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April 16, 2021

James W. Hendon
Commissioner
New York City Department of Veterans' Services
1 Centre Street, Suite 2208
New York, New York 10007

Audit Status:
Evaluation of Sexual Harassment Prevention and Response Practices for Audit
Period January 1, 2019 to December 31, 2020.
Determination: **PRELIMINARY**

Dear Commissioner Hendon:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you and your agency for the cooperation extended to our staff thus far. This letter contains the EEPC's evaluation and preliminary determinations pursuant to the New York City Department of Veterans' Services' Sexual Harassment Prevention and Response Practices for the period covering January 1, 2019 to December 31, 2020.

Purpose

Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective equal employment opportunity (EEO) for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed.

The New York City Department of Veterans' Services, hereinafter simply termed "agency" or "entity," falls within the EEPC's purview under Chapter 36, Sections 830(a) and 831(a) of the Charter, to review, evaluate, and monitor the coordination and implementation of affirmative employment programs of equal employment opportunity for 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 purpose of this audit and analysis is to evaluate the subject matter referenced, not to issue findings of discrimination pursuant to the New York City Human Rights Law.

Scope

The EEPC has adopted uniform standards for auditing municipal entities¹ and minimum standards for auditing Community Boards (collectively “Standards”) to review, evaluate, and monitor entities’ employment and EEO-related practices, procedures, approaches, measures, standards, and programs. These standards are founded upon, and consistent with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination. Corrective actions prescribed are consistent with the aforementioned parameters including, but not limited to, the City of New York’s *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies 2014*, as amended (Citywide EEO Policy); the New York City Human Rights Law (New York City Administrative Code Title 8); New York State Human Rights Law (New York Executive Law, Article 15); the New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.

Policy and Plan Requirements

The aforementioned Standards require, at minimum, that mayoral entities distribute the Citywide EEO Policy; non-mayoral entities establish or adopt a comprehensive EEO policy; and Community Boards, which are comprised of members appointed by the respective Borough Presidents, adopt and distribute the corresponding Borough President’s EEO Policy.

Because the EEPC is authorized to review and recommend actions that each entity should consider including in its annual plan of measures and programs to provide equal employment opportunity, or Annual EEO Plan, entities are also required to incorporate the EEPC’s corrective actions in prospective Annual EEO Plans and programs.

Methodology

The EEPC communicates with EEO professionals (including, but not limited to, past or current EEO Officers, Deputy or Co-EEO Officers, EEO Counselors, EEO Trainers, EEO Investigators, Disability Rights Coordinators, Career Counselors, and 55-a Program Coordinators) and other employees identified as having involvement in EEO program administration such as the Principal Human Resources Professional and relevant Counsel.

The EEPC’s audit methodology includes review of the agency’s Annual EEO Plans and Quarterly EEO Reports; analysis of workforce and utilization data; and the collection and analysis of documents, records, and data an entity and its representatives provide in response to the Sexual Harassment Prevention and Response Preliminary Interview Questionnaires (PIQs). All PIQs contain requests to attach supporting documentation for the answer options selected.

EEO Professionals designated for online interviews are assigned a three-week deadline to complete and return the PIQs. The EEPC’s PIQ(s)/requests were sent to the New York City Department of Veterans’ Services on December 18, 2020; the completed PIQ(s) were returned on January 3, 2021. Supporting documentation was attached. Additional requests for information were made on January 29, 2021.

The following determination indicates where the New York City Department of Veterans’ Services has or has not complied, in whole or in part, with the established Standards.

¹ Corresponding audit/analysis standards are numbered throughout the document.

Description of the Agency

Established by Local Law 113, in December 2015, the New York City Department of Veterans' Services (DVS) is dedicated to improving the lives of New York City veterans and their families. Marshalling the collective resources of the City of New York, the Department strives to ensure that all veterans have permanent housing and access to the support services needed to find and maintain their home; Implement the VetsThriveNYC integrative health model to foster the physical, mental and spiritual wellbeing of veterans and their families; expand education and career opportunities for veterans through a rapidly growing network of City, public, private, and non-profit partners; and provide the human and technological infrastructure for veterans and their families to gain City-wide access to benefits, resources and care through VetConnectNYC, a coordinated service network. (Source: The Green Book, 4/2021). At the end of the period in review, DVS had thirty-seven (37) employees (CEEDS report: *Work Force Composition Summary*, 2nd quarter of fiscal year 2021 is attached as Appendix - 1.).

PRELIMINARY DETERMINATIONS AFTER AUDIT AND ANALYSIS

Following are the corresponding audit standards for each subject area along with the EEPC's findings and required corrective actions, where appropriate:

I. Issuance, Distribution and Posting of EEO Policies

Determination: The agency is in non-compliance with the standards for this subject area.

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
 - DVS did not demonstrate that, during the period in review, it issued a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually. **Corrective Action Required.**

Corrective Action #1: Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

- DVS did not demonstrate that, during the period in review, it distributed or posted a paper or electronic copy of the *Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies* – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating

discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment. **Corrective Action Required.**

Corrective Action #2: Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

II. Training for the Agency

Determination: The agency is in partial-compliance with the standards for this subject area.

3. Establish and implement a training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures.

✓ DVS' *Diversity and Equal Employment Opportunity Plans* for fiscal years 2019 and 2020 established the entity's plan to train each new hire within thirty (30) days of their start of employment and each current employee (including managers and supervisors) annually on the prevention of sexual harassment and discrimination complaint and investigation procedures. In addition, *Certificates of Completion* from the Department of Citywide Administrative Services' (DCAS) Citywide Training Center (CTC) demonstrated that, in June 2020 and July 2020, three (3) employees (or 8% of employees at the end of the period in review) completed *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* computer-based training. The course objective on DCAS' Human Capital website stated that the training, "...will facilitate awareness of the City's prohibition on sexual harassment in its workplaces under applicable laws and the City's Equal Employment Opportunity (EEO) Policy. Participants will learn the definitions of sexual harassment, relevant legislation, prevention techniques and a procedure for filing a complaint. This course will help participants to create an environment that is free from sexual harassment."

➤ DVS did not demonstrate that, during the period in review, it implemented its training plan for new and existing employees to ensure that all individuals who work within the agency, including managers and supervisors, receive training on the prevention of sexual harassment as well as discrimination complaint and investigation procedures. **Corrective Action Required.**

NOTE: Subsequent to the period in review, on January 12, 2021 and January 19, 2021, DVS training logs indicated that a total of thirty-nine (39) employees (or over 100% of employees at the end of the period in review) completed *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* computer-based training.

III. Complaint and Investigation Procedures

Summary of Complaint Activity: The agency reported 0 internal and 0 external complaints were filed during the period in review.

