

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #09/26-011:** Preliminary Determination Pursuant to the Audit of the Bronx Borough President Office's (BxBPO) Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007.

**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**, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), 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**, the Equal Employment Practices Commission audited the Bronx Borough President Office'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 Bronx Borough President Office's 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. The BxBPO did not issue a Sexual Harassment Prevention Policy Statement.
2. The EEO Policies were last distributed in October 2007. (Sect. VB Citywide EEOP)
3. The EEO Policies were not available in alternate formats for use by persons with disabilities (Sect. VB, Citywide EEOP)
4. The BxBPO does not participate in the Section 55-A Program. (Sect. IIB, Citywide EEOP)
5. The BxBPO did not have a male EEO professional, trained and available, for complaint intake and investigation. (Sect. VB, Citywide EEOP)

6. The BxBPO did not have a format in which to log discrimination complaints. (DCAS, DCPIG, 1993, sect. 12(a))
7. The BxBPO did not conduct EEO training since 2004. (Sect. VC, Citywide Policy)
8. The EEO officer did not maintain documentation of regularly scheduled meetings with the Borough President. (Commission's Position)
9. The BxBPO organization chart did not show a reporting relationship between the EEO officer and the agency head. (Sect. VB, Citywide Policy)
10. The BxBPO did not provide structured interview training to personnel involved in the recruitment and hiring process. (Sect. IV, Citywide EEOP)
11. The BxBPO did not formerly analyze its 2006 workforce data to determine if women and/or minorities are underrepresented in particular job categories. (Sect. IV, Citywide EEOP)

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Bronx Borough President the Honorable Ruben Diaz, Jr. Esq., 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 this letter indicating what corrective actions the Bronx Borough President Office's will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on December 10, 2009.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

**Arva A. Rice**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair

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

**RESOLUTION #10/08-011C:** Determination of implementation by the Bronx Borough President's Office of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Bronx Borough President's Office's Charter-mandated Equal Employment Opportunity Program from July 1, 2005 to June 30, 2007.

**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 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 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**, the Bronx Borough President's Office has issued its own Equal Employment Opportunity Policy to ensure and further the principles of equal employment opportunity in compliance with City, State and Federal anti-discrimination laws; and

**Whereas**, pursuant to its audit of the Bronx Borough President's Office's (BXPBO) Equal Employment Opportunity Policy, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter December 10, 2009 setting forth its findings and recommended corrective actions; and

**Whereas**, the BXPBO submitted its response to EEPC's preliminary determination letter on January 29, 2010; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a letter to initiate audit compliance on February 5, 2010; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the BXPBO for a period not to exceed six months, from March 2010 through August 2010, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the Bronx Borough President's Office submitted its Final Compliance Report on August 10, 2010; and

**Whereas**, all of the aforementioned recommended corrective actions are required by, or are consistent with, the Bronx Borough President's Equal Employment Opportunity Policy; and

**Whereas**, the members of this Commission have reviewed a Summary Compliance Report prepared by the EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

**Be It Resolved,**

that the Bronx Borough President's Office has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the City Charter.

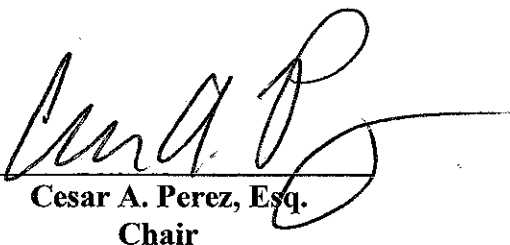
**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Honorable Ruben Diaz, Jr., formally informing him that the Bronx Borough President's Office has implemented the recommended corrective actions to the Commission's satisfaction.

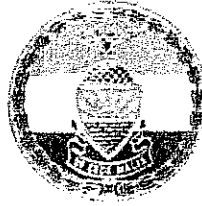
Approved unanimously on September 15, 2010.

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner



Cesar A. Perez, Esq.  
Chair



**Bronx Borough President Ruben Diaz Jr.**

**Memo**

To: All Staff  
From: Ruben Diaz Jr. *R.D.J.*  
Date: August 10, 2010  
Re: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEPC) conducts audits of the Equal Employment Opportunity Program of all city agencies. The Equal Employment Practices Commission has completed an audit of our agency's compliance covering the period of July 1, 2005 to July 1, 2007. The EEPC made recommendations to enhance the Bx. BP's EEO Program.

