

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #03/03-014: Preliminary Determination Pursuant to the Audit of the Staten Island Borough President Office's Equal Employment Opportunity Program from July 1, 1999 through December 31, 2001.

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 Staten Island Borough President Office'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 Staten Island Borough President Office's (SIBPO) 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. Names of DCAS personnel should be deleted from the SIBPO EEO policies. The current EEO Policy should be revised to consistently include the name, location, and telephone number of the SIBPO's EEO Officer.
2. SIBPO should distribute a more comprehensive FMLA policy, consistent with the New York City Policy, which should include domestic partners as covered family members.
3. The EEO Policy Statements and Discrimination Complaint Procedure should be distributed separately to all employees.
4. The Discrimination Complaint Procedure should be revised to include the current addresses and telephone numbers of the U.S. Equal Employment Opportunity Commission and the New York State Division of Human Rights.

5. The EEO Officer should make a presentation on the agency's EEO policies, including the EEO Complaint and Investigation Procedures, at new employee orientation sessions.
6. The agency should follow Section VII of the Citywide EEO Policy and ensure that its EEO policies are available in formats accessible to applicants and employees with disabilities, e.g., audio cassette and Braille.
7. All agency recruitment literature, including job vacancy notices and newspaper advertisements, should indicate that the SIBPO is an equal opportunity employer.
8. The Reasonable Accommodation Procedure should be revised to include the name, location, and telephone number of the SIBPO's EEO Officer and the DCAS references should be eliminated.
9. SIBPO should ensure that the bathrooms are accessible to, and usable by, persons with disability.
10. The EEO Officer should be scheduled for DCAS training or attend the EEO Studies program at Cornell University School of Industrial and Labor Relations (EEO Studies Program).
11. To ensure that persons of both sexes are available to receive and investigate discrimination complaints, SIBPO should appoint a female EEO Counselor. She should receive basic EEO training for EEO professionals from DCAS or attend Cornell University School of Industrial and Labor Relations (EEO Studies Program) as soon as possible and be listed in the SIBPO's EEO Policy.
12. SIBPO should maintain a monthly discrimination complaint log.
13. The SIBPO should follow Section IV of the Citywide EEO Policy ("Training Standards and Plans") and develop a plan to train all existing and new employees on EEO, which includes a sexual harassment prevention module.
14. During previous audits, the Commission has found numerous EEO program deficiencies in agencies that did not have full-time EEO Officers. For this reason, the Commission has adopted the position that the agency EEO Officers should devote 100% of their time to EEO matters.
15. To avoid the appearance or reality of conflict of interest, the agency should appoint an individual other than the General Counsel to perform EEO functions.

Be It Finally Resolved,

that the Commission authorizes the Vice-Chairman to forward a letter to the Staten Island Borough President, James P. Moninaro, 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 Staten Island Borough President's Office will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on April 3, 2003.

Angela Cabrera
Commissioner

Manuel A. Mendez
Commissioner

C. Catherine Rimokh, Esq.
Commissioner


Frank R. Nicolazzi
Vice Chairman

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

RESOLUTION #04/09-014C: Determination of implementation by the Staten Island Borough President's Office of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Staten Island Borough President Office's Charter-mandated Equal Employment Opportunity Program from July 1, 1999 to December 31, 2001.

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 Staten Island Borough President's Office (SIBPO), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated April 3, 2003, setting forth its findings and recommended corrective actions; and

Whereas, in response to EEPC's preliminary determination letter, SIBPO submitted its response on June 4, 2003; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on June 20, 2003 identifying those recommendations accepted and rejected by SIBPO; and

Whereas, in response to EEPC's final determination letter, SIBPO submitted its response on July 22, 2003; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor SIBPO for a period not to exceed six months, from August 2003 through January 2004, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Staten Island Borough President's Office submitted its Final Compliance Report on August 30, 2004; 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 EEPC staff, affirming that all the aforementioned recommendations have been implemented. Now Therefore,

Be It Resolved,

that the Staten Island Borough President's Office has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity 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 Staten Island Borough President James Molinaro, formally informing him that his agency has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on September 15, 2004.