Determination: The agency is in partial-compliance with the standards for this subject area.

4. Include in the complaint file a completed Complaint Intake Form, or a written complaint that captures facts (including pertinent dates) that identify the respondent(s) with reasonable specificity and provide the essence of the circumstances which gave rise to the complaint.

✓ DVS reported that it did not receive any complaints during the period in review. In response to the EEPC's PIQs, DVS submitted a representative blank *Complaint of Discrimination* form that captured the name and contact information of the complainant, along with space to answer the following questions: *What is the alleged basis of discrimination* (a checklist of classes protected against employment discrimination was listed); *Please give the name, title and division of the person(s) you believe discriminated against you*; *When did the alleged discrimination occur*; *Date*; *Where did the alleged incident occur*; *Were there witnesses to the discrimination* (space was provided to select Yes or No); *Did you report this incident to anyone* (space was provided to select Yes or No); *Please provide the name(s) of witnesses on the Witness Information Form*; *Have you filed a complaint about the alleged discrimination with any of the following agencies* (a checklist including the New York City Commission on Human Rights, New York State Division of Human Rights, United States Equal Employment Opportunity Commission, United States Department of Labor, and United States Department of Justice was provided along with fields to note the date the complaint was filed and the complaint number); *Please describe what happened to you on the following pages, what you believe is unlawful discrimination, and/or how other persons were treated differently*; and *What corrective action do you want taken*. The *Complaint of Discrimination* form provided space for the complainant to sign and date to verify the allegations and certify that they received information regarding their rights to file a complaint with federal, state, and local external agencies.

NOTE: The checklist of protected classes in the *Complaint of Discrimination* form did not contain the following protected class: *familial status*. The *Complaint of Discrimination* form should be updated to include the most current list of protected classes.

5. Provide the option to file a complaint anonymously.

NOTE: DVS did not demonstrate that, during the period in review, it provided the option to file an anonymous complaint. **(See §1.2 for associated corrective action.)**

6. 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.

NOTE: DVS reported that it did not receive any discrimination complaints during the period in review therefore, the following is based on DVS' policies and procedures. DVS did not demonstrate that, during the period in review, it established a complaint procedure that required the respondent to be served with a notice of the complaint that included the respondent's right to respond to the allegations and right to be accompanied by a representative of their choice. Additionally, DVS did not demonstrate that it established a complaint procedure that required documentation regarding the service of the notice on the respondent be maintained in the complaint file. **(See §1.2 for associated corrective action.)**

7. Issue/maintain written confirmation when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office.

NOTE: DVS reported that it did not receive any discrimination complaints during the period in review therefore, the following is based on DVS' policies and procedures. DVS did not demonstrate that, during the period in review, it established a complaint procedure that required written confirmation be issued and maintained when an internal complaint/mediation is terminated, withdrawn or resolved by agreement of the parties or EEO Office. **(See §1.2 for associated corrective action.)**

8. Take thorough notes, of words spoken and facts provided, during each interview. Include these notes in each complaint file.

NOTE: DVS reported that it did not receive any discrimination complaints during the period in review therefore, the following is based on DVS' policies and procedures. DVS did not demonstrate that, during the period in review, it established a complaint procedure that required notes of words spoken and facts provided be taken during each interview and included in each complaint file. **(See §1.2 for associated corrective action.)**

9. Issue a conclusive report within 90 days of the date the complaint was filed. Commence an investigation immediately if allegations raised sufficiently warrant an investigation.

NOTE: DVS reported that it did not receive any discrimination complaints during the period in review therefore, the following is based on DVS' policies and procedures. DVS did not demonstrate that, during the period in review, it established a complaint procedure that required an investigation commence immediately if allegations raised are sufficiently warranted an investigation, and that a conclusive report be issued within 90 days of the date the complaint was filed. **(See §1.2 for associated corrective action.)**

10. In rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, specify in the complaint file the reason for the delay and project a time frame for completion of the report. Notify the complainant and respondent of the delay.

NOTE: DVS reported that it did not receive any discrimination complaints during the period in review therefore, the following is based on DVS' policies and procedures. DVS did not demonstrate that, during the period in review, it established a complaint procedure that required, in rare circumstances where a complaint investigation cannot commence immediately, or where a conclusive report cannot be issued within 90 days, the reason for the delay and the projected time frame for completion of the report be included in the complaint file. Additionally, DVS did not establish a complaint procedure that required the complainant and respondent be notified of the delay. **(See §1.2 for associated corrective action.)**

11. Generate at the end of each complaint investigation, a conclusive confidential report which includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review.

NOTE: DVS reported that it did not receive any discrimination complaints during the period in review therefore, the following is based on DVS' policies and procedures. DVS did not demonstrate that, during the period in review, it established a complaint procedure that required a conclusive confidential report be generated at the end of each complaint investigation that includes a summary of the allegations and responses, a summary of the procedural history of the investigation, a statement of the relevant facts gathered, a determination, a recommendation and documentation of the Agency Head's Review. **(See §1.2 for associated corrective action.)**

12. Maintain complaint files in a secure area and ensure that they can be located and reviewed by the agency head, agency general counsel, and other appropriate staff identified by the agency head.

- ✓ DVS reported in its PIQ response that its complaint files were maintained in a secured file cabinet in the principal EEO Professional's office and were available upon request to the General Counsel and agency head.

13. Establish and implement a policy whereby the agency head (or an approved direct report other than the General Counsel) reviews the principal investigator's conclusive report; issues a written/electronic determination adopting, rejecting, or modifying the recommended action; and signs each determination, via writing or electronically, to indicate it has been reviewed and adopted.

NOTE: DVS reported that it did not receive any discrimination complaints during the period in review therefore, the following is based on DVS' policies and procedures. DVS did not demonstrate that, during the period in review, it established and implemented a complaint procedure that required the agency head (or an approved direct report other than the General Counsel) to review the principal investigator's conclusive report; issue a written/electronic determination adopting, rejecting, or modifying the recommended action; and sign each determination, via writing or electronically, to indicate it has been reviewed and adopted. **(See §1.2 for associated corrective action.)**

14. Inform each complainant and respondent of the conclusion and outcome of their complaint investigation in writing as part of the agency's complaint procedure.

NOTE: DVS reported that it did not receive any discrimination complaints during the period in review therefore, the following is based on DVS' policies and procedures. DVS did not demonstrate that, during the period in review, it established a complaint procedure that required that each complainant and respondent be informed in writing of the conclusion and outcome of their complaint investigation. **(See §1.2 for associated corrective action.)**

15. Ensure each internal discrimination complaint file contains a written determination of its outcome and corrective action(s) taken as a result.

