Audits Completion Report as of December 31, 2008
- F. Cumulative Compliance Completion Report as of December 31, 2008

A. Comptroller's Letter Re: Employment Discrimination Settlements or
Judgments in Calendar Year 2007



Michael Aaronson
Bureau Chief

THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
CLAIMS AND ADJUDICATIONS
1 CENTRE STREET ROOM 1200
NEW YORK, N.Y. 10007-2341

WILLIAM C. THOMPSON, JR.
COMPTROLLER

TELEPHONE: (212) 669-4753
FAX NUMBER: (212) 669-2240
WWW.COMPTROLLER.NYC.GOV

File/Annual Report
07

9790

June 9, 2008

Mr. Paul V. Laguerre
EEO Auditor
Equal Employment Practices Commission
40 Rector Street, 14th Floor
New York, NY 10006

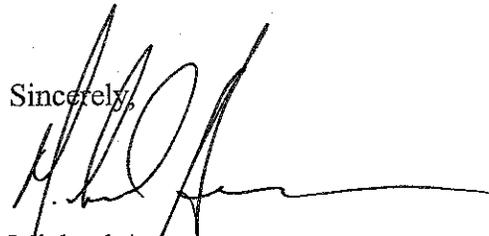
Dear Mr. Laguerre:

I am writing in response to your recent letter to Comptroller Thompson requesting information on the settlement and judgment costs of employment discrimination cases incurred by the City for cases resolved in calendar year 2007. Following is the information you requested. A detailed schedule of the employment discrimination cases identified is attached.

- A total of 17 employment discrimination cases were settled in calendar year 2007. The cost to the City for the 17 settled cases was \$1,488,463.71.
- There were no judgments for employment discrimination cases in 2007.

I trust this information will be helpful to you.

Sincerely,



Michael Aaronson

MA:ba
Attachment

B. Cumulative Audit Completion Report as of December 31, 2007

EQUAL EMPLOYMENT PRACTICES COMMISSION
Cumulative Audit Completion Report
As of December 31, 2007

Agency/Office		Year(s) Completed			
1.	Office of the Mayor				
2.	City Comptroller	CY 02	CY 07		
3.	Public Advocate	CY 02			
4.	President, Borough of the Bronx	CY 03			
5.	President, Borough of Brooklyn	CY 01	CY 07		
6.	President, Borough of Manhattan	CY 02			
7.	President, Borough of Queens	CY 03			
8.	President, Borough of Staten Island	CY 03			
9.	District Attorney-Bronx	CY 05			
10.	District Attorney-Kings	CY 05			
11.	District Attorney-New York	CY 05			
12.	District Attorney-Queens	CY 06			
13.	District Attorney-Richmond	CY 04			
14.	City Council				
15.	Actuary, Office of	CY 03	CY 07		
16.	Administrative Trials & Hearings, Office of	CY 03			
17.	Aging, Department for the	CY 97	CY 03		
18.	Board of Correction	CY 06			
19.	Board of Standards & Appeals	CY 03	CY 07		

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
20.	Borough of Manhattan Community College	CY 01	CY 06		
21.	Bronx Community College	CY 02	CY 06		
22.	Buildings, Department of	CY 97	CY 04		
23.	Business Integrity Commission	CY 04			
24.	Business Services, Department of *	CY 95	CY 00		
25.	Campaign Finance Board	CY 05			
26.	Children's Services, Administration for	CY 01			
27.	City Clerk	CY 05			
28.	City Commission on Human Rights	CY 97	CY 04		
29.	City Planning, Department of	CY 95	CY 01		
30.	City University of New York	CY 07			
31.	Citywide Administrative Services, Department of	CY 01	CY 07		
32.	Civil Service Commission	CY 06			
33.	Civilian Complaint Review Board	CY 03			
34.	Collective Bargaining, Office of	CY 04			
35.	Conflicts of Interest Board	CY 98	CY 03		
36.	Consumer Affairs, Department of	CY 99	CY 05		
37.	Correction, Department of	CY 98	CY 06		
38.	Cultural Affairs, Department of	CY 99	CY 04		
39.	Design & Construction, Department of	CY 99	CY 04		
40.	Economic Development Corporation, NYC	CY 05			

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
41.	Education, Central Division, Department of	CY 06			
42.	Education, Division 1-Bronx, Department of				
43.	Education, Division 2-Bronx, Department of				
44.	Education, Division 3-Queens, Department of				
45.	Education, Division 4-Queens, Department of				
46.	Education, Division 5-Brooklyn/Queens, Department of				
47.	Education, Division 6-Brooklyn, Department of				
48.	Education, Division 7-Brooklyn/Staten Island, Department of				
49.	Education, Division 8-Brooklyn, Department of				
50.	Education, Division 9-Manhattan/Bronx, Department of				
51.	Education, Division 10-Manhattan, Department of				
52.	Emergency Management, Office of	CY 06			
53.	Employment, Department of *	CY 98	CY 03		
54.	Employees Retirement System, NYC	CY 03	CY 07		
55.	Environmental Protection, Department of	CY 97	CY 04		
56.	Eugenio Maria De Hostos Community College	CY 02	CY 06		
57.	Finance, Department of	CY 96	CY 03		
58.	Financial Information Services Agency	CY 99	CY 04		
59.	Fiorello H. La Guardia Community College	CY 02	CY 06		
60.	Fire Department	CY 94	CY 00	CY 06	

