

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

RESOLUTION #98/05-781: Preliminary Determination Pursuant to the Audit of the Department of Probation (DOP) 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 Probation's compliance with the Affirmative Employment Plan; and

Whereas, in accordance with Chapter 36, Section 832(c) of the City Charter, the Commission 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 Probation 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. Seventy-five percent of DOP employees surveyed by the Commission indicated that their supervisors did not hold meetings with them to discuss the Affirmative Employment Plan.
2. The AEP was not available in formats accessible to applicants and employees with disabilities.
3. Sixty-eight percent of supervisors interviewed by EEPC auditors indicated they were not informed that EEO performance would be part of their performance evaluation.
4. The EEO Officer was unaware if all DOP facilities were accessible to persons with disabilities.
5. The agency did not have EEO Counselors of both genders during the entire audit period.
6. The agency did not have EEO Counselors assigned to each borough.
7. DOP's Discrimination Complaint Procedure did not indicate a time-frame for completing discrimination complaints.
8. Not all internal discrimination complaints were completed within ninety days.
9. The EEO Officer conducted preventive sexual harassment training for only twenty-five supervisors during the audit period.

10. DOP did not advertise job vacancies in female- or minority-oriented publications.
11. DOP's Personnel Department did not follow the recruitment recommendations of the EEO Officer with regard to addressing the underutilization of minorities and women.
12. All supervisors involved in interviewing job applicants did not receive structured interview training.
13. The agency did not conduct adverse impact studies.
14. The EEO Officer did not have adequate support staff to assist her in discharging her duties under the AEP.
15. The EEO Officer did not hold regularly scheduled meetings with the EEO Counselors to discuss EEO matters.
16. Ten of the nineteen supervisors interviewed by EEPC auditors indicated that the EEO Officer did not meet with them to discuss their rights and responsibilities under the AEP.
17. Twelve of the nineteen supervisors interviewed by EEPC auditors indicated they had not discussed the agency's discrimination complaint procedures with their staffs.
18. Sixty percent of the survey respondents indicated they did not know who the EEO Officer is.

Be It Finally Resolved,

that the Commission authorizes the Vice Chairman to forward a letter to the Commissioner of the Department of Probation, Raul Russi, 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 Probation will take to bring the agency in compliance with the City's Equal Employment Opportunity Policy.

Approved unanimously on July 16, 1998.

Angela Cabrera
Commissioner

Jeanette Diaz, Esq.
Commissioner


Frank R. Nicolazzi
Vice Chairman

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

RESOLUTION #00/03-781C. Determination of implementation by the Department of Probation of recommended corrective actions made by the EEPC pursuant to its audit of the New York City Department of Probation'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 Probation, the Equal Employment Practices Commission issued a preliminary determination letter, dated July 16, 1998 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 Department of Probation for a six month period commencing November 1998; to determine whether it implemented the aforementioned corrective actions; and

Whereas, all of the aforementioned recommended corrective actions are required by or consistent with the City's Equal Employment Opportunity Policy which replaced the former Affirmative Employment Plan (AEP); and

Whereas, the Department of Probation submitted its Final Compliance Report in July 1999; and,

Whereas, the Department of Probation refused to implement recommendation # 6, relating to the appointment of an EEO Counselor in each borough, and also rejected a compromise proposal submitted by Commission staff at DOP's request, that would provide for part-time counselors in the three boroughs with the largest staffs, Now, Therefore,

Be It Resolved,
that the New York City Department of Probation has fully implemented nineteen of twenty 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,

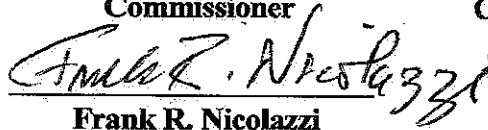
that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the Department of Probation, Raul Russi, formally informing him that the agency has implemented nineteen of twenty recommended corrective actions to the Commission's satisfaction and that because of DOP's refusal to adopt recommendation #6, and the EEPC proposed compromise, this resolution is adopted with prejudice.

Approved unanimously on August 10, 2000.

Angela Cabrera
Commissioner

Chereé A. Buggs
Commissioner

Manuel Mendez
Commissioner



Frank R. Nicolazzi
Vice-Chair


**THE CITY OF NEW YORK
DEPARTMENT OF PROBATION**

115 Leonard Street - Room 2E
New York, New York 10013

RAUL RUSSI
Commissioner



Telephone #: (212) 442-4523
Fax #: (212) 442-4529

To: All Staff
From: Raul Russi, Commissioner 
Date: October 29, 1999
Re: Changes in the Equal Employment Opportunity (EEO) Program

Pursuant to the City Charter, the Equal Employment Practices Commission (EEPC) recently audited the Department of Probation's (DOP) EEO Program. DOP has adopted a number of recommendations from the EEPC and the Office of Citywide EEO in meeting citywide standards for EEO Programs. I would like to take this opportunity to inform staff of several changes in DOP's EEO Program. I encourage all employees to access the resources available within DOP to address EEO-related concerns. The implementation of the EEO Policy is one of DOP's highest priorities and has my full support.

- DOP has amended its EEO Policy and Procedures to include a 90-day time frame for investigating and resolving EEO complaints, and updated information on the identity and location of the EEO Officer and EEO Counselor.
- EEO professionals of each gender have been appointed to provide counseling and investigate discrimination complaints.
- In order to provide greater accessibility to persons with disabilities, DOP has installed a teletypewriter (TTY) at our central office location, and maintains large print and audio taped formats of the EEO Policy and Procedures.
- DOP managers and supervisors will hold documented meetings with staff, at least annually, to discuss the anti-discrimination policy and the discrimination complaint procedures.
- The annual performance evaluations of managers and supervisors will include EEO performance.
- DOP has designated the Chief of Personnel, Elton Maynard, to provide career counseling to all employees who request it.
- DOP's mandatory basic EEO training includes sexual harassment prevention and the responsibilities of managers and supervisors under citywide EEO Policy. If you have not had DOP's basic EEO training in the last two years, you will be notified of the date and time you are scheduled to attend.
- DOP will disseminate the EEO Policy and Procedures to all staff, annually, during the month of January. This information is also available through the Office of Equal Employment Opportunity.

If you have questions concerning the above, please contact Zitamarina Rodriguez, the EEO Officer at (212) 442-4256.