

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

RESOLUTION #2014/866: Final Determination pursuant to the Audit and Analysis of the Department of Consumer Affairs' Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

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 and analysis of the Department of Consumer Affairs' Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated November 25, 2014, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination complaints in the distribution/posting of the policies.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file. Word processed notes are preferred.
4. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall commence immediately.
5. In circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the

delay in writing.

6. Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion, Recommendation, and Agency Head's Review at the conclusion of each complaint investigation.
7. Institute a policy where the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
8. Ensure that the complaint procedure requires written communication informing the complainant and respondent of the conclusion and outcome of a complaint investigation.
9. Ensure that internal discrimination complaint files contain written indication of their outcomes and corrective action(s), where applicable.
10. Establish a complaint tracking and monitoring system that, in addition to the aforementioned, permits the agency to identify the location of the complaint and other information to analyze the complaint activity to identify trends.
11. Establish a procedure where the HR professional, EEO professional and General Counsel review an employee's record for prior incidents of discriminatory conduct as part of the external complaint process.
12. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.

Whereas, the agency did not submit an optional response to the EEPC's Preliminary Determination letter; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on December 18, 2014 that the aforementioned corrective actions require compliance monitoring; 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, 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 January 2015 through June 2015, to determine whether it implemented remaining required 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,

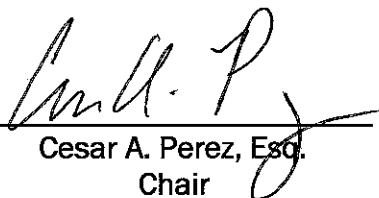
Be It Resolved,

that the Commission authorizes Chair Cesar A. Perez, Esq., to forward its Final Determination to Julie Menin, Commissioner of the Department of Consumer Affairs.

Approved unanimously on December 18, 2014.

Angela Cabrera
Commissioner

Elaine S. Reiss, Esq.
Commissioner


Cesar A. Perez, Esq.
Chair

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

RESOLUTION #2015/866C-05: Determination of **Compliance** (Monitoring Period Required) by the Department of Consumer Affairs with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

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 and analysis of the Department of Consumer Affairs' (DCA) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated November 25, 2014, setting forth findings and the following required corrective actions:

1. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination complaints in the distribution/posting of the policies.
2. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
3. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file. Word processed notes are preferred.
4. Issue a Confidential Written Report within 90 days of the date the discrimination complaint was filed, although the investigation shall commence immediately.
5. In circumstances where the investigation cannot commence immediately, or where the confidential report cannot be issued within 90 days, a note should be made in the complaint file explaining the reason for the delay and projecting a time frame for completion of the report. The complainant and respondent should be notified of the delay in writing.

6. Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion, Recommendation, and Agency Head's Review at the conclusion of each complaint investigation.
7. Institute a policy where the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
8. Ensure that the complaint procedure requires written communication informing the complainant and respondent of the conclusion and outcome of a complaint investigation.
9. Ensure that internal discrimination complaint files contain written indication of their outcomes and corrective action(s), where applicable.
10. Establish a complaint tracking and monitoring system that, in addition to the aforementioned, permits the agency to identify the location of the complaint and other information to analyze the complaint activity to identify trends.
11. Establish a procedure where the HR professional, EEO professional and General Counsel review an employee's record for prior incidents of discriminatory conduct as part of the external complaint process.
12. Indicate the reporting relationship between the principal EEO Professional and agency head (or a direct report other than the General Counsel) in the agency's organizational chart, EEO Policy and Annual EEO Plan.

Whereas, the agency did not submit an optional response to the EEPC's Preliminary Determination letter; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on December 18, 2014, that corrective action(s) nos. 1 - 12 require compliance monitoring; and,

Whereas, the Department of Consumer Affairs submitted its response to the EEPC's final determination letter, on January 21, 2015; 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 January 2015 to April 2015 with no extension of the monitoring period;

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Department of Consumer Affairs submitted a copy of the agency head's memorandum to staff dated April 2, 2015, 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 Department of Consumer Affairs 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 Finally Resolved,
that the Commission authorizes Commissioner Arva R. Rice, to forward this Determination to Commissioner Julie Menin of the Department of Consumer Affairs.

Approved unanimously on May 18, 2015.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

A handwritten signature in black ink, appearing to read 'Arva R. Rice', written over a horizontal line.

Arva R. Rice
Commissioner

Cho, David (DCA)

From: Menin, Julie (DCA)
Sent: Thursday, April 02, 2015 6:01 PM
To: NYC Department of Consumer Affairs (DCA)
Subject: Equal Employment Opportunity Commitment Statement

Dear Colleagues,

DCA takes your rights under the City's Equal Employment Opportunity ("EEO") Policy very seriously. DCA is an equal opportunity employer and is committed to retaining a diverse and inclusive workforce. DCA upholds the principles of EEO, and prohibits discriminatory treatment, including harassment and adverse employment actions, against City employees, applicants for employment, interns, and WEP workers based on actual or perceived race, color, national origin, immigration or citizenship status, religion or creed, gender (including "gender identity," which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from what is traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, predisposing genetic characteristic, sexual orientation, partnership status, status as a victim [or required witness] of domestic violence, sex offenses and stalking, or unemployment status. Decisions and practices based on an individual's protected status (e.g., race, religion, age and the other categories listed above) that unlawfully affect employment or the compensation, terms, conditions or privileges of an individual's employment or potential employment with DCA are prohibited by this policy. DCA also has a policy against sexual harassment — that is, conduct or language of a sexual nature — and harassment based on gender or any other protected characteristic (such as race, religion, disability or sexual orientation).

To that end, DCA has a dedicated volunteer EEO team. We continue to provide EEO training for current and new employees through our EEO Officer, David Cho, who reports directly to me in his capacity as EEO Officer. The EEO Officer holds the primary responsibility for assisting me in implementing the City's EEO policies and standards. Any member of DCA's EEO team stands ready to help address your EEO concerns. They can be reached for an appointment by email, phone, or in person:

David Cho, EEO Officer: dcho@dca.nyc.gov 212-436-0217
Betty Arauz, EEO Counselor: barauz@dca.nyc.gov 212-436-0235
Fred Riley, EEO Counselor: friley@dca.nyc.gov 212-436-0183
Manny Menjivar, Disability Rights Coordinator: mmenjivar@dca.nyc.gov 212-436-0197

Manny Menjivar, as our Disability Rights Coordinator, will be responsible for ensuring effective communication between applicants or employees and the agency staff at every stage of the application and reasonable accommodation process. People with disabilities who seek employment in a competitive civil service position without taking a requisite civil service exam may contact our 55-a Coordinator, Carla Van de Walle. She can be reached at cvandewalle@dca.nyc.gov or by phone at 212-436-0171.

I am also pleased to report that DCA has completed a successful audit of discrimination complaint and investigation procedures by the New York City Equal Employment Practices Commission (EEPC). The corrective actions resulting from the audit are designed to improve responsiveness and complaint documentation protocols.

All City employees, as well as those who seek employment with the City of New York, are covered by federal, state and local employment laws, as well as the City's EEO Policy (<http://www.nyc.gov/html/dcas/downloads/pdf/misc/eeo.pdf>), which provides you with all details about the City's requirements and standards regarding equal opportunity. All of our EEO materials and contact information are located on the shared drive under J:/EEO, as well as on our intranet under the page for Human Resources.

Thank you,

Julie Menin
Commissioner