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed		
61.	General Services, Department of *	CY 96		
62.	Health, Department of *	CY 99		
63.	Health & Mental Hygiene, Department of	CY 05		
64.	Homeless Services, Department of	CY 01		
65.	Housing Authority, NYC	CY 06		
66.	Housing Development Corporation	CY 05		
67.	Housing Preservation & Development, Department of	CY 97	CY 04	
68.	Human Resources Administration (DSS)	CY 99	CY 05	
69.	Independent Budget Office	CY 03		
70.	Information Technology & Telecommunications, Department of	CY 00	CY 05	
71.	Investigation, Department of	CY 98	CY 03	
72.	Juvenile Justice, Department of	CY 97	CY 03	CY 07
73.	Kingsborough Community College	CY 01		
74.	Labor Relations, Office of	CY 99	CY 04	
75.	Landmarks Preservation Commission	CY 98	CY 03	
76.	Law Department	CY 96	CY 04	
77.	Management and Budget, Office of	CY 96	CY 00	CY 05
78.	Mental Health, Mental Retardation & Alcoholism Services *	CY 97		
79.	Off-Track Betting Corporation, NYC	CY 05		
80.	Parks & Recreation, Department of	CY 96	CY '01	
81.	Payroll Administration, Office of	CY 00	CY 04	

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
82.	Police Department	CY 97	CY 06		
83.	Police Pension Fund, NYC				
84.	Probation, Department of	CY 98	CY 04		
85.	Public Administrator-Bronx	CY 07			
86.	Public Administrator-Kings	CY 06			
87.	Public Administrator-New York	CY 07			
88.	Public Administrator-Queens	CY 07			
89.	Public Administrator-Richmond	CY 07			
90.	Queensborough Community College	CY 02			
91.	Records & Information Services, Department of	CY 02			
92.	Sanitation, Department of	CY 97	CY 04		
93.	School Construction Authority				
94.	Small Business Services, Department of	CY 05			
95.	Special Narcotics Prosecutor, Office of	CY 07			
96.	Tax Commission, NYC	CY 01	CY 07		
97.	Taxi & Limousine Commission	CY 00	CY 05		
98.	Teacher's Retirement System				
99.	Transportation, Department of	CY 97	CY 01	CY 07	
100.	Water Board, NYC				
101.	Water Finance Authority, NYC				
102.	Youth & Community Development, Department of	CY 00	CY 05		

Cumulative Audit Completion Report

Agency/Office		Year (s) Completed			
103.	Bronx Community Board No. 01	CY 00	CY 07		
104.	Bronx Community Board No. 02	CY 00	CY 07		
105.	Bronx Community Board No. 03	CY 00	CY 07		
106.	Bronx Community Board No. 04	CY 00	CY 07		
107.	Bronx Community Board No. 05	CY 00	CY 07		
108.	Bronx Community Board No. 06	CY 00	CY 07		
109.	Bronx Community Board No. 07	CY 00	CY 07		
110.	Bronx Community Board No. 08	CY 00	CY 07		
111.	Bronx Community Board No. 09	CY 00	CY 07		
112.	Bronx Community Board No. 10	CY 00	CY 07		
113.	Bronx Community Board No. 11	CY 00	CY 07		
114.	Bronx Community Board No. 12	CY 00	CY 07		
115.	Brooklyn Community Board No. 01	CY 01			
116.	Brooklyn Community Board No. 02	CY 01			
117.	Brooklyn Community Board No. 03	CY 01			
118.	Brooklyn Community Board No. 04	CY 01			
119.	Brooklyn Community Board No. 05	CY 01			
120.	Brooklyn Community Board No. 06	CY 01			
121.	Brooklyn Community Board No. 07	CY 01			
122.	Brooklyn Community Board No. 08	CY 01			
123.	Brooklyn Community Board No. 09	CY 01			
124.	Brooklyn Community Board No. 10	CY 01			
125.	Brooklyn Community Board No. 11	CY 01			
126.	Brooklyn Community Board No. 12	CY 01			
127.	Brooklyn Community Board No. 13	CY 01			
128.	Brooklyn Community Board No. 14	CY 01			
129.	Brooklyn Community Board No. 15	CY 01			
130.	Brooklyn Community Board No. 16	CY 01			
131.	Brooklyn Community Board No. 17	CY 01			
132.	Brooklyn Community Board No. 18	CY 01			

