





## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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December 20, 2007

Diane D'Alessandro  
Executive Director  
NYC Employees Retirement System  
335 Adams Street  
Brooklyn, NY 11201

Re: Resolution #07/27-009/Preliminary Determination Pursuant to the Audit of the NYC Employees Retirement System (NYCERS) Equal Employment Opportunity Program from July 1, 2005 to June 30, 2007

Dear Ms. D'Alessandro:

Pursuant to Chapter 36 of the New York City Charter, the Equal Employment Practices Commission (EEPC) is empowered 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. (New York City Charter, Chapter 36, sections 831(d)(2) and (5).)

The Charter defines city agency as any "city, county, borough, or other office, administration, board, department, division, commission, bureau, corporation, authority, or other agency of government, where the majority of the board members of such agency are appointed by the mayor or serve by virtue of being city officers or the expenses of which are paid in whole or in part from the city treasury..." The NYC Employees Retirement System is funded by the City of New York and is therefore considered a city agency pursuant to Chapter 36, section 831(a) of the New York City Charter.

This Commission is empowered by Section 831 of the City Charter to recommend all necessary and appropriate actions to ensure fair and effective affirmative employment programs for minority group members and women; and other protected classes per the City's EEO Policy.

This audit measures the NYCERS's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in the 2005 Citywide EEO Policy. All recommendations for corrective actions are consistent with both the audit's findings and the parameters set forth in the 2005 Citywide EEO Policy. The relevant sections of these guidelines are cited in parenthesis, where applicable, at the end of each recommendation.

The purpose of this audit is to evaluate the agency's compliance with the standards cited above, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

### **Scope and Methodology**

Audit methodology included an analysis of the NYCERS's EEO Policy, and a review of responses to an EEPD Document and Information Request Form. The EEPD auditors also conducted in-depth, on-site interviews with the current and former EEO officers, as well as the EEO counselor.

A survey of 358 people employed by the NYCERS during the audit period was distributed. (This number excludes 25 surveys that were returned as undeliverable.) Thirty people responded (8.4%) The results of these surveys are discussed in the proceeding pages and also attached. (Appendix 1)

### **Description of the Agency**

The prime function of the NYCERS is to administer the statutory pension benefits of its members, retirees, and beneficiaries. To accomplish its mission, the agency performs the following: administers pension checks, drafts loans, provides disability protection, refunds unvested contributions, keeps current on legislation impacting retirement plans, conducts member presentations, and maintains a call center and a customer service center. The NYCERS is administered by a Board of Trustees chaired by a representative appointed by the Mayor. The other members include the Public Advocate, Comptroller, and the Borough Presidents. The Board of Trustees appoints an Executive Director of the Retirement System.

### **Personnel Activity During the Audit Period**

During the audit period, 90 people were hired: 14 Caucasians, 52 African-Americans, 7 Hispanics, and 14 Asians. Fifty-six of the hires were women. Ninety people were promoted during the period in review: 26 Caucasians, 47 African-Americans, 3 Hispanics, and 14 Asians. Sixty of those promoted were women. (Appendix 2)

The NYCERS reports that during the audit period, 38 individuals were involuntarily separated for the following reasons: "end of college aide program," "temporary assignment," "lateness," "policy violation," or "poor work performance." Of those individuals, 12 were males, 26 were females, 32 were African-Americans, 4 were Hispanics, and 2 were Asians.

Between July 1, 2005 and June 30, 2007, the total number of NYCERS employees decreased by 3.0%, going from 395 to 383. There were small percentage increases for Asians (16.7% to 17.2%) and Native Americans (2.0% to 2.1%), while the percentage of African-Americans and Hispanics dropped slightly (38.7% to 37.0%, and 6.8% to 6.5%, respectively). (Appendices 3 and 4)

### **Discrimination Complaint Activity During the Audit Period**

Five internal discrimination complaints were filed during the audit period. (This number excludes four requests for reasonable accommodation that were erroneously listed as discrimination complaints by the NYCERS.) Of those five complaints, two were based on sexual harassment, one was based on disability/religion, and one was non-specific. One complaint received a “probable cause” determination and four complaints received “no probable cause” determinations. No discrimination complaints were pending at the end of the audit period.

One external discrimination complaint, based on multiple factors, was filed during the audit period. The complaint was “dismissed” by the U.S. Equal Employment Opportunity Commission.

### **PRELIMINARY DETERMINATION**

Following are our preliminary determinations with required corrective actions and recommendations pursuant to the audit.

#### **Plan Dissemination – Internally**

The NYCERS is in compliance with the following requirements:

1. The NYCERS has adopted and tailored the Citywide EEO Policy that was in effect between 1996 and 2005. Similar to the previous Citywide EEO Policy, the NYCERS EEO Policy contains a general anti-discrimination policy statement, a sexual harassment policy statement, a disabilities policy statement, an anti-retaliation policy statement, a reasonable accommodation procedure, and a discrimination complaint procedure.
2. The NYCERS EEO Policy is included in the employee handbook, which is given to all employees; distributed during the new employee orientation sessions; and posted on the agency intranet. (NYCERS does not have physical bulletin boards.) When the Policy is revised, employees are notified of the changes via the intranet. In addition, 66.7% of survey respondents indicated they were given the EEO Policy, and 73.3% indicated the EEO Policy is posted.

The NYCERS is not in compliance with the following requirements:

1. The NYCERS EEO Policy does not contain an up-to-date list of the “protected classes” under the New York State and City Human Rights Laws. Specifically, although the agency Policy lists “status as a victim of domestic violence,” the full current protected

class is “status as a victim of domestic violence, sex offenses or stalking.” Similarly, the agency Policy lists “genetic predisposition,” although the current term is “predisposing genetic characteristics.” Finally, the agency Policy lists “alienage” instead of “alienage or citizenship status”—the full current protected class. Corrective action is required.

Recommendation: The agency’s EEO Policy should be revised to include all of the protected classes under the New York City and New York State Human Rights Laws.

Recommendation: The revised EEO Policy should be distributed to all current and new employees, and posted on the agency’s intranet.

2. The EEO officer informed the EEPC auditors that her agency has no recollection of distributing the Citywide EEO Policy Handbook (*About EEO: What You Need to Know*). In addition, 36.7% of survey respondents indicated that had not received that publication. Corrective action is required.

Recommendation: The Citywide EEO Policy Handbook (with addendums) should be distributed to all current and new employees.

### **Plan Dissemination – Externally**

The NYCERS is in compliance with the following requirements:

1. All ten job vacancy notices submitted by the NYCERS (for the assistant retirement benefits examiner, associate retirement benefits examiner, and clerical associate titles) indicate that the agency is an equal opportunity employers.
2. The two job advertisements submitted by the NYCERS (director of security in *New York Post* and director of security in *The Chief*) contain the EEO tag line.

### **EEO and Reasonable Accommodation for Persons with Disabilities**

The NYCERS is in compliance with the following requirements:

1. The agency has made several recent accommodations to persons with disabilities: an employee with a visual impairment was given a computer screen magnifier, and an employee with a body temperature problem was given a mechanical heater.
2. The NYCERS is located in a modern private building, which is completely accessible and usable by persons with disabilities. According to the EEO officer and the completed *Accessibility for Persons with Disabilities Checklist* (issued by the EEPC), there is a level ground floor entrance, the building has wheelchair accessible elevators, there is Braille and bells in elevators, and the restrooms have wide stalls and low sink or bathroom fixtures.

