

#07/04-103C

CITY CLERK / CLERK OF THE COUNCIL

- Summary Compliance Report July 12, 2007
- Letter of Compliance Satisfaction July 12, 2007



EQUAL EMPLOYMENT PRACTICES COMMISSION

SUMMARY COMPLIANCE REPORT

Agency: Office of the City Clerk/Clerk of the Council

Agency Head: Victor L. Robles, City Clerk/Clerk of the Council

EEO Officer: Jose Gonzalez

Audit Period: **January 1, 2003 – December 31, 2004**

Date of Preliminary Determination Letter:	<i>June 8, 2005</i>
Date of Response Letter:	<i>June 15, 2005</i>
Date of EEPC's Response:	<i>June 30, 2005</i>

Compliance Initiated:	<i>October 2005</i>
Compliance Completed:	<i>March 2007</i>
Covering Months:	<i>September 2005 - February 2007</i>

Date: **July 12, 2007**

Pursuant to the findings and recommendations of the Equal Employment Practices Commission's (EEPC) Audit of Compliance by the Office of the City Clerk/Clerk of the Council (OCC/CC) with the City's Equal Employment Opportunity Policy (EEOP), EEPC initiated Audit Compliance with the OCC/CC in October 2005. The OCC/CC's final Monthly Compliance Report was submitted on February 23, 2007. Additional information and documentation were received on March 9, 2007 and June 18, 2007.

The OCC/CC requested, and was granted, a three-month extension of the compliance period in order to have its EEO personnel trained and to implement the outstanding required actions. Completion of compliance was further delayed by the resignation of the EEO Officer.

All twenty-two required actions were completed or accepted. The following is a summary of the compliance reports:

1. **OCC/CC should immediately distribute to all employees a copy of the City's Equal Employment Opportunity Policy (issued by DCAS in 2005), EEO Policy Handbook (*About EEO: What You May Not Know, 2003*), and Discrimination Complaint Procedures Implementation Guidelines (issued in 1993) and inform them (employees) that it is in the process of establishing its own EEO Program.**

The OCC/CC said that on September 26, 2005 it distributed to employees copies of the City's Equal Employment Opportunity Policy, EEO Policy Handbook (*About EEO: What You May Not Know*), and Discrimination Complaint Procedure Implementation Guidelines. It also redistributed the policies on May 26, 2006. The OCC/CC said it issued a memorandum stating that it was in the process of establishing its own EEO Program. It submitted copies of the employee acknowledgement of receipt forms and memorandum.

The required action was completed in May 2006.

2. **OCC/CC should petition the Office of Citywide Equal Employment Opportunity (DCAS) for assistance in establishing that Program.**

The OCC/CC said that on November 4, 2005 it sent a letter to Lewis Finkelman Esq., First Deputy Commissioner/Counsel (DCAS) requesting assistance in establishing its Program. It submitted a copy of the letter.

The required action was completed in November 2005.

3. **OCC/CC should notify all employees in writing of the name, address and telephone number of the EEO Officer.**

OCC/CC said that on February 14, 2007 it notified staff of the name, address and contact number of the newly-appointed EEO Officer.

The required action was completed in February 2007.

4. **The EEO Officer should receive EEO training from DCAS or another reputable organization, such as Cornell University's School of Industrial and Labor Relations (EEO Studies Program).**

The OCC/CC stated that the EEO Officer (and the then EEO counselor) completed the DCAS 5-day EEO professionals training. It submitted a copy of the EEO Officer's certificate of completion.

The required action was completed in April 2006.

5. **The EEO files generated by the EEO Officer should be maintained in a clearly marked and secure area so that they may be located and reviewed by subsequent EEO Officers and reviewing agencies.**

The OCC/CC said that as of November 10, 2005 it has maintained its EEO files in a locked filed cabinet that is clearly marked EEO.

The response to the required action was accepted in November 2005.

6. **The Commission requires that the agency head distribute a memorandum to all staff informing them of the changes that are being implemented in the agency's EEO Program pursuant to the audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Policy.**

The OCC/CC stated that on September 26, 2005, May 26, 2006, June 15, 2006 and February 14, 2007 it distributed a memorandum to staff informing them of the establishment of its EEO Program. It submitted copies of the memoranda.

