

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

RESOLUTION #03/05-009: Preliminary Determination Pursuant to the Audit of the New York City Employees Retirement System's Equal Employment Opportunity Program from January 1, 2000 through June 30, 2002.

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 New York City Employees Retirement System'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 Office of the New York City Employees Retirement System's (NYCERS) compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Neither the previous nor current EEO policies have been posted on agency bulletin boards.
2. The agency's Discrimination Complaint Procedure does not contain the name, location, and telephone number of the EEO Officer.
3. The agency's EEO policies are not available in alternate formats for use by persons with disabilities.
4. One of the agency's job advertisements on an Internet website does not contain the EEO tag line.
5. The agency does not participate in the Section 55-A Program.
6. Only one of the three EEO Officers during the audit period received training for EEO professionals from the Department of Citywide Administrative Services.
7. The agency did not have persons of both sexes available to receive and investigate

discrimination complaints.

8. There is no indication in two internal discrimination complaint files that the agency head reviewed the EEO Officer's final reports.
9. Two internal discrimination complaint files do not contain copies of letters notifying all parties of the outcomes of the investigations.
10. The EEO Officers have not been involved in developing recruitment strategies or selecting recruitment media.
11. The former and current EEO Officers have not devoted 100% of their time to EEO matters.
12. The Deputy Counsel had the reality or appearance of conflict of interest by serving as the EEO Officer.
13. Sixty-six percent of survey respondents indicated they did not know who is the EEO Officer.

Be It Finally Resolved,

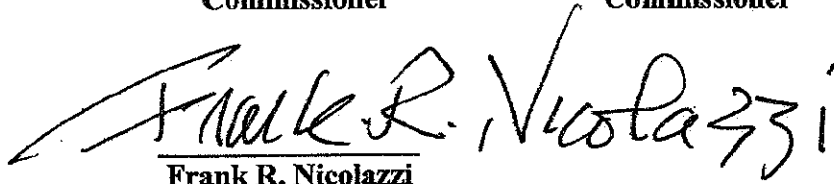
that the Commission authorizes the Vice-Chairman to forward a letter to the Executive Director of the New York City Employees Retirement System, John J. Murphy, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the New York City Employees Retirement System will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on May 8, 2003.

Angela Cabrera
Commissioner

Manuel A. Mendez
Commissioner

C. Catherine Rimokh, Esq.
Commissioner


Frank R. Nicolazzi
Vice-Chairman

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

RESOLUTION #04/08-009C: Determination of implementation by the New York City Employee Retirement System of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the New York City Employee Retirement System's Charter-mandated Equal Employment Opportunity Program from January 1, 2000 to June 30, 2002.

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 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, pursuant to its audit of the New York City Employee Retirement System (NYCERS), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated May 8, 2003, setting forth its findings and recommended corrective actions; and

Whereas, in response to EEPC's preliminary determination letter, NYCERS submitted its response on June 2, 2003; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on June 20, 2003 identifying those recommendations accepted and rejected by NYCERS; and

Whereas, in response to EEPC's final determination letter, NYCERS submitted its response on August 19, 2003; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor NYCERS for a period not to exceed six months, from November 2003 through April 2004, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the New York City Employee Retirement System submitted its Final Compliance Report on May 7, 2004; 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, the members of this Commission have reviewed a Compliance Summary Report, prepared by EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,
that the New York City Employee Retirement System has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to the Executive Director of the New York City Employee Retirement System, Mr. John J. Murphy, formally informing him that his agency has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on June 25, 2004.

Cheree A. Buggs, Esq.
Commissioner

Veronica Villanueva, Esq.
Commissioner


Manuel A. Méndez
Vice-Chairman

NYCERS

RETIREMENT AND BENEFITS

NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM

MAIL ONLY:
335 ADAMS STREET,
SUITE 2300
BROOKLYN, NY 11201-3751


ALL OTHER SERVICES:
340 JAY STREET,
MEZZANINE LEVEL
BROOKLYN, NY 11201-3751

TEL: (347) 643-3000

EXECUTIVE DIRECTOR: JOHN J. MURPHY

MEMORANDUM

To: All Staff

From: John J. Murphy 

Date: May 5, 2004

Subject: EEO Audit

The Equal Employment Practices Commission of the City of New York conducted an audit of NYCERS Equal Employment Opportunity (EEO) practices for the period of January 2000 to June 2002. As a result of this audit the following measures have been implemented to ensure that all NYCERS employees and applicants for employment understand their right to be protected against discrimination and harassment at the work place.

- 1) NYCERS EEO Policies & Discrimination Complaint Procedures are posted on agency bulletin boards.
- 2) NYCERS recruitment literature, including web site job advertisements, indicates that we are an equal opportunity employer.
- 3) NYCERS EEO Policies and Discrimination Complaint Procedures is available on Audiotape for the visually impaired.
- 4) NYCERS EEO staff consists of both a male and female representative.
- 5) NYCERS EEO Staff is involved in developing recruitment strategies and participates in the hiring process.
- 6) NYCERS Discrimination Complaint Procedure lists the name, location & telephone number of the EEO Representatives.
- 7) I personally review and sign each EEO investigator's report containing findings and recommendations.

NYCERS is committed to be free of discrimination and harassment at the workplace and strictly adheres to the City's EEO Policies. Should you have questions regarding the EEO Program, please feel free to speak with Stephen Seunarine, EEO Counselor, at extension 3673.