The NYCERS is not in compliance with the following requirements:

1. Although the NYCERS has permanent titles, it does not participate in the Section 55-A Program and has not distributed the Department of Citywide Administrative Services's Program (DCAS) brochures. The Citywide 55-A Program coordinator (DCAS) told the EEPC that all city agencies—including non-mayoral agencies—that have competitive city titles are eligible to and should participate in this program. The coordinator also indicated that a number of non-mayoral agencies are participating in that program. Corrective action is required.

Recommendation: The NYCERS should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by the DCAS to all current and new employees. (Sect. IIB, Citywide EEO Policy)

2. Although the EEO officer functions as the disabilities rights coordinator, she has not been formally given that title. Corrective action is required.

Recommendation: The EEO officer should formally be appointed the disabilities rights coordinator and employees should be notified in writing of that appointment. (Sect. VB, Citywide EEO Policy)

3. The EEO officer told the EEPC auditors that the agency's EEO Policy is not available in alternative formats for persons with disabilities. Corrective action is required.

Recommendation: The agency should follow Section VB of the Citywide EEO Policy and ensure that its EEO Policy is available in "appropriate alternate formats to employees with disabilities" (e.g., audio cassette or Braille)

## **EEO Complaint and Investigation System**

The NYCERS is in partial compliance with the following requirements:

1. At various times during the audit period, there were four EEO officers (2 co-EEO officers and 2 sole EEO officers) and one EEO counselor. The two former co-EEO officers completed the DCAS training for EEO professionals, while a former EEO officer, the current EEO counselor and current EEO officer have not. The latter official—who was appointed in June 2007--told the EEPC auditors that she is on the waiting list for the next DCAS training session. Corrective action is required.

Recommendation: Since knowledgeable EEO professionals are essential to the success of the EEO program, and to ensure that EEO professionals have a uniform body of knowledge, the current EEO officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO officer should obtain the certificate or otherwise

complete the program at the institution selected by the NYCERS. (Sect. VB, Citywide EEO Policy)

2. Although the agency appointed an EEO counselor (a female) in April 2007, the EEO officer (also a female) told the EEPC auditors that the NYCERS is seeking to appoint a male EEO counselor, so that there will be individuals of different genders available to receive and investigate discrimination complaints. Corrective action is required.

Recommendation: The NYCERS should follow-up on its pledge and appoint a male EEO counselor, who will be authorized to receive and investigate discrimination complaints. (Sect. VB, Citywide EEO Policy)

Recommendation: The new male EEO counselor should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. (Sect. VB, EEO Policy)

The NYCERS is not in compliance with the following requirement:

In response to item number 9(k) of the Commission's Document and Information Request Form, the NYCERS indicated that it has no notes of the latest meeting between the EEO officer and EEO counselor. The agency wrote that "it's a 1-Pony show." Corrective action is required.

Recommendation: The EEO officer should meet with the new male EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (Sect. VC, Citywide EEO Policy)

The following section refers to the five internal discrimination complaint files submitted by the NYCERS. (Excluded are the four files regarding requests for reasonable accommodations.) Since the agency did not assign complaint numbers to the files, the files are identified by the complaint filing dates.

The NYCERS is not in compliance with the following requirements:

1. Complaint files 9/27/05, 10/20/05, 1/13/06, 12/5/06, and 12/19/06 do not contain a NYCERS *Complaint of Discrimination* form. Corrective action is required.

Recommendation: All internal discrimination complaint files should contain a NYCERS *Complaint of Discrimination* form. (Sect. IIA, NYCERS EEO Policy)

2. Complaint files 9/27/05, 10/20/05, 1/13/06, 12/5/06, and 12/19/06 have no indication that the respondent received a copy of the discrimination complaint. Corrective action is required.

Recommendation: A person who has been named as a respondent in the *Complaint of Discrimination* form should receive a copy of the complaint and have the opportunity to respond in writing. Sensitive information, such as the complainant's home address and telephone number, can be redacted or kept on a separate complaint sheet. (Sect. IIA, NYCERS EEO Policy)

3. Complaint files 9/27/05, 10/20/05, 1/13/06, 12/5/06, and 12/19/06 contain no indication that the parties to the complaint received written notification of the outcome of the investigation. Corrective action is required.

Recommendation: The parties to the complaint should be notified in writing of the outcome of the investigation. (Section 12b, *Discrimination Complaint Procedures Implementation Guidelines*, DCAS, 1993. Available on the DCAS website, [www.nyc.gov/html.dcas](http://www.nyc.gov/html.dcas))

4. Although the EEO investigator's confidential written reports in the five files cited above were directed to the agency head, there is no indication in the files that the reports were actually reviewed, or the recommendations approved, by the agency head. Corrective action is required.

Recommendation: The agency head should sign each EEO investigator's report containing findings and recommendations. (Sect. 12b, *Discrimination Complaint Procedures Implementation Guidelines*, DCAS, 1993)

5. Complaint file 10/20/05 (which received a "probable cause" determination) contains no evidence that the EEO professional's recommended corrective actions were implemented. Corrective action is required.

Recommendation: It is the Commission's position that all appropriate internal discrimination complaint files should contain notice that the recommended corrective actions were implemented.

## **EEO Training**

The NYCERS is in compliance with the following requirement:

The current EEO officer informed the EEPC auditors that all employees have received EEO training from the NYCERS. New employees receive training developed by a former EEO officer during a two-day orientation session. At that session, the current and immediate past EEO officer make a presentation on EEO principles and the NYCERS EEO Policy using four slides. In addition, the agency has identified long-term employees and ensures that they attend one of those training sessions.

## **Recruitment and Selection**

The NYCERS is not in compliance with the following requirement:

Although the agency submitted a list of its standard job interview questions and interview evaluation worksheet, the EEO officer told the EEPC auditors that she does not know if the NYCERS provided structured interview training to personnel involved in the recruitment and hiring process. Corrective action is required.

Recommendation: The NYCERS should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IC, Citywide EEO Policy)

## **EEO Officer Reporting Arrangement**

The NYCERS is in compliance with the following requirement:

The past and current EEO officers reported to the executive director on EEO matters.

The NYCERS is not in compliance with the following requirement:

The current EEO officer informed the EEPC auditors that none of the EEO officers during the audit period (including her) kept agendas or notes of their meetings with the executive director regarding EEO matters. Corrective action is required.

Recommendation: It is the Commission's position that appropriate documentation of meetings and other communications between the EEO officer and agency head regarding EEO program operational decisions should be maintained.

## **EEO Officer Responsibilities**

The NYCERS is in compliance with the following requirement:

The past and current EEO officers have devoted approximately 5% to 10% of their time to EEO matters. The current EEO officer, an assistant general counsel, told the EEPC auditors that she has sufficient support staff to discharge her EEO duties.

The NYCERS is not in compliance with the following requirement:

The EEO officer informed the EEPC auditors that she is not involved in developing recruitment strategies or selecting recruitment media: those are the sole responsibilities of the human resources department. Corrective action is required.

Recommendation: To ensure fair employment practices, the agency head should direct the human resources department to include the EEO officer in the development of

recruitment strategies and selection of recruitment media. (Sect. IV, Citywide EEO Policy)

### **Special Problem/Contingency**

The NYCERS is not in compliance with the following requirement:

Fifty-seven percent of survey respondents indicated they had not received EEO training. Corrective action is required.

