

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #12/19-858:** Preliminary Determination Pursuant to the Department of Information Technology & Telecommunications' (DOITT) Equal Employment Opportunity Program from July 1, 2008 through June 30, 2011.

**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 Department of Information Technology & Telecommunications' 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 Department of Information Technology & Telecommunications' compliance with the City's Equal Employment Opportunity Policy (EEOP), as well as Commission policies and EEO standards expressed in the City guidelines, the Equal Employment Practices Commission hereby affirms and adopts the following preliminary findings:

1. Although the agency indicated "the City of New York is an Equal Opportunity Employer" on its city-wide vacancy notices and monster.com job advertisements, the tag line did not indicate "the DOITT is an Equal Opportunity Employer".
2. Complaints 10-00349-10, 10-00329-10 and 10-00345-10 did not contain a *Written Notice of Discrimination Complaint* (or other notice that includes the respondent's right to respond to the allegations) to the respondent.
3. Because of changes in the staffing of the Office of EEO, Complaint 10-00361-10 took longer than 90 days to complete. An explanation for the delay was included in the complaint file; however, a *Delay Notification Letter* was not sent to the complainant or respondent.
4. Complaint 10-00345-10 did not contain a written notice to the respondent that the investigation was transferred because of the filing of the external complaint.

5. Although the agency has appointed a Disability Rights Coordinator and has given the Director of EEO the responsibility of handling reasonable accommodation requests, the identity of the Disability Rights Coordinator was not included in the agency EEO Policy.
6. Although the agency used applicant logs to retain applicant/hire information for its discretionary positions, the Human Resources Division was not responsible for recording the information therein.
7. Although the agency appointed a Career Counselor, the agency did not notify employees in writing of the identity of the person responsible for career counseling at the agency.
8. The agency submitted its agency-specific EEO plan during the audit period for fiscal year 2009; however, its agency-specific EEO plans, three quarterly reports, and an annual fourth quarter final report for fiscal years 2010 and 2011 were not received.

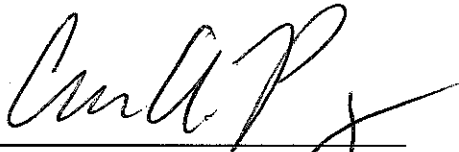
**Be It Finally Resolved,**

that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Chief Information and Innovation Officer Tahul Merchant, 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 Information Technology & Telecommunications will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on July 26, 2012.

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner



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Cesar A. Perez, Esq.  
Chair

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

**RESOLUTION #13/09-858C:** Determination of **Partial Non-Compliance** by the Department of Information Technology & Telecommunications with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Equal Employment Opportunity Program from July 1, 2008 through June 30, 2011.

**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 Information Technology & Telecommunications' (DOITT) EEO Program, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated July 26, 2012, setting forth its findings and recommended corrective actions; and

**Whereas**, the DOITT submitted its response to the EEPC's preliminary determination letter, on August 24, 2012 with documentation of its actions to rectify seven of the eight areas of non-compliance identified in the preliminary determination; and

**Whereas**, in the remaining area of non-compliance, the DOITT records, maintains, and reviews applicant information in the recruitment and selection process; however, the DOITT designates hiring managers to record this information; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a final determination on December 4, 2012, in which it reiterated that the EEPC recommends the DOITT strengthen the structure of its recruitment and selection process by delegating the responsibility for recording applicant information to individuals who are separate from the selection process; and

**Whereas**, the DOITT submitted its response to the EEPC's final determination letter, on January 3, 2013 in which it stated that it would not implement this remaining action;

**Whereas**, the EEPC subsequently acknowledged that the DOITT's EEO Office reviews and approves the agency's interview logs; and

**Whereas**, all of the EEPC's recommended 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 this Commission accepts the Department of Information Technology & Telecommunications' implementation of the required corrective actions pursuant to the requirements of Chapters 35 and 36 of the New York City Charter.

**Be It Further Resolved**,  
that pursuant to Sections 831(d)(5) and 832(c) of the New York City Charter, the Equal Employment Practices Commission may initiate another audit of DOITT prior to the conclusion of the four-year maximum timeframe mandated by the New York City Charter, or publish a report indicating action that the DOITT did not take in accordance with the Commission's recommendation for ensuring a fair and effective affirmative employment program of equal opportunity.


**Be It Finally Resolved**,  
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward this Determination to Rahul N. Merchant, Chief Information and Innovation Officer of the Department of Information Technology & Telecommunications.

Approved unanimously on May 9, 2013.

**Angela Cabrera**  
Commissioner

**Malini Cadambi Daniel**  
Commissioner

**Elaine S. Reiss, Esq.**  
Commissioner

  
Cesar A. Perez, Esq.  
Chair

**Johnson, Emily**

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**From:** Diaz, Jessica on behalf of Merchant, Rahul N.  
**Sent:** Tuesday, November 27, 2012 5:57 PM  
**Subject:** Annual EEO Statement  
**Attachments:** Citywide EEO Policy.pdf

Colleagues,

Attached please find the Citywide Equal Employment Opportunity Policy, which is the EEO Policy that applies to all City agencies. As Commissioner, I encourage all employees to become familiar with their rights and obligations under this Policy and I reaffirm the agency's strong commitment to maintaining fair employment practices for all, as required by the EEO Policy and the many other federal, state and local laws that prohibit workplace discrimination.

The EEO policy provides that employment decisions be made without bias and in ways that give every applicant and employee an equal opportunity to succeed. It prohibits discriminatory employment actions on the basis of age, alienage, color, creed, disability, gender, gender identity, genetic predisposition, marital status, military status, national origin, prior arrest or conviction, race, religion, retaliation, sexual orientation, and status as a victim of domestic violence, sex offenses, or stalking. The Policy also includes a description of the various avenues that you may utilize to address any suspected instances of illegal discrimination or other violations of the Policy.

I want to affirm my commitment to the principles of workplace diversity and my expectation that every employee comply with both the letter and the spirit of the EEO Policy. DoITT employees should work to maintain an atmosphere of tolerance, acceptance and appreciation of the diversity reflected within our agency. Managers and supervisors are required to make all employment decisions in accordance with the EEO Policy and to ensure compliance with this policy in their respective areas of responsibility.

Finally, I encourage all employees to access the resources available within DoITT to assist you in addressing any EEO concerns. The following staff resources are available to you:

- Emily Johnson  
Director of EEO and Diversity  
Disability Rights Coordinator/ADA Coordinator /55-A Coordinator  
255 Greenwich Street, 9th Floor  
New York, NY 10007  
  
212-788-6007 (phone)  
212-788-6873 (fax)  
[ejohnson@doitt.nyc.gov](mailto:ejohnson@doitt.nyc.gov)
- Stacy Abramson  
Director of Recruitment, Civil Service Administration and Classification  
Career Counselor  
Human Resources  
255 Greenwich Street, 9th Floor  
New York, NY 10007  
  
212-788-6085 (phone)  
212-788-5951 (fax)  
[sabramson@doitt.nyc.gov](mailto:sabramson@doitt.nyc.gov)