

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

**RESOLUTION #04/11-226:** Preliminary Determination Pursuant to the Audit of the New York City Human Rights Commission's (CCHR) Equal Employment Opportunity Program from January 1, 2001 through June 30, 2003.

**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,** the Equal Employment Practices Commission audited the New York City Human Rights Commission's 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 New York City Human Rights Commission's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Twice a year during staff meetings, supervisors did not emphasize their commitment to the agency's EEO policies or affirm the right of each employee to file a discrimination complaint with the EEO Office.
2. The EEO Officer did not hold periodic meetings to discuss and inform supervisors/managers of their rights and responsibilities under the city's EEO Policy.
3. CCHR did not give employees a thorough description of the section 55-A Program.
4. CCHR did not develop a plan, which included a timeframe, to train all existing and new employees who had not already received sexual harassment prevention training.
5. CCHR did not petition the Office of Citywide Equal Employment Opportunity of DCAS to obtain the necessary assistance to conduct adverse impact studies.

6. CCHR did not inform its managerial staff in writing that their annual performance evaluation form includes tasks and standards that relate to EEO performance, which will be considered in determining their eligibility for promotions or merit increases.
7. CCHR's recruitment list did not include all protected groups.
8. Seventy-nine percent of employees surveyed indicated that they did not know who was responsible for career counseling.
9. Supervisors/managers were not aware that their performance evaluation included a rating on EEO.

**Be It Finally Resolved,**


that the Commission authorizes the Vice-Chairman to forward a letter to CCHR Commissioner Patricia Gatling 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 City Commission on Human Rights will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on July 29, 2004.

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

**Angela Cabrera**  
**Commissioner**

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**Manuel A. Méndez**  
**Vice Chairman**

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

**RESOLUTION #05/13-226PC:** Determination of implementation by the City Commission on Human Rights of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the City Commission on Human Rights' Charter-mandated Equal Employment Opportunity Program from January 1, 2001 to June 30, 2003.

**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 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 City Commission on Human Rights (CCHR), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated July 29, 2004, setting forth its findings and recommended corrective actions; and

**Whereas**, CCHR did not submit its response to EEPC's preliminary determination letter; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on November 30; and

**Whereas**, in response to EEPC's final determination letter, CCHR submitted its response on January 31, 2005; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the City Charter, the EEPC was required to monitor CCHR for a period not to exceed six months, from February 2005 through July 2005, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the City Commission on Human Rights submitted its Final Compliance Report on October 3, 2005; and

**Whereas**, the City Commission on Human Rights implemented eight of ten recommended corrective actions; and

**Whereas**, the City Commission on Human Rights did not complete the implementation of corrective action number one, which states: "It is the Commission's position that at least twice a year, during normal staff meetings, supervisors should emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO Office" because it did not respond to numerous inquiries whether managers and supervisors were directed to comply with the above requirement; and

**Whereas**, the City Commission on Human Rights did not complete the implementation of corrective action number five, which states: “CCHR should petition the Office of Citywide Equal Employment Opportunity of DCAS to obtain the necessary assistance to conduct adverse impact studies” because it said that it has a diverse staff and it does not need to conduct an adverse study; and

**Whereas**, all of the aforementioned recommended corrective actions are required by, or are consistent with, the City’s Equal Employment Opportunity Policy; and

**Be It Resolved**,  
that the Commission authorizes the Chair to forward a letter to the Chair and Commissioner of the City Commission on Human Rights, Patricia L. Gatling, formally informing her that CCHR has **partially complied** with the requirements of Chapters 35 and 36 of the New York City Charter because her office has implemented all but two of the ten recommended corrective actions pursuant to the Commission’s audit of compliance by CCHR with the City’s Equal Employment Opportunity Policy; and

**Be It Finally Resolved**,  
that pursuant to Section 831(d)(5) of the New York City Charter the Equal Employment Practices Commission may initiate another audit of CCHR prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter.

Approved unanimously on October 26, 2005.

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

**Angela Cabrera**  
**Commissioner**

**Manuel A. Méndez**  
**Vice-Chair**

**Veronica Villanueva, Esq.**  
**Commissioner**



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



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**PATRICIA L. GATLING**  
*Commissioner and Chair*

**DATE:** April 2, 2005

**TO:** Managers and Supervisors

**FROM:** Emile M. St. Cyr

**RE:** Revised EEO Policy

Recently, the City revised its EEO Policy. What is significant is the emphasis it now places on the accountability of managers and supervisors. A letter from Mayor Bloomberg accomplished the distribution of the policy to managers and supervisors. In his letter, the mayor states that, "The City's Policy has been revised to reflect changes in the City's administration; amendments to the City's Charter, applicable anti-discrimination statutes and complaint procedures; and enhancements to the accountability standards for agency heads, general counsels, personnel officers, managers and supervisors."

Department of Citywide Administrative Services (DCAS) defines managers and supervisors as "An employee who supervises two or more employees; makes or oversees work assignments; ensures quality and efficiency of performance; signs timesheets; engages in, or makes recommendations about, discipline, performance evaluations, hiring, promotions; or enforces procedures."

Attached, is the link to <http://www.nyc.gov/html/dcas/html/eeopol.html> which will lead you to the DCAS website and the EEO policy. You are required to read and familiarize yourself with the policy and ensure that your staff are aware of the EEO Policy and laws.

The task and standards for managers and supervisors are amended immediately to include the following language:

**Task:** Insures that staff adhere to City and Agency policies and procedures with respect to Equal Employment Opportunity (EEO) to create and maintain a work environment consistent with the goals and objectives of the program.

**Standards:**

1. Ensures that staff are made aware and trained in EEO laws
2. Conducts discussions/conferences with employees and when necessary initiates corrective action to address issues and or other problems
3. Maintains appropriate written documentation of action taken

Any questions or need for clarification of the policy or any other EEO matters may be directed to me at 212-306-7587.