The required action was completed in February 2007.

7. **A General EEO Policy Statement or memorandum should accompany the EEO Policy affirming the agency's commitment to EEO.**

The OCC/CC said that it stated its commitment to EEO in memoranda distributed to staff in the process of establishing its EEO Program. It submitted copies of the memoranda.

The response to the required action was accepted in February 2007.

8. **OCC/CC should develop a plan to train all new and existing employees (supervisors and non-supervisors) on EEO.**

The OCC/CC submitted a copy of its plan, including its revised training schedule, to train staff on EEO. It indicated that Ms. Jyll Townes, Assistant Commissioner of DCAS/OCEEEO is working with them. The first of three sessions occurred on May 8, 2007.

The response to the required action was accepted in May 2007.

9. **OCC/CC should receive and investigate discrimination complaints in conformance with Federal, State and City guidelines.**

The OCC/CC stated that it will receive and investigate discrimination complaints in conformance with Federal, State, and City guidelines.

The required action was completed in March 2007.

10. **OCC/CC should develop a plan to ensure that all employees involved in job interviewing receive structured interview training, either through internal training or through training provided by DCAS.**

The OCC/CC said that the individual who conducts employee interviews, Mr. Michael McSweeney, First Deputy City Clerk, has received structured interview training provided by the prior EEO Officer. It submitted a copy of the attendance sheet.

The required action was completed in July 2006.

11. **Since the EEOP requires City agencies to conduct adverse impact studies to determine if certain selection devices adversely impact any particular racial, ethnic, disability, or gender, OCC/CC should secure the necessary training to conduct adverse impact studies, either from DCAS or another appropriate source.**

Because only mayoral agencies are required to follow the EEOP and the OCC/CC is not a mayoral agency, it was determined that compliance with this corrective action is not applicable.

12. **OCC/CC's recruitment literature should indicate that the City of New York is an equal opportunity employer. Similarly, diversity must be displayed where pictures are used in recruitment advertisements.**

The OCC/CC submitted copies of job vacancy notices which included the EEO tagline. The agency does not use pictures in its recruitment advertisements.

The required action was completed in June 2006.

13. **OCC/CC should appoint an individual who is familiar with civil service and provisional jobs to serve as a Career Counselor.**

The OCC/CC said that it appointed Mr. Jose Gonzalez as the Career Counselor.

The required action was completed in February 2007.

14. **OCC/CC should inform all employees in writing of the identity, location and telephone number of that individual.**

The OCC/CC said that on February 14, 2007 it distributed a memorandum to notify staff of the identity, location and telephone number of the Career Counselor.

The required action was completed in February 2007.

15. **The EEO Officer must report directly to the agency head or to a direct report to the agency head. It is the Commission's position that appropriate documentation of meetings and other communications between the EEO Officer and agency head or direct report to the agency head regarding EEO decisions should be maintained.**

The OCC/CC stated that the EEO Officer reports to a direct report, First Deputy to the City Clerk, on EEO matters. It submitted copies of minutes of the meeting.

The required action was completed in June 2006.

16. **The EEO Officer should be proactively involved in developing recruitment strategies and selecting recruitment media.**

The City Clerk has affirmed that the EEO Officer will play an active role in the development of future recruitment strategies and in the selection of recruitment media. The OCC/CC said that it currently uses the DCAS recruitment list and the EEO Officer has updated job postings for vacancies.

The response to the required action was accepted in February 2007.

17. **To ensure that there are EEO professionals not of the same gender available to investigate discrimination complaints, two persons not of the same gender should be authorized as EEO Counselor/ Investigator to receive and investigate discrimination complaints.**

The OCC/CC stated that it has a male EEO Officer and a female EEO Counselor authorized to investigate discrimination complaints.

The required action was completed in June 2007.

