

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #11/05-131: Preliminary Determination Pursuant to the Audit of the Office of Payroll Administration's (OPA) Equal Employment Opportunity Program from January 1, 2007 through December 31, 2009.

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 OPA'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 OPA'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 agency's recruitment literature did not say the agency is an Equal Opportunity Employer. (Sect. IV, EEOP)
2. The 1 Centre Street facility (2nd Floor North Room 241N) is not fully accessible and usable by persons with disabilities. (Sect. VB, EEOP)
3. The agency did not conduct a formal assessment of its recruitment efforts for discretionary positions to determine whether it should add resources specifically geared toward any particular racial, ethnic, disability or gender group. (Sect. IV, EEOP)

4. The agency did not assess the manner in which candidates were selected for discretionary positions to determine whether there is adverse impact upon any particular racial, ethnic, disability or gender group. (Sect. IV, EEOP)
5. Fifty- five percent of the respondents to the *EEPC's Manager/Supervisor Survey* indicated they did not discuss the agency's commitment to the principle of equal employment opportunity during staff meetings at least twice within the past year. Also, 67% of the respondents to the *EEPC's Manager/Supervisor Survey* indicated they did not discuss the right of employees to file discrimination complaints with the EEO office during staff meetings at least twice within the past year. No documentation was maintained. (DCAS, Model Agency EEO Commitment Memo and EEPC Position)
6. The agency's organization chart does not show a reporting relationship between the EEO Officer and the agency head.
7. Although the EEO Officer reports directly to the Executive Director on EEO matters and meets with him as needed; she did not keep notes of those meetings. (Sect. VB, EEOP, and EEPC Position)
8. The agency did not submit annual reports to the EEPC for FY 2006, FY2007, and FY 2008. (Sect. VB, EEOP and Sect. 815(i), New York City Charter)

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Interim Executive Director, Robert Townsend 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 OPA will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on June 30, 2011.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair

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

RESOLUTION #12/06-131C: Determination of implementation by the Office of Payroll Administration of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Office of Payroll Administration's Charter-mandated Equal Employment Opportunity Program from January 1, 2007 to December 31, 2009.

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 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 Office of Payroll Administration's (OPA) Equal Employment Opportunity Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated June 30, 2011, setting forth its findings and recommended corrective actions; and

Whereas, the OPA submitted its response to the EEPC's preliminary determination letter, on July 29, 2011; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a letter in lieu of a final determination on August 5, 2011, confirming the OPA's agreement with all audit recommendations; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the OPA for a period not to exceed six months, from September 1, 2011 – February 29, 2012, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Office of Payroll Administration submitted its Final Compliance Report on March 7, 2012; 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 Compliance Summary Report prepared by EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the Office of Payroll Administration 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,

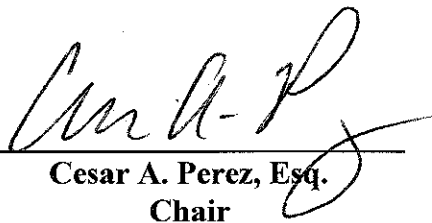
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Office of Payroll Administration, Executive Director, Robert W. Townsend, formally informing him that the OPA has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on April 12, 2012.

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva R. Rice
Commissioner


Cesar A. Perez, Esq.
Chair



OFFICE OF PAYROLL ADMINISTRATION
One Centre Street, Room 200N, New York, New York 10007

ROBERT W. TOWNSEND
Executive Director
www.nyc.gov/payroll

MEMORANDUM

To: OPA Staff

From: Robert W. Townsend 

Date: August 2, 2011

Subject: Implementation of Recommendations – Equal Employment Practices Commission Audit

The Office of Payroll Administration has recently undergone a routine scheduled audit by the Equal Employment Practices Commission (EEPC). This audit is conducted periodically to ensure each agency's continued compliance with the City's Equal Employment Opportunity Policy (EEOP).

The audit methodology used by the EEPC included their analysis of OPA's EEO documentation; their interview of OPA's EEO officer, EEO Counselors, Career Counselor; and a survey to which you may have responded.

The findings of the audit indicated that OPA is in compliance with substantive requirements of the EEOP. OPA has also enhanced its practices to comply with the following EEPC recommendations:

- All OPA recruitment literature will now indicate that the agency and the City of New York is an equal opportunity employer.
- Elaine Doria, our EEO Officer, now reports directly to the Agency Head, on all EEO matters.
- The EEO Officer and Personnel Officer will review workforce information to determine the necessity to expand the agency's current recruitment resources.
- The OPA will conduct Disparate Impact Analysis to assess the manner in which candidates were selected and determine if there is an adverse impact upon a protected group.
- The OPA will submit all required reports to the EEPC in a timely manner.
- OPA management will continue to reemphasize its EEO commitment and document these discussions.

I am sure that you will join me in continuing support of the Equal Employment Opportunity Policy, and that together we can ensure a workplace free of discrimination and harassment, one which encourages respect for the diversity of backgrounds represented at OPA.

I encourage staff to make use of the resources that we have available in our agency to address EEO concerns.

cc: E. Doria