Recommendation: The NYCERS should develop a plan, which includes a timetable, to provide EEO training to all employees who have not received it. (Sect. IV, Citywide EEO Policy)

### **SUMMARY OF RECOMMENDED CORRECTIVE ACTIONS**

1. The agency's EEO Policy should be revised to include all of the protected classes under the New York City and New York State Human Rights Laws.
2. The revised EEO Policy should be distributed to all current and new employees, and posted on the agency's intranet.
3. The Citywide EEO Policy Handbook (with addendums) should be distributed to all current and new employees. (Sect. VB, Citywide EEO Policy)
4. The NYCERS should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by the DCAS to all current and new employees. (Sect. IIB, Citywide EEO Policy)
5. The EEO officer should formally be appointed the disabilities rights coordinator and employees should be notified in writing of that appointment. (Sect. VB, Citywide EEO Policy)
6. The agency should follow Section VB of the Citywide EEO Policy and ensure that its EEO Policy is available in "appropriate alternate formats to employees with disabilities" (e.g., audio cassette or Braille)
7. The EEO officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO officer should obtain the certificate or otherwise complete the program at the institution selected by the NYCERS. (Sect. VB, Citywide EEO Policy)

8. The NYCERS should follow-up on its pledge and appoint a male EEO counselor, who will be authorized to receive and investigate discrimination complaints. (Sect. VB, Citywide EEO Policy)
9. The new male EEO counselor should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. (Sect. VB, Citywide EEO Policy)
10. The EEO officer should meet with the new male EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (Sect. VC, Citywide EEO Policy)
11. All internal discrimination complaint files should contain a NYCERS *Complaint of Discrimination* form. (Sect. IIA, NYCERS EEO Policy)
12. A person who has been named as a respondent in the *Complaint of Discrimination* form should receive a copy of the complaint and have the opportunity to respond in writing. Sensitive information, such as the complainant's home address and telephone number, can be redacted or kept on a separate complaint sheet. (Sect. IIA, NYCERS EEO Policy)
13. The parties to the complaint should be notified in writing of the outcome of the investigation. (Sect. 12b, *Discrimination Complaint Procedures Implementation Guidelines*, DCAS, 1993.)
14. The agency head should sign each EEO investigator's report containing findings and recommendations. (Sect. 12b, *Discrimination Complaint Procedures Implementation Guidelines*, DCAS, 1993)
15. It is the Commission's position that all appropriate internal discrimination complaint files should contain notice that the recommended corrective actions were implemented.
16. The NYCERS should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IC, Citywide EEO Policy)
17. It is the Commission's position that appropriate documentation of meetings and other communications regarding EEO program operations decisions should be maintained.
18. The agency head should direct the human resources department to include the EEO officer in the development of recruitment strategies and selection of recruitment media. (Sect. IV, Citywide EEO Policy)
19. The NYCERS should develop a plan, which includes a timetable, to provide EEO training to all employees who have not received it. (Sect. IV, Citywide EEO Policy)

In addition to the above recommendations, during the compliance process, the Commission requires that the agency head distribute a memorandum to all staff informing them of the changes that are being implemented in the agency's EEO program pursuant to the audit. This memorandum should re-emphasize the agency head's commitment to the agency's Equal Employment Opportunity Program.

### **Conclusion**

Pursuant to Chapter 36 of the New York City Charter and the previously cited preliminary determinations relating to the EEPC's audit of the NYCERS's compliance with its Equal Employment Opportunity Policy, as well as Commission policies and EEO standards expressed in the Citywide EEO Policy, we respectfully request your response to the aforementioned preliminary determinations.

Your response should indicate what corrective actions your office will take to bring the agency in compliance with the aforementioned policies and which recommendations it intends to follow. As you informed us during the exit meeting of December 19, 2007, you have already implemented some of our recommended corrective actions. Please specify those corrective actions in your response. Please forward your response within thirty days of receipt of this letter.

Pursuant to Section 832 of the New York City Charter, if you do not implement all of these recommendations for corrective actions during a compliance period not to exceed six months, this Commission may publish a report and recommend to the Mayor the appropriate corrective actions that you should implement in your agency's EEO Plan.

In closing, we thank you and your staff for the cooperation extended to the Equal Employment Practices Commission auditors during the course of this audit. If you have any questions regarding these preliminary determinations, please let us know.

Sincerely,

*for*   
Ernest F. Hart, Esq.  
Chair

APPENDIX - 1

New York City Employee Retirement System  
EMPLOYEE SURVEY RESULTS

A. GENERAL OVERVIEW

- 1. Do you know who your agency's EEO Officer is?  
Yes (21) No (9)
- 2. Is your agency's EEO Policy Statement or the Citywide EEO Policy Statement posted on your agency's bulletin boards?  
Yes (22) No (8)
- 3. Were you given the EEO Policy Statement or the Citywide EEO Policy Statement?  
Yes (20) No (2) Do not remember (8)
- 4. Were you given a copy of the EEO Policy Handbook – *About EEO: What You Need to Know*?  
Yes (19) No (11)
- 5. Do you agree with the principles of equal employment opportunity?  
Yes (30) No (0)
- 6. Do you believe your agency practices equal employment opportunity?  
Yes (14) No (16)

B. EEO COMPLAINTS

- 7. Do you know how to file an EEO complaint?  
Yes (21) No (9)
- 8. If you had an EEO complaint, would you bring it to your agency's EEO Office?  
Yes (11) No (12) Undecided (7)
- 9. Would you prefer to file an EEO complaint with an office outside your agency?  
Yes (20) No (3) Undecided (7)
- 10. Did you ever file an EEO complaint with your agency's EEO Office? If No, please skip to question #14.  
Yes (4) No (26)

11. What was the basis of the complaint?

- |                                    |  |
|------------------------------------|--|
| Age (1)                            | Partnership Status (0)   |
| Alienage or Citizen Status (0)     | Predisposing genetic characteristic (0)                        |
| Arrest or Conviction Record (0)    | Race (1)   |
| Color (0)                          | Sexual Harassment (0)  |
| Creed (0)                          | Sexual Orientation (0)   |
| Disability (1)                     | Veteran's Status (0)   |
| Gender (incl. gender identity) (2) | Victim of Domestic Violence,<br>Stalking, and Sex Offenses (0) |
| Marital Status (0)                 | Other (0)  |
| Military Status (0)                |  |
| National Origin (0)                |  |



## APPENDIX – 2

The following tables indicate personnel activity during the audit period, July 1, 2005 through June 30, 2007.

