

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #09/19-868: Preliminary Determination Pursuant to the Audit of the Office of Administrative Trials and Hearings (OATH) Equal Employment Opportunity Program from January 1, 2005 through December 31, 2006.

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 Office of Administrative Trials and Hearings' 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 Office of Administrative Trials and Hearings' compliance with the City's Equal Employment Opportunity Policy (EEOP), the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The agency head's EEO Policy statement did not include all of the protected classes.
2. All three of the agency's job advertisements did not include the EEO tag line indicating that the OATH is an equal opportunity employer.
3. The OATH did not notify employees in writing of the name and telephone number of the disability rights coordinator.
4. The Section 55-A pamphlets were not included in the agency's new hire package.
5. The OATH did not have its EEO Policies and procedures available in formats accessible to applicants and employees with disabilities.
6. The OATH did not conduct a formal adverse impact study to 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.

7. The OATH did not conduct annual performance evaluations for managerial and non-managerial staff.
8. Managers and supervisors did not conduct documented meeting with staff, at least twice a year, to reaffirm their commitment to the Citywide EEOP and discuss the right of employees to file discrimination complaints with the EEO officer.
9. No quarterly or annual EEO reports were sent to the EEPC during the period in review.

Be It Finally Resolved,

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to the Office of Administrative Trials and Hearings Chief Administrative Judge, Roberto Velez, 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 receipts of the letter indicating what corrective actions the Office of Administrative Trials and Hearings will take to bring it into compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on July 16, 2009.

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 #10/03-868C: Determination of implementation by the Office of Administrative Trials & Hearings of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Office of Administrative Trials & Hearings' Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

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

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 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 Administrative Trials & Hearings (OATH), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated July 16, 2009, setting forth its findings and recommended corrective actions; and

Whereas, the OATH submitted its responses to EEPC's preliminary determination letter, on August 17, 2009; and

Whereas, the EEPC submitted its initiation of compliance letter on August 28, 2009; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the OATH for a period not to exceed six months, from October 1, 2009 through March 31, 2010, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Office of Administrative Trials & Hearings submitted its Final Compliance Report on April 30, 2010; 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 the EEPC staff, affirming that the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

Be It Resolved,

that the Office of Administrative Trials & Hearings 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 Chief Administrative Law Judge of the Office of Administrative Trials & Hearings, Roberto Velez, formally informing him that the OATH has implemented the recommended corrective actions to the Commission's satisfaction.

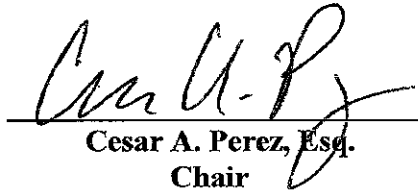
Approved unanimously on June 25, 2010.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Arva A. Rice
Commissioner

Elaine S. Reiss, Esq.
Commissioner


Cesar A. Perez, Esq.
Chair



THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

To: OATH/ECB Staff

From: Roberto Velez, Chief Administrative Law Judge

Date: March 30, 2010

Re: EEPC Audit

Our agency recently completed an Equal Employment Opportunity audit conducted by the Equal Employment Practices Commission (EEPC) for the City of New York. The audit covered a 24-month period from January 1, 2005 through December 31, 2006. After auditing and evaluating OATH's employment practices, programs, policies, and procedures to ensure fair and effective equal employment opportunity for minority group members and women, the EEPC determined that there were nine areas in which they recommended corrective actions.

The following are the recommended corrective actions from the EEPC's preliminary determinations and the changes being implemented pursuant to the audit:

1. The agency head should update his EEO Policy statement to include all the protected classes.

The Chief Judge updated the agency's EEO Policy statement to include all the protected classes.

2. All agency recruitment literature should include the EEO tag line indicating that OATH is an equal opportunity employer. (Sect. IV, EEOP)

All agency recruitment literature includes the EEO tag line indicating that the OATH is an equal opportunity employer. OATH incorporated this action into its Equal Employment Opportunity Plan.

3. To ensure that all employees are aware of the person responsible for handling reasonable accommodation requests, OATH should notify all employees in writing of the name, location, and telephone number/email address of the disability rights coordinator. (Sect. VB, EEOP)

OATH notified all employees in writing of the name, location, and telephone number/email address of the disability rights coordinator. OATH incorporated this action into its Equal Employment Opportunity Plan.

4. To ensure that all employees are made aware of the 55-A Program, the Section 55-A Program pamphlets issued by the DCAS should be included in the new hire packet and distributed to all employees. (Sect. IIB, EEOP)

OATH has taken steps to include the Section 55-A Program pamphlets issued by the DCAS in the new hire packet and distributed it to all employees. OATH incorporated this action into its Equal Employment Opportunity Plan.

5. OATH should ensure that its EEO policies and procedures are available in formats accessible to applicants and employees with disabilities, e.g., large print, audio cassette or Braille. (Sect. VC, EEOP)

OATH will ensure that its EEO policies and procedures are available in formats accessible to applicants and employees with disabilities. OATH incorporated this action into its Equal Employment Opportunity Plan.

6. Since the EEOP requires that agencies 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, OATH should conduct a formal adverse impact assessment. OATH should use, and may modify the DCAS' online program for this purpose. (Section IV, EEOP).

OATH conducted a formal adverse impact study. OATH incorporated this action into its Equal Employment Opportunity Plan.

7. All staff, managerial and non managerial, should receive an annual performance evaluation.

OATH has developed and is implementing a plan for performance evaluations of all staff, managerial and non-managerial.

8. It is the position of the DCAS ("Model Agency EEO Commitment Memo," available on the DCAS website) and the EEPC that at least twice a year during normal staff meetings, managers and supervisors should reiterate their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office. These meetings should be documented.

OATH managers and supervisors will, at least twice a year during normal staff meetings, reiterate their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO office; OATH managers and supervisors will document these meetings.

9. Three quarterly reports and one annual report should be submitted to the EEPC no later than thirty days following the reporting period. (Sect. VB, EEOP)

OATH will submit annual and quarterly EEO reports to the EEPC no later than thirty days following the reporting period. OATH incorporated this action into its Equal Employment Opportunity Plan.

As Chief Administrative Law Judge, I reaffirm this agency's strong commitment to maintaining fair employment practices for all its employees and job applicants. All personnel should work to maintain an atmosphere of appreciation of the diversity reflected in our staff and to comply with the letter and the spirit of OATH's EEO policy. OATH is committed to preventing discrimination by ensuring that all employees are aware of their rights and obligations under OATH's EEO Policy and by encouraging a work environment that tolerates and appreciates differences among employees.

If you have any questions about the audit and/or the EEPC's recommended actions please direct your comments or questions to our EEO Officer/Disability Rights Coordinator, Frank Ng, 40 Rector Street, 14th Floor, New York, NY 10001; 212-442-4941; fng@oath.nyc.gov.