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed		
133.	Manhattan Community Board No. 01	CY 00		
134.	Manhattan Community Board No. 02	CY 00		
135.	Manhattan Community Board No. 03	CY 00		
136.	Manhattan Community Board No. 04	CY 00		
137.	Manhattan Community Board No. 05	CY 00		
138.	Manhattan Community Board No. 06	CY 00		
139.	Manhattan Community Board No. 07	CY 00		
140.	Manhattan Community Board No. 08	CY 00		
141.	Manhattan Community Board No. 09	CY 00		
142.	Manhattan Community Board No. 10	CY 00		
143.	Manhattan Community Board No. 11	CY 00		
144.	Manhattan Community Board No. 12	CY 00		
145.	Queens Community Board No. 01	CY 01	CY 06	
146.	Queens Community Board No. 02	CY 01	CY 06	
147.	Queens Community Board No. 03	CY 01	CY 06	
148.	Queens Community Board No. 04	CY 01	CY 06	
149.	Queens Community Board No. 05	CY 01	CY 06	
150.	Queens Community Board No. 06	CY 01	CY 06	
151.	Queens Community Board No. 07	CY 01	CY 06	
152.	Queens Community Board No. 08	CY 01	CY 06	
153.	Queens Community Board No. 09	CY 01	CY 06	
154.	Queens Community Board No. 10	CY 01	CY 06	
155.	Queens Community Board No. 11	CY 01	CY 06	
156.	Queens Community Board No. 12	CY 01	CY 06	
157.	Queens Community Board No. 13	CY 01	CY 06	
158.	Queens Community Board No. 14	CY 01	CY 06	
159.	Staten Island Community Board No. 01	CY 00		
160.	Staten Island Community Board No. 02	CY 00		
161.	Staten Island Community Board No. 03	CY 00		

As of December 31, 2007

Total number of audits completed _____ 217

Total number of agencies without a completed audit: _____ 17

* These agencies no longer exist or have merged with other agencies.

Revised: 1/16/08
Prepared by ACS

C. Cumulative Compliance Completion Report as of December 31, 2007

EQUAL EMPLOYMENT PRACTICES COMMISSION
Cumulative Compliance Completion Report
As of December 31, 2007

Agency/Office		Compliance Period		
1.	Office of the Mayor			
2.	City Comptroller	4/03 – 9/03		
3.	Public Advocate	5/03 – 10/04		
4.	President, Borough of the Bronx	12/03 – 10/04		
5.	President, Borough of Brooklyn	3/02 – 8/02	7/07 – 8/07	
6.	President, Borough of Manhattan	7/02 – 2/03		
7.	President, Borough of Queens	8/03 – 1/04		
8.	President, Borough of Staten Island	8/03 – 7/04		
9.	District Attorney-Bronx	6/05 – 5/06		
10.	District Attorney-Kings	9/05 – 5/06		
11.	District Attorney-New York	6/06 – 1/07		
12.	District Attorney-Queens	8/06 – 4/07		
13.	District Attorney-Richmond	9/05 – 8/06		
14.	City Council			
15.	Actuary, Office of	1/04 – 10/04		
16.	Administrative Trials & Hearings, Office of	9/03 – 2/04		
17.	Aging, Department for the	3/98 – 11/98	2/04 – 7/04	
18.	Board of Correction	7/06 – 4/07		
19.	Board of Standards & Appeals	11/03 – 10/04		

Cumulative Compliance Completion Report

Agency/Office		Compliance Period		
20.	Borough of Manhattan Community College	1/02 – 8/02		
21.	Bronx Community College	8/02 – 1/03		
22.	Buildings, Department of	11/97 – 4/98	9/04 - 2/05	
23.	Business Integrity Commission	12/04 – 7/05		
24.	Business Services, Department of *	3/97 – 8/97	12/00 - 5/01	
25.	Campaign Finance Board	+6/05 – 3/06		
26.	Children’s Services, Administration for	3/02 – 8/02		
27.	City Clerk	9/05 – 7/07		
28.	City Commission on Human Rights	5/98 – 12/98	2/05 – 7/05	
29.	City Planning, Department of	5/97 – 10/97	7/01 – 12/01	
30.	City University of New York			
31.	Citywide Administrative Services, Department of	12/01 – 5/02		
32.	Civil Service Commission			
33.	Civilian Complaint Review Board	10/03 – 3/04		
34.	Collective Bargaining, Office of	7/04 – 12/04		
35.	Conflicts of Interest Board	6/98 – 4/99	1/04 – 6/04	
36.	Consumer Affairs, Department of	11/99 – 4/00	7/05 – 3/06	
37.	Correction, Department of	6/98 – 11/98	8/06 -1/07	
38.	Cultural Affairs, Department of	4/99 – 9/99	10/04 – 3/05	
39.	Design & Construction, Department of	3/00 – 1/01	3/05 – 8/05	
40.	Economic Development Corporation, NYC	9/05 – 3/06		