### NYCERS Hires by Sex and Race

Total: 90

MALE	FEMALE	TOTAL	CAUCASIAN	AFRICAN-AMERICAN	HISPANIC	ASIAN	TOTAL
34	56	90	17	52	7	14	90

### NYCERS Promotions by Sex and Race

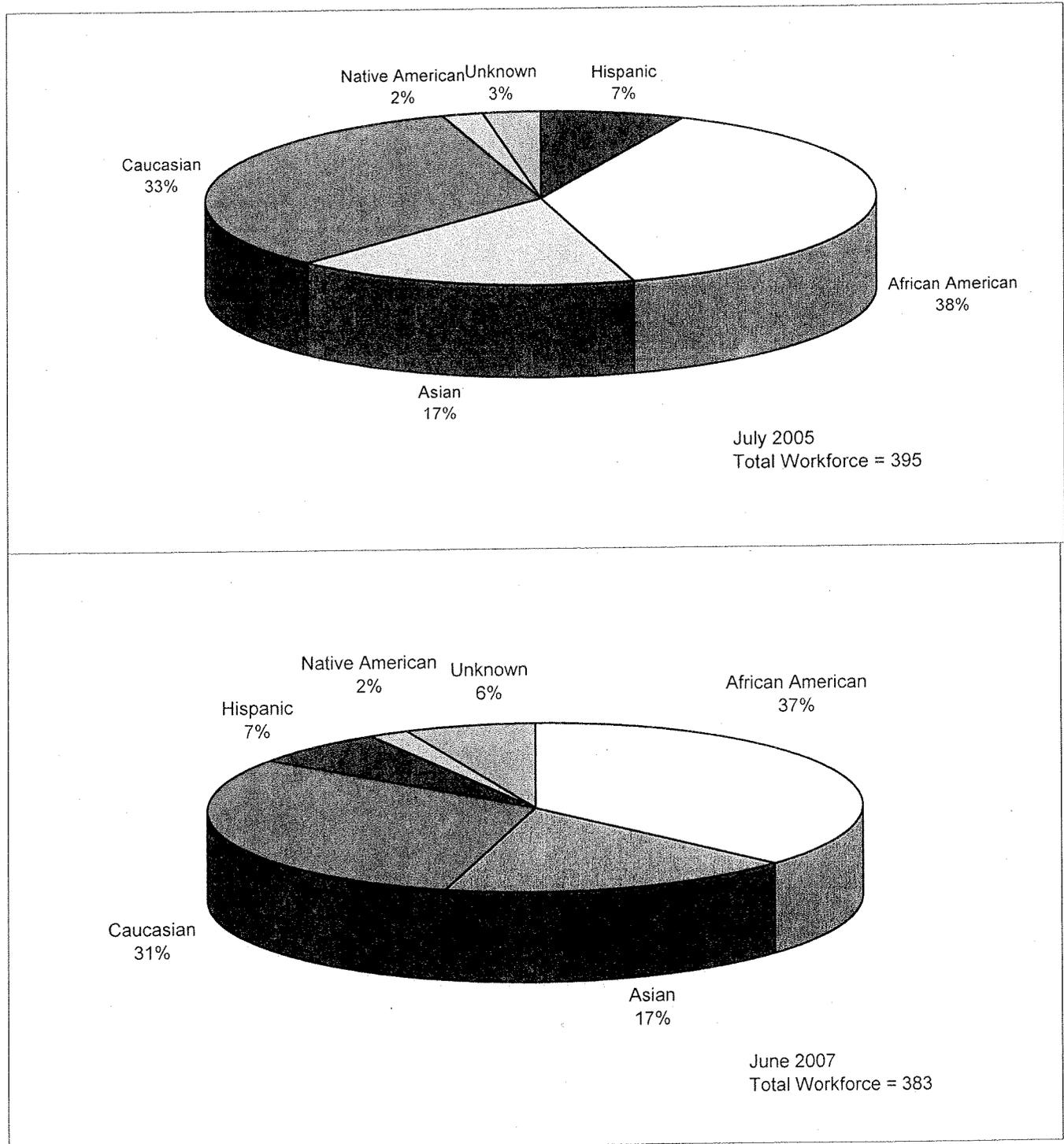
Total: 90

MALE	FEMALE	TOTAL	CAUCASIAN	AFRICAN-AMERICAN	HISPANIC	ASIAN	TOTAL
30	60	90	26	47	3	14	90

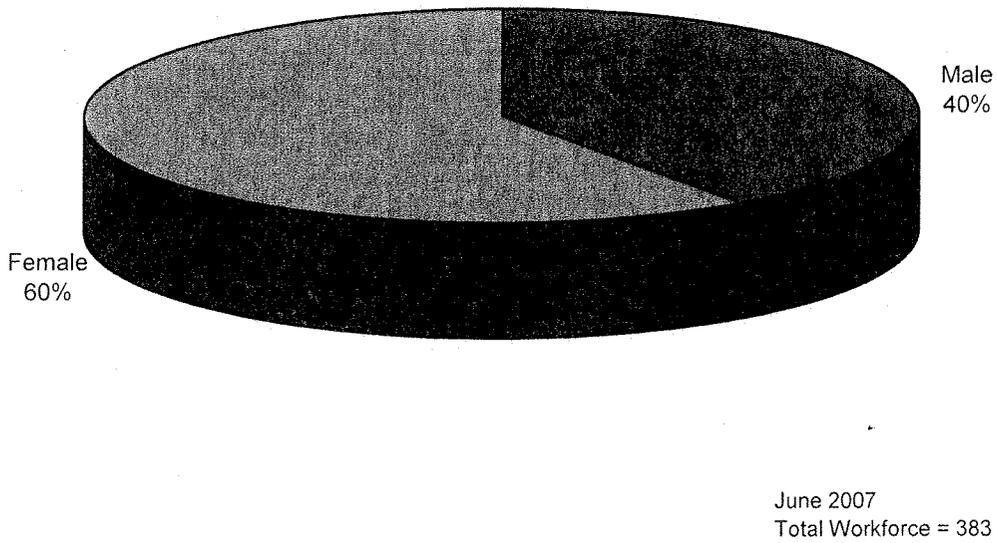
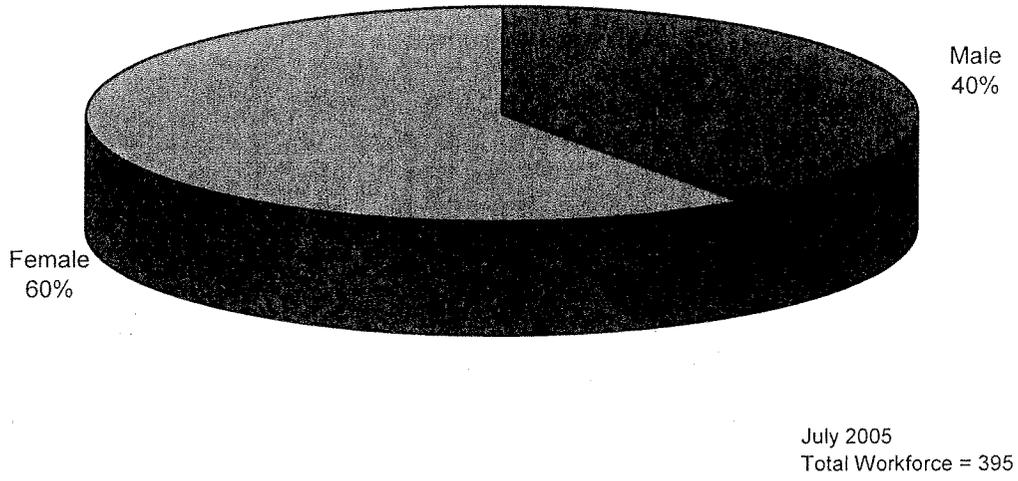
Source: Audit data supplied by NYCERS

# Appendix - 3

## New York City Employee Retirement System Workforce by Ethnicity



Appendix - 4  
New York City Employee Retirement System  
Workforce by Gender



# NYCERS

RETIREMENT AND BENEFITS

NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM

MAIL ONLY:  
335 ADAMS STREET,  
SUITE 2300  
BROOKLYN, NY 11201-3751

ALL OTHER SERVICES:  
340 JAY STREET,  
MEZZANINE LEVEL  
BROOKLYN, NY 11201-3751

TEL: (347) 643-3000

EXECUTIVE DIRECTOR: DIANE D'ALESSANDRO

January 22, 2008

9655

Ernest F. Hart, Esq.  
40 Rector Street, 14<sup>th</sup> Floor  
New York, NY 10006

Re: NYCERS EEPC Audit- July1, 2005- June 30, 2007  
Preliminary Determination Pursuant to Audit

Dear Mr. Hart:

This letter and enclosures shall serve as a response to your Preliminary Determination Pursuant to the Audit of NYCERS sent to NYCERS Executive Director, Diane D'Alessandro, dated December 20, 2007.

The EEPC made recommendations to NYCERS for corrective actions as a result of the audit. The following are a response to those recommendations.

1. Recommendation: The agency's EEO Policy should be revised to include all of the protected classes under the New York City and the New York State Human Rights Laws.

Corrective Action: NYCERS will revise the agency's EEO Policy to include all protected classes under the New York City and the New York State Human Rights Laws. Specifically we will revise the EEO Policy to include "status as a victim of domestic violence, sex offenses or stalking", predisposing genetic characteristics" and alienage or citizenship status".

