

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

RESOLUTION #01/22-067: Preliminary Determination Pursuant to the Audit of the Administration for Children's Services and its Compliance with the City's Equal Employment Opportunity Policy from July 1, 1997 to December 31, 1999.

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) 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 Administration for Children's Services' compliance with the City's Equal Employment Opportunity Policy; 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 Administration for Children's Services (ACS) and its compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Although the agency's EEO policies were posted on agency bulletin boards during the audit period, the EEO Office did not conduct on-site visits to inspect the bulletin boards.
2. Twelve of the 15 (80%) supervisors/managers interviewed by EEPC auditors indicated that the agency had never evaluated their EEO performance.
3. During the latter part and end of the audit period, the agency did not have individuals of both sexes to receive and investigate discrimination complaints.
4. All of the EEO Officer's findings and recommendations in the internal complaints filed during the audit period were issued after the 90-day time frame required by the EEOP's Discrimination Complaint Procedures Implementation Guidelines.
5. ACS does not utilize EEO Counselors.
6. Only one of the four job advertisements submitted by ACS were placed in minority-oriented publications.

7. Only employees in the personnel department were directed to attend structured interview training.
8. ACS did not conduct adverse impact studies.
9. The agency did not appoint a Career Counselor.
10. The EEO Officer was not involved in developing or reviewing job recruitment strategies.
11. Due to the large number of discrimination complaints filed, the EEO Officer needs two additional investigators.
12. Although the EEO Officer directed supervisors and managers to discuss the agency's EEO policies with their subordinates, there was no way of routinely ensuring that those meetings took place.
13. The EEO Officer does not have access to the race and sex data of the agency's employees after that information is initially captured during the hiring process.
14. Seventy-four percent of employees surveyed by the Commission do not know who the EEO Officer is.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the Administration for Children's Services, Nicholas Scoppetta, 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 Administration for Children's Services will take to bring the agency into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on April 26, 2001.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Manuel A. Mendez
Commissioner


Frank R. Nicolazzi
Vice-Chairman

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

RESOLUTION # 03/02-Sect. 832R Determination to issue a Report to the Mayor pursuant to the failure by the New York City Administration for Children's Services (ACS) to implement certain recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of ACS's compliance with the City's Equal Employment Opportunity Program (EEOP).

Whereas, pursuant to Chapter 36, Section 831(d)(2) and (5) 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 its audit of the Administration for Children's Services, the Equal Employment Practices Commission issued a preliminary determination letter, dated April 26, 2001 setting forth its findings and recommended corrective actions; and

Whereas, ACS's compliance period was delayed because ACS did not respond to three attempts by EEPC in the year 2001 to initiate compliance; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the New York City Charter, the EEPC monitored ACS for six months, from March 2002 through August 2002, to determine whether it implemented the aforementioned recommended corrective actions; 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, in accordance with Chapter 36, Section 832 (c) of the New York City Charter, the EEPC issued its final determination Letter on December 11, 2002 identifying those recommendations accepted and rejected by ACS; and

Whereas, in response to EEPC's Final Determination Letter, ACS submitted a response under the signature of Deputy Commissioner John Benanti on March 4, 2003; and

Whereas, EEPC forwarded a letter to Commissioner William C. Bell on May 22, 2003 indicating that the Commission rejected ACS' response because it was not in accordance with Section 815(a)(19) of the New York City Charter, and requested that ACS forward a response to the Commission under his signature; and

Whereas, on April 30, 2003 ACS submitted a response to the December 11, 2002 final determination letter, signed by Commissioner William C. Bell, indicating that all but four of the

Commission's recommended corrective actions have been satisfactorily implemented; and

Whereas, on May 22, 2003 EEPC forwarded a letter to Commissioner William C. Bell indicating that ACS has failed to provide documentation to show that it has implemented the four outstanding corrective actions and further indicating that the Commission will consider adopting a resolution to issue a report to the mayor. Now therefore,

Be It Resolved,

that the Administration for Children's Services has only implemented ten of the fourteen 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 Further Resolved,

that pursuant to Section 832 (c) of the New York City Charter, the Commission authorizes the Vice-Chairman to notify ACS in writing that it has not implemented all of the recommended corrective actions and within seven days thereafter, to publish a report and recommend to the Mayor those appropriate corrective actions that the Commission deems necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the New York City Charter.

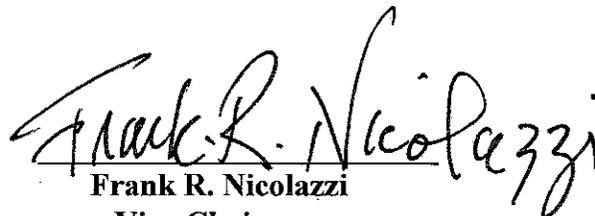
Be It Finally Resolved,

that a copy of the report, accompanied by a letter, be forwarded to the Commissioner of the ACS informing him of his charter-mandated requirements pursuant to sections 815 (a) (15) and (19) and Section 832 (c) of the New York City Charter.

Approved unanimously on June 30, 2003.

Angela Cabrera
Commissioner

C. Catherine Rimokh, Esq.
Commissioner


Frank R. Nicolazzi
Vice-Chairman



Administration for Children's Services

150 William Street – 18th Floor
New York, New York 10038

WILLIAM C. BELL
Commissioner

MEMORANDUM

DATE: October 8, 2002

TO: ACS Staff

FROM: William C. Bell

SUBJECT: Equal Employment Practices Commission Audit

The Equal Employment Practices Commission (EEOC) conducts audits of the Equal Employment Offices (EEO) of all city agencies. The most recent audit of the Administration for Children's Services Equal Employment Office covered a six month period, ending on August 31, 2002.

The EEOC made several recommendations to enhance the EEO practices of ACS, many of which have already been implemented. Some of these recommendations include:

- monitoring of agency bulletin boards to ensure the posting of EEO policy statements in ACS sites throughout the city;
- ensuring that structured interview training is provided to all employees involved in interviewing through DCAS;
- having supervisors and managers hold documented meetings with staff emphasizing their commitment to the EEO policies and to reaffirm the right of each employee to file a discrimination complaint with the EEO office; and
- disseminating written notification of the identity, location and telephone number of the agency's EEO officer.

I reaffirm ACS's strong commitment to maintaining fair employment practices for all employees and job applicants. It is essential that ACS prevent discrimination and ensure that all employees are aware of their rights and obligations under this policy. We should all encourage a work environment that tolerates and appreciates differences among employees and work together to maintain an atmosphere of appreciation for the diversity that is reflected in our staff.

All employees are encouraged to utilize the resources available within ACS and to address any concerns to ACS's EEO Officer, Mary Ann Salley, at (212) 487-8604.