Cumulative Compliance Completion Report

Agency/Office		Compliance Period		
41.	Education, Central Division, Department of			
42.	Education, Division 1-Bronx, Department of			
43.	Education, Division 2-Bronx, Department of			
44.	Education, Division 3-Queens, Department of			
45.	Education, Division 4-Queens, Department of			
46.	Education, Division 5-Brooklyn/Queens, Department of			
47.	Education, Division 6-Brooklyn, Department of			
48.	Education, Division 7-Brooklyn/Staten Island, Department of			
49.	Education, Division 8-Brooklyn, Department of			
50.	Education, Division 9-Manhattan/Bronx, Department of			
51.	Education, Division 10-Manhattan, Department of			
52.	Emergency Management, Office of	9/06 -4/07		
53.	Employment, Department of *	5/99 – 9/99		
54.	Employees Retirement System, NYC	11/03 – 4/04		
55.	Environmental Protection, Department of	9/97 – 11/00	9/04 – 2/05	
56.	Eugenio Maria De Hostos Community College	9/02 – 1/03		
57.	Finance, Department of	7/97 - 12/97	5/04 – 10/04	
58.	Financial Information Services Agency	1/00 – 1/01	2/05 – 7/05	
59.	Fiorello H. La Guardia Community College	1/03 – 6/03		
60.	Fire Department	++4/01 – 10/02		

Cumulative Compliance Completion Report

Agency/Office		Compliance Period		
61.	General Services, Department of *			
62.	Health, Department of *	12/99 – 2/01		
63.	Health & Mental Hygiene, Department of	2/06 – 9/06		
64.	Homeless Services, Department of	7/01 – 12/01		
65.	Housing Authority, NYC	4/07 – 7/07		
66.	Housing Development Corporation	6/05 – 11/05		
67.	Housing Preservation & Development, Department of	6/98 – 11/98	6/04 – 11/04	
68.	Human Resources Administration (DSS)	9/99 – 2/00	11/05 – 4/06	
69.	Independent Budget Office	6/03 – 12/03		
70.	Information Technology & Telecommunications, Department of	11/00 – 4/01	7/06 -1/07	
71.	Investigation, Department of	7/98 – 12/98	12/03 – 4/04	
72.	Juvenile Justice, Department of	9/97 – 12/97	5/04 – 10/04	
73.	Kingsborough Community College	7/01 – 11/01		
74.	Labor Relations, Office of	9/99 – 2/00	12/04 – 5/05	
75.	Landmarks Preservation Commission	11/98 – 4/99	5/04 – 12/04	
76.	Law Department	11/97 – 7/98	8/04 – 1/05	
77.	Management and Budget, Office of	8/97 – 1/98	3/01 – 8/01	2/06 - 4/06
78.	Mental Health, Mental Retardation & Alcoholism Services, Department of *	10/99 – 2/01		
79.	Off-Track Betting Corporation, NYC	5/06 – 4/07		
80.	Parks & Recreation, Department of	6/97 – 11/97	8/01 - 12/01	
81.	Payroll Administration, Office of	7/00 – 12/00	3/05 – 8/05	

Cumulative Compliance Completion Report

Agency/Office		Compliance Period		
82.	Police Department	8/97 – 2/98	6/07 – 7/07	
83.	Police Pension Fund, NYC			
84.	Probation, Department of	11/98 – 7/99	1/05 – 6/05	
85.	Public Administrator-Bronx			
86.	Public Administrator-Kings			
87.	Public Administrator-New York			
88.	Public Administrator-Queens			
89.	Public Administrator-Richmond	10/07 – 12/07		
90.	Queensborough Community College	7/02 – 12/02		
91.	Records & Information Services, Department of	7/02 – 1/03		
92.	Sanitation, Department of	2/98 – 8/99	7/04 – 2/05	
93.	School Construction Authority			
94.	Small Business Services, Department of	12/05 – 5/06		
95.	Special Narcotics Prosecutor, Office of			
96.	Tax Commission, NYC	4/02 – 10/02		
97.	Taxi & Limousine Commission	7/00 – 12/00	1/06 – 3/06	
98.	Teacher's Retirement System			
99.	Transportation, Department of	9/97 – 2/98	6/01 – 11/01	
100.	Water Board, NYC			
101.	Water Finance Authority, NYC			
102.	Youth & Community Development, Department of	4/01 – 12/01	8/05 – 1/06	

Cumulative Compliance Completion Report

Agency/Office	Compliance Not Required		
103. Bronx Community Board No. 01			
104. Bronx Community Board No. 02			
105. Bronx Community Board No. 03			
106. Bronx Community Board No. 04			
107. Bronx Community Board No. 05			
108. Bronx Community Board No. 06			
109. Bronx Community Board No. 07			
110. Bronx Community Board No. 08			
111. Bronx Community Board No. 09			
112. Bronx Community Board No. 10			
113. Bronx Community Board No. 11			
114. Bronx Community Board No. 12			
115. Brooklyn Community Board No. 01			
116. Brooklyn Community Board No. 02			
117. Brooklyn Community Board No. 03			
118. Brooklyn Community Board No. 04			
119. Brooklyn Community Board No. 05			
120. Brooklyn Community Board No. 06			
121. Brooklyn Community Board No. 07			
122. Brooklyn Community Board No. 08			
123. Brooklyn Community Board No. 09			
124. Brooklyn Community Board No. 10			
125. Brooklyn Community Board No. 11			
126. Brooklyn Community Board No. 12			
127. Brooklyn Community Board No. 13			
128. Brooklyn Community Board No. 14			
129. Brooklyn Community Board No. 15			
130. Brooklyn Community Board No. 16			
131. Brooklyn Community Board No. 17			
132. Brooklyn Community Board No. 18			

