

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #07/06-021: Preliminary Determination Pursuant to the Audit of the Tax Commission's (TC) Equal Employment Opportunity Program from January 1, 2005 to June 30, 2006.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, the Equal Employment Practices Commission audited the Tax Commission's Equal Employment Opportunity Program; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC may make a preliminary determination pursuant to Section 831(d) that any plan, program, procedure, approach, measure or standard adopted or utilized by any city agency does not provide equal employment opportunity. Now, Therefore,

Be It Resolved,

that pursuant to the audit of the Tax Commission's compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency distributed the *previous* Citywide EEO Policy (issued in 1996) during the audit period, even though that document was replaced by the current Citywide EEO Policy in January 2005. (Sect. VB, EEOP)
2. The EEO officer failed to notify the Department of Citywide Administrative Services during the audit period that the bathrooms used by the TC employees have no low sinks or bathroom fixtures. (Sect. IIB, EEOP)
3. The last EEO training sessions for agency employees was held in January 2002—three years prior to the start of the audit period. (Sect. IV, EEOP)
4. The EEO officer did not conduct adverse impact studies. (Sect. VI, EEOP)
5. Agency employees were last notified of the appointment of the career counselor in 2002 or 2003. In addition, 75% of the TC employees surveyed by the EEPC indicated they do now know who is responsible for providing career counseling. (Sect. VF, EEOP)

6. The agency did not maintain documentation of meetings at which supervisors emphasized their commitment to the agency's EEO policies and affirmed the right of each employee to file a discrimination complaint with the EEO office.
7. The TC uses a managerial performance evaluation form that was not designed by the DCAS and does not contain a rating for EEO.
8. Eighty-five percent of the TC employees surveyed by the EEPC (all of whom were employed for at least one year) indicated they had not received annual performance evaluations. (DCAS, Rule 7.5.4(e) of the *Personnel Rules and Regulations of the City of New York*, and DCAS, *Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in NYC Agencies* (p. 1))

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Tax Commission's President, Glenn Newman, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the Tax Commission will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on April 26, 2007.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #09/02-021PC: Determination of implementation by the Tax Commission of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Tax Commission's Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to June 30, 2006.

Whereas, pursuant to Chapter 36, Sections 831(d) (2) and (5) of the New York City Charter, the Equal Employment Practices Commission is authorized to audit and evaluate the employment practices, programs, policies, and procedures of city agencies and their efforts to ensure fair and effective equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy, a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, pursuant to its audit of the Tax Commission (TC), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated April 26, 2007, setting forth its findings and recommended corrective actions; and

Whereas, the TC submitted its responses to EEPC's preliminary determination letter, on July 6, 2007; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on July 24, 2007, identifying those recommendations accepted and rejected by TC; and

Whereas, in response to the EEPC's final determination letter, the TC submitted its response on January 17, 2008; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the TC for a period not to exceed six months, from March 1, 2008 through August 31, 2008, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Tax Commission submitted its first month's Compliance Report on April 9, 2008 and did not submit its five charter-mandated subsequent reports including the final report which was due on September 9, 2008; and

Whereas, the Tax Commission implemented nine of the eleven recommended corrective actions; and

Whereas, the Tax Commission committed to implement corrective action number six which states:

“The TC should secure the necessary training, either from DCAS or another appropriate source, to assess the manner in which civilian candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability or gender group,” by conducting an adverse impact study using the disparate impact analysis, an online internet-based application; and

Whereas, the Tax Commission committed to implement corrective action number eight, which states:

“It is the position of the DCAS (“Model Agency EEO Commitment Memo,” available on the DCAS website) and the EEPC that at least twice a year during normal staff meetings, managers and supervisors should emphasize their commitment to the agency’s EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO Office and document these meetings,” by providing the EEPC with documentation that these meetings have taken place; and

Whereas, the EEPC forwarded a letter to the agency head of the Tax Commission on December 29, 2008, informing him that his agency did not implement all of the recommended actions and that the EEPC would issue a letter of partial compliance; and

Whereas, as of January 14, 2009, the TC has not implemented the recommended actions to the Commission’s satisfaction; and,

Whereas, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City’s Equal Employment Opportunity Policy; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the Commission, after monitoring the TC, and determining that the agency has not effectively implemented the recommended corrective actions, is required to notify the agency in writing its determination. Now Therefore,

Be It Resolved,

that the Tax Commission did not implement and/or submit documentation reflecting the implementation of required action numbers six and eight to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the New York City Charter; and

Be It Further Resolved,

that the Commission authorizes the Chair Ernest F. Hart, Esq., to forward a letter to the Tax Commission President, Glenn Newman, formally informing him that the TC has **partially complied** with the requirements of Chapters 35 and 36 of the New York City Charter because his office has not implemented all of the recommended corrective actions pursuant to the Commission’s audit of compliance by the TC with the City’s Equal Employment Opportunity Policy; and

Be It Finally Resolved,
that pursuant to Section 831(d)(5) of the NYC Charter, this Commission may initiate another audit of the Tax Commission EEO program prior to the city charter-mandated maximum term.

Approved unanimously on January 15, 2009.

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair



Ernest F. Hart
Chair



GLENN NEWMAN
President

THE CITY OF NEW YORK
TAX COMMISSION

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MEMORANDUM

To: All Staff
From: Glenn Newman 
Date: June 14, 2007
Re: Equal Employment Opportunity at the Tax Commission

The Tax Commission is committed to preventing illegal discrimination by ensuring that all employees are aware of their rights and obligations under the EEO Policy, by maintaining fair employment practices for all of our employees, and by encouraging a work environment that tolerates and appreciates differences among employees. All personnel should work together to maintain an atmosphere of appreciation for the diversity reflected in our staff.

Although I am pleased with our accomplishments, I would like to remind you that our agency EEO program contains the following requirements:

- Managers and supervisors must conduct documented meetings with staff, at least twice a year, to reaffirm their commitment to the agency's EEO Policy and to discuss the right of employees to file EEO complaints with the Tax Commission's EEO Officer and/or EEO counselor.
- All managers and supervisors involved in conducting employment interviews must review Structured Interviewing materials prepared by the Office of Citywide EEO.
- Myrna Hall, Director of Operations, who is familiar with employment opportunities, is the agency's Career Counselor, and will provide career counseling to employees who request it. Her office is located at the Municipal Building, Room 936. Her telephone number is (212) 669-4420. Employees interested in receiving career counseling should make an appointment.

As a reminder, Myrna Hall is the Tax Commission's EEO Officer and Carlo Silvestri is the EEO Counselor. I encourage all employees to access the resources available within the Tax Commission and to address any concerns you have to Myrna Hall, the agency EEO Officer at (212) 669-4420, Room 936 or Carlo Silvestri at (212) 669-4402, Room 1123.