NOTE: DVS reported that it did not receive any discrimination complaints during the period in review therefore, the following is based on DVS' policies and procedures. DVS did not demonstrate that, during the period in review, it established a complaint procedure that required that each internal discrimination complaint file contain a written determination of its outcome and corrective action(s) taken as a result. **(See §1.2 for associated corrective action.)**

16. Notify the complainant and respondent in writing when the investigation by the EEO professional has been transferred because of the filing of an external complaint.

NOTE: DVS reported that it did not receive any discrimination complaints during the period in review therefore, the following is based on DVS' policies and procedures. DVS did not demonstrate that, during the period in review, it established a complaint procedure that required the complainant and respondent be notified in writing when the EEO professional's investigation has been transferred because of the filing of an external complaint. **(See §1.2 for associated corrective action.)**

17. Establish and utilize a complaint tracking and monitoring system that permits the agency to identify the location, status, and length of time elapsed in the complaint investigation process, the issues and the bases of the complaints, the aggrieved individuals, and other information necessary to analyze complaint activity to identify trends.

✓ DVS reported that it did not receive any complaints during and subsequent to the period in review. DVS provided a copy of its *EEO Tracker* that captured: *Request* (which provided space to capture the basis of complaints); *Status*; *Requestor* (which provided space to capture the aggrieved individuals); *Assigned to*; *Request Date*; *Anticipated End Date*; *Advised of Outcome*; *Actual End Date* (which, when combined with *Request Date*, allows for the calculation of the length of time elapsed in the complaint investigation process); *DVS Reference Number*; *Citywide EEO Tracking Number*; *Decision*; and *Comments*.

18. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint

investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

- DVS did not demonstrate that, during the period in review, it ensured that the General Counsel assisted the agency head in identifying and determining appropriate responses to sexual harassment; worked with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informed the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; was available to consult on internal sexual harassment complaint investigations; and was responsible for the investigation of, and response to, external sexual harassment complaints. **Corrective Action Required.**

NOTE: Subsequent to the period in review, DVS' General Counsel reported via email that they were responsible for identifying and determining appropriate responses to discrimination and harassment; implementing the City's policies and procedures pertaining to sexual harassment; and informing the principal EEO Professional when an external complaint or litigation involving sexual harassment is brought against the agency – duties that ultimately assist the agency head in identifying and determining appropriate responses to sexual harassment.

NOTE: DVS reported that it received no discrimination complaints during the period in review, therefore, analysis of the General Counsel's fulfillment of their aforementioned responsibilities could not be meaningfully measured for the period in review.

Corrective Action #3: Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

IV. Annual Review of Practices, Policies and Programs

Determination: The agency is in non-compliance with the standards for this subject area.

19. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

- DVS did not demonstrate that, during the period in review, the principal EEO Professional, HR Professional, and General Counsel, reviewed the agency's employment practices, policies and programs on an annual basis to identify whether there were barriers to employment opportunities

that may be related to sexual harassment and determine what, if any, actions were required to correct deficiencies. **Corrective Action Required.**

NOTE: DVS reported that it received no discrimination complaints during the period in review, therefore, its annual review of the number of sexual harassment complaints could not be meaningfully measured.

Corrective Action #4: Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

V. Responsibility for Implementation - EEO Professionals

Determination: The agency is in partial-compliance with the standards for this subject area.

20. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

- ✓ DVS reported in its PIQ response that its current principal EEO Professional was appointed to the position in April 2020. The entity's former principal EEO Professionals respectively served from January 2019 to November 2019, and from November 2019 to April 2020.
- DVS did not demonstrate that its current principal EEO Professional was trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints. **Corrective Action Required.**

NOTE: Subsequent to the period in review, a *Certificate of Completion* from DCAS' CTC confirmed that on January 21, 2021, the current principal EEO Professional completed *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* computer-based training, demonstrating that they were trained in the prevention of sexual harassment complaints.

Corrective Action #5: Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

21. Ensure that the responsibilities of the principal EEO Professional are competently discharged by providing adequate resources such as opportunities for continuing education and professional development, and/or support staff to meet EEO obligations.

- ✓ DVS reported in its PIQ response that the principal EEO Professional was supported by an ADA Coordinator (who has served in the position since April 2020) and a Career Counselor (who has served in the position since July 2020).

22. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

- ✓ DVS reported in its PIQ response that all of the entity's employees are located in one office. In addition, DVS' organizational chart (dated April 2, 2020) demonstrated that the principal EEO Professional, ADA Coordinator, and Career Counselor were from a variety of levels within the organizational structure.
- DVS did not demonstrate that its ADA Coordinator and Career Counselor were trained in EEO laws and procedures, and their responsibilities under the EEO Policy. **Corrective Action Required.**

NOTE: Subsequent to the period in review, *Certificates of Completion* from DCAS' CTC confirmed that on January 19, 2021, both the ADA Coordinator and Career Counselor completed *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* computer-based training, demonstrating that both parties received training on the prevention of sexual harassment.

Corrective Action #6: Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

23. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

- DVS did not demonstrate that, during the period in review, the principal EEO Professional worked cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment. **Corrective Action Required.**

Corrective Action #7: Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

24. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

- DVS did not demonstrate that, during the period in review, its principal EEO Professional (or EEO-related designee) was assigned the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures was distributed/posted at all agency locations; employees/managers received sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; and managers, supervisors and human resource professionals received guidance on issues pertaining to sexual harassment. **Corrective Action Required.**

NOTE: DVS reported that it received no discrimination complaints during the period in review, therefore, analysis of the principal EEO Professional's (or EEO-related designee's) responsibility to ensure the prompt investigation of allegations of sexual harassment could not be meaningfully measured for the period in review.

Corrective Action #8: Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

25. Ensure that the principal EEO Professional reports directly to the agency head (or a direct report other than the General Counsel) in order to exercise the necessary authority and independent judgment to fulfill EEO responsibilities.

- ✓ DVS' organizational chart, dated April 2, 2020, illustrated a direct reporting relationship between the principal EEO Professional and the agency head.

26. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

- DVS did not demonstrate that, during the period in review, it maintained documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impacted the administration and operation of programs, policies or procedures concerning sexual harassment. **Corrective Action Required.**

Corrective Action #9: Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

VI. Responsibility for Implementation – Supervisors/Managers

Determination: The agency is in non-compliance with the standards for this subject area.

27. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

- DVS did not demonstrate that, during the period in review, it documented the expectation and implementation that managers and supervisors were held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. **Corrective Action Required.**

Corrective Action #10: Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

28. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

- DVS did not demonstrate that, during the period in review, its managerial performance evaluation form contained a rating for EEO (which covered responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner). **Corrective Action Required.**

Corrective Action #11: Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

VII. Reporting Standard for Agency Head

Determination: The agency is in partial-compliance with the standards for this subject area.

29. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

- ✓ DVS provided its *Diversity and Equal Employment Opportunity Plan* for fiscal years 2019 and 2020 and its *Agency Quarterly Diversity and EEO Reports* for the fourth quarter of fiscal year 2019, the second, third, and fourth quarters of fiscal year 2020, and the first quarter of fiscal year 2021.
- DVS did not provide its *Diversity and Equal Employment Opportunity Plan* for fiscal year 2021 and its *Agency Quarterly Diversity and EEO Reports* for the third quarter of fiscal year 2019, the first quarter of fiscal year 2020, and the second quarter of fiscal year 2021. In addition, none of the quarterly reports contained a breakout of sexual harassment complaint activity, or an affirmation that no complaints were received. **Corrective Action Required.**

Corrective Action #12: Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

30. Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

Final Action: Upon the EEPC's determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency's employment practices as a result of the EEPC's audit/monitoring. This final action is required to conclude the audit and monitoring process.

Summary of Corrective Actions:

The New York City Department of Veterans' Services has 13 required corrective action(s) at this time. This includes the aforementioned final action.

Conclusion

Pursuant to Charter Chapter 36, the New York City Department of Veterans' Services has the *option* to respond to this Preliminary Determination, but must respond to our Final Determination if corrective action is required. **Any response must be signed by the agency head and submitted to the EEPC's Executive Director.**

Optional Response to Preliminary Determination: If submitted, the New York City Department of Veterans' Services' optional response to the EEPC's Executive Director should indicate, with attached documentation, what steps have been or will be taken to correct outstanding areas of non-compliance, and must be received in our office within 14 days from the date of this letter. No extensions will be granted for the *option* to respond to the Preliminary Determination.

(Optional Conference) If requested, at the Optional Conference the EEPC will discuss the immediate steps that should be taken to correct outstanding areas of non-compliance and address questions regarding the New York City Department of Veterans' Services' implementation of the prescribed corrective action(s).

(No Response Option) If the New York City Department of Veterans' Services does not respond to this Preliminary Determination within 14 days, it will become the EEPC's Final Determination.

Mandatory Response to Final Determination: Following this Preliminary Determination, the EEPC will issue a Final Determination where we may modify or eliminate the corrective action(s) based on verified information submitted as part of the response to the Preliminary Determination; identify remaining corrective action(s) that require further monitoring to ensure implementation; and assign a mandatory compliance-monitoring period of up to 6 months for this purpose. Pursuant to Charter Chapter 36, upon receipt, the New York City Department of Veterans' Services must submit a response, signed by the agency head, to our Final Determination within 30 days. Your response to the Final Determination will initiate the compliance-monitoring period.

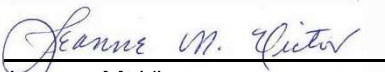
In closing, we want to thank you and your staff for the cooperation extended to the Equal Employment Practices Commission's EEO Program Analysts during the course of our audit and analysis.

Respectfully Submitted by,



Imani Bowen, EEO Program Analyst

Approved by,



Jeanne M. Victor
Executive Director

c: Johanna Perez, Principal EEO Professional, New York City Department of Veterans' Services
Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPC
William Peterson, Manager, EEO Analysis and Audit Unit, EEPC

Appendix – 1

New York City Department of Veterans' Services

*Citywide Equal Employment Database System (CEEDS): Workforce
Composition Summary*

2nd quarter of fiscal year 2021

AGENCY CODE : 063 DEPARTMENT OF VETERANS' SERVICES
 EEO JOB GROUP : 013 CLERICAL

TITLE CODE DESCRIPTION	MALE				FEMALE				TOTAL EMP
	WHITE	BLACK	HISPANIC	UN- KNOWN	WHITE	BLACK	HISPANIC	UN- KNOWN	
06405 MAYORAL OFFICE ASSISTANT (0	0	0	0	0	1	0	0	1
EEO JOB GROUP TOTAL.....:	0.00	0.00	0.00	0.00	0.00	100.00	0.00	0.00	100.00

AGENCY CODE : 063 DEPARTMENT OF VETERANS' SERVICES
 EEO JOB GROUP : 027 TRANSPORTATION

TITLE CODE DESCRIPTION	MALE				FEMALE				TOTAL EMP
	WHITE	BLACK	HISPANIC	UN- KNOWN	WHITE	BLACK	HISPANIC	UN- KNOWN	
91217 CHAUFFEUR - ATTENDANT	1	0	0	0	0	0	0	0	1
EEO JOB GROUP TOTAL.....:	100.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00

AGENCY CODE : 063 DEPARTMENT OF VETERANS' SERVICES
 EEO JOB GROUP : 031 PARA PROFESSIONAL OCCUPATIONS

TITLE CODE DESCRIPTION	MALE				FEMALE				TOTAL EMP
	WHITE	BLACK	HISPANIC	UN- KNOWN	WHITE	BLACK	HISPANIC	UN- KNOWN	
56058 COMMUNITY COORDINATOR	0	4	3	1	0	5	2	0	17
EEO JOB GROUP TOTAL.....:	0.01	23.53	17.65	5.88	0.00	29.41	11.76	0.00	100.00

AGENCY TOTAL.....:

8.11	21.62	13.51	2.70	0.00	5.41	16.22	10.81	0.00	37
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James W. Hendon
COMMISSIONER

Quamid Francis
CHIEF OF STAFF

April 30, 2021

Via email: jvictor@eeepc.nyc.gov

Jeanne M. Victor
Executive Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

Re: DVS Response to EEPC Evaluation of Sexual Harassment Prevention and Response Practices for Audit Period January 1, 2019 to December 31, 2020 Preliminary Determination

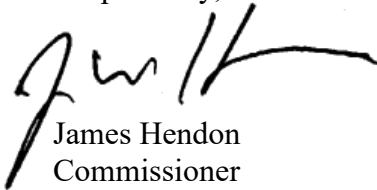
Dear Ms. Victor:

We have reviewed the EEPC's Preliminary Determination referenced above as well as conferenced with your office on April 27, 2021 to review same. We acknowledge the immediate steps we need to take to reach compliance and are aware of the specific areas in the agency we need to address to implement the corrective actions identified in your Preliminary Determination. DVS intends to take these measures immediately.

Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information.

Thank you for highlighting the areas DVS needs to improve upon to fully comply with the City's Sexual Harassment Prevention and Response Practices, and the opportunity to take corrective actions to maintain compliance.


