

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #12/31-125: Preliminary Determination Pursuant to the Audit of the Department for the Aging's (DFTA) Equal Employment Opportunity Program from January 1, 2009 through December 31, 2011.

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 Department for the Aging'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 Department for the Aging's compliance with the City's Equal Employment Opportunity Policy (EEOP), as well as Commission policies and EEO standards expressed in the City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Although the agency appointed a DRC and notified staff of the identity of this individual via email, 55% of respondents to the *EEPC's Employee Survey* indicated they did not know who the agency's DRC is.
2. Two internal discrimination complaint files did not contain a complaint that captured the required information or a *Discrimination Complaint Intake Form* or an *Agency Complaint of Discrimination Based on Anonymous/Oral Complaint Form*
3. One internal discrimination complaint file did not contain a written *Notice of Discrimination Complaint* to the respondent or receipt regarding the service of notice on the respondent.
4. One internal discrimination complaint file's confidential investigative report/determination did not include an indication of the *Agency Head's Review*. Another investigative report was not labeled "confidential."

5. The agency did not document that non-managerial and managerial employees were evaluated on an annual basis.
6. Although the agency appointed a Career Counselor, it did not inform employees of the appointment.
7. Although supervisors and managers were directed to emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office annually during normal staff meetings, the agency did not maintain documentation to reflect implementation of this directive.

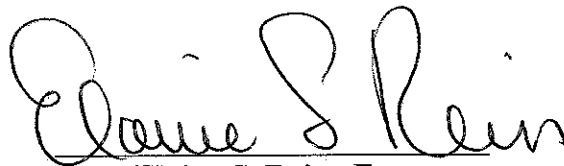
Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner Lilliam Barrios-Paoli, 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 Department for the Aging will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on October 18, 2012.

Malini Cadambi Daniel
Commissioner

Arva R. Rice
Commissioner

A handwritten signature in black ink, reading "Elaine S. Reiss". The signature is written in a cursive style with a horizontal line underneath the name.

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #13/16-125C: Determination of **Compliance** by the Department for the Aging with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program.

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 Department for the Aging's (DFTA) EEO Program, the Equal Employment Practices Commission (EEPC or Commission) issued a preliminary determination letter, dated October 23, 2012, setting forth its findings and required corrective actions; and

Whereas, the DFTA submitted its response to the EEPC's preliminary determination letter, on November 29, 2012 with documentation of its actions to rectify the areas of non-compliance identified in the preliminary determination; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a final determination on December 11, 2012, including such recommended corrective action as the Commission deemed appropriate; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the DFTA for a period not to exceed six months, from January, 2013 through June, 2013, to determine whether it implemented the aforementioned required corrective actions; and

Whereas, the DFTA implemented Corrective Action #1, which states: To ensure that all employees are aware of the person responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities, the HR/Personnel Officer should re-distribute the identity of the Disability Rights Coordinator; and

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CITY OF NEW YORK**

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Whereas, the DFTA implemented Corrective Action #2, which states: Each complaint file should include a Discrimination Complaint Form or a complaint that captures: the facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination; and

Whereas, the DFTA implemented Corrective Action #3, which states: The EEO Officer/Counselor should serve the respondent with a notice of complaint (or another document that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice) along with a copy of the complaint. The EEO Officer should keep receipts regarding the service of notice on the respondent in the complaint file; and

Whereas, the DFTA implemented Corrective Action #4, which states: At the conclusion of an investigation, the agency head should review the EEO Officer's determination (which should consist of Facts, Analysis, Conclusion, Recommendations and a label of "Confidential") and promptly issue a written/electronic determination adopting, rejecting, or modifying the recommended action. The agency head should sign (in writing or electronically) each final determination to indicate that it has been reviewed and adopted; and

Whereas, the DFTA implemented Corrective Action #5, which states: The agency should develop a plan, which includes a timetable, to provide annual performance evaluations to all managerial and non-managerial employees in the agency; and

Whereas, the DFTA implemented Corrective Action #6, which states: The HR/Personnel Officer should re-distribute the identity of the agency's Career Counselor to remind employees of the identity and type of guidance available and ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; and

Whereas, the DFTA implemented Corrective Action #7, which states: Staff meetings during which managers and supervisors emphasize their commitment to the EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office (at least once per year) should be documented.