Cumulative Compliance Completion Report

Agency/Office	Compliance Not Required		
133. Manhattan Community Board No. 01			
134. Manhattan Community Board No. 01			
135. Manhattan Community Board No. 02			
136. Manhattan Community Board No. 03			
137. Manhattan Community Board No. 04			
138. Manhattan Community Board No. 05			
139. Manhattan Community Board No. 06			
140. Manhattan Community Board No. 07			
141. Manhattan Community Board No. 08			
142. Manhattan Community Board No. 09			
143. Manhattan Community Board No. 10			
144. Manhattan Community Board No. 11			
145. Manhattan Community Board No. 12			
146. Queens Community Board No. 01			
147. Queens Community Board No. 02			
148. Queens Community Board No. 03			
149. Queens Community Board No. 04			
150. Queens Community Board No. 05			
151. Queens Community Board No. 06			
152. Queens Community Board No. 07			
153. Queens Community Board No. 08			
154. Queens Community Board No. 09			
155. Queens Community Board No. 10			
156. Queens Community Board No. 11			
157. Queens Community Board No. 12			
158. Queens Community Board No. 13			
159. Queens Community Board No. 14			
160. Staten Island Community Board No. 01			
161. Staten Island Community Board No. 02			
162. Staten Island Community Board No. 03			

Total number of compliances completed to date: 108

* These agencies no longer exist or have merged with other agencies.

+ Compliance suspended by agency request.

++ Compliance suspended by Commission per 9/11.

Revised: 1/29/08

D. Comptroller's Letter Re: Employment Discrimination Settlements or
Judgments in Calendar Year 2008



Michael Aaronson
Bureau Chief

THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
CLAIMS AND ADJUDICATIONS
1 CENTRE STREET ROOM 1200
NEW YORK, N.Y. 10007-2341

WILLIAM C. THOMPSON, JR.
COMPTROLLER

MAY 5 2009 PM 8:31

TELEPHONE: (212) 669-4753
FAX NUMBER: (212) 669-2240
WWW.COMPTROLLER.NYC.GOV

10/24

May 1, 2009

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

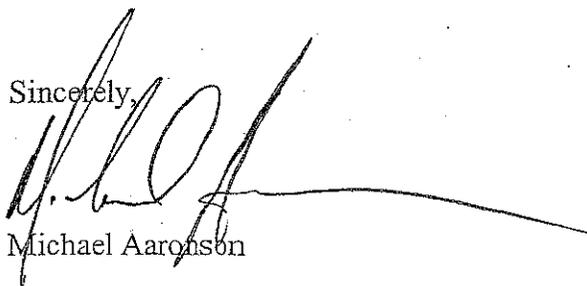
Dear Mr. May:

I am writing in response to your recent letter to Comptroller Thompson requesting information on the settlement and judgment costs of employment discrimination cases incurred by the City for cases resolved in calendar year 2008. Following is the information you requested. A detailed schedule of the employment discrimination cases identified is attached.

- A total of 51 employment discrimination cases were settled in calendar year 2008. The cost to the City for the 51 settled cases was \$16,431,608.87.
- There were no judgments for employment discrimination cases in 2008.

I trust this information will be helpful to you.

Sincerely,



Michael Aaronson

MA:ba
Attachment

E. Cumulative Audits Completion Report as of December 31, 2008

EQUAL EMPLOYMENT PRACTICES COMMISSION
Cumulative Audit Completion Report
As of December 31, 2008

Agency/Office		Year(s) Completed			
1.	Office of the Mayor				
2.	City Comptroller	CY 02	CY 07		
3.	Public Advocate	CY 02	CY 08		
4.	President, Borough of the Bronx	CY 03			
5.	President, Borough of Brooklyn	CY 01	CY 07		
6.	President, Borough of Manhattan	CY 02			
7.	President, Borough of Queens	CY 03	CY 08		
8.	President, Borough of Staten Island	CY 03	CY 08		
9.	District Attorney-Bronx	CY 05			
10.	District Attorney-Kings	CY 05			
11.	District Attorney-New York	CY 05			
12.	District Attorney-Queens	CY 06			
13.	District Attorney-Richmond	CY 04			
14.	City Council				
15.	Actuary, Office of	CY 03	CY 07		
16.	Administrative Trials & Hearings, Office of	CY 03			
17.	Aging, Department for the	CY 97	CY 03	CY 08	
18.	Board of Correction	CY 06			
19.	Board of Standards & Appeals	CY 03	CY 07		