Respectfully,



James Hendon
Commissioner

Attachments

Cc: Johanna Perez, Principal EEO Professional, New York City Department of Veterans' Services
Glenda V. Garcia, General Counsel, New York City Department of Veterans' Service

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Vacant
Chair

Angela Cabrera
Elaine S. Reiss, Esq.
Arva R. Rice
Commissioners

Jeanne M. Victor
Executive Director

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676.2724 fax

BY EMAIL

May 13, 2021

James W. Hendon
Commissioner
New York City Department of Veterans' Services
1 Centre Street, Suite 2208
New York, New York 10007

Audit Status:
Evaluation of Sexual Harassment Prevention and Response Practices for Audit
Period January 1, 2019 to December 31, 2020.
Determination: **FINAL**
Resolution #: 2021AP/249-063-(2021)

Dear Commissioner Hendon:

On behalf of the members of the Equal Employment Practices Commission (EEPC), thank you for the continued cooperation extended to our staff. This document serves as a follow-up evaluation and Final Determination to the following:

Preliminary Determination Issued on: April 16, 2021
Response Received: April 30, 2021

Purpose

Chapter 35, Sections 815(a)(15) and (19) of the New York City Charter (Charter) calls for agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women.

Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5) authorize the EEPC to audit, review, evaluate, and monitor the employment practices, procedures, and programs of city agencies and other municipal entities, hereinafter "entities," and their efforts to ensure fair and effective EEO for women and minority employees and applicants. Charter Sections 831(d)(2) and 832(c) authorize the EEPC to make a determination that any plan, program, procedure, approach, measure, or standard does not provide

equal employment opportunity, require appropriate corrective action, and monitor the implementation of the corrective action prescribed. The attachment contains the EEPC's final determination regarding the audit, review, and evaluation of the New York City Department of Veterans' Services' Sexual Harassment Prevention and Response Practices.

As the New York City Department of Veterans' Services falls within the EEPC's purview under Charter Chapter 36, Section 831(a), the EEPC is authorized to review, evaluate, and monitor the coordination and implementation of its affirmative employment programs of EEO and related practices. As indicated in our Preliminary Determination, the EEPC has adopted uniform standards¹ to this end. The purpose of this Final Determination, as authorized by Charter Chapter 36, Section 832(c), is to determine the sufficiency of the New York City Department of Veterans' Services' actions taken or planned thus far to correct areas of non-compliance identified in the EEPC's Preliminary Determination. Further, Chapter 36, Section 832(c) requires that: (1) the EEPC assign a compliance-monitoring period of up to six (6) months to monitor efforts taken to eliminate areas of non-compliance, if any; and (2) the agency respond in thirty (30) days and submit a report each month during this period on the progress of efforts taken to correct outstanding areas of non-compliance.

Next Steps

The assigned compliance-monitoring period is: June 1, 2021 to November 30, 2021. Correcting all outstanding areas of non-compliance without delay is highly encouraged and will serve to shorten this period.

If corrective actions remain: Corrective actions will be listed under the *Monitoring Required* section of the attached Final Determination. The EEPC requires that the agency head submit a signed response to this Final Determination. The signed response should indicate what steps the New York City Department of Veterans' Services has taken, or will take, to correct outstanding areas of non-compliance during the designated compliance-monitoring period. The New York City Department of Veterans' Services will be monitored monthly until all outstanding areas of non-compliance have been sufficiently corrected. The New York City Department of Veterans' Services is required to submit documentation that supports the implementation of each corrective action via TeamCentral, the EEPC's Automated Compliance-Monitoring System. Instruction on how to access and navigate TeamCentral is attached.

Final Memorandum: Upon the New York City Department of Veterans' Services' implementation of the final corrective action, if any, the EEPC requires that the New York City Department of Veterans' Services submit a final memorandum, signed by the agency head, that recognizes the EEPC's audit and reiterates commitment to equal employment practices. **Upon receipt of this final memorandum, the EEPC will issue a *Determination of Compliance*.**

If no corrective actions remain: In lieu of a response to this Final Determination, the New York City Department of Veterans' Services must submit a final memorandum (See Next Steps, Final

¹ The EEPC's uniform standards for auditing municipal entities and minimum standards for auditing community boards (collectively "Standards") are founded upon, and consistent with, federal, state, and local laws and regulations, and policies and procedures, including, but not limited to, the City of New York's *Equal Employment Opportunity Policy, Standards and Procedures to be Utilized by City Agencies 2014*; New York City Human Rights Law (NYC Administrative Code 8); New York State Human Rights Law (New York Executive Law, Article 15); New York State Civil Service Law §55-a; and the equal employment opportunity requirements of the New York City Charter.



Memorandum). Upon the EEPC's receipt of the final memorandum, the New York City Department of Veterans' Services will be exempt from the abovementioned compliance-monitoring period.

Conclusion

This is the EEPC's Final Determination. Questions regarding next steps may be addressed to Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance at jshaw@eepc.nyc.gov or 212-615-8942.

Thank you and your staff for your continued cooperation.

Sincerely,


For Jeanne M. Victor
Executive Director

- c: Johanna Perez, Principal EEO Professional, New York City Department of Veterans' Services
- Jennifer Shaw, Esq., Executive Agency Counsel/Director of Compliance, EEPC
- William Peterson, Manager, EEO Analysis and Audit Unit, EEPC
- Imani Bowen, EEO Program Analyst, EEPC

Enclosed: TeamCentral Agency Manual

FINAL DETERMINATION

A response indicating progress of New York City Department of Veterans' Services' efforts to correct outstanding areas of non-compliance, with supporting documentation, is due within 30 days.

The Equal Employment Practices Commission's findings and corrective actions required to remedy areas of non-compliance are based on the audit methodology, which included collection and analysis of the documents, records, and data provided; the EEPC's *Preliminary Interview Questionnaires* (PIQs) for EEO professionals and others involved in EEO program administration; and, if applicable, the *EEPC Employee Survey*, the *EEPC Supervisor/Manager Survey*, the *Annual EEO Plans* and *Quarterly EEO Reports* of the audited entity; and workforce data from the *Citywide Equal Employment Database System*. Additional research and follow-up discussions or interviews were conducted as appropriate.

After reviewing the optional response² (if applicable) to the EEPC's Preliminary Determination, our Final Determination is as follows:

Agree

Regarding your responses to the following EEPC required corrective actions, we *Agree* based on documentation that is attached to your response.

Corrective Action #5:

Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.

Agency Response:

"Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information." The entity provided a *Certificate of Completion* for the principal EEO Professional and course training materials from an October 23, 2020 Department of Citywide Administrative Services (DCAS) training entitled *EEO Essentials Training: the EEO Complaint and Investigative Processes*.