2. Recommendation: The revised EEO Policy should be distributed to all current and new employees and posted on agency intranet.

Corrective Action: NYCERS revised EEO Policy will be emailed to all NYCERS employees. NYCERS employees will be instructed to print a copy of the revised policy and replace it in their Employee Handbooks. The revised EEO Policy will be placed in a public folder on NYCERS mainframe system which is accessible to all employees.

Claudine Rasp, Esq.  
Assistant General Counsel  
Phone: 347-643-3095  
Fax: 347-643-3200

Visit our Website at:  
[www.nycers.org](http://www.nycers.org)

3. **Recommendation:** The Citywide EEO Policy Handbook (with addendums) should be distributed to all current and new employees. (Sect. VB, Citywide EEO Policy)

**Corrective Action:** The Citywide EEO Policy Handbook (with addendums) has been reproduced and NYCERS' Directors have distributed them to each employee within their division.

4. **Recommendation:** The NYCERS should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by the DCAS to all current and new employees. (Sect. IIB, Citywide EEO Policy)

**Corrective Action:** NYCERS has never had any requests for Section 55-A. NYCERS has reproduced DCAS' Section 55-A Program brochure and NYCERS' Directors will distribute them to each employee within their division.

5. **Recommendation:** The EEO officer should formally be appointed the disabilities rights coordinator and employees should be notified in writing of that appointment. (Sect. VB, Citywide EEO Policy)

**Corrective Action:** NYCERS will appoint the EEO Officer the disability rights coordinator. NYCERS will notify employees via e-mail and will add a provision to their EEO Policy in the Employees Handbook stating that the EEO Officer is the Disability Rights Coordinator.

6. **Recommendation:** The agency should follow Section VB of the Citywide EEO Policy and ensure that its EEO Policy is available in "appropriate alternate formats to employees with disabilities" (e.g., audio cassette or Braille)

**Corrective Action:** NYCERS has never been asked for the EEO Policy in an alternative format but will provide if requested.

7. **Recommendation:** The EEO officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO officer should obtain the certificate or otherwise complete the program at the institution selected by the NYCERS. (Sect. VB, Citywide EEO Policy)

Corrective Action: NYCERS EEO Officer attended DCAS EEO training from November 13 through 16, 2007. DCAS yet to issue a certificate to the EEO Officer. Attached is email correspondence confirming the EEO Officer's attendance at this training. (See attachment A)

8. Recommendation: The NYCERS should follow-up on its pledge and appoint a male EEO counselor, who will be authorized to receive and investigate discrimination complaints. (Sect. VB, Citywide EEO Policy)

Corrective Action: NYCERS has designated Badar Malik as the male EEO counselor. NYCERS will notify all employees of this appointment by the end of January 2008.

9. Recommendation: The new male EEO counselor should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. (Sect. VB, Citywide EEO Policy)

Corrective Action: NYCERS has contacted DCAS and requested that he attend the next available DCAS EEO training. We are awaiting DCAS response. (See attachment C)

10. Recommendation: The EEO officer should meet with the new male EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (Sect. VC, Citywide EEO Policy)

Corrective Action: NYCERS newly appointed EEO Officer and EEO Counselor are scheduled to meet by the end of January 2008. Thereafter they will meet quarterly to ensure that all EEO functions are being carried out satisfactorily and kept abreast of internal and external EEO developments.

11. Recommendation: All internal discrimination complaint files should contain a NYCERS Complaint of Discrimination form. (Sect. IIA, NYCERS EEO Policy)

Corrective Action: NYCERS has a Complaint of Discrimination form. All future internal discrimination complaint files will contain a NYCERS Complaint of Discrimination form. (See attachment D)

12. Recommendation: A person who has been named as a respondent in the Complaint of Discrimination form should receive a copy of the complaint and have the opportunity to respond in writing. Sensitive information, such as the complainant's home address and telephone number, can be

redacted or kept on a separate complaint sheet. (Sect. IIA, NYCERS EEO Policy)

Corrective Action: In all future complaints of discrimination, NYCERS will provide the respondent in the complaint a redacted copy of the form and provide him/her an opportunity to respond in writing.

13. Recommendation: The parties to the complaint should be notified in writing of the outcome of the investigation. (Sect. 12b, Discrimination Complaint Procedures Implementation Guidelines, DCAS, 1993.)

Corrective Action: In all future Complaints of Discrimination, all parties will be notified in writing of the outcome of the investigation.

14. Recommendation: The agency head should sign each EEO investigator's report containing findings and recommendations. (Sect. 12b, Discrimination Complaint Procedures Implementation Guidelines, DCAS, 1993)

Corrective Action: NYCERS Executive Director will sign each EEO investigator's report containing findings and recommendations.

15. Recommendation: It is the Commission's position that all appropriate internal discrimination complaint files should contain notice that the recommended corrective actions were implemented.

Corrective Action: In all future, the appropriate internal discrimination complaint files will contain notice that the recommended corrective actions were implemented.

16. Recommendation: NYCERS should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IC, Citywide EEO Policy)

Corrective Action: Felita Ramsami, NYCERS Director of Human Resources, trains all interviewing supervisors and managers on structures interview training. This training is conducted every summer for all interviewing supervisors and managers.

17. Recommendation: It is the Commission's position that appropriate documentation of meetings and other communications regarding EEO program operations decisions should be maintained.

Corrective Action: NYCERS EEO Officer will keep notes of meetings with the Executive Director regarding EEO matters.

18. Recommendation: The agency head should direct the human resources department to include the EEO officer in the development of recruitment strategies and selection of recruitment media. (Sect. IV, Citywide EEO Policy)

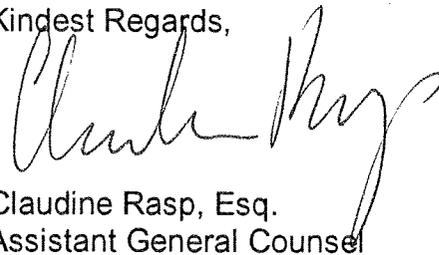
Corrective Action: The recruitment strategies and selection media NYCERS currently uses included the prior EEO officer's insight and have not been changed. In the future, if NYCERS changes or updates the recruitment strategies, policies or recruitment media NYCERS will include the EEO officer in the process of the development.

19. Recommendation: NYCERS should develop a plan, which includes a timetable, to provide EEO training to all employees who have not received it. (Sect. IV, Citywide EEO Policy)

Corrective Action: NYCERS EEO Officer trains all new employees on NYCERS EEO Policy through its New Employees Orientation training.

NYCERS looks forward to working with the EEOC on these corrective actions during this audit period and providing our employees with the up date EEO policy and assistance in all EEO related matters.

