

EQUAL EMPLOYMENT PRACTICES COMMISSION CITY OF NEW YORK

RESOLUTION #09/20-067: Preliminary Determination Pursuant to the Audit of the Administration for Children's Services' (ACS) Equal Employment Opportunity Program from January 1, 2005 through December 31, 2006.

Whereas, pursuant to Chapter 36, Section 831(d)(2) of the New York City Charter, the Equal Employment Practices Commission (EEPC) is authorized to audit and evaluate the employment practices, programs, policies and procedures of city agencies and their efforts to insure fair and effective equal employment opportunity for minority group members and women and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy (EEOP), a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, the Equal Employment Practices Commission audited the Administration for Children's Services' 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 Administration for Children's Services' 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. Twenty-three of the 38 facilities are not ADA compliant. (Sect. VC, EEOP)
2. The agency did not designate a disability rights coordinator. (Sect. VB, EEOP)
3. No female EEO professional was available to investigate EEO complaints. (Sect. VB, EEOP)
4. The general counsel intermittently informed the EEO office when external EEO complaints or litigation had been brought against the agency. (Section VD(3), EEOP).

5. One of the ten internal discrimination complaint files submitted to the EEPC did not contain a discrimination complaint intake form. (DCPIG, sect. 12(b))
6. All ten internal discrimination complaint files submitted did not have clear written indication of corrective action taken as a result of the determination. (DCPIG, sect. 12(b))
7. The ACS did not target its subsequent recruitment efforts to address the underutilizations. (Sect. IV, EEOP)
8. The ACS did not utilize any female-oriented agencies or organizations when recruiting for titles that were underutilized. (Sect. IV, EEOP)
9. The ACS has not provided structured interview training to hiring personnel since to 2003. (Sect. IV, EEOP)
10. The ACS did not conduct adverse impact studies. (Sect. IV, EEOP)
11. Neither the former nor current EEO officer was involved in developing recruitment strategies and selecting recruitment media. (Sect. VC, EEOP)
12. The ACS did not utilize a discretionary job applicant form. (Sect. IV, EEOP)
13. The ACS did not produce documentation that personnel were notified staff about the appointment of the career counselor. (Sect. IV, EEOP)
14. Meetings conducted by the ACS supervisors/managers to emphasize their commitment to the agency's EEO policies and affirm the right of each employee to file a discrimination complaint with the EEO Office were not documented.
15. The acting EEO officer did not have adequate support staff (EEO investigators/counselors) and resources to meet his EEO obligations.

Be It Finally Resolved,

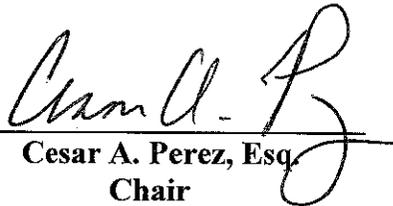
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner John B. Mattingly, formally informing him of the findings with appropriate explanations and recommendations and requesting, pursuant to Chapter 36 of the City Charter, his response to these findings within thirty days of receipts of the letter indicating what corrective actions the Administration for Children's Services' will take to bring it into compliance with the aforementioned policies and standards on equal employment opportunity.

Approved unanimously on July 16, 2009.

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 #10/11-67C: Determination of implementation by the Administration for Children's Services of the recommended corrective actions made by the Equal Employment Practices Commission pursuant to its audit of the Administration for Children's Services' Charter-mandated Equal Employment Opportunity Program from January 1, 2005 to December 31, 2006.

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 insure fair and effective equal employment opportunity for minority group members and women, and to make recommendations to city agencies to insure equal employment opportunity for minority group members and women; and

Whereas, pursuant to Chapter 35, Section 814(a) (12) of the New York City Charter, the City established the Citywide Equal Employment Opportunity Policy, a set of uniform standards and procedures designed to ensure the equality of opportunity for municipal government employees and job applicants, and, consistent with federal, state and local laws, identified other groups for protection from discrimination in employment; and

Whereas, pursuant to its audit of the Administration for Children's Services (ACS), the Equal Employment Practices Commission (EEPC) issued a preliminary determination letter July 16, 2009 setting forth its findings and recommended corrective actions; and

Whereas, the ACS submitted its response to EEPC's preliminary determination letter on August 26, 2009; and

Whereas, in accordance with Chapter 36, Section 832(c) of the New York City Charter, the EEPC issued its final determination letter on September 30, 2009 identifying those recommendations accepted and rejected by ACS; and

Whereas, in response to EEPC's final determination letter, ACS submitted its response on November 9, 2009; and

Whereas, in accordance with Chapter 36, Section 832 (c) of the City Charter, the EEPC was required to monitor the ACS for a period not to exceed six months, from February 2010 through July 2010, to determine whether it implemented the aforementioned recommended corrective actions; and

Whereas, the Administration for Children's Services submitted its Final Compliance Report on October 13, 2010; 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 Summary Compliance 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 Administration for Children's Services has implemented the recommended corrective actions deemed necessary to ensure compliance with equal employment opportunity pursuant to the requirements of Chapters 35 and 36 of the City Charter.

