

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

RESOLUTION #97/03-226: Preliminary Determinations Pursuant to the Audit of the City Commission on Human Rights 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 City Commission on Human Rights' compliance with the Affirmative Employment Plan from April 1, 1994 to September 30, 1996; 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 City Commission on Human Rights (CCHR) 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. The EEO and Sexual Harassment Policy Statements are outdated and the EEO Policy Statement does not conform to DOP's model anti-discrimination statement.
2. The EEO and Sexual Harassment Policy Statements have not been posted on agency bulletin boards.
3. The EEO and Sexual Harassment Policy Statements were never distributed with employee paychecks.
4. The agency's AEP was never made available to job applicants or employees.
5. The EEO Officer did not routinely meet with all managers to discuss their rights and responsibilities under the AEP.
6. The AEP was not discussed at new employee orientation sessions.

7. Agency supervisors did not hold meetings with their staffs to discuss the AEP.
8. The AEP was not available in a format accessible to employees or applicants with disabilities.
9. The agency's AEP was never made available to the public.
10. CCHR did not conduct an accessibility study of its facilities.
11. The new hire package did not contain a form inviting disabled employees to self-identify for Affirmative Action purposes.
12. CCHR's discrimination complaint procedure is outdated and does not conform to the model agency complaint and investigation procedure developed by the Division of Citywide Equal Employment Opportunity/DCAS.
13. CCHR did not have a male and female employee to serve as EEO Counselors.
14. CCHR did not maintain a log of discrimination complaints.
15. The agency did not complete the investigation of an internal discrimination complaint within the 90-day time frame required by the EEOP's Discrimination Complaint Procedure Guidelines.
16. CCHR did not conduct preventive sexual harassment training.
17. Discrepancies exist between CCHR and CEEDS data.
-  18. CCHR did not conduct documented adverse impact studies.
-  19. The agency discontinued the collection of applicant data at the end of the audit period.
-  20. Structured interview training was not provided to all managers who conducted job interviews
21. The EEO Officer did not spend 100% of her time on EEO issues.
22. CCHR did not save copies of its internal or citywide job postings.
23. 81% of survey respondents indicated they had not received performance evaluations on an annual basis.
24. 54% of survey respondents indicated they did have a copy of the agency's discrimination complaint procedure.
25. Agency supervisors did not discuss the discrimination complaint procedure with their subordinates.

26. CCHR's managerial performance evaluation form does not contain a rating for EEO.
27. CCHR submitted only three of the ten required EEO Quarterly Reports to EEPC during the audit period.

Be it Further Resolved,

that the Commission authorizes the Chairman to forward a letter to the Chair/Commissioner of the City Commission on Human Rights, Marta B. Varela, 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 receipt of the letter indicating what corrective actions the City Commission on Human Rights will take and which recommendations it intends to incorporate into its Equal Employment Opportunity Plan in order to comply with the New York City Equal Employment Opportunity Policy; and

Be It Finally Resolved,

that the letter reflect the unanimous position of this Commission that the implementation of the Affirmative Employment Plan within the City Commission on Human Rights, during the aforementioned audit period was severely inadequate. And this Commission strongly believes that the city agency responsible for enforcing the city's Human Rights Law and investigating discrimination complaints filed by New York City government and private sector employees, must immediately improve its Equal Employment Opportunity Program for its employees.

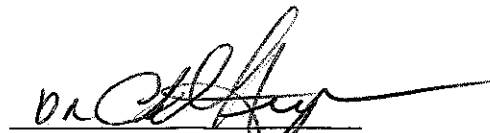
Approved unanimously on May 21, 1997.

Angela Cabrera
Commissioner

Jeannette Diaz, Esq.
Commissioner

Manuel Mendez
Commissioner

Frank Nicolazzi
Vice-Chairman


Dr. Charles Hughes
Chairman

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

RESOLUTION #99/09-226C. Determination of implementation by the City Commission on Human Rights of recommended corrective actions made by the EEPC pursuant to its audit of the New York City Commission on Human Rights' 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 Commission on Human Rights, the Equal Employment Practices Commission issued a preliminary determination letter, dated May 21, 1997 setting forth its findings and recommended corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the New York City Commission on Human Rights for a six month period commencing May 1998; to determine whether it implemented the aforementioned 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); and

Whereas, the City Commission on Human Rights submitted its Final Compliance Report in December 1998.

Whereas, the City Commission on Human Rights refused to implement one recommendation relating to the collection of data relative to the recruitment source and the reason for selection/rejection of applicants and Commissioner William J. Diamond of the Department of Citywide Administrative Services has expressed his agency's support for CCHR's position. Now, Therefore,

Be It Resolved,

that the New York City Commission on Human Rights fully has implemented twenty-seven of the twenty-eight 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 Vice-Chairman to forward a letter to the Chair/Commissioner of the City Commission on Human Rights, Marta B. Varela, formally informing her that the agency has implemented twenty-seven recommended corrective actions to the Commission's satisfaction and that the Commission will directly address the remaining disputed recommendation with the Department of Citywide Administrative Services.

Approved unanimously on September 16, 1999.

**Manuel Mendez
Commissioner**

**Angela Cabrera
Commissioner**



**Frank R. Nicolazzi
Vice-Chair**