

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

RESOLUTION #2016/466: Final Determination pursuant to the Audit: Review, Evaluation and Monitoring of the Borough of Manhattan Community College's Employment Practices and Procedures from January 1, 2014 through December 31, 2015.

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 of the Borough of Manhattan Community College's (BMCC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 26, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the *City University of New York (CUNY) Policies and Procedures on Equal Opportunity, Non-Discrimination, and Against Sexual Harassment* current contact information for the federal, state and local agencies that enforce laws against discrimination.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints, and the agency's employment policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate

in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Commission if applicable). Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, also captures the *applicants'/candidates' disability or veteran status*.
7. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
8. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the agency submitted its response to the EEPC's Preliminary Determination letter, on June 8, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 8, 2016 and indicated that corrective action(s) nos., 1-9 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from July 2016 through December 2016, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's corrective actions are required by, or 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 Commission approves issuance of this Final Determination to Dr. Antonio Perez, President of the Borough of Manhattan Community College.

Approved unanimously on September 9, 2016.



Angela Cabrera
Commissioner



Arva Rice
Commissioner



Malini Cadambi Daniel
Commissioner

Absent

Elaine S. Reiss, Esq.
Commissioner

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

RESOLUTION #2016/466C-16: Determination of **Compliance** (Monitoring Period Required) by the Borough of Manhattan Community College with the Equal Employment Practices Commission's required corrective actions pursuant to the Review, Evaluation and Monitoring of the agency's Employment Practices and Procedures from January 1, 2014 through December 31, 2015.

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 EEPCC 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 Borough of Manhattan Community College's (BMCC) Employment Practices and Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated May 26, 2016, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda to the *City University of New York (CUNY) Policies and Procedures on Equal Opportunity, Non-Discrimination, and Against Sexual Harassment* current contact information for the federal, state and local agencies that enforce laws against discrimination.
2. Ensure that the principal EEO Professional, HR Professional and General Counsel, review the annual number of EEO complaints, and the agency's employment policies and programs on an annual basis to identify whether there are barriers to equal opportunity within the agency and determine what, if any, corrective actions are required in order to correct deficiencies (e.g. underutilization or adverse impact). If necessary, consult with the Law Department, Division of Citywide Diversity and EEO, or another resource for guidance.
3. Assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, determine whether the selection criteria being utilized are job-related. Discontinue using criteria that are not job related, and adopt methods which diminish adverse impact.
4. If women, minorities, or other protected groups are underrepresented in titles where there is discretion in hiring, advertise in minority- or female-oriented publications; contact organizations serving women, minorities, and other protected groups; participate in career fairs/open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.

5. If women, minorities, or other protected groups are underrepresented in *civil service* (list) titles, review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related and required by business necessity. (This includes working with CUNY Central Civil Service Commission if applicable.) Then advertise in minority- or female-oriented publications, contact organizations serving women, minorities, and other protected groups; participate in career fairs or open houses; or use internships to attract interested persons and to develop and hire interested and qualified candidates.
6. Use and maintain an applicant/candidate log or tracking system which, in addition to the above, also captures the *applicants'/candidates' disability or veteran status*.
7. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.
8. Maintain appropriate documentation of meetings and other communications between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional regarding decisions that impact the administration and operation of the EEO program.
9. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports (up to 30 days following each quarter) on efforts to implement the plan.

Whereas, the Borough of Manhattan Community College submitted its response to the EEPC's Preliminary Determination letter, on June 8, 2016; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC considered the agency's response and issued a Final Determination on July 8, 2016, with corrective actions 1, 2, 3, 4, 5, 6, 7, 8, and 9, remaining; and

Whereas, the Borough of Manhattan Community College submitted its response to the EEPC's final determination letter, on August 23, 2016, and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the remaining corrective actions from July 2016 through December 2016, with no extension of the monitoring period; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Borough of Manhattan Community College submitted a copy of the agency head's memorandum to staff dated November 22, 2016, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPC's corrective actions are required by, or 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,

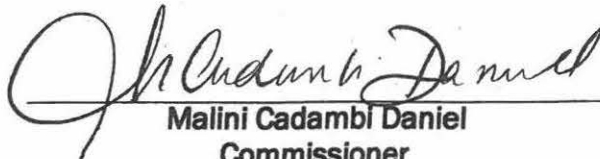
Be It Resolved, that the Borough of Manhattan Community College has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Resolved, that the Commission will forward this Final Determination to Dr. Antonio Perez, President of the Borough of Manhattan Community College.

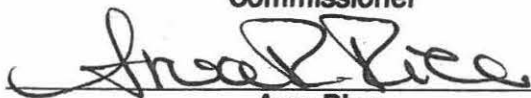
Approved unanimously on December 15, 2016.



Angela Cabrera
Commissioner



Malini Cadambi Daniel
Commissioner



Arva Rice
Commissioner

Abstain

Elaine S. Reiss, Esq.
Commissioner



Office of the President

Borough of Manhattan Community College
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To: Campus Community
From: President Antonio Pérez 
Date: November 22, 2016
Re: BMCC's Commitment to Equal Employment Opportunity – Equal Employment Practices Commission Audit

The Borough of Manhattan Community College (BMCC) maintains a long-standing commitment to equal employment opportunity (EEO), diversity, and inclusion in all aspects of employment practices. Accordingly, I remain committed to BMCC's continued support for non-discrimination and EEO in the workplace. I believe that the College is enriched by the diversity of perspectives and by the people represented at BMCC. Our diversity is our strength.

The Equal Employment Practices Commission (EEOC) recently completed a scheduled audit of EEO practices at BMCC. The College worked closely with the EEOC to respond to questions, clarify existing practices, and examine opportunities to enhance our continued commitment to EEO. As a result of the audit, BMCC is proud to support several initiatives designed to further enhance the College's unwavering support for EEO. As indicated in an August 30, 2016 memorandum distributed to the campus community, information about external agencies that handle complaint of unlawful discrimination and harassment is posted on BMCC's website. The Chief Diversity Officer will continue to regularly meet and consult with my office and with the General Counsel on all relevant EEO matters and will document these discussions. Furthermore, BMCC will continue to promote the increased utilization of diversity recruitment sources to attract candidates from all backgrounds, including underrepresented groups. BMCC will work with Human Resources, CUNY Central, and other related offices to coordinate best practices with regard to diversity recruitment sources for all College searches. In addition, BMCC maintains a strong commitment to providing reasonable accommodations to our employees, applicants, and visitors. CUNY Central is currently working to standardize all policies in accessible PDF formats. In the meantime, any requests for accommodations due to a disability will be sent to the Chief Diversity Officer for review. Finally, BMCC will continue to provide all applicants with the opportunity to identify their disability and veteran status and will track that information within CUNYFirst.

If any individual has a complaint of unlawful discrimination or harassment, please contact Chief Diversity Officer Odelia Levy, Esq. at OLEvy@bmcc.cuny.edu or (212)220-1236. Ms. Levy's office is located at 199 Chambers Street, Suite S701k, New York, NY 10007.

I want to thank the entire BMCC community for your continued support of EEO, diversity, and inclusion in all employment practices at the College.