The following recommendations from the EEPC and our steps to comply are as follows:

**EEPC Recommendation # 1:** The Bronx Borough President should issue a Sexual Harassment Policy Statement and distribute it to all employees.

**Steps to Comply:** The Bronx Borough President's EEO Policy was amended to include Sexual Harassment and was distributed to all staff.

**EEPC Recommendation # 2:** It is the Commission's position that the Bronx Borough President's Office should distribute its EEO Policies to all employees at least annually. (Sect. VB, Citywide EEOP)

**Steps to Comply:** The amended EEO Policy was distributed to all staff and this agency will continue its distribution annually, as per EEPC's recommendation.

**EEPC Recommendation # 3:** The Bronx Borough President's Office should follow section VB of the Citywide EEO Policy and ensure that its EEO policies are available in formats accessible to applicants and employees with disabilities (e.g. large print, audio cassette or Braille).

**Steps to Comply:** The amended EEO Policy in large print has been distributed to all staff and has been posted on the agency's bulletin board. Because of budget constraints, we do not have Braille.

**EEPC Recommendation # 4:** The agency should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by the DCAS. (Sect. IIB, Citywide EEOP)

**Steps to Comply:** The Section 55-A Program brochure has been distributed to all staff.

**EEPC Recommendation # 5:** The Bronx Borough President's Office should appoint an individual not of the same gender as the other EEO professionals that is trained and available to investigate EEO complaints. (Sect. VB, EEOP)

**Steps to Comply:** Chris McShane has been appointed to be an EEO Counselor and has received formal training from DCAS.

**EEPC Recommendation # 6:** The Bronx Borough President's Office should develop a format for logging discrimination complaints. (DCAS, DCPIG, 1993, Sect. 12(a))

**Steps to Comply:** A complaint log has been developed for logging in discrimination complaints.

**EEPC Recommendation #7:** The Bronx Borough President's Office should develop a plan, which includes a timetable, to provide EEO training to all employees who have not received it. (Sect. VC, Citywide EEOP)

**Steps to Comply:** During the month of June, the Bronx Borough President's Office conducted the EEO trainings for the staff.

**EEPC Recommendation #8:** It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and the agency head or direct report to the agency head regarding EEO program operational decisions should be maintained.

**Steps to Comply:** Minutes of meetings between the EEO Officer and Chief of Staff submitted to the EEPC.

**EEPC Recommendation #9:** The Bronx Borough President's Office should revise the organizational chart to show the reporting arrangement of the EEO Officer. (Sect. VB, EEOP)

**Steps to Comply:** An Organizational Chart was submitted to the EEPC to show the reporting arrangements of the EEO Officer.

**EEPC Recommendation #10:** The BXPO should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. 1c, Citywide EEO Policy)

**Steps to Comply:** The Chief of Staff has received from the EEO Officer the "A Structured Interviewing Guide" prepared by DCAS, which he will follow and adhere in the interviewing process.

**EEPC Recommendation #11:** The Bronx Borough President's Office should formally analyze its workforce data to determine if women and/or minorities are underrepresented in particular job categories. (Sect. IV, EEOP)

**Steps to Comply:** A current workforce analysis was submitted to the EEPC. It was formally analyzed in comparison with the CEEDS report provided by DCAS.

**EEPC Recommendation #12:** If the Bronx Borough President's Office workforce shows under-utilization in any of the protected groups, it should further expand its recruitment efforts by developing a list of additional recruitment resources targeted toward these groups. The Bronx Borough President's Office should use this list for subsequent recruitment efforts in these job groups until underutilization is eliminated. (Sect. IV, EEOP)

**Steps to Comply:** The analysis showed a slight under-utilization of the protected groups. We will continue to monitor our workforce and ensure that all minorities and women are well-represented in the Bronx Borough President's Office.

**EEPC Recommendation #13:** The Bronx Borough President should disseminate an agency-wide memorandum to discuss audit findings.

**Steps to Comply:** This memo will comply with this recommendation.

As Borough President, I reaffirm the agency's commitment to maintaining fair employment practices for all employees. The Bronx Borough President's Office is committed to preventing discrimination and encouraging a work environment of that tolerates and appreciates differences among employees. We will continue to work to ensure and maintain an atmosphere of respect and diversity in our agency.