18. **The EEO Officer should supervise the EEO-related activities of EEO Counselor(s). For example, the EEO Officer should meet with the EEO Counselor(s) at least at quarterly intervals to ensure that they are carrying out their EEO functions satisfactorily and are kept abreast of internal and external EEO developments. These meetings should be memorialized.**

The OCC/CC stated that the EEO Officer holds quarterly meetings with the EEO Counselor. It submitted copies of the agenda and minutes of the meetings.

The required action was completed in July 2006.

19. **All EEO professionals should be trained in EEO laws.**

The EEO Officer and EEO Counselor completed the DCAS 5-day EEO professionals training. It submitted a copy of his certificate of completion. The DCAS provided documentation confirming the EEO Counselor's completion of the training.

The required action was completed in June 2007.

20. **OCC/CC should issue a "Reasonable Accommodation Procedure" and ensure that all employees are notified of the procedure. The agency can adopt and tailor the procedure available in the Citywide EEO Policy.**

The OCC/CC stated that it has adopted and tailored the "Reasonable Accommodation Procedure" and distributed it to staff on August 23, 2006. It submitted a copy of the distribution memorandum and procedure.

The required action was completed in February 2007.

21. **The agency should participate in the Section 55-A Program; at a minimum, obtain and distribute Program brochures issued by DCAS.**

The OCC/CC said that on June 15, 2006 it distributed the Section 55-A Program brochures. It submitted a copy of the distribution letter and brochure.

The required action was completed in June 2006.

22. **OCC/CC should survey all of its facilities to ensure that they are accessible to, and usable by, persons with disabilities.**

The OCC/CC stated that it conducted an accessibility survey of its facility and found it to be accessible to, and usable by, persons with disabilities. It submitted a copy of the survey.

The required action was completed in September 2006.

Recommendation

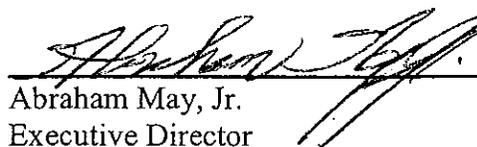
Based on the above information, we recommend that the Equal Employment Practices Commission issue a Letter of Completion of Compliance to City Clerk/Clerk of the Council, Victor L. Robles, informing him that the OCC/CC has implemented the recommended corrective actions to the Commission's satisfaction.

Respectfully Submitted,

Michelle Marecheau-Antoine
Compliance Officer



Eric Matusewitch
Deputy Director



Abraham May, Jr.
Executive Director

Attachment



THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
MUNICIPAL BUILDING
NEW YORK, N.Y. 10007

VICTOR L. ROBLES
CITY CLERK, CLERK OF THE COUNCIL

MEMORANDUM

To: All Staff

From: Victor L. Robles 
City Clerk, Clerk of the Council

Re: Equal Employment Opportunity

Date: September 23, 2005

Please be advised that the Office of the City Clerk is in the process of establishing its own Equal Employment Opportunity Program. As part of the program we are distributing the following handbooks:

1. About EEO: What You May Not Know
2. Discrimination Complaint Procedures Implementation Guidelines

I would also like to take this opportunity to inform you that the agency Equal Employment Opportunity officer is:

Naomi Pacheco
1 Centre Street, Rm. 265
New York, NY 10007
(212) 669-2207

If you need additional information regarding this matter, please contact Naomi Pacheco at (212) 669-2207.



THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
MUNICIPAL BUILDING
NEW YORK, N.Y. 10007

VICTOR L. ROBLES
CITY CLERK, CLERK OF THE COUNCIL

MEMORANDUM

To: All Staff

From: Naomi Pacheco *NP*
Equal Employment Officer

Re: Equal Employment Opportunity

Date: May 25, 2006

Please be advised that the Office of the City Clerk is in the process of establishing its own Equal Employment Opportunity Program. As part of the program we are distributing the following materials:

1. Equal Employment Opportunity Policy
2. About EEO: What You May Not Know
3. Discrimination Complaint Procedures Implementation Guidelines
4. Top 10 Things To Know About EEO
5. The Office Of Citywide Equal Employment Opportunity

I would also like to take this opportunity to inform you that the agency Equal Employment Opportunity officer / Career Counselor is:

Naomi Pacheco
1 Centre Street, Rm. 265
New York, NY 10007
(212) 669-2207

If you need additional information regarding this matter, please contact me at (212) 669-2207.



THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
MUNICIPAL BUILDING
NEW YORK, N.Y. 10007

VICTOR L. ROBLES
CITY CLERK, CLERK OF THE COUNCIL

MEMORANDUM

To: All Staff

From: Naomi Pacheco *NP*
E.E.O. Officer

Re: New York City 55-a Program

Date: June 15, 2006

Please be advised that the Office of the City Clerk is in the process of establishing its own Equal Employment Opportunity Program. As part of the program we are distributing the following materials:

1. A description of the New York City 55-a program for qualified persons with disabilities. (Obtained from the Department of Citywide Administrative Services website.)
2. The 55-a Program brochure

If you need additional information regarding this matter, please contact me at (212) 669-2207.

Memorandum

To: All Staff

From: Victor L. Robles
City Clerk, Clerk of the Council

Date: Equal Employment Opportunity

Re: February 14, 2007

Please be advised that the Office of the City Clerk is in the process of establishing its own Equal Employment Opportunity Program. As part of the program I would also like to take this opportunity to inform you that the agency Equal Employment Opportunity Officer / Career Counselor is:

Jose L. Gonzalez
1 Centre Street, Room 265
New York, New York 10007
(212) 669-8097

In addition, I would also like to take this opportunity to inform you that the agency Equal Employment Opportunity Counselor is:

Acela Velazquez
1 Centre Street, Room 265
New York, New York 10007
(212) 669-2207

As the Equal Opportunity Counselor Ms. Velazquez is authorized to receive and investigate discrimination complaints. If you need additional information regarding this matter, please contact Jose L. Gonzalez at (212) 669-8097.



EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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

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

Ernest F. Hart, Esq.
Chair

Manuel A. Méndez
Vice-Chair

Chereé A. Buggs, Esq.
Angela Cabrera
Veronica Villanueva, Esq.
Commissioners

Abraham May, Jr.
Executive Director

Eric Matusewitch, PHR, CAAP
Deputy Director

July 12, 2007

Victor L. Robles
City Clerk/Clerk of the Council
One Centre Street, 2nd Floor South
New York, New York 10007

Re: Resolution #07/04-103C: Implementation of Corrective Actions Pursuant to the Audit of Compliance by the Office of the City Clerk/Clerk of the Council's (OCC/CC) Equal Employment Opportunity Program (EEO) from January 1, 2003 to December 31, 2004.

Dear Mr. Robles:

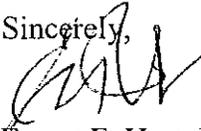
Pursuant to Section 832 of Chapter 36 of the New York City Charter, staff of the Equal Employment Practices Commission (EEOC) was required to monitor audit compliance by the Office of the City Clerk/Clerk of the Council (OCC/CC) for a period not to exceed six months. The compliance period was September 2005 through February 2006. OCC/CC requested an extension of the compliance period and was granted a three-month extension. The OCC/CC's Final Compliance Report was submitted on February 23, 2007. Additional information and documentation were received on March 9, 2007 and June 18, 2007.

The goal of monitoring was to determine if the OCC/CC implemented all recommended corrective actions pursuant to our audit of compliance by your agency with the City's Equal Employment Opportunity Policy from January 1, 2003 to December 31, 2004.

After completing its review of the Compliance Reports submitted by your agency, EEOC staff submitted a Compliance Summary Report for Commission review. The Commission has determined that the OCC/CC has implemented the recommended corrective actions as required by Chapter 35 and 36 of the New York City Charter to the Commission's satisfaction. The Office of the City Clerk/Clerk of the Council is now in compliance with the requirements of the City's Equal Employment Opportunity Policy.

On behalf of this Commission, I want to thank you, 1st Deputy Clerk Michael McSweeney and EEO Officer Jose Gonzalez for the cooperation extended to the EEPC Compliance Unit during the compliance-monitoring period.

Sincerely,



Ernest F. Hart, Esq.
Chair

C: Michael McSweeney, 1st Deputy Clerk
Jose Gonzalez, EEO Officer