EEPC Response:

The EEPC accepts the entity's response and documentation provided to demonstrate that Corrective Action #5 has been implemented. The training materials and *Certificate of Completion for EEO Essentials Training: the EEO Complaint and Investigative Processes* confirm the principal EEO Professional was trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints. The Preliminary Determination previously established the principal EEO Professional completed *Sexual Harassment Prevention: What to Know About Unlawful and Inappropriate Behaviors in the Workplace* training in January 2021.

Monitoring Required

The agency's implementation of the following required corrective actions will be monitored during the assigned compliance-monitoring period.

² Excerpts are italicized.

Corrective Action #1:

Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.

Agency Response:

“Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information.” No additional information or documentation was provided to demonstrate implementation of this corrective action.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans’ Services’ commitment to implementing Corrective Action #1. To demonstrate compliance, provide documentation that the New York City Department of Veterans’ Services’ Commissioner issued and distributed a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment. This Policy Statement should be issued annually. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #2:

Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.

Agency Response:

“Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information.” No additional information or documentation was provided to demonstrate implementation of this corrective action.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans’ Services’ commitment to implementing Corrective Action #2. To demonstrate compliance, provide documentation that the entity distributed and posted a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment that includes, or attaches as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #3:

Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

Agency Response:

“Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information.” No additional information or documentation was provided to demonstrate implementation of this corrective action.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans’ Services’ commitment to implementing Corrective Action #3. To demonstrate compliance, provide documentation that the entity’s General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #4:

Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.

Agency Response:

“Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information.” No additional information or documentation was provided to demonstrate implementation of this corrective action.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans’ Services’ commitment to implementing Corrective Action #4. To demonstrate compliance, provide documentation that the principal EEO Professional, HR Professional, and General Counsel reviewed the number of sexual harassment complaints, and the agency’s employment practices, policies and programs and identified whether there were barriers to employment opportunities that may be related to sexual harassment and determined what, if any, actions were required to correct deficiencies. This review should occur annually. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #6:

Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.

Agency Response:

“Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information.” No additional information or documentation was provided to demonstrate implementation of this corrective action.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans' Services' response and commitment to implementing Corrective Action #6. To demonstrate compliance, identify all current supporting EEO professionals by name, EEO-job title, and EEO responsibilities. Provide documentation to demonstrate that the EEO professionals are from a variety of levels within the organizational structure and have received training on their EEO-related responsibilities. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #7:

Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.

Agency Response:

"Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information." No additional information or documentation was provided to demonstrate implementation of this corrective action.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans' Services' commitment to implementing Corrective Action #7. To demonstrate compliance, provide documentation of the principal EEO Professional's cooperation/collaboration with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #8:

Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

Agency Response:

"Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information." No additional information or documentation was provided to demonstrate implementation of this corrective action.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans' Services' response and commitment to implementing Corrective Action #8. To demonstrate compliance, provide documentation that the principal EEO Professional (or EEO-related designee) was assigned the responsibility to supervise the activities of EEO professionals; and ensured that: the policies against sexual harassment and complaint procedures were distributed/posted at all agency locations; employees/managers received sexual harassment prevention training; EEO-related policies were made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals received guidance on issues pertaining to sexual harassment; and allegations of sexual harassment were promptly investigated. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #9:

Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

Agency Response:

“Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information.” No additional information or documentation was provided to demonstrate implementation of this corrective action.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans’ Services’ commitment to implementing Corrective Action #9. To demonstrate compliance, provide documentation that directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment were maintained. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #10:

Ensure that managers and supervisors are held accountable for enforcing the agency’s sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

Agency Response:

“Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information.” No additional information or documentation was provided to demonstrate implementation of this corrective action.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans’ Services’ commitment to implementing Corrective Action #10. To demonstrate compliance, provide documentation of the expectation and implementation of managers and supervisors being held accountable for enforcing the entity’s sexual harassment prevention policies and complaint procedures. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #11:

Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

Agency Response:

“Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information.” No additional information or documentation was provided to demonstrate implementation of this corrective action.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans’ Services’ commitment to implementing Corrective Action #11. To demonstrate compliance, ensure that the entity’s managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable



and impartial manner). Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Corrective Action #12:

Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Agency Response:

“Attached are the steps DVS will take to reach compliance and supporting documentation for requirements we believe we have already met. Please let us know if you need additional information.” The entity provided a draft version of its *Diversity and Equal Employment Opportunity Plan* for fiscal year 2021.

EEPC Response:

The EEPC recognizes the New York City Department of Veterans’ Services’ commitment to implementing Corrective Action #12. To demonstrate compliance, provide the final version of the *Diversity and Equal Employment Opportunity Plan* for fiscal year 2021 and the *Agency Quarterly Diversity and EEO Reports* for the third quarter of fiscal year 2019, the first quarter of fiscal year 2020, and the second quarter of fiscal year 2021. Include in each quarterly report a breakout of sexual harassment complaint activity or an affirmation that no complaints were received. Going forward, DVS should ensure submission of its *Diversity and Equal Employment Opportunity Plan* and *Agency Quarterly Diversity and EEO Reports* to the EEPC via DiversityEEOPlansQuarterlyReports@eepc.nyc.gov. Implementation of this corrective action will be monitored during the assigned compliance-monitoring period.

Final Action:

Upon the EEPC’s determination that the entity does not require further review or monitoring: Distribute a memorandum signed by the agency head that re-emphasizes the commitment of agency administrators to the EEO program, including the prevention of sexual harassment, and informs employees of any changes to the agency’s employment practices as a result of the EEPC’s audit/monitoring. This final action is required to conclude the audit and monitoring process.

The EEPC thanks you and your staff for your continued cooperation.



**RESOLUTION NO.
2021AP/249-063-(2021)
New York City Department of Veterans' Services
Commissioner James W. Hendon
Sexual Harassment Prevention and Response Practices
DETERMINATION: FINAL**

S Y N O P S I S

Corrective Action(s):	Total: 12		
Period Audit Covered:	January 1, 2019 to December 31, 2020		
Preliminary Determination Issued:	April 16, 2021	Response Received	April 30, 2021
Final Determination Issued:	May 13, 2021	Response Due	June 12, 2021
Compliance-Monitoring:	Required	June 1, 2021 to November 30, 2021	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Department of Veterans’ Services’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Department of Veterans’ Services’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated April 16, 2021, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
4. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
5. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
6. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
7. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
8. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
9. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact

the administration and operation of programs, policies or procedures concerning sexual harassment.

10. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
11. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
12. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on May 13, 2021, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, and 12; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from June 1, 2021 to November 30, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on May 13, 2021, the entity was required to issue a response to the EEPC's Final Determination; Now Therefore,

Be It Resolved, that pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the EEPC approves the issuance of this Final Determination to Commissioner James W. Hendon to assign compliance-monitoring.

Approved unanimously on June 10, 2021.

*/s/*Angela Cabrera
Angela Cabrera
Commissioner/Mayoral Appointee

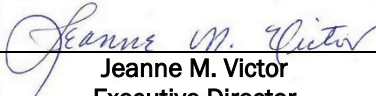
*/s/*Elaine S. Reiss
Elaine S. Reiss, Esq.
Commissioner/Mayoral Appointee

*/s/*Arva R. Rice
Arva R. Rice
Commissioner/City Council Appointee

Vacant
Commissioner/City Council Appointee

*/s/*Aldrin Rafael Bonilla
Aldrin Rafael Bonilla
Chair/Commissioner/Joint Appointee

On behalf of all Commissioners in attendance,



Jeanne M. Victor
Executive Director



James W. Hendon
COMMISSIONER

Quamid Francis
CHIEF OF STAFF

June 11, 2021

Via email: jvictor@eeepc.nyc.gov

Jeanne M. Victor
Executive Director
NYC Equal Employment Practices Commission
253 Broadway, Suite 602
New York, NY 10007

**Re: DVS Response to EEPC Evaluation of Sexual Harassment Prevention and Response Practices for Audit Period January 1, 2019 to December 31, 2020 Final Determination
EEPC Resolution #: 2021AP/249-063-(2021)**

Dear Ms. Victor:

We have reviewed the EEPC's Final Determination referenced above. We acknowledge the immediate steps we need to take to reach compliance and have taken such steps. Please see the attached spreadsheet and supporting documentation which demonstrates compliance with the corrective actions.

Thank you for highlighting the areas DVS needs to improve upon to fully comply with the City's Sexual Harassment Prevention and Response Practices, and the opportunity to take corrective actions to maintain compliance.

Respectfully,

A handwritten signature in black ink, appearing to read "JWH", written over a white background.

James Hendon
Commissioner

Attachments

Cc: Johanna Perez, Principal EEO Professional, New York City Department of Veterans' Services
Glenda V. Garcia, General Counsel, New York City Department of Veterans' Service

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1 Centre St, 22nd Floor, Ste 2208,
New York, NY 10007
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F: 212 312 0950

Memorandum

TO: All Employees
FROM: Equal Employment Practices Commission
DATE: 11/18/2021
RE: Audit: Review, Evaluation, and Monitoring of Sexual Harassment Prevention and Response Practices
New York City Department of Veterans' Services

The New York City Charter requires the Equal Employment Practices Commission (EEPC) to conduct an audit once every four years to ensure each City agency or municipal entity (collectively “agency”) complies with federal, state, and local laws and regulations, and policies and procedures that increase equal opportunity for employees and applicants.

The EEPC recently concluded an audit and evaluation of the New York City Department of Veterans' Services' practices and procedures for compliance with city, state, and federal equal employment opportunity laws and regulations, and identified enhancement by means of the following:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency's EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City's policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal

sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.

4. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency's employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
5. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency's EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
6. Where the agency's organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
7. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
8. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.
9. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.

10. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.

11. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).

12. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Through successful completion of the EEPC's audit, evaluation, and monitoring processes and the aforementioned enhancements, Commissioner Hendon reaffirms the commitment to ensuring that the New York City Department of Veterans' Services' employment practices encourage and maintain a workplace free from unlawful discrimination and sexual harassment, and that all employees are aware of their rights and obligations under the agency's equal employment opportunity policies.

NYC
**Equal Employment
Practices Commission**

Aldrin Rafael Bonilla
Chair/Commissioner

Minosca Alcantara
Elaine S. Reiss, Esq.
Commissioners

Jeanne M. Victor
Executive Director

Jennifer Shaw, Esq.
Executive Agency Counsel/
Director of Compliance

253 Broadway
Suite 602
New York, NY 10007

212. 615. 8939 tel.
212. 676. 2724 fax

BY EMAIL

December 16, 2021

James W. Hendon
Commissioner
New York City Department of Veterans' Services
1 Centre Street, Suite 2208
New York, New York 10007

Re: Resolution #2021AP/253-063-(2021)C49
DETERMINATION: Compliance

Dear Commissioner Hendon:

On behalf of the members of the Equal Employment Practices Commission (EEPC), I write to inform you that pursuant to New York City Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity (EEO) for minority group members and women, the EEPC's Board of Commissioners has approved the attached Determination.

Thank you and principal EEO Professional Johanna Perez for the cooperation extended to the EEPC during the course of our review, evaluation, and monitoring of your agency's employment and EEO-related practices.

Sincerely,



Aldrin Rafael Bonilla
Chair/Commissioner

c: Johanna Perez, Director of Operations and EEO Officer,
New York City Department of Veterans' Services



Monitoring of Sexual Harassment Prevention and Response Practices
RESOLUTION NO.
2021AP/253-063-(2021)C49
New York City Department of Veterans' Services
Commissioner James W. Hendon
DETERMINATION: COMPLIANCE

SYNOPSIS

Corrective Action(s):	Total: 12		
Period Audit Covered:	January 1, 2019 to December 31, 2020		
Preliminary Determination Issued:	April 16, 2021	Response Received	April 30, 2021
Final Determination Issued:	May 13, 2021	Response Received	June 11, 2021
Compliance-Monitoring:	Required	June 1, 2021 to November 30, 2021 without extension	

Whereas, pursuant to Chapter 36, Sections 830(a) and 831(d)(2) and (5) of the New York City Charter (Charter), the Equal Employment Practices Commission (EEPC) is authorized to audit, review, evaluate, and monitor the employment procedures, practices and programs of city agencies and other municipal entities (hereinafter “entities”) and their efforts to ensure fair and effective equal employment opportunity (EEO) for minority group members and women who are employed or seek employment, and to recommend practices, procedures, approaches, measures, standards, and programs to be utilized by such entities in these efforts; and

Whereas, pursuant to Charter Chapter 36, Sections 830(a) and 831(d)(2) and (5), the EEPC has adopted uniform standards for auditing agencies and municipal entities, and minimum standards for auditing community boards, to review, evaluate, and monitor entities’ practices, procedures, approaches, measures, standards, and programs for compliance with federal, state, and local laws and regulations, and policies and procedures to increase equal opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the EEPC may make a determination pursuant to Charter Section 831(d) whether any plan, program, procedure, approach, measure, or standard adopted or utilized by any municipal entity does not provide equal employment opportunity, and the EEPC’s determinations of compliance or non-compliance and prescribed corrective action are required by, or consistent with federal, state, and local laws and regulations, and policies and procedures to increase equality of opportunity for women, minorities, and other employees and job applicants identified for protection from discrimination; and