Kindest Regards,



Claudine Rasp, Esq.  
Assistant General Counsel

# ATTACHMENT A

## Basic Training for EEO Representatives -- November 2007

	<u>Agency</u>	<u>Last Name</u>	<u>First Name</u>	<u>Email</u>
1	CCHR	Leak	Rose	<a href="mailto:rleak@cchr.nyc.gov">rleak@cchr.nyc.gov</a>
2	DA- Bronx	Morris	Cheryl	<a href="mailto:morrisc@bronxda.nyc.gov">morrisc@bronxda.nyc.gov</a>
3	DA- Bronx	Jones	Raymond	<a href="mailto:jonesra@bronxda.nyc.gov">jonesra@bronxda.nyc.gov</a>
4	DCA	Cotton	Dorlene	<a href="mailto:dcotton@dca.nyc.gov">dcotton@dca.nyc.gov</a>
5	DCAS	Polanco	Rosa	<a href="mailto:rpolanco@dcas.nyc.gov">rpolanco@dcas.nyc.gov</a>
6	DHS	James	Douglas C.	<a href="mailto:djames@dhs.nyc.gov">djames@dhs.nyc.gov</a>
7	DOB	Sanbria	Mark	<a href="mailto:msanbria@buildings.nyc.gov">msanbria@buildings.nyc.gov</a>
8	DOC	Nunez	Hilda	
9	DOC	Rivera	Luz	
10	DoHMH	Utley-Gines	Talytha	<a href="mailto:tutley@health.nyc.gov">tutley@health.nyc.gov</a>
11	DOP	Yin	David	<a href="mailto:dyin@probation.nyc.gov">dyin@probation.nyc.gov</a>
12	DOP	Ugbekile	Jeremiah	<a href="mailto:jugbekil@probation.nyc.gov">jugbekil@probation.nyc.gov</a>
13	FDNY	Valente	Michael	<a href="mailto:valentm@fdny.nyc.gov">valentm@fdny.nyc.gov</a>
14	FDNY	Lyttle	Tiffany	<a href="mailto:delgadji@fdny.nyc.gov">delgadji@fdny.nyc.gov</a>
15	HRA	Lopez	Miguel	
16	HRA	Niles	Stephanie	<a href="mailto:niless@hra.nyc.gov">niless@hra.nyc.gov</a>
17	IBO	Cheney	Brendan	<a href="mailto:brendanc@ibo.nyc.gov">brendanc@ibo.nyc.gov</a>
18	NYCERS	Rasp	Claudine	<a href="mailto:crasp@nycers.nyc.gov">crasp@nycers.nyc.gov</a>
19	NYPD	Braithwaite	Brandon	
20	NYPD	Dispaigne	Doris	
21	NYPD	Perez	Laura	
22	Parks	Dovico	Laura	<a href="mailto:laura.dovico@parks.nyc.gov">laura.dovico@parks.nyc.gov</a>
23	Parks	Joishy	Mahanth	<a href="mailto:mahanth.joishy@parks.nyc.gov">mahanth.joishy@parks.nyc.gov</a>
24	Manhattan - BP	Brender	Gregory	<a href="mailto:gbrender@manhattanbp.org">gbrender@manhattanbp.org</a>

## Rasp, Claudine

---

**From:** Jyll Townes [jtownes@dcas.nyc.gov]  
**Sent:** Tuesday, December 04, 2007 4:58 PM  
**To:** jquinonez@eepc.nyc.gov; djames@dhs.nyc.gov; Rasp, Claudine; valentm@fdny.nyc.gov; dyin@probation.nyc.gov  
**Cc:** Siu Cheng  
**Subject:** CLE credits for Basic Training

Dear All:

I am sorry to inform you that, based on my discussions with the Law Department, it will not be possible to grant CLE credits for the Basic Training for EEO representatives course that was presented from November 13 through 16, 2007. It appears that the standard of the CLE Board have changed in some way since the last time the course was presented as an approved program. Despite the legal content, I know that you would agree that since the course is not designed primarily for attorneys, I don't think that DCAS could become a provider over the long run (it takes time).

I hope that all is well with you and that you are able to benefit from the training. Best wishes, Jyll.

*Jyll D. Townes  
Assistant Commissioner  
Division of Citywide Equal Employment Opportunity  
Department of Citywide Administrative Services  
1 Centre Street, 17th Floor North  
New York, NY 10007  
(212) 669-8706 (telephone)  
(212) 313-3102 (fax)  
(917) 731-3005 (cell)*

 please do not print this e-mail unless necessary

# ATTACHMENT B

**Rasp, Claudine**

---

**From:** Ciner, Ariel  
**Sent:** Tuesday, January 08, 2008 2:23 PM  
**To:** Rasp, Claudine  
**Subject:** FW: Basic Training for EEO Representatives

Here it is.

**Ariel J. Ciner**  
**Certified Professional of Learning and Performance**  
NYC Employees' Retirement System  
email: [aciner@nycers.nyc.gov](mailto:aciner@nycers.nyc.gov)  
phone: (347) 643-3115  
fax: (347) 643-3300

-----Original Message-----

**From:** Siu Cheng [<mailto:scheng@dcas.nyc.gov>]  
**Sent:** Monday, December 24, 2007 11:01 AM  
**To:** Ciner, Ariel  
**Subject:** RE: Basic Training for EEO Representatives

Thank you and happy holidays to you as well!

Siu Cheng  
DCAS/DCEEO  
T: (212) 669-8651  
F: (212) 313-3194

 *please do not print this e-mail unless necessary*

---

**From:** Ciner, Ariel [<mailto:ACiner@nycers.nyc.gov>]  
**Sent:** Monday, December 24, 2007 10:48 AM  
**To:** Siu Cheng  
**Subject:** Basic Training for EEO Representatives

Hi Siu

We have our final EEO Officer. His name is Badar Malik and we would like him to attend the next Basic Training for EEO Reprs course.

Please let me know when it is occurring so that we can sign him up.

Thank you and happy holidays!

**Ariel J. Ciner**  
**Certified Professional of Learning and Performance**  
NYC Employees' Retirement System  
email: [aciner@nycers.nyc.gov](mailto:aciner@nycers.nyc.gov)  
phone: (347) 643-3115  
fax: (347) 643-3300

-----Original Message-----

01/09/2008

**From:** Siu Cheng [mailto:scheng@dcas.nyc.gov]

**Sent:** Friday, October 26, 2007 5:31 PM

**To:** Rosa Polanco; niless@hra.nyc.gov; dyin@probation.nyc.gov; James, Douglas C.; rleak@cchr.nyc.gov; msanbria@buildings.nyc.gov; tutley@health.nyc.gov; gbrender@manhattanbp.org; valentm@fdny.nyc.gov; delgadj@fdny.nyc.gov; Joishy, Mahanth; laura.dovico@parks.nyc.gov; Cotton, Dorlene; brendanc@ibo.nyc.ny.us; Rasp, Claudine; morrisc@bronxda.nyc.gov; jonesra@bronxda.nyc.gov; jugbekil@probation.nyc.gov; diane.hutchins@doc.nyc.gov

**Cc:** Yan, Jimmy; Walethea Bishop; Cordero, Milagros; hbailey@health.nyc.gov; wansleyL@bronxda.nyc.gov; Nashla Rivas-Salas; Ciner, Ariel; Barrett, Everett; Beach, Andrea; Binder, Leta; Burgos, Luis; Camacho, Fernando; Doria, Elaine; Ervin, Bridgette; Fan, Lily; Gannie, Nancy; Gartner, Alan; Goode-Trufant, Muriel; Granderson, Ricardo R.; Grant, Stephanie; Green, Vincent; Hall, Myrna; Harrison, Dalela; Haynes, Tonia R.; Howard-Williams, Cherron; Ingram, Cynthia; James, Douglas C.; Landow-Feigel, Jackie; Long, Annie; Marshall, Edwin; McConnell, James; Naomi Pacheco ; Nespole, Bernadette; Norma Martin; Osenni, Martha; Parker, Gloria; Patterson, Glenis V.; Phillips, Lyndelle T.; Rojas, Carmen; Salley, MaryAnn; Serrano, Maria; St. Cyr, Emile; Starrin, Roy; Thornton, Felicia; Whing, Stanley; Whitman, Sarah; Williams, Ann; Wright, Dorothy; Zeigler, Nelda

**Subject:** Basic Training for EEO Representatives - November 2007

Based on all of the responses, *Basic Training for EEO Representatives* will be held on the week of November 12 (Dates: November 13, 14, 15 and 16). Priority will be given to EEO Officers and newcomers.