Be It Finally Resolved,
that the Commission authorizes the Chair, Cesar A. Perez, Esq., to forward a letter to Commissioner John B. Mattingly, formally informing him that the Administration for Children's Services has implemented the recommended corrective actions to the Commission's satisfaction.

Approved unanimously on November 8, 2010.

Angela Cabrera
Commissioner

Malini Cadambi Daniel
Commissioner

Elaine S. Reiss, Esq.
Commissioner

Arva A. Rice
Commissioner



Cesar A. Perez, Esq.
Chair

Marecheau-Antoine, Michelle

From: Littlejohn, Dawn (ACS) [Dawn.Littlejohn@dfa.state.ny.us]
Sent: Tuesday, August 10, 2010 10:18 AM
To: Marecheau-Antoine, Michelle
Subject: FW: Special e-Bulletin from Commissioner John B. Mattingly - EEPC Audit

Ms. Marecheu,

FYI...in response to Required Action #13

Dawn F. Littlejohn
NYC Administration for Children's Services
Director, Office of Equal Employment Opportunity
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New York, New York 10004
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From: acs.sm.news
Sent: Tuesday, August 10, 2010 10:14 AM
Subject: Special e-Bulletin from Commissioner John B. Mattingly - EEPC Audit

**Special e-Bulletin from
Commissioner John B. Mattingly
Tuesday, August 10, 2010**

MEMORANDUM

TO: All Employees
FROM: John B. Mattingly
DATE: August 9, 2010
SUBJECT: Equal Employment Practices Commission Audit

8/10/2010

The Equal Employment Practices Commission (EEPC) periodically conducts audits of the Equal Employment Offices (EEO) of all city agencies. An audit of the Administration for Children's Services' compliance with the City's EEO policies and procedures has recently been completed by the EEPC.

In cooperation with the EEPC, we have implemented some enhancements and updates recommended by the Commission. The recommendations include advertising vacancies in female and minority-oriented publications where under-utilization has been identified. In addition to sending vacancy notices of professional and community organizations serving minorities, women and persons with disabilities, it was recommended that the EEO and Personnel Offices work closely together to assess the manner in which candidates are selected for employment to determine adverse impact on any specific protected group.

The EEPC has also recommended adequate staffing of the EEO Office and training of the new EEO Officer as well as Counselor as well as an analysis of current job interviewing procedures. Another of the EEPC's recommendations is to have managers and supervisors conduct documented meetings with staff at least twice yearly, to reaffirm their commitment to the agency's EEO policies and to discuss the right of employees to file EEO complaints with ACS's EEO office. All internal discrimination complaint files will have a discrimination complaint intake form and report. Recommendation was also made that all employees should be apprised of the identity, location and contact information of the new Career Counselor, who is Kettia Gorman, located at 150 William Street, 16th Floor, Room GO5 and can be reached at (212) 341-2558.

I am pleased to announce that the agency will now have 5 EEO Liaisons located throughout the 5 boroughs. The following ACS/DJJ staff has been named as EEO Counselors:

Brooklyn

William Fletcher

1274 Bedford Avenue, 6J1
Brooklyn, NY 11216
718.623.4980
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Bronx

Kathy Blount

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Kathy.blount@dfa.state.ny.us

Queens

Dorothy Elder

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Staten Island

Mark Casner

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Staten Island, NY 10301
718.720.2758
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Manhattan

Faustina Haynes

150 William Street, 16th Floor
New York, NY 10038
~~212.341.2633~~
Faustina.haynes@dfa.state.ny.us

DJJ Liaison

Beverly McInnis

110 William Street, 13th Floor
New York, NY 10038
212.442.8356
BMcInnis@djj.nyc.gov

As Commissioner, I affirm this agency's strong commitment to maintaining fair employment practices for all employees and job applicants. All employees are encouraged to utilize all available EEO resources within ACS/DJJ and any concerns you may have should be directed to the EEO Officer, Dawn Littlejohn at (212) 487-8604.

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