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
20.	Borough of Manhattan Community College	CY 01	CY 06		
21.	Bronx Community College	CY 02	CY 06		
22.	Buildings, Department of	CY 97	CY 04		
23.	Business Integrity Commission	CY 04	CY 08		
24.	Business Services, Department of *	CY 95	CY 00		
25.	Campaign Finance Board	CY 05			
26.	Children's Services, Administration for	CY 01			
27.	City Clerk	CY 05			
28.	City Commission on Human Rights	CY 97	CY 04		
29.	City Planning, Department of	CY 95	CY 01	CY 08	
30.	City University of New York	CY 07			
31.	Citywide Administrative Services, Department of	CY 01	CY 07		
32.	Civil Service Commission	CY 06			
33.	Civilian Complaint Review Board	CY 03	CY 08		
34.	Collective Bargaining, Office of	CY 04			
35.	Conflicts of Interest Board	CY 98	CY 03	CY 08	
36.	Consumer Affairs, Department of	CY 99	CY 05		
37.	Correction, Department of	CY 98	CY 06		
38.	Cultural Affairs, Department of	CY 99	CY 04		
39.	Design & Construction, Department of	CY 99	CY 04		
40.	Economic Development Corporation, NYC	CY 05			

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
41.	Education, Central Division, Department of	CY 06			
42.	Emergency Management, Office of	CY 06			
43.	Employment, Department of *	CY 98	CY 03		
44.	Employees Retirement System, NYC	CY 03	CY 07		
45.	Environmental Protection, Department of	CY 97	CY 04		
46.	Eugenio Maria De Hostos Community College	CY 02	CY 06		
47.	Finance, Department of	CY 96	CY 03		
48.	Financial Information Services Agency	CY 99	CY 06		
49.	Fiorello H. La Guardia Community College	CY 02	CY 06		
50.	Fire Department	CY 94	CY 00	CY 06	
51.	General Services, Department of *	CY 96			
52.	Health, Department of *	CY 99			
53.	Health & Mental Hygiene, Department of	CY 05			
54.	Homeless Services, Department of	CY 01	CY 08		
55.	Housing Authority, NYC	CY 06			
56.	Housing Development Corporation	CY 05			
57.	Housing Preservation & Development, Department of	CY 97	CY 04		
58.	Human Resources Administration (DSS)	CY 99	CY 05		
59.	Independent Budget Office	CY 03	CY 08		
60.	Information Technology & Telecommunications, Department of	CY 00	CY 05		
61.	Investigation, Department of	CY 98	CY 03	CY 08	
62.	Juvenile Justice, Department of	CY 97	CY 03	CY 07	

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
63.	Kingsborough Community College	CY 01			
64.	Labor Relations, Office of	CY 99	CY 04		
65.	Landmarks Preservation Commission	CY 98	CY 03	CY 08	
66.	Law Department	CY 96	CY 04		
67.	Management and Budget, Office of	CY 96	CY 00	CY 05	
68.	Mental Health, Mental Retardation & Alcoholism Services *	CY 97			
69.	Off-Track Betting Corporation, NYC	CY 05			
70.	Parks & Recreation, Department of	CY 96	CY '01		
71.	Payroll Administration, Office of	CY 00	CY 04		
72.	Police Department	CY 97	CY 06		
73.	Police Pension Fund, NYC	CY 08			
74.	Probation, Department of	CY 98	CY 04		
75.	Public Administrator-Bronx	CY 07			
76.	Public Administrator-Kings	CY 06			
77.	Public Administrator-New York	CY 07			
78.	Public Administrator-Queens	CY 07			
79.	Public Administrator-Richmond	CY 07			
80.	Queensborough Community College	CY 02			
81.	Records & Information Services, Department of	CY 02	CY 08		
82.	Sanitation, Department of	CY 97	CY 04		
83.	School Construction Authority +				
84.	Small Business Services, Department of	CY 05			

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
85.	Special Narcotics Prosecutor, Office of	CY 07			
86.	Tax Commission, NYC	CY 01	CY 07		
87.	Taxi & Limousine Commission	CY 00	CY 05		
88.	Teacher's Retirement System				
89.	Transportation, Department of	CY 97	CY 01	CY 07	
90.	Water Board, NYC +				
91.	Water Finance Authority, NYC +				
92.	Youth & Community Development, Department of	CY 00	CY 05		
93.	Bronx Community Board No. 01	CY 00	CY 07		
94.	Bronx Community Board No. 02	CY 00	CY 07		
95.	Bronx Community Board No. 03	CY 00	CY 07		
96.	Bronx Community Board No. 04	CY 00	CY 07		
97.	Bronx Community Board No. 05	CY 00	CY 07		
98.	Bronx Community Board No. 06	CY 00	CY 07		
99.	Bronx Community Board No. 07	CY 00	CY 07		
100.	Bronx Community Board No. 08	CY 00	CY 07		
101.	Bronx Community Board No. 09	CY 00	CY 07		
102.	Bronx Community Board No. 10	CY 00	CY 07		
103.	Bronx Community Board No. 11	CY 00	CY 07		
104.	Bronx Community Board No. 12	CY 00	CY 07		