Please see the attached flyer and the confirmation list for details. Thank you.

Siu Cheng  
NYC Dept of Citywide Administrative Services  
Division of Citywide EEO  
1 Centre Street, 17th Floor North  
New York, NY 10007  
Tel: (212) 669-8651  
Fax: (212) 313-3194



*please do not print this e-mail unless necessary*

# ATTACHMENT C

# NYCERS

RETIREMENT AND BENEFITS

NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM

MAIL ONLY:  
335 ADAMS STREET,  
SUITE 2300  
BROOKLYN, NY 11201-3751

ALL OTHER SERVICES:  
340 JAY STREET,  
MEZZANINE LEVEL  
BROOKLYN, NY 11201-3751

TEL: (347) 643-3000

EXECUTIVE DIRECTOR: DIANE D'ALESSANDRO

## COMPLAINT OF DISCRIMINATION FORM

DO NOT WRITE IN THIS SPACE FOR USE BY EEO OFFICER

Complainant \_\_\_\_\_

vs

Respondent \_\_\_\_\_

Case No. \_\_\_\_\_

Date Filed Complaint of Discrimination: \_\_\_\_\_

Please print the following information:

Name: \_\_\_\_\_

Civil Service Title: \_\_\_\_\_

Office Title: \_\_\_\_\_

Unit/Division: \_\_\_\_\_

Supervisor: \_\_\_\_\_

What is the alleged basis of discrimination? (Check all which apply)

Age

National Origin

Alienage/Citizenship

Arrest/Conviction

Color

Race

Creed

Religion

Disability

Sexual Harassment

Gender

Sexual Orientation

Marital Status

Retaliation for filing/assisting in investigation of complaint

Please give name, title and unit/division of the person(s) you believe discriminated against you.

**When did the alleged discrimination occur?**

**Where did it happen?**

**Were there witnesses to the discrimination?**

**Did you report this incident to anyone? If so, please state the name, title and unit/division of the person to whom you reported it.**

**Have you filed a complaint about the alleged discrimination with any of the following agencies? If so, please state the date and number of the complaint.**

New York City Commission on Human Rights	Date: _____	No.# _____
New York State Division of Human Rights	Date: _____	No.# _____
United States Equal Employment Opportunity Commission	Date: _____	No.# _____
Unites States Department of Law	Date: _____	No.# _____

**Describe what happened to you, which you believe is unlawful discrimination, and how other persons were treated differently. This statement may be amended to correct mistakes or omissions. Please use extra paper if necessary.**

**What corrective action do you want taken?**

**I certify that I have read the above charge, that it is true to the best of my knowledge, information and belief and that I have read the attached notices concerning my rights to file a complaint with federal, state and local civil rights enforcement agencies.**

**Date:**

**Complainant's Signature:**



# EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

40 Rector Street, 14<sup>th</sup> Floor, New York, New York 10006

Telephone: (212) 788-8646 Fax: (212) 788-8652

Ernest F. Hart, Esq.

*Chair*

Manuel A. Méndez

*Vice-Chair*

Angela Cabrera

Veronica Villanueva, Esq.

*Commissioners*

Abraham May, Jr.

*Executive Director*

Eric Matusewitch, PHR, CAAP

*Deputy Director*

February 2, 2008

Diane D'Alessandro  
Executive Director  
NYC Employees Retirement System  
335 Adams Street  
Brooklyn, NY 11201

Re: Final Determination Pursuant to the Audit of the New York City Employees Retirement System's (NYCERS) Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007

Dear Ms. D'Alessandro:

We have reviewed your office's January 22, 2008 response (transmitted by EEO Officer Claudine Rasp) to our December 20, 2007 Letter of Preliminary Determination pursuant to the audit of the NYCERS' Equal Employment Opportunity Program from July 1, 2005 through June 30, 2007. Our Final Determination is as follows;

## **Agree**

We agree with NYCERS' responses to the following EEPC recommendations, pending documentation that can be attached to your reply or provided during the compliance period:

### Recommendation #1

The agency's EEO Policy should be revised to include all of the protected classes under the New York City and New York State Human Rights Laws. (Sect. IV, Citywide EEO Policy)

### Recommendation #2

The revised EEO Policy should be distributed to all current and new employees, and posted on the agency's intranet.

Recommendation #4

The NYCERS should participate in the Section 55-A Program. At a minimum, the agency should obtain and distribute Program brochures issued by the DCAS to all current and new employees. (Sect. IIB, Citywide EEO Policy)

Recommendation #5

The EEO officer should formally be appointed the disabilities rights coordinator and employees should be notified in writing of that appointment. (Sect. VB, Citywide EEO Policy)

Recommendation #7

The EEO officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school, such as the EEO Studies Program of Cornell University's School of Industrial and Labor Relations. The EEO officer should obtain the certificate or otherwise complete the program at the institution selected by the NYCERS. (Sect. VB, Citywide EEO Policy)

Recommendation #8

The NYCERS should follow-up on its pledge and appoint a male EEO counselor, who will be authorized to receive and investigate discrimination complaints. (Sect. VB, Citywide EEO Policy)

Recommendation #9

The new male EEO counselor should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. (Sect. VB, Citywide EEO Policy)

Recommendation #10

The EEO officer should meet with the new male EEO counselor at least at quarterly intervals to ensure that he is carrying out his EEO functions satisfactorily and is kept abreast of internal and external EEO developments. (Sect. VC, Citywide EEO Policy)

Recommendation #11

All internal discrimination complaint files should contain a NYCERS *Complaint of Discrimination* form. (Sect. IIA, NYCERS EEO Policy)

Recommendation #12

A person who has been named as a respondent in the *Complaint of Discrimination* form should receive a copy of the complaint and have the opportunity to respond in writing. Sensitive information, such as the complainant's home address and telephone number, can be redacted or kept on a separate complaint sheet. (Sect. IIA, NYCERS EEO Policy)

Recommendation #13

The parties to the complaint should be notified in writing of the outcome of the investigation. (Sect. 12b, *Discrimination Complaint Procedures Implementation Guidelines*, DCAS, 1993)

Recommendation #14

The agency head should sign each EEO investigator's report containing findings and recommendations. (Sect. 12b, *Discrimination Complaint Procedures Implementation Guidelines*, DCAS, 1993)

Recommendation #15

It is the Commission's position that all appropriate internal discrimination complaint files should contain notice that the recommended corrective actions were implemented.

Recommendation #17

It is the Commission's position that appropriate documentation of meetings and other communications regarding EEO program operations decisions should be maintained.

Recommendation #18

The agency head should direct the human resources department to include the EEO officer in the development of recruitment strategies and selection of recruitment media. (Sect. IV, Citywide EEO Policy)

Note: Although the EEO officer told EEPC auditors during the 2007 audit overview meeting that the previous EEO officer was *not* involved in developing recruitment strategies or selecting recruitment media, the NYCERS' response indicates that the agency did, in fact, follow this recommendation.

**Requires Clarification**

For the following reasons, hereafter identified as EEPC Rationale, we request clarification of your responses to the following recommendations, which can be addressed in your response or during the compliance period;

Recommendation #3

The Citywide EEO Policy Handbook (with addendums) should be distributed to all current and new employees. (Sect. VB, Citywide EEO Policy)

Your Response

The Citywide EEO Policy Handbook (with addendums) has been reproduced and NYCERS' Directors have distributed them to each employee within their division.

EEPC Rationale

It is unclear from your response if *new*—in addition to current—employees will also receive the EEO Policy Handbook.

Recommendation #16

The NYCERS should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IC, Citywide EEO Policy)

Your Response

Felita Ramsami, NYCERS Director of Human Resources, trains all interviewing supervisors and managers on structured interview training. This training is conducted every summer for all interviewing supervisors and managers.

