

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

**RESOLUTION #2015/010:** Final Determination pursuant to the Audit and Analysis of the Manhattan Borough President's Office's Discrimination Complaint and Investigation Procedures from January 1, 2012 to December 31, 2013.

**Whereas**, pursuant to Chapter 36, Section 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 to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPCC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the Office of the Manhattan Borough President's (MBPO) Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated December 4, 2014, setting forth findings and the following required corrective actions:

1. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall be commenced immediately.
2. In circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.
3. Ensure the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
4. Ensure that the complaint procedure requires, in addition to the notification to the complainant, written communication informing the respondent of the conclusion and outcome of a complaint investigation.
5. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart and EEO Policy.

**Whereas**, the agency submitted its response to the EEPC's Preliminary Determination letter, on December 18, 2014 with documentation of its actions to rectify required corrective actions No. 4 and 5 ; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on February 5, 2015 which agreed and accepted documentation for implementation of the aforementioned corrective action, and indicated that corrective action(s) nos. 1, 2, and 3 require compliance monitoring; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from March 2015 through August 2015, to determine whether it implemented remaining required corrective actions; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

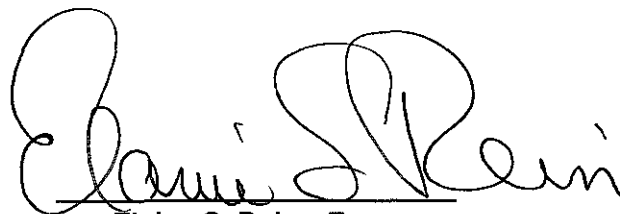
**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

**Be It Resolved**, that the Commission authorizes Chair Cesar A. Perez, Esq. to forward its Final Determination to Manhattan Borough President Gale Brewer.

Approved unanimously on February 5, 2015.

Angela Cabrera  
Commissioner

Malini Cadambi Daniel  
Commissioner

A handwritten signature in black ink, appearing to read "Elaine S. Reiss". The signature is written in a cursive, flowing style with large loops and is positioned above a horizontal line.

Elaine S. Reiss, Esq.  
Commissioner

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

**RESOLUTION #2015/010C-2:** Determination of **Compliance** (Monitoring Period Not Required) by the Manhattan Borough President's Office with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and evaluation of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 30, 2013.

**Whereas**, pursuant to Chapter 36, Section 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 to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

**Whereas**, pursuant to Chapter 36, Section 831(d)(2), this Commission has adopted *Uniform Standards for EEPC Audits* and *Minimum Equal Employment Opportunity Standards for Community Boards* to assess agencies' EEO programs and policies for compliance with federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; and

**Whereas**, pursuant to its audit and analysis of the Manhattan Borough President's Office's (MBPO) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated December 4, 2015, setting forth findings and the following required corrective actions:

1. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall be commenced immediately.
2. In circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.
3. Ensure the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
4. Ensure that the complaint procedure requires, in addition to the notification to the complainant, written communication informing the respondent of the conclusion and outcome of a complaint investigation.
5. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart and EEO Policy.

**Whereas**, the MBPO submitted its response to the EEPC's preliminary determination letter, on December 18, 2014, with documentation of its actions to rectify the required corrective actions #4 and #5; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on February 5, 2015, which agreed and accepted documentation for the aforementioned corrective actions, with corrective actions #1, #2, and #3 remaining; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the agency for a period not to exceed six months, from March 2015 through August 2015, to determine whether it implemented remaining required corrective actions; and

**Whereas**, the MBPO submitted its response to the EEPC's final determination on March 6, 2015 with documentation of its actions to rectify the remaining required corrective actions #1, #2 and #3; and

**Whereas**, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the MBPO submitted a copy of the agency head's memorandum to staff dated March 6, 2015, which outlined the corrective action implemented in response to the EEPC's audit and reiterated her commitment to the agency's EEO Program; and

**Whereas**, all of the EEPC's corrective actions are required by, or are consistent with, federal, state and local laws, regulations, policies and procedures which are designed to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination in employment within municipal government; Now Therefore,

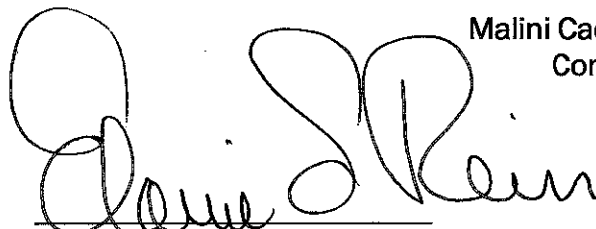
**Be It Resolved**, that the Manhattan Borough President's Office has implemented the required corrective action deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

**Be It Finally Resolved**, that the Commission authorizes Chair Cesar A. Perez, Esq., to forward this Determination to Manhattan Borough President Gale Brewer.

Approved unanimously on March 12, 2015.

Arva R. Rice  
Commissioner

Malini Cadambi Daniel  
Commissioner



Elaine S. Reiss, Esq.  
Commissioner



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Gale A. Brewer, Borough President

To: All MBPO Staff  
From: Gale A. Brewer, Manhattan Borough President *gwb*  
Date: March 6, 2015  
Re: EEO Investigation Procedures

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Following the Equal Employment Practices Commission (EEOC)'s Audit, Evaluation and Monitoring of the Manhattan Borough President Office's Discrimination Complaint and Investigation Procedures for the period prior to this administration, January 1, 2012 to December 31, 2013, three corrective actions were required as stated below:

1. A Confidential Written Report must be issued within 90 days of the date the discrimination complaint is filed, although the investigation will be commenced immediately.
2. In the circumstances where a confidential report cannot be issued within 90 days or the investigation cannot commence immediately, a note should be made detailing the reason for the delay and the projected time frame of the completion of the report. Both the complainant and the respondent should be notified of the delay in writing.
3. The head of the Manhattan Borough President Office must review the Equal Employment Opportunity professional's report; signing each final determination to indicate it has been reviewed and adopted.

In response to these required corrective actions, the Manhattan Borough President Office and its EEO Officers have promulgated the attached MBPO EEO Complaint Investigation Procedure to inform all MBPO employees of the procedures that will be followed in the investigation of complaints and to ensure the corrective actions required by the Equal Employment Practices Commission are implemented. This procedure has been approved by the EEOC. Please keep it in your records.

The Manhattan Borough President Office is fully committed to ensuring Equal Employment, Equal Opportunity, Diversity and inclusion for all its employees. Any alleged violation of the Manhattan Borough President Office's EEO Policy will be taken very seriously and fully investigated.

Thank you.