Cumulative Audit Completion Report

Agency/Office		Year (s) Completed		
105.	Brooklyn Community Board No. 01	CY 01		
106.	Brooklyn Community Board No. 02	CY 01		
107.	Brooklyn Community Board No. 03	CY 01		
108.	Brooklyn Community Board No. 04	CY 01		
109.	Brooklyn Community Board No. 05	CY 01		
110.	Brooklyn Community Board No. 06	CY 01		
111.	Brooklyn Community Board No. 07	CY 01		
112.	Brooklyn Community Board No. 08	CY 01		
113.	Brooklyn Community Board No. 09	CY 01		
114.	Brooklyn Community Board No. 10	CY 01		
115.	Brooklyn Community Board No. 11	CY 01		
116.	Brooklyn Community Board No. 12	CY 01		
117.	Brooklyn Community Board No. 13	CY 01		
118.	Brooklyn Community Board No. 14	CY 01		
119.	Brooklyn Community Board No. 15	CY 01		
120.	Brooklyn Community Board No. 16	CY 01		
121.	Brooklyn Community Board No. 17	CY 01		
122.	Brooklyn Community Board No. 18	CY 01		
123.	Staten Island Community Board No. 01	CY 00	CY 08	
124.	Staten Island Community Board No. 02	CY 00	CY 08	
125.	Staten Island Community Board No. 03	CY 00	CY 08	

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
126.	Manhattan Community Board No. 01	CY 00	CY 08		
127.	Manhattan Community Board No. 02	CY 00	CY 08		
128.	Manhattan Community Board No. 03	CY 00	CY 08		
129.	Manhattan Community Board No. 04	CY 00	CY 08		
130.	Manhattan Community Board No. 05	CY 00	CY 08		
131.	Manhattan Community Board No. 06	CY 00	CY 08		
132.	Manhattan Community Board No. 07	CY 00	CY 08		
133.	Manhattan Community Board No. 08	CY 00	CY 08		
134.	Manhattan Community Board No. 09	CY 00	CY 08		
135.	Manhattan Community Board No. 10	CY 00	CY 08		
136.	Manhattan Community Board No. 11	CY 00	CY 08		
137.	Manhattan Community Board No. 12	CY 00	CY 08		
138.	Queens Community Board No. 01	CY 01	CY 06		
139.	Queens Community Board No. 02	CY 01	CY 06		
140.	Queens Community Board No. 03	CY 01	CY 06		
141.	Queens Community Board No. 04	CY 01	CY 06		
142.	Queens Community Board No. 05	CY 01	CY 06		
143.	Queens Community Board No. 06	CY 01	CY 06		
144.	Queens Community Board No. 07	CY 01	CY 06		
145.	Queens Community Board No. 08	CY 01	CY 06		
146.	Queens Community Board No. 09	CY 01	CY 06		
147.	Queens Community Board No. 10	CY 01	CY 06		

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
148.	Queens Community Board No. 11	CY 01	CY 06		
149.	Queens Community Board No. 12	CY 01	CY 06		
150.	Queens Community Board No. 13	CY 01	CY 06		
151.	Queens Community Board No. 14	CY 01	CY 06		

As of December 31, 2008

Total number of audits completed _____ 246

Total number of agencies without a completed audit: _____ 6

* These agencies no longer exist or have merged with other agencies.

+ These agencies under jurisdictional research

Revised: 12/31/08
Prepared by ACS

F. Cumulative Compliance Completion Report as of December 31, 2008

EQUAL EMPLOYMENT PRACTICES COMMISSION
Cumulative Compliance Completion Report
As of December 31, 2008

Agency/Office		Compliance Period			
1.	Office of the Mayor				
2.	City Comptroller	4/03 – 9/03	3/08 – 12/08		
3.	Public Advocate	5/03 – 10/04			
4.	President, Borough of the Bronx	12/03 – 10/04			
5.	President, Borough of Brooklyn	3/02 – 8/02	7/07 – 8/07		
6.	President, Borough of Manhattan	7/02 – 2/03			
7.	President, Borough of Queens	8/03 – 1/04			
8.	President, Borough of Staten Island	8/03 – 7/04			
9.	District Attorney-Bronx	6/05 – 5/06			
10.	District Attorney-Kings	9/05 – 5/06			
11.	District Attorney-New York	6/06 – 1/07			
12.	District Attorney-Queens	8/06 – 4/07			
13.	District Attorney-Richmond	9/05 – 8/06			
14.	City Council				
15.	Actuary, Office of	1/04 – 10/04			
16.	Administrative Trials & Hearings, Office of	9/03 – 2/04			
17.	Aging, Department for the	3/98 – 11/98	2/04 – 7/04		
18.	Board of Correction	7/06 – 4/07			
19.	Board of Standards & Appeals	11/03 – 10/04	5/08 – 10/08		

