

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #08/15-013: Preliminary Determination Pursuant to the Audit of the Queens Borough President Office's (QBPO) 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 Queens 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 Queens 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 QBPO did not distribute the EEO Policy since 2006.
2. The QBPO EEO Policy does not contain the male Co-EEO officer's contact information. (Sect. VB, Citywide EEOP)
3. The QBPO's EEO Policy does not contain the correct language for one of the "protected classes"—"status as a victim of domestic violence." (Sect. I, Citywide EEOP)
4. One of the four job vacancy notices submitted does not contain the EEO tag line. (Sect. IV, Citywide EEOP)

5. The QBPO did not officially notify staff of the appointment of the disability rights coordinator. (Sect. VB, Citywide EEOP)
6. The male Co-EEO officer has not received appropriate EEO training. (Sect. VB, Citywide Policy)
7. The agency's EEO officer did not maintain a monthly EEO complaint log. (DCAS, DCPIG, 1993, sect. 12(a))
8. The internal complaint file submitted did not contain a discrimination complaint intake form. (DCAS, DCPIG, 1993, sect. 12(b))
9. The internal complaint file submitted did not contain a written notice of discrimination complaint to the respondent. (DCAS, DCPIG, 1993, sect. 12(b)).
10. The internal complaint file submitted did not include the investigators' interview notes.
11. The QBPO's "Confidential Written Report" was not addressed to or signed by the agency head. (DCAS, DCPIG, 1993, Sect. 12(b))
12. The Co-EEO officers' confidential written report was not prepared in accordance with the DCPIG: i.e., divided into three sections entitled "Findings of Facts," "Discussion and Conclusion," and "Recommendation." (DCAS, DCPIG, 1993, sect. 12(b))
13. The internal investigative report was not labeled "confidential." (DCAS, DCPIG, 1993, sect. 12(b))
14. The agency did not conduct EEO training since the audit period (2005). (Sect. VC, Citywide Policy)
15. Although the Co-EEO officers did have regularly scheduled meetings with the chief of staff, they did not maintain documentation of such meetings.
16. The organizational chart submitted to EEPC did not show a reporting relationship between the Co-EEO officers and the direct report to the agency head.
17. The Co-EEO officers are not involved in developing job recruitment strategies and selecting recruitment media. (Sect. VC, Citywide EEO Policy)
18. The QBPO has not provided structured interview training to personnel involved in the recruitment and hiring process. (Sect. IV, Citywide EEOP)
19. Thirty-three percent of the survey respondents said they did not see the agency's job vacancy postings on agency bulletin boards prior to the application deadlines. Twenty-five percent said they did not remember. (DCAS, Personnel Services Bulletin No. 200-9, June 30, 1998)

Be It Finally Resolved,
that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Queens Borough President the Honorable Helen Marshall, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipts of the letter indicating what corrective actions the Queens Borough President Office's will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on June 19, 2008.

Angela Cabrera
Commissioner

Manuel A. Méndez
Vice-Chair

Veronica Villanueva, Esq.
Commissioner



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #09/12-013C: Determination of implementation by the Queens Borough President's Office of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Queens 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, pursuant to its audit of the Queens Borough President's Office (QBPO), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter June 19, 2008 setting forth its findings and recommended corrective actions; and

Whereas, the QBPO submitted its response to EEPC's preliminary determination letter on July 17, 2008; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on August 5, 2008 identifying those recommendations accepted and rejected by QBPO; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the QBPO for a period not to exceed six months, from December 2008 through May 2009, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Queens Borough President's Office submitted its Final Compliance Report on July 7, 2009; 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 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 Queens 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,

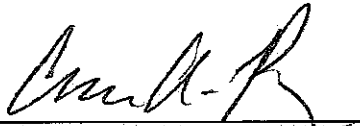
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Honorable Helen Marshall, formally informing her that the Queens Borough President's Office has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on July 16, 2009.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair

HELEN MARSHALL
PRESIDENT



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CITY OF NEW YORK
OFFICE OF THE
PRESIDENT OF THE BOROUGH OF QUEENS
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MEMORANDUM

TO: All Staff

FROM: Borough President Helen Marshall

DATE: July 17, 2008

RE: The Queens Borough President's Office's
Equal Employment Opportunity Policy

The purpose of this memorandum is to thank you all for your ongoing commitment to the Borough President's Equal Employment Opportunity policy ("EEO policy") and to advise you of recent changes in that policy.

The New York City Equal Employment Practices Commission (the "EEPC") recently completed an EEO policy audit of our office. Since I strongly believe in the principles contained in the EEO policy, I had asked everyone on staff to give their full cooperation to those who conducted the audit on behalf of the EEPC. I am proud to tell you that most of the recommendations that resulted from the audit were procedural or administrative in nature.

We are, of course, implementing all of the EEPC's recommendations. In this memorandum, I will share with you the most significant changes in our EEO policy. If you would like to see all the changes we have implemented in response to the EEPC audit, you can get a copy of our letter to the EEPC from either the Director of Personnel or from Counsel's Office.

As you know, this office's two EEO officers are Lisa

Atkins and Irving Poy. I want to thank them both for volunteering to perform this important service, above and beyond their regular duties. In addition, Lisa and Irving have been designated to serve as our office's co-disability rights coordinators. Do not hesitate to consult them if you have any questions or concerns related to EEO or disability issues.

We will be re-distributing our EEO policy this month, and, from now on, we will distribute the policy annually. In the EEO policy you will receive this month, note that in the section dealing with protected classes, the changes include being a witness to (in addition to being a victim of) domestic violence.

The Borough President's Office continues to post city and office job vacancy notices in the Director of Personnel's Office. If you have any questions about these notices, please see Susanne Marchetti. Also, we are in the process of planning a new round of EEO training for our entire staff. We will let you know as soon as we have set the date for the training.

Again, I want to emphasize the importance of our observing the principles embodied in our EEO policy, especially in an office as diverse as ours, and I want to thank you for your continuing adherence to those principles.