

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #99/01-126: Preliminary Determination Pursuant to the Audit of the Department of Cultural Affairs and its compliance with the City Charter-mandated Affirmative Employment Plan from April 1, 1994 to September 30, 1996.

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 Department of Cultural Affairs's compliance with the Affirmative Employment Plan; 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 of Cultural Affairs (DFTA) and its compliance with the City Charter-mandated Affirmative Employment Plan (AEP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. EEO and Sexual Harassment Policy Statements were not distributed on an annual basis.
2. The AEP was not available in a format accessible to employees and applicants with disabilities.
3. The EEO officer did not hold documented meetings with supervisors/managers to discuss their rights and responsibilities under the AEP.
4. Supervisors did not uniformly discuss the AEP and with their staffs.
5. The AEP was not uniformly available to supervisors; sixty percent of survey respondents did not know how to obtain a copy of the AEP
6. Eighty-nine percent of survey respondents were not familiar with the AEP
7. The performance evaluation for managers did not include EEO related criteria.

8. Employees were not provided with information on the 55-a Program and their right to reasonable accommodation.
9. The EEO Officer was not aware of whether DCLA's offices are accessible to the disabled.
10. DCLA did not have records pertaining to whether it had converted any positions under the 55-a Program.
11. DCLA did not have a male employee available to counsel and take complaints.
12. DCLA's written Discrimination Complaint Procedure is inadequate.
13. The EEO Officer did not hold regular meetings with EEO counselors.
14. Sixty percent of employee survey respondents indicated that they did not know how to file an EEO complaint.
15. Annual preventive sexual harassment training was not provided to employees.
16. DCLA did not advertise positions where women and /or minorities had been underutilized in publications targeted to women and minorities.
17. DCLA did not indicate whether it incorporates EEO requirements into agency recruitment strategies.
18. DCLA did not review any criteria or devices used for selecting, evaluating or promoting employees to determine if there was a disparate impact on minorities or women.
19. DCLA has not analyzed whether minority and women applicants are rejected at a higher rate as compared to white and male candidates.
20. Structured interview training for staff involved in interviewing was not provided.
21. There is no record indicating that the EEO Officer discussed equal employment issues with DCLA's Commissioner.
22. DCLA did not ensure adequate staff time to EEO activities. The EEO Officer did not appear to have the depth of understanding of EEO requirements and concepts normally possessed by EEO professionals in other agencies.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the Department of Cultural Affairs, Schuyler Chapin, 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 Department of Cultural Affairs will take to bring the agency in compliance

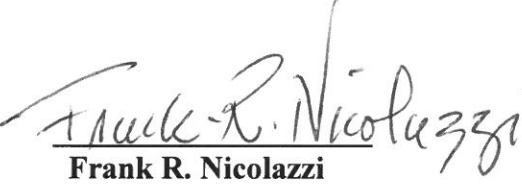
with the New York City Equal Employment Opportunity Policy.

Approved unanimously on January 7, 1999

Angela Cabrera
Commissioner

Manuel A. Mendez
Commissioner

Jeanette Diaz, Esq.
Commissioner


Frank R. Nicolazzi
Vice-Chairman

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #99/11-126C. Determination of implementation by the Department of Cultural Affairs of recommended corrective actions made by the EEPC pursuant to its audit of the New York City Department of Employment's Affirmative Employment Plan from April 1, 1994 to September 30, 1996.

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 New York City Department of Cultural Affairs, the Equal Employment Practices Commission issued a preliminary determination letter, dated January 7, 1999 setting forth its findings and recommended corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC monitored the New York City Department of Cultural Affairs for six months, from April 1999 through September 1999, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, all of the aforementioned recommended corrective actions are required by the City's Equal Employment Opportunity Policy which replaced the former Affirmative Employment Plan (AEP). Now, Therefore,

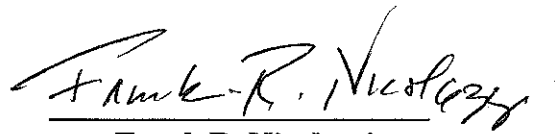
Be It Resolved,
that the New York City Department of Cultural Affairs has fully implemented all recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapter 35 and 36 of the City Charter.

Be It Finally Resolved,
that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the New York City Department of Cultural Affairs, Schuyler G. Chapin, formally informing him that the agency has implemented all recommended corrective actions to the Commission's satisfaction.

Approved unanimously on November 10th, 1999.

Manuel Mendez
Commissioner

Angela Cabrera
Commissioner

A handwritten signature in cursive script, reading "Frank R. Nicolazzi". The signature is written in dark ink and is positioned above a horizontal line.

Frank R. Nicolazzi
Vice-Chair



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New York, New York 10036

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SCHUYLER G. CHAPIN, COMMISSIONER

MEMORANDUM

TO: Department of Cultural Affairs Employees

FROM: Schuyler G. Chapin, Commissioner

RE: Equal Employment Practices Commission Audit

DATE: June 11, 1999

A handwritten signature in dark ink, appearing to read "Schuyler G. Chapin", is written over the "FROM:" line of the memorandum.

The Equal Employment Practices Commission (EEOC) has completed an audit of our agency's compliance with the City's Equal Employment Opportunity Program. The audit specifically addressed the thirty-month period from April 1, 1994 through September 30, 1996. However, the auditors also looked at our current practices and conducted a mail-in survey of our staff to ascertain how effectively the agency is addressing EEO issues. We are pleased to report that the major portion of the recommendations for corrective action that the EEOC listed for our agency have already been put into place. Although we are proud of our accomplishments, I would like to call your attention to several areas where we will be making improvements in the delivery of our EEO Program to better serve you.

- Our EEO Policy has been updated with the names of the current EEO Officer, Sara Gage, and our EEO Counselors, Margaret Markey and Lou Acierno, prominently listed on page 5. If you have not already done so, I would urge you to make note of this information and review the Policy Manual to familiarize yourself with the Anti-Discrimination Protections, the Sexual Harassment Policy, the Disabilities Policy and the Discrimination Complaint Procedures. Although these areas of concern were covered in our EEO Training, they are important aspects of our work life and merit further review.
- The EEO Policy Manual is available in large print in the Personnel area where job postings and information about Civil Service exams are posted. An audio tape of the EEO Policy will also be made available in the same area. We hope to have the latter in place by the end of the summer.
- We will be updating all managerial and supervisory performance evaluations to include accountability for EEO functions. Managers and supervisors are responsible for possessing a thorough understanding of EEO Policy and creating an environment where there is equality of job opportunities. Managers are also responsible for disseminating EEO related information to all staff in their Units.
- Citywide EEO Policy requires that we provide career counseling for employees from a staff person knowledgeable in Civil Service law and provisional jobs in City government. Our Director of Personnel/ EEO Officer, Sara Gage, is available to provide counseling in these areas to all

employees who request it. All information about civil service exams , filing periods, exam applications, Citywide job postings and job postings for arts and cultural organizations is available in the Personnel area. Ms. Gage keeps this information current for all employees on a weekly basis.

I would like to encourage all staff to make use of the resources that we have available in our agency to address your EEO concerns. I would also like to take this opportunity to express again how important it is for all of us to maintain a bias-free and non-discriminatory workplace. I am committed to strengthening the EEO Program at Cultural Affairs and urge you to do the same.