Cumulative Compliance Completion Report

Agency/Office		Compliance Period			
20.	Borough of Manhattan Community College **	1/02 – 8/02			
21.	Bronx Community College	8/02 – 1/03			
22.	Buildings, Department of	11/97 – 4/98	9/04 – 2/05		
23.	Business Integrity Commission	12/04 – 7/05			
24.	Business Services, Department of *	3/97 – 8/97	12/00 - 5/01		
25.	Campaign Finance Board	+6/05 – 3/06			
26.	Children's Services, Administration for	3/02 – 8/02			
27.	City Clerk	9/05 – 7/07			
28.	City Commission on Human Rights	5/98 – 12/98	2/05 – 7/05		
29.	City Planning, Department of	5/97 – 10/97	7/01 – 12/01		
30.	City University of New York	11/07 – 9/08			
31.	Citywide Administrative Services, Department of	12/01 – 5/02			
32.	Civil Service Commission				
33.	Civilian Complaint Review Board	10/03 – 3/04			
34.	Collective Bargaining, Office of	7/04 – 12/04			
35.	Conflicts of Interest Board	6/98 – 4/99	1/04 – 6/04		
36.	Consumer Affairs, Department of	11/99 – 4/00	7/05 – 3/06		
37.	Correction, Department of	6/98 – 11/98	8/06 -1/07		
38.	Cultural Affairs, Department of	4/99 – 9/99	10/04 – 3/05		
39.	Design & Construction, Department of	3/00 – 1/01	3/05 – 8/05		
40.	Economic Development Corporation, NYC	9/05 – 3/06			

Cumulative Compliance Completion Report

Agency/Office		Compliance Period			
41.	Education, Department of	2/08 – 12/08			
42.	Emergency Management, Office of	9/06 -4/07			
43.	Employment, Department of *	5/99 – 9/99			
44.	Employees Retirement System, NYC	11/03 – 4/04	4/08 -10/08		
45.	Environmental Protection, Department of	9/97 – 11/00	9/04 – 2/05		
46.	Eugenio Maria De Hostos Community College	9/02 – 1/03			
47.	Finance, Department of	7/97 - 12/97	5/04 - 10/04		
48.	Financial Information Services Agency	1/00 – 1/01	2/05 – 7/05		
49.	Fiorello H. La Guardia Community College **	1/03 – 6/03			
50.	Fire Department	++4/01 – 10/02			
51.	General Services, Department of *				
52.	Health, Department of *	12/99 – 2/01			
53.	Health & Mental Hygiene, Department of	2/06 – 9/06			
54.	Homeless Services, Department of	7/01 – 12/01			
55.	Housing Authority, NYC	4/07 – 7/07			
56.	Housing Development Corporation	6/05 – 11/05			
57.	Housing Preservation & Development, Department of	6/98 – 11/98	6/04 -11/04		
58.	Human Resources Administration (DSS)	9/99 – 2/00	11/05 - 4/06		
59.	Independent Budget Office	6/03 – 12/03			
60.	Information Technology & Telecommunications, Department of	11/00 – 4/01	7/06 -1/07		
61.	Investigation, Department of	7/98 – 12/98	12/03 – 4/04		
62.	Juvenile Justice, Department of	9/97 – 12/97	5/04 – 10/04	7/08 – 12/08	

Cumulative Compliance Completion Report

Agency/Office		Compliance Period			
63.	Kingsborough Community College **	7/01 – 11/01	2/06 - 4/06		
64.	Labor Relations, Office of	9/99 – 2/00	12/04 – 5/05		
65.	Landmarks Preservation Commission	11/98 – 4/99	5/04 – 12/04		
66.	Law Department	11/97 – 7/98	8/04 – 1/05		
67.	Management and Budget, Office of	8/97 – 1/98	3/01 – 8/01		
68.	Mental Health, Mental Retardation & Alcoholism Services, Department of *	10/99 – 2/01			
69.	Off-Track Betting Corporation, NYC	5/06 – 4/07			
70.	Parks & Recreation, Department of	6/97 – 11/97	8/01 - 12/01		
71.	Payroll Administration, Office of	7/00 – 12/00	3/05 – 8/05		
72.	Police Department	8/97 – 2/98	6/07 – 7/07		
73.	Police Pension Fund, NYC				
74.	Probation, Department of	11/98 – 7/99	1/05 – 6/05		
75.	Public Administrator-Bronx				
76.	Public Administrator-Kings	10/07 – 5/08			
77.	Public Administrator-New York	10/07 – 7/08			
78.	Public Administrator-Queens	10/07 – 10/08			
79.	Public Administrator-Richmond	10/07 – 12/07			
80.	Queensborough Community College **	7/02 – 12/02			
81.	Records & Information Services, Department of	7/02 – 1/03			
82.	Sanitation, Department of	2/98 – 8/99	7/04 – 2/05		
83.	School Construction Authority +				
84.	Small Business Services, Department of	12/05 – 5/06			

Cumulative Compliance Completion Report

Agency/Office		Compliance Period		
85.	Special Narcotics Prosecutor, Office of	12/07 – 10/08		
86.	Tax Commission, NYC	4/02 – 10/02		
87.	Taxi & Limousine Commission	7/00 – 12/00	1/06 – 3/06	
88.	Teacher's Retirement System			
89.	Transportation, Department of	9/97 – 2/98	6/01 – 11/01	
90.	Water Board, NYC			
91.	Water Finance Authority, NYC			
92.	Youth & Community Development, Department of	4/01 – 12/01	8/05 – 1/06	

Compliance Not Required for the 59 Community Boards.

Total number of compliances completed to date: 118

- * These agencies no longer exist or have merged with other agencies.
- ** Compliance of the CUNY was monitored in place of individual community colleges.
- + Compliance suspended by agency request.
- ++ Compliance suspended by Commission per 9/11.

Revised: 12/31/08