

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

**RESOLUTION #99/05-866:** Preliminary Determination Pursuant to the Audit of the Department of Consumer Affairs 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 Consumer Affairs' compliance with the Affirmative Employment Plan; 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 Department of Consumer Affairs (DCA) 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 Officer did not uniformly meet with supervisors/managers to discuss their rights and responsibilities under the AEP.
2. DCA's Management Performance Appraisal does not contain EEO related criteria, supervisors/managers are not uniformly aware that their EEO performance would be assessed, nor were they evaluated on EEO related criteria.
3. Supervisors/managers did not uniformly discuss the AEP with their staffs.
4. One hundred percent of survey respondents who had filed internal complaints were not satisfied with the resolution of their claims.
5. Although DCA advertised job vacancies in Asian publications, there is no indication that it advertised for vacancies in titles where underutilizations of other protected group members occurred.

6. DCA has not reviewed selection, evaluation and promotion devices/criteria to determine if there is a disparate impact on minorities or women.
7. DCA has not analyzed whether minority and women applicants are rejected at a higher rate than white and male candidates.
8. There was no documentation of meetings between the EEO Officer and the Commissioner.
9. The EEO Officer did not spend 100% of her time on EEO issues.
10. Eighty percent of employee survey respondents indicated that they did not know what the AEP was and 69% did not know how to obtain it.

**Be It Finally Resolved,**

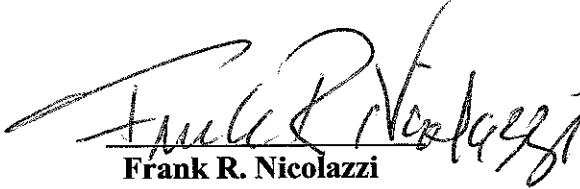
that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the Department of Consumer Affairs, Jules Polonetsky, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipt of the letter indicating what corrective actions the Department of Consumer Affairs will take to bring the agency in compliance with the New York City Equal Employment Opportunity Policy.

Approved unanimously on June 24, 1999

**Angela Cabrera**  
Commissioner

**Manuel A. Mendez**  
Commissioner

**Jeanette Diaz, Esq.**  
Commissioner

  
**Frank R. Nicolazzi**  
Vice-Chairman

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

**RESOLUTION #00/02-866C.** Determination of implementation by the Department of Consumer Affairs of recommended corrective actions made by the EEPC pursuant to its audit of the New York City Department of Consumer Affairs 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 Consumer Affairs, the Equal Employment Practices Commission issued a preliminary determination letter, dated June 24, 1999 setting forth its findings and recommended corrective actions; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC monitored the New York City Department of Consumer Affairs for six months, from November 1999 through April 2000, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, twelve of twelve of the aforementioned recommended corrective actions are required by the City's Equal Employment Opportunity Policy which replaced the former Affirmative Employment Plan (AEP). Now, Therefore,

**Be It Resolved,**

that the New York City Department of Consumer Affairs has fully implemented twelve of twelve recommended corrective actions deemed necessary to ensure compliance with the City's Equal Employment Opportunity Policy pursuant to the requirements of Chapter 35 and 36 of the City Charter.

**Be It Finally Resolved,**

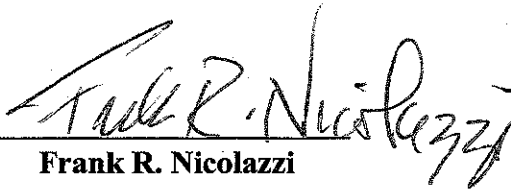
that the Commission authorizes the Vice-Chairman to forward a letter to the Commissioner of the New York City Department of Consumer Affairs, Jane S. Hoffman, formally informing her that the agency has implemented twelve of twelve recommended corrective actions to the Commission's satisfaction.

Approved unanimously on July 13, 2000.

**Angela Cabrera**  
**Commissioner**

**Chereé A. Buggs, Esq.**  
**Commissioner**

**Manuel A. Mendez**  
**Commissioner**

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**Frank R. Nicolazzi**  
**Vice-Chair**



THE CITY OF NEW YORK  
DEPARTMENT OF CONSUMER AFFAIRS  
42 BROADWAY  
NEW YORK, NEW YORK 10004

Jane S. Hoffman  
Commissioner

212-487-4401

**MEMORANDUM**

TO: All DCA Employees  
FROM: Commissioner Jane S. Hoffman  
DATE: May 15, 2000  
RE: EEO Audit

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The Department of Consumer Affairs is moving forward with its Equal Employment Opportunity Plan. This incorporates the findings and recommendations of a recent audit which was conducted by the Equal Employment Practices Commission.

Based on recommendations by the Equal Employment Practices Commission, we are taking more aggressive steps toward the implementation of our Agency's FY2000 EEO Plan.

Our EEO staff will begin meeting with managerial and supervisory staff to provide an overview of our Agency's Plan, this includes our EEO Policies, complaint handling procedures, etc.

In our effort to comply with these recommendations, DCA is required to rate all managers/supervisors on their performance as related to EEO responsibilities; they will be held accountable for EEO compliance, and their evaluations will reflect such.

In order to ensure that all employees know who and where their EEO Officer and Counselors are, and how to file an EEO complaint, we continue to post our EEO Policy on the 5<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Floor bulletin boards. We have also distributed the Plan (and was signed for) to all employees in June 1999.

To remain in compliance with EEOC's recommendations, DCA will advertise in minority and female oriented newspapers for vacancies occurring in titles where there is underutilization, whenever unrestricted recruitment is allowed, and budgetary constraints are lifted. Our recruitment policies are geared toward hiring qualified candidates, while endeavoring to correct any areas where unfair practices exist.

DCA plans to continue its assertive strategy toward the improvement of its equal employment opportunity program, one that is beneficial to all staff members.