Whereas, the EEPC conducted an audit, review, and evaluation of the New York City Department of Veterans’ Services’ Sexual Harassment Prevention and Response Practices; and

Whereas, pursuant to the audit, review, and evaluation of the New York City Department of Veterans’ Services’ Sexual Harassment Prevention and Response Practices, the EEPC issued a Preliminary Determination, dated April 16, 2021, setting forth findings and the following corrective actions required to remedy areas of non-compliance:

1. Issue a Policy Statement or memorandum reiterating commitment to the prevention of sexual harassment annually.
2. Distribute/Post a paper or electronic copy of the Equal Employment Opportunity Policy, Standards and Procedures to Be Utilized by City Agencies – or an agency Policy that conforms to city, state and federal laws against sexual harassment– for use by managers, supervisors, and legal, human resources and EEO professionals. Include, or attach as addenda: uniform and responsive procedures for investigating discrimination/sexual harassment complaints, and current contact information for the agency’s EEO professionals as well as federal, state and local agencies that enforce laws against discrimination/sexual harassment.
3. Ensure that the General Counsel assists the agency head in identifying and determining appropriate responses to sexual harassment; works with the principal EEO Professional in the implementation of the City’s policies and procedures pertaining to sexual harassment; informs the principal EEO Professional when external complaints or litigation involving sexual harassment is brought against the agency; is available to consult on internal sexual harassment complaint investigations; and is responsible for the investigation of, and response to, external sexual harassment complaints.
4. Ensure that the principal EEO Professional, HR Professional, and General Counsel, review the number of sexual harassment complaints, and the agency’s employment practices, policies and programs on an annual basis to identify whether there are barriers to employment opportunities that may be related to sexual harassment and determine what, if any, actions are required to correct deficiencies.
5. Appoint a principal EEO Professional to implement EEO policies and standards within the agency. Ensure the principal EEO Professional is trained regarding city, state, federal EEO laws; the requirements of the agency’s EEO policies, standards and procedures; and the prevention, investigation, and resolution of discrimination and sexual harassment complaints.
6. Where the agency’s organizational structure necessitates multiple EEO professionals, select such individuals from different office locations and, where possible, from a variety of levels within the organizational structure. Appoint EEO professionals who are trained in EEO laws and procedures, and their responsibilities under the EEO Policy.
7. Ensure that the principal EEO Professional works cooperatively and closely with the General Counsel in the implementation of policies and procedures concerning EEO and sexual harassment.
8. Assign the principal EEO Professional (or EEO-related designee) the responsibility to supervise the activities of EEO professionals, and ensure that: the policies against sexual harassment and complaint procedures are distributed/posted at all agency locations; employees/managers receive sexual harassment prevention training; EEO-related policies are made available in alternative formats (i.e., large print, audio recording and/or Braille) upon request; managers, supervisors and human resource professionals receive guidance

on issues pertaining to sexual harassment; and allegations of sexual harassment are promptly investigated.

9. Maintain documentation regarding directives or decisions between the agency head (or a direct report other than the General Counsel) and the principal EEO Professional that impact the administration and operation of programs, policies or procedures concerning sexual harassment.
10. Ensure that managers and supervisors are held accountable for enforcing the agency's sexual harassment prevention policies and complaint procedures. Document this expectation and its implementation.
11. Ensure the managerial performance evaluation form contains a rating for EEO (which covers responsibilities and processes for assuring their ability to make employment decisions based on merit and equal consideration, or treat others in an equitable and impartial manner).
12. Submit to the EEPC an Annual Plan of measures and programs to provide equal employment opportunity, and quarterly reports on efforts to implement the Plan within 30 days following each quarter. Include a breakout of sexual harassment complaint activity in each quarterly report.

Whereas, within a two-week deadline following the EEPC's Preliminary Determination, the entity submitted a preliminary response; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), after consideration, the EEPC issued a Final Determination on May 13, 2021, which indicated that the following areas required corrective action: no(s). 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, and 12; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), in the Final Determination, the EEPC assigned a monitoring period from June 1, 2021 to November 30, 2021, to determine whether the entity eliminated areas of non-compliance, if any; and

Whereas, in accordance with Charter Chapter 36, Section 832(c) the entity was required to respond in 30 days, and make monthly reports thereafter for a period not to exceed six months, on the progress of its efforts to correct outstanding areas of non-compliance; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), on June 11, 2021, the entity issued a response to the EEPC's Final Determination; and

Whereas, in accordance with Charter Chapter 36, Section 832(c), the New York City Department of Veterans' Services was monitored until November 18, 2021; and


Whereas, pursuant to Charter Chapter 35, Sections 815(a)(15) and (19), which requires agency heads to ensure and promote equal opportunity for all persons in appointment, payment of wages, development, and advancement, and to establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women, the Commissioner submitted a copy of a memorandum to staff dated November

18, 2021, which recognized the EEPC's audit and reiterated commitment to the New York City Department of Veterans' Services' equal employment practices; Now Therefore,

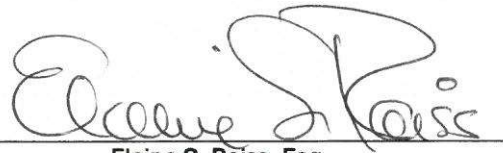
Be It Resolved, that the New York City Department of Veterans' Services has satisfied the equal employment standards set by the EEPC pursuant to its authority under New York City Charter Chapters 35 and 36; and

Be It Resolved, that the EEPC's Board of Commissioners approves the issuance of this Determination of Compliance to Commissioner James W. Hendon of the New York City Department of Veterans' Services.

Approved unanimously on December 16, 2021.



Minosca Alcantara
Commissioner/Mayoral Appointee



Elaine S. Reiss, Esq.
Commissioner/Mayoral Appointee

Vacant
Commissioner/City Council Appointee

Vacant
Commissioner/City Council Appointee



Aldrin Rafael Bonilla
Chair/Commissioner/Joint Appointee

This

Determination of Compliance

is hereby issued to

New York City Department of Veterans' Services

*for successful implementation of 12 of 12 required corrective action(s),
thereby achieving compliance with the Equal Employment Practices Commission's
Sexual Harassment Prevention and Response Practices
from January 1, 2019 to this date.*

In care of Commissioner James W. Hendon
and principal EEO Professional Johanna Perez

On this 16th day of December in the year 2021,



Aldrin Rafael Bonilla, Chair/Commissioner



Jeanne M. Victor, Executive Director