Chereé Buggs, Esq.
Commissioner

Angela Cabrera
Commissioner

Veronica Villanueva, Esq.
Commissioner


Manuel A. Méndez
Vice-Chair

CITY OF NEW YORK
PRESIDENT
OF THE
BOROUGH OF STATEN ISLAND



JAMES P. MOLINARO
PRESIDENT

BOROUGH HALL, STATEN ISLAND, N. Y. 10301

August 26, 2003

TO: STATEN ISLAND BOROUGH PRESIDENT'S OFFICE EMPLOYEES
FROM: BOROUGH PRESIDENT JAMES P. MOLINARO
SUBJECT: EQUAL EMPLOYMENT PRACTICES COMMISSION (EEPC) AUDIT

In July 2001, the Equal Employment Practices Commission began conducting an audit of SIBPO'S Equal Employment Opportunity Program from July 1, 1999 to December 31, 2002. At the conclusion of the audit, the Commission recommended the following actions that the SIBPO has included in its program.

EEPC RECOMMENDATION: Names of DCAS personnel should be deleted from the SIBPO EEO policies. The current EEO Policy should be revised to consistently include the name, location, and telephone number of the SIBPO's EEO Officer.

EEPC RECOMMENDATION: SIBPO should distribute a more comprehensive FMLA policy, consistent with the New York City Policy, which should include domestic partners as covered family members.

EEPC RECOMMENDATION: The EEO Policy Statements and Discrimination Compliant Procedure should be distributed separately to all employees.

EEPC RECOMMENDATION: The Discrimination Complaint Procedure should be revised to include the current addresses and telephone numbers of the U.S. Equal Employment Opportunity Commission and the New York State Division of Human Rights.

EEPC RECOMMENDATION: The EEO Officer should make a presentation on the agency's EEO policies, including the EEO Compliant and Investigation Procedures, at new employee orientation sessions.

EEPC RECOMMENDATION: The agency should follow Section VII of the Citywide EEO POLICY and ensure that its EEO Policies are available in formats accessible to applicants and employees with disabilities, e.g. audiocassette and Braille.

EEPC RECOMMENDATION: All agency recruitment literature, including job vacancy notices and newspaper advertisements should indicate that the SIBPO is an equal opportunity employer.

EEPC The Reasonable Accommodation Procedure should be revised to include the name, location and telephone number of the SIBPO's EEO Officer and the DCAS references should be eliminated.

EEPC RECOMMENDATION: SIBPO should ensure that the bathrooms are accessible to, and usable by, persons with disability.

EEPC RECOMMENDATION: The EEO Officer should be scheduled for DCAS training or attend the EEO Studies program at Cornell University School of Industrial and Labor Relations (EEO Studies Program).

EEPC RECOMMENDATION: To ensure persons of both sexes are available to receive and investigate discrimination complaints, SIBPO should appoint a female EEO Counselor. She should receive basic EEO training for EEO professionals from DCAS or attend Cornell University School of Industrial and Labor Relations (EEO Studies Program).

EEPC RECOMMENDATION: SIBPO should maintain a monthly discrimination complaint log.

EEPC RECOMMENDATION: The SIBPO should follow Section IV of the Citywide EEO Policy ("Training Standards and Plans") and develop a plan to train all existing and new employees on EEO, which includes a sexual harassment prevention module.

EEPC RECOMMENDATION: During previous audits, the Commission has found numerous EEO program deficiencies in agencies that did not have full-time EEO Officers. For this reason, the Commission has adopted the position that the agency EEO Officers should devote 100% of their time to EEO matters.

EEPC RECOMMENDATION: To avoid the appearance or reality of conflict of interest, the agency should appoint an individual other than the General Counsel to perform EEO functions.

EEPC RECOMMENDATION: The Staten Island Borough President should disseminate an agency-wide memorandum to discuss audit findings.

I encourage staff to make use of the resources that we have available in our agency to address your EEO concerns.

We are in the process of complying with most of these recommendations. Other recommendations are either outside of our jurisdiction or not possible due to our staff limitations.

I would also like to take this opportunity to again express how important it is for all of us to maintain a bias-free and non-discriminatory workplace. I am committed to the EEO Program at the Office of the Staten Island Borough President and urge you to follow the recommendations as well, whenever possible.