

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #07/04-941: Preliminary Determination Pursuant to the Desk Audit of the New York County Public Administrator (NYCPA) and its Compliance with the Equal Employment Practices Commission's Minimum Equal Employment Opportunity Standards for Non-Mayoral Agencies With Less Than 15 Employees from January 1, 2005 through June 30, 2006.

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 Section 831(a)(i), this Commission is empowered to audit the equal employment practices, programs, policies, and procedures of Public Administrators; and,

Whereas, because the offices of the Public Administrators have fewer than 15 employees, this Commission has established "Minimum Equal Employment Opportunity Standards for Non-Mayoral Agencies With Less Than 15 Employees" and conducted a desk audit of the office of the New York County Public Administrator to determine its compliance with those Minimum Standards; and,

Whereas, in accordance with Chapter 36, Section 832(c) of the New York 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 desk audit of the New York County Public Administrator and its compliance with the Minimum Standards for Equal Employment Opportunity for Non-Mayoral Agencies With Less Than 15 Employees, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. The NYCPA did not distribute the Citywide EEO Policy or post the Citywide EEO Policy Statement (Section I of the Citywide EEO Policy) during the audit period.
2. During the audit period, the NYCPA did not distribute the EEO Policy Handbook, *About EEO: What You May Not Know* (DCAS, 2003 with addendums) to its current and new employees.
3. The NYCPA did not appoint an EEO Officer during the audit period.
4. The NYCPA did not provide appropriate EEO training to the EEO Officer.

5. The NYCPA did not provide basic EEO training to all current and new employees.

Be It Finally Resolved,

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the New York County Public Administratrix, Ethel J. Griffin, formally informing her of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, her response to these findings within thirty days of receipt of the letter indicating what corrective actions the office of the New York County Public Administrator will take to bring the agency into compliance with the Minimum Equal Employment Opportunity Standards for Non-Mayoral Agencies With Less Than 15 Employees.

Approved unanimously on March 1, 2007.

Chereé A. Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner



Ernest F. Hart, Esq.
Chair

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

RESOLUTION #08/02-941C: Determination of implementation by the New York County Public Administrator's Office of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its Desk Audit of Compliance by the New York County Public Administrator with the Equal Employment Practices Commission's Minimum Equal Employment Opportunity Standards for Non-Mayoral Agencies With Less Than 15 Employees, from January 1, 2005 through June 30, 2006.

Whereas, pursuant to Chapter 36, Sections 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 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, pursuant to its audit of the New York County Public Administrator (NYCPA), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated March 1, 2007, setting forth its findings and recommended corrective actions; and

Whereas, the NYCPA submitted its responses to EEPC's preliminary determination letter, April 9, 2007; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on May 11, 2007, identifying those recommendations accepted and rejected by the NYCPA; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the NYCPA for a period not to exceed six months, from October 1, 2007 through March 31, 2008, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the New York County Public Administrator submitted its Final Compliance Report on June 17, 2008; 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 New York County Public Administrator 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, Ernest F. Hart, Esq., to forward a letter to the New York County Public Administrator, Ethel J. Griffin, formally informing her that the NYCPA has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on July 31, 2008.

**Angela Cabrera
Commissioner**

**Manuel A. Mendez
Vice-Chair**



**Ernest F. Hart, Esq.
Chair**




Public Administrator

County of New York

ETHEL J. GRIFFIN, *Commissioner*
Public Administratrix

THOMAS R. PURCELL, *Deputy Commissioner*
Deputy Public Administrator

Memo

To: Public Administrator Employees
From: Ethel J. Griffin 
Date: June 17, 2008
Subject: Equal Employment Practices Commission Audit Compliance

The Equal Employment Practice Commission (EEPC) recently completed a Desk Audit of this Office's compliance with the City's Equal Employment Opportunity Program. The auditors looked at our current practices to ascertain how the agency is addressing Equal Employment Opportunity (EEO) issues. I am pleased to report that we have successfully complied with the four procedural recommendations.

1. We have posted the Citywide EEO Policy Statement in the Office.
2. The EEO Officer has received the recommended training through DCAS in May 2007.
3. The General Counsel from the Borough President's Office conducted a training course for the employees.
4. The final recommendation is that I write this Memorandum discussing the audit findings.

I want to reaffirm the Office of the New York County Public Administrator's strong commitment to maintaining fair employment practices for all employees and job applicants. We are committed to ensuring that we prevent discrimination and ensure that all employees are aware of their rights and obligations under this policy. We should all dedicate ourselves to creating a work environment that tolerates and appreciates differences between employees and work together to maintain an atmosphere of appreciation for the diversity that is reflected in our staff.

All employees are encouraged to use the resources available and to address any concerns with EEO Officer, Pat Fang.

- 1) The City's EEO Policy has been revised to reflect changes within the mayoral administration; amendments to the City charter and other applicable statutes; to strengthen existing accountability standards and add accountability standards for personnel officers and general counsels; and changes in procedures.
- 2) Some offensive acts or remarks may violate the City's EEO policy, even if they are not so severe that they violate federal, state or local discrimination laws.
- 3) A violation of the EEO Policy may occur in connection with recruitment, testing, hiring, work assignments, salary and benefits, working conditions, performance evaluations, promotions, training opportunities, career development and advancement, transfers, discipline, discharge or any other application or selection process relating to employment.
- 4) Agency Heads, EEO Officers, General Counsels, Personnel Officers and Managers and Supervisors are specifically accountable under the City's EEO Policy.
- 5) A violation of the City's EEO Policy may occur not only in the City's workplaces, but also at any extension of the workplace, such as field locations, off-site business-related social functions, or City vehicles.
- 6) Agencies may be required to provide reasonable accommodations for disabilities, religious beliefs, practices and observance, victims of domestic violence, sex offenses and stalking that do not create undue hardship.
- 7) Discrimination based on gender, includes "gender identity" (actual or perceived sex, including self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth).
- 8) Harassment or retaliation against a person who opposes or complains about prohibited conduct or participates in any way in the complaint, investigation or reasonable accommodation processes is prohibited.
- 9) Mediation is a voluntary, informal and confidential process that provides an opportunity for mutually agreeable resolution of EEO-related complaints. The Office of Administrative Trials and Hearing ("OATH") Center for Mediation Services can be utilized by agencies to mediate all types of workplace disputes.
- 10) The EEO Policy and Handbook, "*About EEO: What You May Not Know*," may be downloaded at <http://www.nyc.gov/html/dcas/html/resources/topten.shtml>