EEPC Rationale

During the 2007 audit overview meeting, the EEO officer told the EEPC auditors that she did not know if the NYCERS provided structured interview training to personnel involved in the recruitment and hiring process. It is unclear from the agency's response if this training began before, during or after the audit period, and whether all interviewing supervisors and managers have, indeed, received the training.

**Disagree**

For the following reasons, hereafter identified as EEPC Rationale, we disagree with your responses to the following recommendations:

Recommendation #6

The agency should follow Section VB of the Citywide EEO Policy and ensure that its EEO Policy is available in "appropriate alternate formats to employees with disabilities" (e.g., audio cassette or Braille).

Your Response

NYCERS has never been asked for the EEO Policy in an alternative format but will provide if requested.

EEPC Rationale

The EEPC recommendation requires that the NYCERS make its EEO Policy currently available in an alternative format for people with disabilities (such as on audio cassette or in Braille); not wait until a request for such an accommodation is made by an applicant or employee.

Recommendation #19

The NYCERS should develop a plan, which includes a timetable, to provide EEO training to all employees who have not received it. (Sect. IV, Citywide EEO Policy)

Your Response

NYCERS EEO Officer trains all new employees on NYCERS EEO policy through its New Employees Orientation training.

EEPC Rationale

The Commission does not dispute that new employees receive EEO training during employee orientation sessions. This EEPC recommendation is based on audit survey results, in which a majority of survey respondents (57%)—current employees—indicated they had not received EEO training. The NYCERS should therefore check its records, identify employees who have not received such training, and develop a plan to provide EEO training to those individuals.

**Special Contingency**

Both audits of the NYCERS EEO Program (conducted in 2003 and 2007) revealed a high turnover rate in the EEO officer title. For the period of January 1, 2000 through June 30, 2002, the NYCERS had three EEO officers. For the period of July 1, 2005 through June 30, 2007, the NYCERS had four EEO officers. (Most of those EEO officers were employed as assistant general

counsels.) This high turnover of EEO personnel is responsible, in large part, for the relatively high number of audit recommendations.

Continuity of EEO professionals is critical to the success of an EEO program. To that end, Commission staff recommended at the December 19<sup>th</sup> audit exit meeting that the NYCERS consider appointing two co-EEO officers instead of one EEO Officer. This configuration will allow continuity of the EEO Program if one co-EEO officer resigns. Although you said you would consider this recommendation during the audit exit meeting, it was not addressed in your response letter. We intend to address this recommendation during the compliance period.

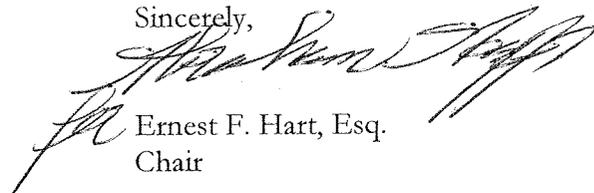
### **Conclusion**

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months. However, you may respond to the aforementioned determinations prior to the initiation of audit compliance.

If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. EEPC Counsel Judith Garcia Quinoñez or her designee will contact your EEO officer in seven days to ascertain your intentions.

In closing, we thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest F. Hart". The signature is written in a cursive style and is positioned above the printed name and title.

Ernest F. Hart, Esq.  
Chair

c: Claudine Rasp, Esq., EEO Officer

# NYCERS

RETIREMENT AND BENEFITS

NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM

MAIL ONLY:  
335 ADAMS STREET,  
SUITE 2300  
BROOKLYN, NY 11201-3751

ALL OTHER SERVICES:  
340 JAY STREET,  
MEZZANINE LEVEL  
BROOKLYN, NY 11201-3751

TEL: (347) 643-3000

EXECUTIVE DIRECTOR: DIANE D'ALESSANDRO

9698

February 29, 2008

Ernest F. Hart, Esq.  
40 Rector Street, 14<sup>th</sup> Floor  
New York, NY 10006

Re: *NYCERS EEPC Audit- July1, 2005- June 30, 2007*  
*Final Determination Pursuant to Audit*

Dear Mr. Hart:

This letter shall serve as a response to your Final Determination Pursuant to the Audit of NYCERS sent to NYCERS Executive Director, Diane D'Alessandro, dated February 2, 2008.

During the compliance period NYCERS will provide a response and documentation to the agreed upon corrective actions.

The EEPC required clarification on the following corrective actions NYCERS had recommended.

3. Recommendation: The Citywide EEO Policy Handbook (with addendums) should be distributed to all current and new employees. (Sect. VB, Citywide EEO Policy)

Corrective Action: The Citywide EEO Policy Handbook (with addendums) has been reproduced and NYCERS' Directors have distributed them to each employee within their division.

Clarification: NYCERS will provide The Citywide EEO Policy Handbook (with addendums) to all new employees as part of their new employee package materials.

16. Recommendation: NYCERS should ensure that all employees involved in job interviewing receive structured interview training, either through internal training or training provided by the DCAS or another appropriate organization. (Sect. IC, Citywide EEO Policy)

Corrective Action: Felita Ramsami, NYCERS Director of Human Resources, trains all interviewing supervisors and managers on structures

Claudine Rasp, Esq.  
Assistant General Counsel  
Phone: 347-643-3095  
Fax: 347-643-3200

Visit our Website at:  
[www.nycers.org](http://www.nycers.org)

interview training. This training is conducted every summer for all interviewing supervisors and managers.

Clarification: All interviewing supervisors and managers were trained for the first time on structured interviewing July 17-19, 2007 by Felita Ramsami, this training session is conducted annually.

The EEPC disagreed with NYCERS response to the following recommendations. NYCERS will work with the EEPC to reach a reasonable corrective action.

6. Recommendation: The agency should follow Section VB of the Citywide EEO Policy and ensure that its EEO Policy is available in "appropriate alternate formats to employees with disabilities" (e.g., audio cassette or Braille).

Corrective Action: NYCERS has never been asked for the EEO Policy in an alternative format but will provide if requested.

Revised Corrective Action: NYCERS will make the EEO Policy currently available in a large font format for people with disabilities. We will not wait until it is requested.

19. Recommendation: NYCERS should develop a plan, which includes a timetable, to provide EEO training to all employees who have not received it. (Sect. IV, Citywide EEO Policy)

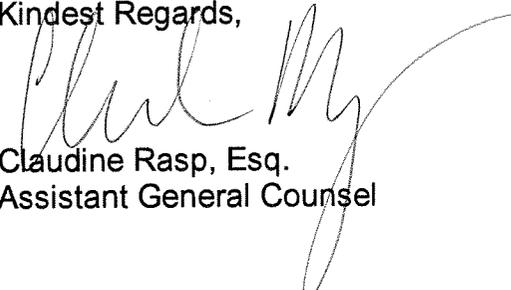
Corrective Action: NYCERS EEO Officer trains all new employees on NYCERS EEO Policy through its New Employees Orientation training.

Revised Corrective Action: NYCERS will identify which employees have not received EEO training. Once we have identified those employees we will set up a training session for them.

The EEPC also recommended a Special Contingency due to the high turnover of EEO Officers at NYCERS over the past 8 years. NYCERS will consider this recommendation during the upcoming compliance period.

NYCERS looks forward to working with the EEPC during the compliance period of this audit.

Kindest Regards,

  
Claudine Rasp, Esq.  
Assistant General Counsel

cc: Eric Matusewitch

Claudine Rasp, Esq.  
Assistant General Counsel  
Phone: 347-643-3095  
Fax: 347-643-3200

Visit our Website at:  
[www.nycers.org](http://www.nycers.org)