

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

RESOLUTION #2014/017: Final Determination pursuant to the Audit and Analysis of the Office of Emergency Management's Equal Employment Opportunity Program from January 1, 2012 through December 31, 2013.

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 Office of Emergency Management (OEM) EEO Program, the Equal Employment Practices Commission (EEPC) issued a Preliminary Determination letter, dated August 19, 2014, setting forth findings and the following required corrective actions:

1. Corrective Action #1: Update the agency head's EEO Policy statement or memo to advise employees of the names and contact information of agency EEO professionals. Re-issue the agency head's updated statement/memo.
2. Corrective Action #2: Include in the complaint file a Discrimination Complaint Form or a complaint that captures the facts (include pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination.
3. Corrective Action #3: Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Corrective Action #4: Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file. Word processed notes are preferred.

5. Corrective Action #5: Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion, Recommendation, and Agency Head's Review at the conclusion of each complaint investigation.
6. Corrective Action #6: Institute a policy where the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
7. Corrective Action #7: Issue written communication informing the respondent of the conclusion and outcome of a complaint investigation.
8. Corrective Action #8: Maintain EEO-related files in a secure area to ensure confidentiality.
9. Corrective Action #9: Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.

Whereas, the agency did not submit an optional response to the EEPC's Preliminary Determination letter; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on September 18, 2014 indicates that corrective action(s) nos. 1, 3, 4 require compliance monitoring; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC is required to monitor the agency for a period not to exceed six months, from October through March 2015, to determine whether it implemented remaining required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the agency is required to respond in 30 days and make monthly reports thereafter to the Commission on the progress of implementation of such corrective actions; and

Whereas, all of the EEPC's 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,

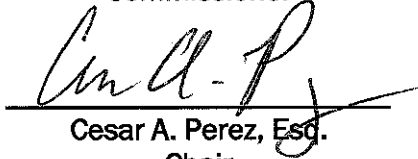
that the Commission authorizes Chair Cesar A. Perez, Esq. to forward its Final Determination to Commissioner Joseph Esposito of the Office of Emergency Management.

Approved unanimously on September 18, 2014.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner



Cesar A. Perez, Esq.
Chair

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

RESOLUTION #2015/017C-6: Determination of **Compliance** (Monitoring Period Required) by the Office of Emergency Management with the Equal Employment Practices Commission's required corrective actions pursuant to the audit and analysis of its Discrimination Complaint and Investigation Procedures from January 1, 2012 through December 31, 2013.

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 Office of Emergency Management's (OEM) Discrimination Complaint and Investigation Procedures, the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter, dated August 19, 2014, setting forth findings and the following required corrective actions:

1. Update the agency head's EEO Policy statement or memo to advise employees of the names and contact information of agency EEO professionals. Re-issue the agency head's updated statement/memo.
2. Include in the complaint file a Discrimination Complaint Form or a complaint that captures the facts (include pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the alleged discrimination.
3. Serve the respondent with a notice of the complaint that includes the respondent's right to respond to the allegations and right to be accompanied by a representative of his/her choice. Maintain in the complaint file documentation regarding the service of notice on the respondent.
4. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file. Word processed notes are preferred.
5. Generate a report labeled "Confidential" consisting of Facts, Analysis, Conclusion,

Recommendation, and Agency Head's Review at the conclusion of each complaint investigation.

6. Institute a policy where the agency head reviews the EEO professional's report; promptly issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each final determination (via writing or electronically) to indicate it has been reviewed and adopted.
7. Issue written communication informing the respondent of the conclusion and outcome of a complaint investigation.
8. Maintain EEO-related files in a secure area to ensure confidentiality.
9. Ensure that information regarding employee rights and obligations, and the complaint, investigation and reasonable accommodation procedures is made available in appropriate alternative formats (i.e., large print, audio tape and/or Braille) upon request to employees and applicants for employment with disabilities.

Whereas, the Office of Emergency Management submitted its response to the EEPC's preliminary determination letter, on September 12, 2014 without documentation of its actions to rectify required corrective actions; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued a Final Determination on September 18, 2014, with all corrective actions remaining; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC monitored the agency's implementation of the corrective actions from October 2014 to March 2015; and

Whereas, at the EEPC's request pursuant to Section 815.a.(15) of the New York City Charter, the Office of Emergency Management submitted a copy of the agency head's memorandum to staff dated April 20, 2015, which outlined the corrective actions implemented in response to the EEPC's audit and reiterated his commitment to the agency's EEO Program; and

Whereas, all of the EEPC's 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 the Office of Emergency Management has implemented the required corrective actions deemed necessary to ensure compliance with the equal employment opportunity standards of this Commission and requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,
that the Commission authorizes Commissioner Arva R. Rice, to forward this Determination to Joseph Esposito, Commissioner of the Office of Emergency Management.

Approved unanimously on May 18, 2015.

Angela Cabrera
Commissioner


Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

A handwritten signature in black ink, appearing to read 'Arva R. Rice', written over a horizontal line.

Arva R. Rice
Commissioner

TO: All Staff

FROM: Commissioner Joseph J. Esposito 

RE: Agency EEO Staff and Continuing Commitment to Agency EEO Policy

DATE: April 20, 2015

I wish to reiterate that I am committed to ensuring fair employment practices in all aspects at NYC Emergency Management.

As agency commissioner, I expect all managers and supervisors at the agency to support a work environment that values fairness, equity and respect. I hold managers and supervisors, Equal Employment Opportunity (EEO) representatives and human resources professionals accountable for the effective implementation of the City's EEO policies and for ensuring that the agency does not discriminate against or harass employees or applicants for employment.

All employees have been provided with information about employee rights and obligations under the City's EEO Policy and the agency will post any updates of federal and/or state mandated postings relating to the City's EEO Policy. A copy of the City's EEO Policy, EEO Policy Handbook and complaint procedures are available to all employees via the agency's Intranet website http://oemwebapps/IntraDocs/Docs1/Employee_Handbook.pdf in the EEO Policy section.

Helping me to carry out this policy is the agency's EEO staff. James McConnell is the agency's EEO Officer. He reports directly to me. He has three EEO Counselors to assist him: Annette Santiago, Janet Rivera, and Kristine Gregorek. Ms. Santiago also serves as the agency's Career Counselor and she is quite familiar with civil service and provisional positions. Mr. McConnell also serves as the agency's Disability Rights Coordinator. All employees should feel free to speak confidentially to any of the EEO staff regarding any violations of the EEO policy that they may have encountered.