

# EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

**RESOLUTION #06/18-017:** Preliminary Determination Pursuant to the Audit of the Office of Emergency Management's (OEM) Equal Employment Opportunity Program from July 1, 2003 through June 30, 2005.

**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 Office of Emergency Management'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 Office of Emergency Management'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. The OEM, which was a unit of the Office of the Mayor from 1996 through 2001, did not issue agency-specific EEO policies after becoming a separate mayoral agency on January 1, 2002.
2. The previous EEO Officer, who was an EEO Counselor for the Office of the Mayor prior to 2002, was never officially appointed the OEM's EEO Officer after January 1, 2002—when OEM became a separate mayoral agency.
3. Neither the former nor current EEO Officers, nor any other employee, were officially designated as the Disability Rights Coordinator. (Sect. VB, EEOP)
4. The agency has not participated in the Section 55-A Program. (Sect. IIB, EEOP)
5. During and after the audit period, the agency did not have individuals of different genders authorized to investigate discrimination complaints. (Sect. VB, EEOP)

6. The OEM did not conduct EEO training for employees during the audit period, or for all employees after the audit period. (Sect. IV, EEOP)
7. The OEM did not use the list of minority and female recruitment sources compiled by DCAS for discretionary job vacancies, and did not include the EEO Officer in the development of recruitment strategies and selection of recruitment media. (Sect. IV, EEOP)
8. The agency did not conduct adverse impact studies. (Sect. IV, EEOP)
9. The OEM did not provide structured interview training to employees who conduct job interviews. (Sect. IV, EEOP)
10. The agency did not appoint an individual familiar with civil service jobs as career counselor. (Sect. VB, EEOP)
11. The General Counsel, and not the EEO Officer, prepared the agency's EEO Plan for Fiscal Year 2006. (Sect. VC, EEOP)
12. The agency did not submit quarterly or annual EEO reports to the DCAS or the EEPC during the audit period. (Sects. IV and VB, EEOP)
13. The OEM did not conduct performance evaluations for its managers or non-managers. (Rule 7.5.4(e), "Personnel Rules and Regulations of the City of New York," and "Managerial Performance Evaluation, Guidelines for Evaluating Managerial Performance in New York City Agencies," p. 1.)

**Be It Finally Resolved,**

that the Commission authorizes the Chair, Ernest F. Hart, Esq., to forward a letter to the Office of Emergency Management's Commissioner, Joseph F. Bruno, 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 Office of Emergency Management will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on June 8, 2006.

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

**Angela Cabrera**  
Commissioner

**Manuel A. Méndez**  
Vice-Chair



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

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

**RESOLUTION #07/08-017C:** Determination of implementation by the Office of Emergency Management of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Office of Emergency Management's Charter-mandated Equal Employment Opportunity Program from July 1, 2003 to June 30, 2005.

**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 Office of Emergency Management (OEM), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter June 8, 2006 setting forth its findings and recommended corrective actions; and

**Whereas**, the OEM submitted its response to EEPC's preliminary determination letter, on July 19, 2006; and

**Whereas**, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its response on July 28, 2006; and

**Whereas**, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the OEM for a period not to exceed six months, from September 2006 through February 2007, to determine whether it implemented the aforementioned recommended corrective actions; and

**Whereas**, the Office of Emergency Management submitted its Final Compliance Report on March 29, 2007; and

**Whereas**, the Office of Emergency Management submitted additional information on April 4 and 24, 2007; 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 the aforementioned recommendations have been implemented to the Commission's satisfaction. Now Therefore,

**Be It Resolved,**

that the Office of Emergency Management 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 Chair, Ernest F. Hart, Esq., to forward a letter to the Commissioner of the Office of Emergency Management, Joseph F. Bruno, formally informing him that the OEM has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on April 26, 2007.

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

**Angela Cabrera**  
**Commissioner**



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



OFFICE OF EMERGENCY MANAGEMENT  
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Joseph F. Bruno  
Commissioner

Calvin Drayton  
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Deputy Commissioner  
Operations

Stella Guarna  
General Counsel

Henry Jackson  
Deputy Commissioner  
For Technology

Kelly McKinney  
Deputy Commissioner  
Training & Preparedness

Alex Torres  
Chief  
Security & Investigations

TO: All OEM Staff

FROM: Joseph F. Bruno, Commissioner

DATE: September 30, 2006

RE: Equal Employment Practices Commission Audit of OEM

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The New York City Office of Emergency Management (OEM) was recently audited by the Equal Employment Practices Commission (EEOC). The EEOC monitors and evaluates the employment programs, practices, policies and procedures of all city agencies to ensure that they maintain an effective employment program of equal employment opportunity for protected groups who are employed by, or seek employment with, agencies of the New York City government (<http://www.nyc.gov/html/eepc/html/home/home.shtml>).

The EEOC conducted its audit of OEM from February through May of this year. The audit covered the period from July 1, 2003 to June 30, 2005. EEOC sent its final assessment of OEM's compliance with pertinent Equal Employment Opportunity (EEO) regulations to me on June 8, 2006. I responded to the EEOC by letter dated July 18, 2006, commenting on the audit and noting the agency's intention to take steps to ensure compliance with any outstanding issues noted in the June 8<sup>th</sup> letter.

The EEOC audit contained several recommendations to enhance the EEO practices of OEM. Some of these recommendations are listed below. The complying actions agreed to by OEM are in parentheses.

- Send a memo update to all OEM employees indicating the names of the current EEO Officer and EEO Counselors and their responsibilities. (A designation memo is being distributed with this memo.)
- Designate a Disabilities Rights Coordinator. (OEM's EEO Officer, James McConnell, has been so designated.)

- Develop a plan to ensure that all employees receive general EEO training. (While this has been handled on an individual basis in the past, OEM is now developing a plan for group training sessions.)
- Supplement existing job posting outlets with the list of minority and female recruitment sources compiled by DCAS for discretionary job vacancies. (OEM has recently started to utilize these supplemental lists.)
- The Personnel Director and EEO Officer should work together in the development of recruitment strategies and selection of recruitment media. (The Commissioner has instructed those parties to work together on this issue.)
- All managers should receive formal structured interviewing training. (All OEM managers have either received this training this Summer or will in the Fall of 2006.)
- A Career Counselor should be designated. (The Personnel Director has been so designated.)
- OEM's unusual staffing structure (i.e., personnel from many other agencies in addition to OEM line employees) makes it difficult to evaluate its recruitment, hiring, and promotion practices in terms of adverse impact on any particular racial, ethnic, or gender group. (The Personnel Director and EEO Officer will receive training on conducting adverse impact studies. OEM is also working with the Office of Labor Relations, the Law Department, and DCAS to develop performance evaluations for managerial and non-managerial employees that reflect our peculiar staffing structure.)
- The Commissioner must send a memorandum to all OEM staff to discuss the audit findings. (This memo complies with that recommendation.)

As Commissioner, I reaffirm the agency's strong commitment to maintaining fair employment practices for all of its employees and job applicants. We seek to ensure the maintenance of a work environment where differences among employees are accepted and appreciated.

All employees are encouraged to find out more about this audit and the resources available to you at OEM by contacting OEM's EEO Officer, James McConnell (718) 422-4812.