Whereas, since Section 815.a.(15) of the New York City the Charter requires the agency head to ensure and promote equal employment opportunity, after implementation of the above recommendations, on June 21, 2013, the agency head distributed a memorandum to all staff informing them of the changes that have been implemented in the agency's EEO program pursuant to the EEPC's audit. This memorandum re-emphasized the agency head's commitment to the agency's Equal Employment Opportunity Program; and

Whereas, all of the EEPC's required corrective actions 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,

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Whereas, all of the EEPC's required corrective actions 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 New York City Department for the Aging has implemented the required 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,

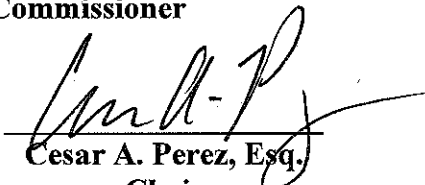
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward this Determination to Lilliam Barrios-Paoli, Commissioner for the Department for the Aging.

Approved unanimously on August 15, 2013.

Arva R. Rice
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Malini Cadambi Daniel
Commissioner



Cesar A. Perez, Esq.
Chair



Lilliam Barrios-Paoli
Commissioner

2 Lafayette Street
New York, New York 10007

212 442 1100 tel
212 442 1095 fax

June 21, 2013

Dear Staff:

As we end FY 2013, I take the opportunity to reaffirm that the New York City Department for the Aging (DFTA) continues its commitment to being an Equal Employment Opportunity (EEO) employer. Fairness, equality and respect for diversity are the hallmarks of this commitment which I expect we all share.

I am pleased to inform you that DFTA has complied with the Equal Employment Practices Commission's (EEPC) recommendations which resulted from the EEPC audit for FY 2009 – FY 2011. The EEPC audit did not reveal any significant issues regarding DFTA's Equal Employment Opportunity Program. Seven recommendations were made, which we have implemented in accordance with the EEPC findings.

The following outlines DFTA's audit implementation responses:

1. In order to ensure that all DFTA staff is aware that Digna Sánchez, EEO Officer is also DFTA's Disability Rights Coordinator a roster of all EEO related personnel was placed on the EEO bulletin boards on all DFTA floors at 2 Lafayette Street and 40 Worth Street. The roster included the following:
 - a. Digna Sánchez, EEO Officer and Disability Rights Coordinator (212-442-1295)
 - b. Gabriel Oberfield (212-566-4507) and Kim Hernandez (212-442-1059) – EEO Counselors/ Investigators
 - c. Robert Lorenzo, Director of HR and of the 55A Program (212-442-1136)
 - d. Jeanmarie Weber, Career Counselor (212-442-1141)
 - e. Althea Scales, Veteran's Rights (212-442-1074)
2. A Discrimination Complaint Form will be included in all complaint files.
3. The respondent in a complaint will be given a copy of the complaint and a copy will be placed in the files. A receipt attesting to this will



- also be kept in the complaint file.
4. At the conclusion of the complaint investigation, determinations issued by the EEO Officer will be labeled confidential and kept on file. The Agency Head will review and sign his or her approval, rejection or modification of the recommended action.
 5. DFTA implemented a schedule that ensured managerial and non-managerial employees were evaluated during the six month compliance monitoring period.
 6. The EEO FY 2013 Annual Affirmation meetings were held during the months of May and June. Managers and supervisors stressed their commitment to DFTA's EEO policies. At each meeting a refresher session was conducted where staff was informed of their rights and of how to file a complaint with DFTA's EEO officer or how to request a reasonable accommodation.

While we have staff dedicated to the implementation of EEO principles at DFTA, I also expect all of you to uphold your responsibility to promote an environment in which all of us can thrive together.

Thank you to your continued commitment to improving the lives of older New Yorkers, and for the respect you extend each day to your colleagues.

Sincerely,

A handwritten signature in black ink, appearing to read "Lilliam Barrios-Paoli". The signature is stylized and includes a large flourish at the end.

Lilliam Barrios-Paoli
Commissioner